

National Open Disclosure Programme Newsletter October, 2023



Open Disclosure Themed Week: 02–08 October 2022

Dear Colleagues,

Welcome to our Quarter 3 Newsletter for 2023. The main focus of this newsletter is on the HSE Open Disclosure Themed Week from 2nd to 8th October. We have been very excited to meet with our Open Disclosure Leads from across acute and community services and to hear of all the fantastic activities and events that are planned. Page 2 of this newsletter provides a high level overview of Open Disclosure legislation and can be used in team meetings or handovers to brief staff during this week. We look forward to hearing from you in relation to any promotional activities in your service. Thank you, as always, for your continued support.

With warm regards, the National Open Disclosure Team

#OpenDisclosureWeek2023

About this Year's Themed Week..

The theme for the Open Disclosure week is aligned to this year's World Patient Safety Day: **"Engaging Patients for Patient Safety: Elevate the Voice of Patients"**.

This Themed Week is aimed at raising awareness of the importance of open disclosure for patients and service-users, their support persons and caregivers—all of whom have a crucial role to play in open disclosure and in improving patient safety.

Last year, many services around the country hosted promotional stands and engagement activities, training events and competitions encouraging all HSE staff to make the commitment to learn more about open disclosure and supports available following a patient safety incident.

We very much appreciate your support in building on last year's success and look forward to working with you prior to and during the Open Disclosure Themed Week. To find out more about Themed Week and to access resources to support your promotional activities, please visit the Themed Week webpage [here](#) or scan QR code below here →

Upcoming Webinars and Winter Schedule

Next Webinar: "Learn Together: Patient Involvement in the Incident Management Process".

Date: *Wednesday 11th October, 11.30am*

Future Webinars "The Role of the Designated Person in Incident Management & Open Disclosure". *Wednesday 15th November, 11am*

Open Disclosure Webinar Series in Q3/2023

The National Open Disclosure Office facilitated a webinar on **"Managing Conflict - Tips and Tools for Resolving Conflict with Colleagues"** in September 2023. This webinar was presented by Professor Eva Doherty, Director of Human Factors in Patient Safety, RCSI. **The recording of this webinar can be accessed [here](#).**

National Open Disclosure Framework

The National Open Disclosure Framework will be launched at the Department of Health, National Patient Safety Office Conference on Thursday 19th October 2023. This Framework is another step towards embedding a culture of open disclosure across the entirety of health and social care services.

The HSE Open Disclosure Policy is currently being revised to ensure alignment with this Framework, the Patient Safety (Notifiable Incidents and Open Disclosure) Act 2023 and the revised Part 4 of the Civil Liability Amendment Act 2017.

Issue 12: October 2023



Open Disclosure Training Uptake

Thank you for your continued support in participating in open disclosure training and promoting this mandatory training in your service. The uptake of online training remains steady and we are seeing a significant increase in the attendance at face to face skills workshops across services. Watch out for the **Q3 training report** which will be available soon.



Scan this QR code to access the Themed Week Webpage.

Really impressed with the presentation, I could easily relate the information to my own workplace and there were very good examples of techniques / strategies to use .I've already recommended colleagues to watch the webinar.

Excellent presentation that enriched our knowledge and guided us for safer practice

If you think communication is all talking, you haven't been listening.

Ashleigh Brilliant

Questions or comments on the National Open Disclosure Programme?

Email us at OpenDisclosure.Office@hse.ie Our website www.hse.ie/opendisclosure

Question: What is the legislative basis for Open Disclosure in the Republic of Ireland?

Answer: There are three pieces of legislation that staff need to be aware of that contain provisions for Open Disclosure:

1. Part 4 of the Civil Liability Amendment Act (CLA Act) 2017 – commenced in September 2018
2. The Civil Liability (Open Disclosure)(Prescribed Statements) Regulations - commenced in September 2018 and
3. The Patient Safety (Notifiable Incidents and Open Disclosure) Act 2023—signed into law on 2nd May 2023. Commencement date not yet confirmed.

Question: What do the provisions of Part 4 of the CLA Act 2017 mean for me?

Answer: Part 4 of the CLA Act outlines in detail the procedure for preparing for and making an open disclosure of a patient safety incident to a patient and/or their relevant person—open disclosure must include the information in relation to the incident and an apology. When open disclosure is managed in accordance with the procedure set out in the Act the information and any apology provided are protected under the Act. To avail of the protections of this Act is voluntary.

The Civil Liability Regulations are written statements that must be provided to the patient / relevant person and/or kept on record by the health service provider at various stages of the open disclosure process, when availing of the protections of the CLA Act.

Question: What is the Patient Safety (Notifiable Incidents and Open Disclosure) Act 2023?

Answer: This legislation, once commenced (expected in 2024), provides for:

- mandatory open disclosure of serious notifiable patient safety incidents (14 incidents set out in the Act);
- protection for the information and any apology provided in such disclosures;
- mandatory open disclosure of patient requested reviews (a review of a patient’s screening history) conducted by National Screening Services (Bowel, Breast, Cervical);
- procedures in respect of clinical audit, and the data obtained in clinical audits;
- notification of notifiable incidents to certain persons i.e. HIQA, Mental Health Commission, Chief Inspector
- the extension of the remit of HIQA to private hospitals;
- the review by the chief inspector of certain incidents occurring in the course of the provision of a health service in nursing homes;
- to amend the National Treasury Management Agency (Amendment) Act 2000 and Part 4 of the CLA Act.

Question: What are the key considerations for staff in relation to open disclosure?

1. Open disclosure must happen when a patient safety incident occurs, in particular where there was harm, as soon as possible and in a manner that is compassionate and empathic.
2. If you wish to seek the protections of the CLA Act, open disclosure must be managed in accordance with the [procedure](#) set out in the Act.
3. Start becoming familiar with the Patient Safety (Notifiable Incidents and Open Disclosure Act) 2023 and its requirements by linking in with your organisations Open Disclosure Lead, attending training, following our website and attending comms and engagement events over the next while.
4. Relevant documentation is completed and maintained for all open disclosure discussions.
5. All those affected by patient safety incidents are provided with immediate and ongoing support.

- ◆ For further information on the Civil Liability Amendment Act 2017 please click [here](#)
- ◆ For further information on the Patient Safety Act please visit the Oireachtas website [here](#).
- ◆ Further information and numerous resources are available on www.hse.ie/opendisclosure
- ◆ You can also email the Open Disclosure office at opendisclosure.office@hse.ie