

Notifications in the National Scheme

Do you have a concern about a health practitioner?

A guide for people raising a concern
(making a notification or complaint)



Aboriginal and Torres Strait
Islander health practice
Chinese medicine
Chiropractic
Dental
Medical
Medical radiation practice
Nursing and Midwifery

Occupational therapy
Optometry
Osteopathy
Pharmacy
Physiotherapy
Podiatry
Psychology

Australian Health Practitioner Regulation Agency

What is this document for?

Raising a concern about a health practitioner can be stressful. This brochure explains what happens after you have raised a concern about a registered health practitioner and tells you about:

- what we do: the role of the National Boards and the Australian Health Practitioner Regulation Agency (AHPRA)
- what a notification is
- what we can do
- what we can't do
- what you can expect as a notifier (the person who raises the concern)
- the role of health complaints entities
- what you can expect from the notifications process
- what Boards can decide after assessing your notification, and
- answers to some common questions.

What we do: the role of National Boards and AHPRA

The National Boards for 14 health professions and the Australian Health Practitioner Regulation Agency (AHPRA) work together to implement Australia's National Registration and Accreditation Scheme (the National Scheme). The National Boards regulate the health professions by setting the requirements for registration and the standards that practitioners must meet.

Information about the 14 professions in the National Scheme and our work is published on our website at www.ahpra.gov.au. More information about how we do what we do is published in our *Service charter* at www.ahpra.gov.au/About-AHPRA/Service-Charter.

What is a notification?

'Notifications' are concerns or complaints about registered health practitioners. Anyone can raise a concern about a registered health practitioner by contacting AHPRA, which has an office in each capital city.

There are different arrangements in NSW where the Health Care Complaints Commission (HCCC) is the body which receives complaints. If you want to make a complaint about something that happened in NSW go to **www.hccc.nsw.gov.au** for more information.

Keeping the public safe is the goal that guides the way we deal with each notification we receive. When we look at notifications, we consider:

- whether the practitioner has failed to meet the standards set by the Board, and
- what needs to happen to make sure that the practitioner is aware of what has gone wrong and learns from this, so the same problem doesn't happen again.

The Boards also consider if they need to limit the practitioner's registration in some way to keep the public safe.

The powers of the National Boards and AHPRA are set down in the Health Practitioner Regulation National Law (the National Law). Responding to notifications about the health, performance or conduct of health practitioners is one of the most important parts of our role.

We also work with the independent health complaints entities (HCEs) in each state and territory to make sure the most appropriate organisation is dealing with the concern that has been raised. A list of the HCEs is available on our website at **www.ahpra.gov.au/Notifications/About-notifications/Working-with-health-complaints-entities/Health-complaints-entities**.

The role of the National Boards

National Boards are made up of community and practitioner members. Board members are appointed by governments.

When dealing with notifications, the Boards and their committees make all the decisions about registered health practitioners. AHPRA staff work on behalf of the Boards to manage the notifications process.

Each notification is carefully considered to assess whether there is evidence that the practitioner poses a risk to patient and public safety. We will take action to manage any risks and to keep the public safe. If the Boards need more information before deciding what to do, we will investigate.

The Boards make every decision on the facts of each individual case. The focus is on:

- the health, performance or conduct (behaviour) of the practitioner
- understanding what has happened, and
- deciding what action, if any, the Board needs to take to make sure the public is safe and that the same thing won't happen again.

The actions the Boards can take are set down in the National Law.

To stop or limit a health practitioner's right to practise, a Board needs evidence, for example, that they:

- have not kept their clinical knowledge and skills up to date and are not competent
- have taken advantage of their role or have done something wrong, or
- are too ill, or have not adequately managed a personal health problem, to work safely.

In a small number of cases the Board may take immediate action to manage any risk to public safety while more information is gathered. This could include restricting what the practitioner can

do at work, requiring extra supervision of their practice or in the most serious cases, suspending their registration.

AHPRA's role

AHPRA staff receive concerns/complaints and manage the notifications process on behalf of the Boards.

Any correspondence you receive from AHPRA and the Board will be from AHPRA, on behalf of the National Board. Your contact person throughout the notification process will be an AHPRA staff member.

AHPRA does not make decisions about how to deal with notifications. These decisions are made by Boards.

