

Improving the vexatious notifications framework

9 December 2024

Response to the NHPO recommendations

In June 2022, Ahpra asked the National Health Practitioner Ombudsman (NHPO) to review its [Framework for identifying and dealing with vexatious notifications](#) (the Framework).

The NHPO commended the Framework as being the first of its kind in Australia's health regulatory landscape and recognised the difficult balancing act Ahpra and the National Boards must perform to ensure public safety concerns are received and managed appropriately while also ensuring practitioners who are the subject of a notification are treated fairly and not placed under undue stress. The NHPO identified several areas where both the Framework itself and Ahpra's implementation of the Framework, could be strengthened.

Ahpra is committed to developing the Framework, and supporting policies and processes to ensure it is operating as intended, and has accepted and will implement all of the NHPO recommendations.

About the Framework

In December 2020, Ahpra introduced the Framework to provide guidance to Ahpra staff for identifying and managing a notification that may be, or is determined to be, vexatious. It defines a vexatious notification as a notification that is both without substance and intended to cause distress, detriment or harassment to the practitioner named in the notification.

While the numbers are small, being subject to a vexatious notification or feeling you are the subject of a vexatious notification can be very distressing for the practitioner involved. The Framework equips staff to identify and support these practitioners and to implement management strategies when a concern about vexatiousness is raised.

The Framework was developed with reference to Ahpra-commissioned 2017 University of Melbourne research into reducing, identifying and managing vexatious complaints.

Our work to implement the recommendations

Recommendation	Ahpra response	Status
Improving understanding of vexatious notifications		
1. Ahpra should ensure allegations that a notification is vexatious are appropriately documented and managed in line with the Framework, with relevant information about the assessment of the allegations recorded and provided to	Due for completion by: 31 March 2025 Ahpra will review current policy and resources relating to the identification, assessment, recording and management of notifications that are or may be vexatious. This review and update will include:	In progress

Australian Health Practitioner Regulation Agency
National Boards

GPO Box 9958 Melbourne VIC 3001 [Ahpra.gov.au](https://www.ahpra.gov.au) 1300 419 495

Ahpra and the National Boards regulate these registered health professions: Aboriginal and Torres Strait Islander health practice, Chinese medicine, chiropractic, dental, medical, medical radiation practice, midwifery, nursing, occupational therapy, optometry, osteopathy, paramedicine, pharmacy, physiotherapy, podiatry and psychology.

decision makers for consideration.	<ul style="list-style-type: none"> Existing and new resources to support decision making Learning and development activities for staff and decision makers Information being shared with notifiers and practitioners interacting with our processes. <p>Quality assurance activity due by: 30 August 2025</p> <p>Ahpra will complete quarterly reviews of case management data relating to vexatious notifications to monitor identification, recording and management in line with revised Framework.</p>	
2. Ahpra should clearly outline, and publish information about, the different types of notifications that commonly result in a decision to take no further action, including the criteria and approach used to assess whether a notification meets the definition of being 'sub-optimal' rather than vexatious.	<p>Significant changes have been made to resources for consumers via Ahpra's website from work undertaken with the Australian Commission on Safety and Quality in healthcare since the review of the Framework was commissioned.</p> <p>Ahpra will review existing guidance and information published on Ahpra's website to better articulate the types of concerns it can manage and the likely outcome of lower risk concerns. These resources will include the development and publication of:</p> <ul style="list-style-type: none"> Videos, animations and infographics Updated information and fact sheets Case studies and examples. <p>Report on additional improvements to be made by 30 June 2025.</p>	In progress
Better identifying vexatious notifications		
3. Ahpra should improve how it receives notifications to ensure it more clearly requests information about the notifier's concerns, the notifier's relationship to the practitioner and what the notifier is seeking from making a notification.	<p>Due for completion by 30 June 2025</p> <p>Ahpra will update guidance for manual collection of additional information.</p> <p>Due for completion by: 31 December 2025 (post implementation of a new case management system):</p> <p>Ahpra will update collection of relevant information via updates to the online portal. System updates are to be included in the new case management system currently being developed.</p>	In progress

