DATE

Insert SAER team member name

Insert facility

Insert address

Insert address

Dear (Insert Name)

I am writing to you to advise that in accordance with section 21G of the *Health Administration Act 1982* (the Act) and the NSW Health Incident Management Policy, you have beenappointed to a serious adverse event review team (“review team”) to undertake a serious adverse event review, being a root cause analysis or other type of prescribed review. In accordance with s.21H of the Act, the SAER team is to determine how the incident occurred; any factors that caused or contributed to the incident; and any procedures, practices or systems that could be reviewed for the purposes of a recommendations report for the incident (insert the incident management system number), as set outin the attached appointment document.

You have been selected as a member of this team because your expertise and experience is essential to the review of this incident.

The work of the serious adverse event review (SAER) team will be privileged in accordance with the *Health Administration Act 1982*. This has a number of implications:

# 1. Restrictions on disclosure of information

You are required to maintain confidentiality in relation to your work as a member of this team. All documents are created for the purpose of the SAER team. You must not discuss the review with anyone who is not part of the SAER team, except for the purposes of preparing a findings report and/or recommendations report on the SAER.

# 2. Statutory Privilege

The internal workings of SAER teams appointed under the *Health Administration Act 1982* are privileged*.* This means:

* Members of the review team cannot give evidence about information obtained by them as part of their work on the review team, nor can they be compelled to give such evidence
* Members of the review team cannot be compelled to produce to court, papers created or communications (written or verbal) made for the dominant purpose of the review team carrying out its functions
* A findings report and recommendations report prepared by the review team cannot be adduced or admitted as evidence in any proceedings (including coronial proceedings, or any proceedings in which it is claimed a procedure or practice was careless or inadequate)
* Members of the review team are protected from personal liability, including defamation, provided they act in good faith as a part of the review team.

Team members should be aware of limits to the privilege:

* The privilege will **not** apply to pre-existing documents such as a notification in the incident management system, or medical records or other records created for general care or management reasons;
* The privilege does not prevent release of the findings report and recommendations report outside the organisation, to the patient, carer or family.

# 3. Beyond the scope of SAER teams

The review team does not have any authority to review concerns or complaints about an individual clinician. Under the terms of the *Health Administration Act 1982*, where the review team considers the incident mayinvolve professional misconduct or unsatisfactory professional conduct or possible impairment issues, the review team must notify the Chief Executive on behalf of the relevant health services organisation in writing.

The review team may, at its discretion, notify the Chief Executive on behalf of the relevant health services organisation if an incident potentially involves unsatisfactory professional performance.

After notifying the Chief Executive the review team takes no further action on the individual matter.

# 4. Requirements of the SAER findings report and recommendations report

The review team is to prepare a findings report, and if directed by the Chief Executive, a recommendations report, using NSW Health report templates. The report content is to be in accordance with sections 4.2.4 and 4.2.6 of the NSW Health Incident Management Policy.

The report/s are due to the NSW Ministry of Health within 60 days of incident notification.

Thank you for your participation in this review and supporting improved safety in healthcare.

Yours sincerely

Signature

Name

Designation