

<b>TITLE: National Open Disclosure Steering Committee Terms of Reference</b>	<b>REFERENCE NO: COROD-TOR-001-04</b>
<b>AUTHOR: National Open Disclosure Steering Committee</b>	<b>VERSION NO: 4</b>
<b>APPROVED BY: National Open Disclosure Steering Committee</b>	<b>01/03/2022</b>
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**DATE: 01/03/2022**

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**\*NOTE:**

The Terms of Reference for this committee were initially approved by the HSE Directorate (March 2019) with further review and amendments made by the National Open Disclosure Steering Committee on 29<sup>th</sup> April 2019 and 2<sup>nd</sup> July 2019. The latest version of the terms of reference were reviewed and approved by the National Open Disclosure Steering Committee on 1<sup>st</sup> March, 2022.

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## 1.0 Background/Rationale

1.1 The HSE National Open Disclosure Steering Committee (ODSC) was established in April 2019, to strengthen corporate oversight, strategic leadership and accountability with the on-going implementation of the National Open Disclosure programme and policy\*.

*(\*The HSE and State Claims Agency National Open Disclosure Policy was originally launched in November 2013 and revised in Q4.2018/Q1.2019 in response to the commencement of part 4 of the Civil Liability Amendment Act 2018 and as per recommendations in the Scally Report, 2018).*

Work is on-going across all health and social care services in relation to the implementation of the national open disclosure policy and guidelines. Additional resources have also been developed to assist services in the implementation of open disclosure. These resources assist in preparing for and conducting an open disclosure meeting, training staff in open disclosure and managing the organisational change required to successfully implement an open disclosure programme.

1.2 The National Open Disclosure policy and programme is co-ordinated via the National Open Disclosure Office and reflects the strategic and policy direction established by the HSE Leadership Team and is consistent with the policies and strategy of the HSE and Department of Health. The primary objective of the work of the National Open Disclosure Office is to build the capacity and capability of HSE staff and services to improve the implementation and practice of Open Disclosure for all patients, clients and service users. This will be delivered by working in collaboration with services and patient representatives.

## 2.0 Purpose and Role

2.1 The overall **purpose** of the National Open Disclosure Steering Committee is to support and provide oversight of the National Open Disclosure Policy and Programme.

To support the National Open Disclosure Steering Committee, the National Open Disclosure Office will provide strategic guidance on the implementation of:

- (i) The HSE Open Disclosure Policy
- (ii) Part 4 of the Civil Liability (Amendment) Act 2017
- (iii) The Civil Liability (Open Disclosure) (Prescribed Statements) Regulations 2018
- (iv) The provisions relating to open disclosure within the forthcoming Patient Safety Bill
- (v) The Scally Report recommendations
- (vi) The National Open Disclosure Training Programme.

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2.2 The **role** of the National Open Disclosure Steering Committee is to oversee the progress of the Open Disclosure programme of work. In fulfilling this role, the National Open Disclosure Steering Committee will champion, advance, support and provide strategic advice on the on-going implementation of the National Open Disclosure Programme and policy.

This is achieved by:

- Assessing and monitoring performance against the agreed programme of work by defining and receiving reports on programme work.
- Ensuring appropriate policies, procedures and guidelines are developed/updated and evaluated for the programme.
- Ensuring that standardised structures and systems are in place to provide evidence and data of staff compliance with the Open Disclosure policy and education and training on the policy.
- Ensuring risk identification, assessment, mitigation and escalation processes pertaining to the National Open Disclosure programme are in place.
- Assisting in embedding open disclosure in the culture of the organisation

### 3.0 Aims and Objectives

3.1 The overall **aim** of the National Open Disclosure Steering Committee is to oversee that:

- (i) The HSE has a robust policy and guidelines for Open Disclosure in place that complies with legislation and best international practice
- (ii) Implementation of the policy and guidelines takes place at all levels of the health service through the accountability structure of the HSE
- (iii) There is regular evaluation and audit carried out to assess the implementation of Open Disclosure nationally.

### 3.2 Objectives

- To oversee the development of a national policy and guidelines that is consistent with legislation and best international practice.
- To promote system wide accountability and responsibility for the implementation of the Open Disclosure Programme and policy as per the HSE Performance and Accountability Framework 2018.
- To ensure that standardised structures and systems are in place in the operational divisions/services to provide data and evidence on the implementation of the policy and guidelines.
- To ensure that standardised structures and systems are in place in the operational divisions/services to provide data and evidence of staff compliance with Open Disclosure education and training.
- To support the implementation of an Annual Operations Plan and Annual Report for Open Disclosure
- To assist in embedding a culture of openness and transparency in all health and social care services
- To oversee and inform the commission of audit\* and evaluation\* of the implementation of the policy and guidelines on Open Disclosure. (\* Note: audit and evaluation are separate processes).
- To ensure that the policy and guidelines are reviewed on a regular basis so that they remain robust and up to date with developments in health and social care.

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- To promote the profile of Open Disclosure at national level and across HSE Services and services that are funded by the HSE.
- To ensure that internal and external stakeholders are engaged effectively on all relevant Open Disclosure activities
- To provide support and advice as significant issues arise pertaining to open disclosure

#### **4.0 Membership**

4.1 All members of the National Open Disclosure Steering Committee are appointed by the Chief Clinical Officer and are representative of the operational divisions/services responsible for the implementation of Open Disclosure and other stakeholders as listed below.