4. Ahpra should provide extra guidance to staff about how to address concerns that an anonymous or confidential notifier has made a vexatious notification.	Due for completion by: 31 March 2025 In alignment with recommendation 1: Ahpra will review current policy and resources relating to the identification, assessment, recording and management of notifications that are or may be vexatious.	In progress
5. Ahpra should update the Framework to distinguish 'calculated conduct' from 'unreasonable conduct' when considering the characteristics of a notifier. The Framework should also include more specific indicators of calculated conduct, such as references to the types of relationship breakdowns and workplace disputes that may lead to a vexatious notification and references to making a retaliatory notification as an indicator that a notifier may have intended to harm the practitioner in making the notification.	Due for completion by: 31 March 2025 In alignment with recommendation 1: Ahpra will review current policy and resources relating to the identification, assessment, recording and management of notifications that are or may be vexatious.	In progress
6. Ahpra should provide more guidance on how a notifier's intent to cause harm to a practitioner can be shown and the standard of proof required to demonstrate an intent to cause harm by making a vexatious notification.	Due for completion by: 31 March 2025 In alignment with recommendation 1: Ahpra will review current policy and resources relating to the identification, assessment, recording and management of notifications that are or may be vexatious	In progress
Improving how potentially vexatious notifications are assessed		
7. Ahpra should strengthen the assessment of indicators that a notification may be vexatious, and the assessment of information gathered about a 'suspected vexatious' notification.	Due for completion by: 31 March 2025 In alignment with recommendation 1: Ahpra will review current policy and resources relating to the identification, assessment, recording and management of notifications that are or may be vexatious	In progress

8. Ahpra should reduce the escalation points in the internal approval process for the Framework by lowering the threshold for approval to consider a 'suspected vexatious' notification.	Due for completion by: 31 March 2025 In alignment with recommendation 1: Ahpra will review current policy and resources relating to the identification, assessment, recording and management of notifications that are or may be vexatious	In progress
Supporting improved recommendations and decision making about vexatious notifications		
9. Health Ministers should consider amending the National Law to create a new subsection under s. 151(1) to distinguish a decision by a Board to take no further action because a notification is vexatious. Consideration should also be given to whether 'vexatious' should be a defined term in s. 5 of the National Law.	Ahpra acknowledges the recommendations to Health Ministers	
10. Ahpra and the Boards should distinguish previously received vexatious notifications from other notifications when undertaking a risk assessment of a new notification. Consideration should be given by Health Ministers to amending s. 151(2) of the National Law so the power to consider previous notifications as part of a pattern of conduct or practice does not extend to previous notifications that were found to be vexatious.	Ahpra acknowledges the recommendations to Health Ministers	
11. Ahpra should be transparent about how and when it applies the Framework, where appropriate. Ahpra should update its library of reasons to ensure clear and appropriate reasons are provided for a decision that a notification is vexatious. Ahpra should also update the associated template notification outcome letters	Due for completion by: 31 March 2025 In alignment with recommendation 1: Ahpra will review current policy and resources relating to the identification, assessment, recording and management of notifications that are or may be vexatious.	In progress

regarding vexatious notifications.		
Determining appropriate consequences for making a vexatious notification		
12.Ahpra and the Boards should form a position on when they would seek to fine a person for providing false or misleading information or documents to an Ahpra investigator.	Due for completion by: 31 March 2025 Ahpra's National Legal Practice will develop a position statement on when it would be appropriate to seek to fine a person for providing false or misleading information or documents to an Ahpra investigator.	To be commenced
13.Health Ministers should consider amending the National Law to make it an offence to provide false or misleading information to Ahpra when making a notification and at the assessment stage of the notifications process.	Ahpra acknowledges the recommendations to Health Ministers	
14.Ahpra and the Boards should clarify processes related to own motion investigations into practitioners who have made vexatious notifications about other practitioners, including by ensuring there are clear guidelines for staff when an own motion investigation is initiated.	Due for completion by: 31 March 2025 In alignment with recommendation 1: Ahpra will review current policy and resources relating to the identification, assessment, recording and management of notifications that are or may be vexatious.	In progress
Strengthening guidance and training for Ahpra staff about vexatious notifications		
15.Ahpra should deliver ongoing training to staff on applying the Framework, including any changes implemented in response to the review's recommendations.	Due for completion by: 31 March 2025 In alignment with recommendation 1: Ahpra will review current policy and resources relating to the identification, assessment, recording and management of notifications that are or may be vexatious. Implementation of updated policy and resources will be supported by ongoing staff training.	In progress

Appendix 1: Addressing notifications in cases involving domestic and family violence allegations

<p>16. Ahpra should improve how it manages notifications in cases involving domestic or family violence allegations.</p>	<p>Due date: 30 March 2025</p> <p>Ahpra has released a joint position statement with health practitioner coregulators in Queensland and New South Wales.</p> <p>As an extension to this work, Ahpra will develop a policy and related resources on the assessment and management of domestic and family violence related concerns.</p>	<p>In progress</p>
--	---	--------------------

Appendix 2: Addressing unreasonably persistent notifier conduct

<p>17. Ahpra should strengthen how it identifies and manages unreasonable conduct and unreasonably persistent notifiers.</p>	<p>Due for completion by: 31 March 2025</p> <p>In alignment with recommendation 1: Ahpra will review current policy and resources relating to the identification, assessment, recording and management of notifications that are or may be vexatious.</p>	<p>In progress</p>
--	--	--------------------