

DUTY OF CANDOUR

what to expect



When a patient experiences significant harm, they have the right to an apology and an explanation from the health service. This open and honest process is called Duty of Candour.



What is significant harm?

Significant harm is also called a **serious adverse patient safety event**, or **SAPSE**. It is a serious event that:

- ✓ happened when a patient was under the care of a health service
- ✓ caused harm that the service didn't expect or intend, including:
 - moderate harm
 - severe physical harm or death
 - long periods of psychological harm.

A registered health practitioner, such as a doctor or registered nurse, will confirm if an event has caused significant harm.

There are 3 stages to the Duty of Candour process.



STAGE 1:

Apologise and share information

The health service will apologise and share what they know about the significant harm



They will do this within **24 hours** after they confirm that the harm has happened. The service will offer a genuine apology to you, your family or your carer. They will also share any information they know at the time.

The health service will start to arrange a Duty of Candour meeting



They will do this within **3 business days** after they confirm that the harm has happened. This includes discussing when and where they will have the meeting.



Your rights

- ✓ You will have a Point of Contact person or Consumer Liaison Officer. They will be your main contact during the Duty of Candour process.
- ✓ You can decide not to be part of this process. This is called opting out., and you'll need to sign a statement. You can change your mind at any time.
- ✓ You can ask to delay the process if you're not ready yet.
- ✓ You can choose to have a support person with you throughout the process.
- ✓ You can ask for support from the service, such as an interpreter or counsellor.
- ✓ You can ask that a certain person not be at the Duty of Candour meeting.
- ✓ You can decide how you would like to join the meeting. This might be by phone, video call or in person.

How you can prepare for the Duty of Candour meeting

To help you get ready for the meeting, you may want to write down:

- ✓ what you remember about the event. Or if the event affected someone else, what they told you about it
- ✓ any questions or comments you have about what happened and what went wrong
- ✓ how the event may affect you or your family member in the future
- ✓ how you want to take part in the review process
- ✓ anything else you would like the health service to know.



STAGE 2: Have the Duty of Candour meeting

At the Duty of Candour meeting the health service will:

- make sure you feel supported
- apologise for the harm that happened
- explain what happened based on what they know at the time
- give you the chance to ask questions and explain what you experienced
- explain what they will do to review the event, so they can learn from it and improve
- explain any follow-up care and support you may need.



The health service will have the meeting within **10 business days** after they confirm that significant harm has happened.

The health service will give you a copy of the meeting notes



They will do this within **10 business days after the meeting**.



Your rights

- ✓ You can have your support person with you at this meeting. For example, a family member or carer.
- ✓ The meeting is a 2-way process. You can:
 - ask any questions you need to help you understand what happened
 - share your experience about the event.
- ✓ If you think the meeting notes are wrong or missing anything, please contact your Point of Contact person or Consumer Liaison Officer.



STAGE 3: Review the event and write a report

The health service will review the event and share a copy of the report with you



They will give you the report within **50–75 business days** after they confirm that significant harm has happened. The report must include:

- an apology
- what happened and why, which might include the timeline
- what the service did at the time and after the event
- what the service is doing to prevent similar events from happening again.



Your rights

- ✓ The health service must give you a report about the significant harm that happened. The report may be short or long.
- ✓ If you're not happy with the Duty of Candour process, you can make a complaint to one of the following services:
 - Your health service complaints department – you should try them first
 - Health Complaints Commissioner
1300 582 113
 - Mental Health Complaints Commissioner
1800 246 054
 - Coroners Court of Victoria
1300 309 519.

You can expect the health service to:

- ✓ listen to you
- ✓ treat you with respect
- ✓ give you the support you need
- ✓ communicate in an open and honest way
- ✓ answer your questions.



For more information, you can contact:

For more about Duty of Candour and the laws that apply

Go to:

www.safercare.vic.gov.au/duty-of-candour-resources-for-patients-families-and-their-carers

