

Frequently Asked Questions

SA Paediatric Cochlear Implant Program Review

Why was the WCHN cochlear implant program reviewed?

A number of children involved in the South Australian Paediatric Cochlear Implant Program had potential issues with implant mapping. Children with the potential issues were able to hear through the implant, however it is possible they may not have been hearing at the optimal level for their specific condition.

In response, two reviews of the South Australian Paediatric Cochlear Implant Program were commissioned.

The Department for Health and Wellbeing commissioned an independent external review to identify any opportunities for improvement in the systems within the cochlear implant program. The review looked at:

- > systems and processes that were or were not in place at the time,
- > notification and disclosure processes following the discovery of the error,
- > understanding what system changes have been and could be implemented to stop the issue happening again, and
- > any opportunities for clinical governance or reform to improve the program.

What was the outcome of the DHW external review?

The independent external report was released on Monday 21 August 2023 and made 59 recommendations. The report is available on the [SA Health website](#).

All recommendations have been accepted and will be implemented.

Independent Clinical Review

A separate independent clinical review has been commissioned by WCHN to provide individual assessments of children who have accessed the program.

All consumers that have been enrolled in the WCHN Paediatric Cochlear Implant Program since its inception in 1991 are welcome to participate in this review. The clinical reviews are being conducted by interstate provider NextSense. A number of families have already had assessments undertaken as part of this independent review or are scheduled to do so soon.

If you or your child is currently or has been a member of the WCHN Paediatric Cochlear Implant Program and have not already scheduled an appointment with NextSense, you can make an appointment by contacting WCHN on 0466 026 558 or by emailing health.wchncochlearimplantprogramreferrals@sa.gov.au.

WCHN has also established a new Navigator role to assist with general Paediatric Cochlear Implant Program questions, service coordination and welcome any feedback regarding the program. Contact can be made through health.wchncochlearimplantprogramreferrals@sa.gov.au or by calling 0466 026 558.

Why were there separate review processes?

WCHN first became aware of potential issues relating to Cochlear Implant mapping in May 2022 with a clinical review of those patients undertaken internally, with external expert opinion sought.

The **Minister for Health and Wellbeing** announced an independent **governance** review on 20 March 2023 with the external review team formally beginning their review on 1 May 2023. The governance review aims to identify measures to strengthen the systems and processes currently in place to ensure the issue does not recur.

Concurrently, a separate independent **clinical** review which will include a review of all patients involved with the program. This review is being undertaken to ensure all potentially impacted children are identified and that appropriate follow up assessments occur.

Establishment of the Independent Oversight Committee

An Independent Oversight Committee (IOC) has been established to oversee the implementation of the Review's 59 recommendations. Professor Chris Baggoley, the former Chief Medical Officer of Australia has been appointed as the Chair of this Committee.

Members of the IOC include Dr Robyn Lawrence, Chief Executive, SA Health, the Chair of the WCHN Board, the Deputy Chair of the Southern Adelaide Local Health Network (SALHN) Board, three consumer representatives as well as an independent audiology advisor.

The role of the IOC is to:

- > track the progress of the Review's recommendations
- > ensure the Review's recommendations are implemented to a high quality and meet the intent of the Review
- > raise any concerns regarding the progress and/or quality of the implemented Recommendations.

Creation of the SA Paediatric Cochlear Implant Family Liaison Unit

This newly established Family Liaison Unit brings together a team of experienced family advocates through an independent organisation, Uniting Communities.

This free service provides support, advocacy and advice for all consumers of the cochlear implant program. This also includes parents, family members and caregivers of children and consumers who are now over 18 years of age, impacted by the SA Paediatric Cochlear Implant Program.

The Family Liaison Unit offers you a place to be heard and to explore your next steps in a supported and safe environment.

If you have any questions about the service or would like to use this service, please contact Uniting Communities on 1800 632 753.

Opportunity for Open Disclosure

Many families are keen to understand on a more individual level what happened. To support this, WCHN is offering families the opportunity to speak with senior staff, including clinicians, to provide information about care provided within the program, the investigation into what happened and assist with further support.

This will involve listening to your family's experience, hearing from clinicians about what we know about the issue so far, the steps taken to ensure it doesn't happen again and explaining how this may affect your family.

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This is part of WCHN's ongoing safety and quality improvement process at WCHN and is not part of the external clinical review being undertaken by Next Sense. This may take place over one or more discussions.

If you are interested in participating in an Open Disclosure discussion with WCHN, please contact the WCHN team on (08) 8161 9699 or email health.wchncochlearimplantprogramreferrals@sa.gov.au to arrange a time.

You do not need to attend Open Disclosure if you feel you have all the information you need or in order to receive ex-gratia payment.

This process is a key element of a person's rights as a healthcare consumer, you can find more information about the Open Disclosure process online ([Open Disclosure resources for consumers | Australian Commission on Safety and Quality in Health Care](#)).