4.2 Membership of the National Open Disclosure Steering Committee will include:

- National Director of Division in which Open Disclosure resides (Chair)
- Assistant National Director of Team in which Open Disclosure resides.
- Representative from National Director Acute Hospitals Operations.
- Representative from National Director for Community Healthcare Organisations Operations
- National Quality and Safety Leads.
- Representative from States Claims Agency.
- Representative from National Screening Services.
- Representative from National Ambulance Service.
- Representative from Chief Officer Group.
- Representative from CEOs of Hospital Groups.
- Representative from HR.
- Clinical Lead Representative(s).
- Clinical Directors Representative
- Doctors in Training Representative
- Nursing Lead Representative.
- Health and Social Care Professions Office.
- 2 Service User Representatives.
- Representatives from Postgraduate Training Bodies
- Representation from RCSI
- Representation from RCPI

4.3: In attendance:

The National Open Disclosure Lead will be in attendance at the meetings of this committee. Administrative support will be provided by the National Open Disclosure Office.

#### **5.0 Responsibilities**

The overall responsibility of the National Open Disclosure Steering Committee is to provide a level of assurance to the HSE through the Chief Clinical Officer and the Chief Executive Officer that effective systems are in place for the implementation of Open Disclosure throughout the healthcare

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system, that the policy and guidance is up to date and that evaluation and audits are being conducted and any recommendations from audits forthcoming are being implemented.

This will involve the following key activities:

#### **5.1 Providing oversight and reviewing:**

- Open Disclosure policy and guidance compliancy with legislation
- Measures to capture the Service User experience of Open Disclosure
- The annual national work plan for Open Disclosure
- Implementation of recommendations from national reports, audit reports, evaluation reports
- Performance measures in respect of Open Disclosure

#### **5.2 Providing assurance that:**

- Known Open Disclosure risks are being addressed and managed through appropriate risk management processes and escalated where necessary
- Standardised structures and systems are in place to provide data and evidence on the implementation of the Open Disclosure policy and guidelines.
- Standardised structures and systems are in place to provide data and evidence on compliance with open disclosure education and training
- The HSE is in compliance with Open Disclosure Legislation, national standards and regulations
- The Committee has access to and invites expertise to the Committee as required.

#### **6.0 Reporting Lines**

The Chair of the Open Disclosure Steering Committee is accountable to the Chief Clinical Officer.

##### **Reports received by the Committee:**

- Reports from the Programme Manager of the National Open Disclosure Office on a quarterly basis or as required
- Additional reports or reviews as requested by the Committee.

##### **Reports issued by the Committee will include:**

- Annual Report to the Chief Clinical Officer
- Annual Report through the Chief Clinical Officer to the CEO/ Leadership Team / Board of HSE
- Additional reviews/reports as requested by the Chief Clinical Officer.

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## 7.0 Mode of Operation

### 7.1 Time and frequency of meetings

- The Open Disclosure Steering Committee will meet on a quarterly basis or more frequently if required (a minimum of 4 meetings will be held annually at dates and times suitable for committee members).
- An annual schedule of dates will be agreed. Additional meetings may be convened on an ad hoc basis as required.
- The quorum for the meeting is the Chair and at least 6 other committee members for a meeting to proceed.
- Substitutes for committee members will be permitted in exceptional circumstances and must be agreed in advance of meeting by the chair of the committee.
- Minutes of the meeting will be circulated to all members via the National Open Disclosure Office and minutes will also be made available on the Open Disclosure section of HSE website.

### 7.2 Administrative support

Administrative support will be identified by the Chief Clinical Officer to support the working of the committee. S/he will be responsible for:

- Circulating the agenda and supporting papers at least 48 hours before each meeting
- Organising the logistics of meetings
- Attending meetings to take minutes
- Circulating the minutes/actions of the meeting
- Writing up decisions/actions made by the Committee and circulating these actions and/or required follow up.

### 7.3 Committee Performance

The declaration of conflict of interest will be a standing item on the agenda of every committee meeting.

The committee will operate in line with the HSE privacy notice.

Decision making will be by majority consensus of the committee members and in an event of a tie the decision will go to the chairperson.

Performance measures will include:

- Percentage of attendance at meetings by members.
- Completion of follow up actions.
- An annual evaluation of committee objectives.

## 8.0 Authority

The National Open Disclosure Steering Committee, via the chairperson, has the authority, following appropriate consultation to define and recommend the necessary structures required to strengthen the implementation of Open Disclosure subject to agreement on the availability of funding.

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## **9.0 Accountability**

The members of the National Open Disclosure Steering Committee are accountable to the chairperson of the committee who is accountable to the Chief Clinical Officer for fulfilling the activities outlined under sections 2, 3 and 5 of this document. In particular, they are accountable for: agreeing corrective action to manage any emerging difficulties with the implementation of the National Open Disclosure programme.

## **10.0 Review/Evaluation**

These terms of reference will be reviewed on an annual basis or earlier in the event of changing best practices or structures.