

19 September 2023

Te Kaunihera Rata o Aotearoa  
Medical Council of New Zealand

By email to: [consultation@mcnz.org.nz](mailto:consultation@mcnz.org.nz)

Tēnā koutou

**Re: Consultation – Draft Statement on ‘Disclosure of Harm following an adverse event’**

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) welcomes the opportunity to provide input the Medical Council of New Zealand’s (the Council) consultation on the Draft Statement on ‘Disclosure of Harm following an adverse’.

The RANZCP is the principal organisation representing the medical specialty of psychiatry in New Zealand and Australia and is responsible for training, educating, and representing psychiatrists on policy issues. The RANZCP represents more than 8000 members, including more than 5800 qualified psychiatrists and is guided on policy matters by a range of expert committees including the Tu Te Akaaka Roa, the New Zealand National Committee.

Tu Te Akaaka Roa supports the review of existing policies to provide medical professionals with clear guidelines that embed Te Tiriti o Waitangi values and best practice principles, in line with current legislation. The Draft Statement on ‘Disclosure of Harm following an adverse’ provides important information for the process of open disclosure. However, the RANZCP recommends emphasising the importance psychological wellbeing, cultural safety, and patient-centred care throughout the document. Specifically, the RANZCP suggests to:

- Align the definition of harm with the *National adverse events policy 2023* to include detrimental effects on psychological, cultural, and spiritual wellbeing
- Include the prevention of compound harm as a key point in the “purpose of open disclosure” section. Open communication is associated with less emotional trauma and has been suggested to support consumer autonomy and informed decisions-making, while poor provider response can have harmful consequences on long-term wellbeing.
- Add culturally responsive practice and whānau participation as a key point and strengthen the importance of cultural safety throughout the document. Māori and Pasifika consumers experience adverse events at a higher rate and a lack cultural safety responsive practice may cause further harm and contribute to the ongoing health inequity
- Strengthen the importance of patient-centred care, including *continuing* engagement with patients and whānau and provision of ongoing support. Legislation under Pae Ora (Healthy Futures) 2022 puts consumer participation at the centre of care; research suggests that patients want to be heard and the consideration of their viewpoint is crucial for effective communication and relationship building, improving overall health outcomes.
- Provide clear guidance for vulnerable patients, such as tamariki and rangatahi, and mentally ill patients. Valid reasons for non-disclosure are extremely rare and divergence from the standard guideline should only be made in consultation with a psychiatrist.

People with a mental health diagnosis have been shown to experience poorer health care and providers show less adherence to best practice guidelines

- Clarify key consumer rights, as well as the legal obligations and protections of providers and consequences of non-disclosure
- Provide a list of resources and further guidance, including relevant legislation and support resources for consumers, whānau, and providers. Access to resources can empower health care professionals, decrease disclosure barriers such as lack of knowledge/confidence and difficulties accessing appropriate supports, and help to reduce stigma and among health professional and encourage help-seeking.

Thank you for the opportunity to provide feedback; we look forward to working with the Council in the future. If you have any further questions regarding this letter, please contact the New Zealand National Office - Tu Te Akaaka Roa via [nzoffice@ranzcp.org](mailto:nzoffice@ranzcp.org) or on +64 (0)4 472 7247.

Yours sincerely



**Dr Elizabeth Moore**  
President



**Dr Hiran Thabrew**  
National Chair, Tu Te Akaaka Roa