What we can do

We are responsible for making sure that registered health practitioners meet the standards of good practice set for them by each of the National Boards. If we identify serious concerns about a health practitioner we can:

- manage the risk to the public
- make sure the practitioner understands what went wrong, so the same thing doesn't happen again
- limit the practitioner's registration in some way, to change the way they practise, and
- share the lessons from what happened with other practitioners to help keep the public safe.

What we can't do

There are some things that National Boards and AHPRA can't do.

We can't:

- order a health practitioner to provide the treatment you want

- pay you compensation or order a health practitioner to pay you compensation or repay you
- order a health practitioner to give you access to your records
- make a health practitioner apologise to you
- conciliate between you and the health practitioner
- resolve complaints about health systems
- advocate for you or the practitioner, or
- investigate concerns about health service providers such as hospitals or community health centres.

What you can expect as a notifier

When you raise a concern about a registered health practitioner you are called the notifier. As a notifier, your role is to inform the Board and AHPRA of your concerns about the practitioner and to provide us with all the information you can about what has happened. We will ask you for information that is relevant to the concerns you have raised, and any supporting documentation you might have.

The Board can only make a decision based on the information it has. For this reason it is important that you provide all the information you can about what happened, so the Board can make an informed decision about what to do next. If you need help to provide this information, or need help understanding what we do, we can help you. Please contact us on 1300 419 495 if you need further assistance.

We must provide a copy of your notification to the practitioner you are concerned about, unless there is a risk to your safety if we do that.

Under the National Law, the National Boards and AHPRA are not advocates for you or for the practitioner. Our job is to:

- find out what happened

- decide whether the practitioner has failed to meet the required standards
- take any action needed to keep the public safe, and
- stop the same thing happening again.

More information about AHPRA and the notification process is published at www.ahpra.gov.au/Notifications/The-notifications-process.

The role of health complaints entities

AHPRA and the National Boards work closely with the health complaints entities (HCEs), or commissioners, in each state and territory. We work closely with each of the HCEs to make sure that the right organisation deals with your concerns. There are different arrangements in NSW for dealing with notifications.

- The role of the National Boards and AHPRA is to **protect the public**, including by managing notifications about health practitioners and when necessary, restricting their registration and their practice in some way.
- The role of health complaints entities is to **resolve complaints or concerns**, including through conciliation or mediation.

AHPRA and the National Boards have no power to resolve complaints. Our focus is on managing any risk to the public.

HCEs deal with concerns about	National Boards and AHPRA deal with concerns about
Health systems	Health practitioners' conduct, health or performance
Health service providers (like hospitals or community health centres)	
Fees and charges	

Sometimes a person raises a concern with one agency and it ends up being managed by the other. This is because the HCEs and AHPRA work together and agree on which organisation should take responsibility for dealing with the concerns you have raised.

Each organisation has a role set down in the law and a different set of responsibilities. If you raised a concern with a health complaints entity and it is referred to AHPRA for the National Boards to deal with, this is because the issues you have raised relate to the **conduct, health or performance** of an individual registered health practitioner.

More information about HCEs and how they work with the National Boards and AHPRA is published in an fact sheet on the AHPRA website

www.ahpra.gov.au/Notifications/Fact-sheets/Health-complaints-entities.

What you can expect from the notifications process

Getting started

You can raise a concern about a registered health practitioner with AHPRA by telephone, in writing in a notifications form (sent by email or in hard copy), or in person at an AHPRA office. The notifications form is available at:

www.ahpra.gov.au/Notifications.

Please contact us on 1300 419 495 if you need further assistance.

We can only do something about your concerns if they meet the legal grounds to be called a notification. This means your concerns must be about a registered health practitioner who:

- did not provide safe care because their standard of professional conduct was too low, and/or
- does not have reasonable knowledge, skill or judgement or exercise enough care, and/or

- is not a suitable person to hold registration, and/or
- is or may be ill and pose a risk to the public, and/or
- has or may have broken the National Law, and/or
- has or may have breached a condition on their registration or an undertaking, and/or
- obtained their registration improperly.

The exact legal grounds for a notification under the National Law are detailed on the website at www.ahpra.gov.au/Notifications/What-is-a-notification/What-can-notifications-be-about.

If at first you do not provide us with enough information for your concerns to be considered a notification, we will contact you to find out more. We can help you to work out if your concerns meet the legal grounds for a notification. If **within 30 days** we cannot establish that your concerns are grounds for a notification, we will write to you and tell you we can't take any further action.

