
Adverse Patient Safety Event Review documentation guide

This guide provides review teams with some practical tips on how to create, share and store documentation collected as part of Adverse Patient Safety Event Reviews. The information provided in this document is underpinned by the principles of Just Culture.

Please note: In this document, adverse patient safety events will be referred to as adverse events.

This guide is useful for anyone involved in an adverse event review, including health service staff, consumers and external panel members. It is a useful resource for health service executives, legal counsel, quality, risk and safety leaders.

The information contained in this guide does not constitute legal advice. Please ensure that this document is not in conflict with any internal documents at your health service for creating, distributing, storing and reviewing adverse events.

Serious adverse patient safety event reviews

If a patient suffers a serious adverse patient safety event (SAPSE), the health service entity can conduct a protected review called a SAPSE review, in accordance with Division 8 of Part 5A of the *Health Services Act 1988* (Vic) (the Act). These reviews are not mandatory and are not a type of review methodology, however if the requirements are followed, certain statutory protections will apply to panel members, participants and documents that are created as part of the review process.

Please refer to the Act and the Protections for SAPSE reviews resource for further support and guidance.

What is considered an adverse event review document?

Electronic and printed documents created during the review of a sentinel event or serious adverse event including:

- spreadsheets
- audio/visual recordings
- written notes and sketches
- memoranda
- minutes and agendas
- any other record relevant to the review or employed in the analysis and preparation of the final report document.

All review documents may be subject to FOI requests, however there may be documents that are exempt from being disclosed in response to a FOI request. Please see the FOI section below.

CREATING REVIEW DOCUMENTS

Writing notes

Always ensure your notes are based on facts and evidence. Include only objective, non-emotive language that does not attribute blame. This is in line with Just Culture principles that should underpin all adverse event reviews.¹²

To ensure confidentiality and to encourage open and honest communication, refer to position titles, not the names of the staff involved in the adverse event under review.

Creating and sharing electronic documents

Tips for creating and saving electronic documents:

1. Mark all electronic documents with a 'Confidential' watermark. Include the 'Draft' watermark until the documents are final
2. The review team lead should refer to their internal policies and procedures to ensure that documents are stored securely and shared appropriately by limiting access to those that require it. Consider avoiding the use of email and prevent downloading and printing of documents. Consider the use of passwords to protect access to the material. Avoid storing documents on personal or devices that belong to other organisations
3. Be aware of your surroundings when viewing material on your computer screen (e.g. not in public places or in view of family members at home)
4. Never leave information unattended. Always lock your computer when leaving your desk (Ctrl + Alt + Del).

¹ <https://www.safercare.vic.gov.au/sites/default/files/2022-08/Just-Culture-in-adverse-event-reviews-factsheet.pdf>

² <https://www.safercare.vic.gov.au/sites/default/files/2022-08/Just-Culture-Cognitive-bias-factsheet.pdf>

Are you leading a review team?

Please brief your review team members on document management before you begin the review. This includes having a clear, agreed responsibility and pathway for electronic and printed material (if necessary).

Sharing documents with the review team (including external team members)

Do not post or fax documentation.

All **printed copies** of documents must be returned to the review lead at the end of each meeting.

We do not recommend that you store documents on a portable storage, e.g. **USB or portable hard drive** device. If using one for a meeting documentation, it should be encrypted and password protected.

Seek advice from your local IT service and legal counsel for appropriate and secure electronic storage solutions.

Attaching documents to your incident management reporting system

Refer to your health service policies and procedures or seek advice from your legal counsel before attaching adverse event review documentation to the relevant incident management reporting system reporting page or quality improvement module.

Can I share a document with someone outside the review team (but within my organisation)?

All confidential documents considered by the review team should not be shared outside of the team. Seek advice from internal legal team for internal document sharing policies.

Can I share a document with someone outside the organisation?

Unless legally obliged to do so, do not share the review documents. Discuss with your health service's records management team or legal counsel.

STORING DOCUMENTS

Printed and electronic copies of documents should be stored securely. Do not store these documents in the patient's clinical file.

To ensure legislative compliance, we strongly recommend that you seek advice from your legal counsel or external lawyers.

Local health information services can also provide guidance on document retention.

Do not destroy notes made as part of the adverse event review without advice from your health service's legal counsel or external lawyers.

What would I do in the event of a data breach or loss of confidential documents?

Refer to your health service's legal counsel and internal policy/procedure for document management and escalation.

Freedom of information

All review documents may be subject to Freedom of information (FOI) requests.

Some documents (or parts of some documents) may be considered exempt from being disclosed in response to a FOI request. This is considered on a case-by-case basis by your health service's FOI team and/or legal counsel.

The Act provides that certain documents that are produced or obtained as part of a SAPSE review are exempt from the *Freedom of Information Act 1982* (Vic). Please see section 128U of the Act and the Protections for SAPSE reviews resource for further information.

There are also exemptions under the *Freedom of Information Act* that may apply to parts of a review document. These exemptions include:

- Section 30 - Internal working documents
- Section 32 – Documents that attract legal professional privilege
- Section 33 – Documents affecting personal privacy
- Section 35 – Documents containing material obtained in confidence

Is it acceptable to record interviews? It is usually acceptable to record interviews with written consent. However, always seek advice from your individual health service's legal counsel or external lawyers when you are considering recording an interview for the purpose of an incident review.

MORE INFORMATION

For more information, please contact the Patient Safety Review Team at PatientSafetyReviewTeam@dhhs.vic.gov.au, or the Sentinel Event Program at sentinel.events@safercare.vic.gov.au.

The information contained in this fact sheet does not constitute legal advice.

To ensure legislative compliance, legal advice should be obtained by individual health services on a case-by-case basis in relation to the retention or destruction of the incident review report and any documents created as part of the incident review process.

Relevant legislation: *Health Services Act 1988, Public Records Act 1973, S254 Crimes Act 1958, Health Records Act 2001, Freedom of Information Act 1982, Privacy and Data Protection Act 2014*

To receive this publication in an accessible format phone 9096 1384, using the National Relay Service 13 36 77 if required, or email info@safercare.vic.gov.au

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Australia, Safer Care Victoria, October 2022

ISBN pending (online/print)

Available at www.safercare.vic.gov.au