What does the future of the Cochlear Implant Program look like?

The SA Paediatric Cochlear Implant Program review provides WCHN with an opportunity to reinvigorate the service and refocus, with an aim to become a leader in providing best practice care for children with cochlear implants.

WCHN have a current model of care which is being reviewed and strengthened as part of this process.

That includes reviewing the current systems of best practice and process globally, while WCHN continues to provide your ongoing care.

How can I contribute my ideas on the future of the service?

WCHN is committed to hearing the voices of families about their experience and in co-designing approaches aligned to the recommendations.

Families will be kept informed through the WCHN Feedback Circle, you speak, we listen, we do.

Aligned to WCHN's commitment to improvement families will be able to provide ongoing feedback through our online survey and listening posts facilitated by WCHN registered consumer advocates.

You can access this survey at www.wch.sa.gov.au/FeedbackCircle

Are there other providers who can support my child in their ongoing care?

We know that you may wish to seek care in the private sector and we will support you to do this as we understand that you need to consider the best options for your family.

A list of care providers is available on the Women's and Children's Hospital website, or you can speak with a clinician at your next appointment to discuss your options.

WCHN are committed to supporting the ongoing care of all children with cochlear implants, which includes ensuring a smooth transition to the care provider that best suits your family.

Special Purpose Family Engagement Unit

The State Government is also establishing a Special Purpose Family Engagement Unit to assist families and caregivers with claims for compensation, should they choose to make a claim on behalf of their child.

It is intended that the unit will guide families through the compensation process and assist applicants to understand what medical evidence and other supporting information may be required to support a claim submission.

What is the Special Unit and its role?

The Special Unit is a dedicated service responding to compensation claims made on behalf of children involved in the Paediatric Cochlear Implant Program.

The Special Unit is made up of Claims Officers experienced in managing personal injury claims, plus stakeholders from the Department for Health and Wellbeing.

The Special Unit's role includes:

- > acknowledgement of new applications and ongoing management of claims
- > assisting families with information to understand the claim process on a consistent and timely basis
- > assisting families to understand what documentation, independent assessments or other reports may be required to support a claim for their child
- > requesting and reviewing a child's medical and treatment records, and other documentation to assist in the determination of a claim
- > liaison with audiology experts, or other independent treatment providers, as required
- > reviewing legal advice to inform an appropriate claim determination
- > ensuring families are aware of their right to seek legal advice, either through the Family Liaison Unit, or via an independent legal advisor
- > dealing with disputes and/or negotiations on claim determinations
- > engagement with government stakeholders, including the Minister for Health and Wellbeing to inform on the progression and/or resolution of claims.

How do I make a claim to the Special Unit?

If you would like to make an application to the Special Unit for a claim on behalf of your child, you will need to complete an Application Form.

This form will also request you to upload supporting documentation which will be reviewed in conjunction with your application form.

The Special Unit can also be contact via email at SPFEU@sa.gov.au throughout the claims process, or if you have any questions regarding the application process please phone 08 8429 0455.

Is making a claim to the Special Unit compulsory if I wish to pursue compensation?

Making an application to the Special Unit is your choice and is one option available to you.

Compensation avenues are also available through the legal pre-action claim process. Should you wish to make a formal claim on behalf of your child you should seek independent legal advice, or, contact the Family Liaison Unit for free assistance.

How do I know if my child might be eligible for compensation?

Not all claims submitted to the Special Unit may be eligible for compensation, and an application to the Special Unit does not guarantee that compensation will be payable.

In order for compensation to be payable, an injury or loss must be able to be demonstrated, and it must be directly linked to an error in the treatment provided through the Paediatric Cochlear Implant Program.

The compensation provisions outlined in the Civil Liability Act 1936 and the role of the government as a model litigant mean claims must be assessed fairly and with regard to the individual circumstances of the claim.

My child has already received a one-off payment. Is my child still eligible to make a formal claim or a claim to the Special Unit?

Yes. Receiving the one-off payment of either \$5,000 or \$50,000 does not preclude your right to seek compensation for your child, either via the Special Unit, or through a formal legal process, should you wish to do so.

Do I need to engage a solicitor to make a claim to the Special Unit?

No. You do not need to engage a solicitor to make an application to the Special Unit.

The Special Unit, however, is not a legal service and cannot provide you with legal advice.

There may be a need during the claim process for you to seek legal advice, on behalf of your child because any compensation paid to a child under 18 years, or a person with an existing disability, must be approved by the Court.

This means that any claim settlement offered to your child by the Special Unit must be assessed independently by a suitably qualified legal advisor and approval by the Court must be granted to ensure your child's legal rights are protected.

The Special Unit will provide further information regarding this process during the management of your application. The Family Liaison Unit is also available to assist you further if you require independent advice.

For more information

Department for Health and Wellbeing
SA Health
Address: 11 Hindmarsh Square, Adelaide SA 5000
www.sahealth.sa.gov.au/reviewsandconsultation

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