

## Policy No 14C



### Policy Title: OPEN DISCLOSURE

#### Introduction:

There are a number of rights under the Code of Health and Disability Services Consumer's Rights (the Code) that are relevant to open disclosure.

Open disclosure standards must be followed by all health and disability services providers certified under the Health and Disability Services (Safety) Act 2001.

Open disclosure:

- Affirms consumer's rights;
- Fosters open and honest professional relationships; and
- Enables systems to change to improve service quality and consumer safety.

Because the physical harm from an adverse event is often compounded by an emotional or psychological harm when consumers discover that relevant information has been withheld from them.

#### Objectives:

To ensure that;

- Aotea Health provides an ethical and legal service – in accordance with their individual and organisational duty of care.
- patients feel physically and psychologically safe – should an adverse event occur.

#### Guidelines:

##### Who

- The individual provider with overall responsibility for the consumer's care should usually disclose the incident. Research suggests that consumers prefer to hear from a provider with whom they have built a rapport or had previous contact.
- Where this provider is not the provider with overall responsibility, both providers should be in attendance.
- If the incident occurred in a team environment, the team will meet prior to the disclosure taking place to discuss what happened, how it happened, the consequences for the patient (including arrangements of continuity of care), what will be done to avoid similar occurrences in the future and how the harm will be disclosed to the patient.
- Research suggests that disclosures by administrative staff or management alone are not well received, although in some cases, particularly where significant harm has resulted, it may be appropriate for senior management to attend with the individual providers involved.

##### When/Where (Taken from the HDC Website);

- Any consumer should be informed about any adverse event, i.e., when the consumer has suffered any unintended harm while receiving health care or disability services.
- An error that affected the consumer's care but does not appear to have caused harm may also need to be disclosed to the consumer. Notification of an error may be relevant to future care decisions – whether or not to go ahead with the same procedure on another occasion. The effects of an error may not be immediately apparent.

- A disclosure should include acknowledgement of the incident, an explanation of what happened, how it happened, why it happened and, where appropriate, what actions have been taken to prevent it happening again.
- A disclosure should include a sincere apology. This is the provider's opportunity to say, - we are sorry this happened to you. It is not about allocating blame for the event's occurrence, but acknowledging the seriousness of an adverse event and the distress that it causes. Apologies can bring considerable comfort to the consumer and have the potential to assist with healing and resolution.
- The consumer should be given contact details and information about the local health and disability consumer advocate as well as options for making a complaint.

### Expected Outcome:

All Patients will feel safe should an adverse event occur, knowing that the Aotea Health Team follow organisational 'duty of care' policies and principles.

### Resources:

- Disclosure of harm following an adverse event  
<https://www.mcnz.org.nz/assets/standards/b17273cc08/Disclosure-of-harm.pdf>
- Guidance on open disclosure policy – <https://www.hdc.org.nz/media/5372/guidance-on-open-disclosure-policies.pdf>
- National Adverse Events Reporting policy – <https://hqsc.govt.nz/our-programmes/adverse-events/national-adverse-evnts-policy/>

Title: Disclosure Of Personal Information		Clinical Director: Tania Kemp	
Date reviewed:	10/05/2025	Signed:	D Kemp

## Appendix One:

### Relevant Rights under the HDC CODE OF CONSUMERS RIGHTS

#### Consumers Rights Relevant to “Open Disclosure” of adverse incidents

<b>Right 1</b>	The right to be treated with respect - requires a truthful and sensitive discussion about any harm or incident.
<b>Right 4</b>	Providers have an obligation to provide services with reasonable care and skill; we need to ensure that this is an ongoing care of duty, to do our best to prevent adverse events occurring.
<b>Right 5</b>	Information must be provided in a form, language and manner such that the patient understands.
<b>Right 6</b>	<p>We have a duty of open disclosure according to legal, professional, ethical and other standards.</p> <p>Consumers have a right to honest and accurate answers to questions relating to services, including the identity and qualifications of providers, and how to obtain an opinion from another provider. They have a right to receive on request a written summary of information provided.</p>
<b>Right 8</b>	The right to have a support person, is important in distressing situations, or when receiving bad news or a shock.
<b>Right 10</b>	Also requires providers to ensure that consumers are made aware of their right to complain and provide with information about the complaint process and their options.



