

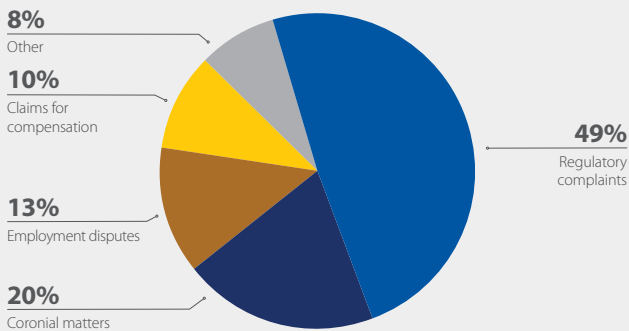
Claims and complaints insights

Paediatricians



1 in 19 Avant paediatrician members had a matter raised about the provision of their care in FY2019-20. Regulatory complaints made up nearly half of matters.

Allegations are sometimes made against doctors even in situations when they provided appropriate care. Avant assists paediatricians with the following types of matters*:



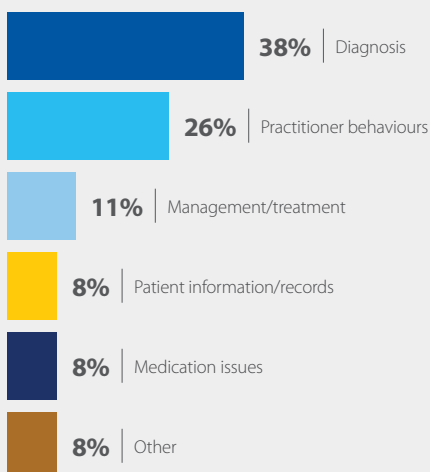
*Data source: matters indemnified FY2017-FY2020.

Our data analysis

The following retrospective review is of routinely collected and coded data. Our review is based on over 180 compensation claims, regulatory complaints and coronial matters involving Avant paediatrician members nation-wide, closed over the four-year period from July 2016 to June 2020.

Claims and complaints

Compensation claims and regulatory complaints primarily related to:



Diagnosis issues

38% of claims and complaints were diagnosis issues. Of these:

4 in 5 diagnosis issues were allegations of a missed or delayed diagnosis. These primarily related to issues during initial assessment e.g. failing to refer for appropriate diagnostic testing, inadequate examination.

1 in 5 diagnosis issues were allegations of a misdiagnosis. These also primarily related to issues during initial assessment.

Are doctors meeting standards in claims and complaints?

When a medico-legal evaluation of expected standards of care was conducted, the doctor was considered to have met the standard in nearly two thirds of cases.



Coronial matters

Coronial matters make up the second largest type of matter faced by paediatricians. Of these:

54% were closed after a coronial investigation was conducted. This includes cases where a member was asked for a statement or medical records about the deceased.

22% proceeded to a coronial inquest but the member was not called as a witness.

24% proceeded to a coronial inquest and the member was called as a witness and/or cross examined.

With regards to diagnoses, coronial matters primarily related to:

- Newborns and other neonates
- Diseases and disorders of the circulatory system
- Diseases and disorders of the nervous system.

Key points

- Medico-legal matters against paediatricians are relatively uncommon.
- 62% of cases are resolved positively for the doctor.
- Paediatricians are more likely to be subject to a disciplinary complaint or part of a coronial investigation than to be sued for compensation.
- Half of coronial matters proceed to an inquest.

Resources

If you receive a claim or complaint contact us (avant.org.au/MLAS) on **1800 128 268** for expert medico-legal advice on how to respond – available 24/7 in emergencies.

For more information on communicating with patients, including advice about obtaining consent and a wide range of other topics, visit the **Avant Learning Centre** (avant.org.au/avant-learning-centre) where you will find articles, case studies, podcasts, webinars, videos, factsheets and many other resources.

Glossary

- Claims refers to claims for money, compensation and civil claims.
- Complaints relates to formal complaints to regulators.
- Matters include; claims, complaints, coronial cases and other matters such as employment disputes and Medicare.
- Employment disputes are matters where Avant defends members against complaints or supports members to resolve employment issues.

For any queries on this analysis, please contact us at research@avant.org.au

*IMPORTANT: Avant routinely codes information collected in the course of assisting member doctors in medico-legal matters into a standardised, deidentified dataset. This retrospective analysis was conducted using this dataset. The findings represent the experience of these doctors in the period of time specified, which may not reflect the experience of all doctors in Australia. This publication is not comprehensive and does not constitute legal or medical advice. You should seek legal or other professional advice before relying on any content, and practise proper clinical decision-making with regard to the individual circumstances. Persons implementing any recommendations contained in this publication must exercise their own independent skill or judgement or seek appropriate professional advice relevant to their own particular practice. Compliance with any recommendations will not in any way guarantee discharge of the duty of care owed to patients and others coming into contact with the health professional or practice. Avant is not responsible to you or anyone else for any loss suffered in connection with the use of this information. Information is only current at the date initially published [June 2021]. © Avant Mutual Group Limited 2021. MJN-755 06/21 (DT-1979)

For more information or immediate **medico-legal advice**, call us on **1800 128 268**, 24/7 in emergencies.