If your concerns do meet the grounds for a notification it is assessed by a National Board (see next section).

Assessment

We conduct an assessment to see if the concerns raised in your notification can be quickly and easily addressed and if not, to make sure they are dealt with in the most effective way possible.

As part of the assessment process, we will send your notification to the health practitioner and ask them to respond, unless we believe your safety is at risk.

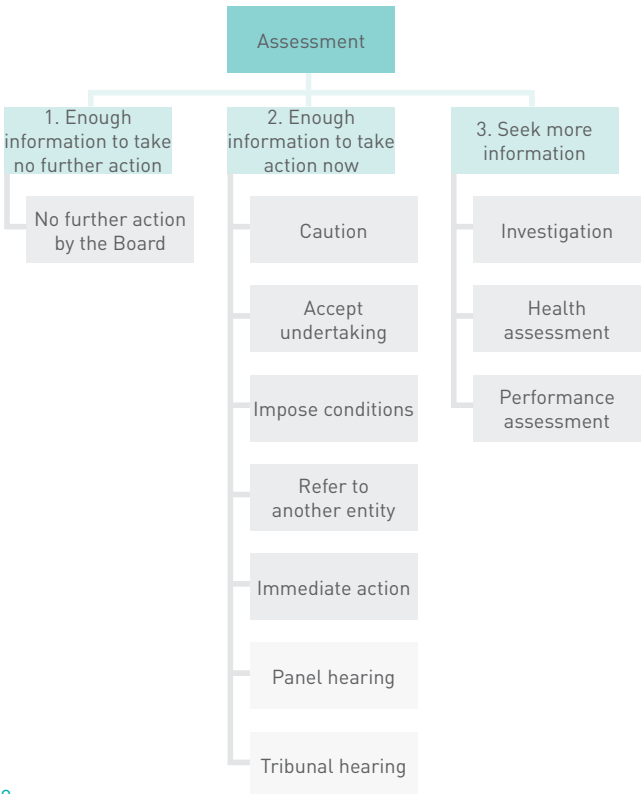
At this stage, the National Board has to decide if the notification raises issues of unprofessional conduct, unsatisfactory professional performance or impairment (illness) of a registered practitioner.

The decisions the Board can make after assessing the notification fall into three broad categories.

1. There is enough information to decide no further action is necessary to protect the public.
2. There is enough information to decide to take action now to protect the public.
3. There is not enough information, we need to seek more.

We will write to you after the assessment to let you know what the Board has decided to do about the notification you have lodged. We aim to conduct the assessment and let you know what has happened **within 60 days** of establishing that the concerns you raise meet the legal definition of a notification.

What Boards can decide after assessing your notification



1. There is enough information to decide no further action is necessary to protect the public.

When there is enough information available at this stage, a National Board may decide there is no risk to the public that it needs to manage. In these cases the Board can decide to take no further action.

When a Board decides to take no further action after an assessment, it means it has decided that:

- there is no risk to the public that needs to be managed
- the issue does not require the practitioner's registration to be restricted in some way, or
- progressing the matter would not lead to any action being taken on the practitioner's registration.

If a Board decides to take no further action, it does not mean that the issue you raised was not important or that it was not worth making a notification. It means that the Board has decided there is not a risk to the public that it needs to address, or that managing the issue does not require the practitioner's registration to be restricted in some way. The information you provided stays on the practitioner's file, and can be considered again at a later time.

2. There is enough information to decide to take action now to protect the public.

In some cases a National Board believes it has enough information from the notifier, and perhaps the practitioner, to decide what action it needs to take to keep the public safe. In these cases, it can take any one or more of the following six courses of action:

1. caution the practitioner
2. accept an undertaking from the practitioner (to do or to not do something in relation to their practice)

3. impose conditions on the registration of the practitioner), for example that the practitioner:
 - undertakes further education or training and/or
 - has their practice supervised and/or
 - does, or does not do, something in relation to their practice and/or
 - manages their practice in a certain way and/or
 - reports to a specified person at set times about their practice and/or
 - does not employ someone or a type of person
4. refer the concerns to a health complaints entity because it relates to a wider health system issue, or refer the concerns to another organisation outside the National Scheme, for example, Medicare Australia or health insurance companies
5. take immediate action to protect the public by limiting the practitioner's registration in some way. This is an interim step and always involves another course of action as well, such as referral to an investigation
6. refer the practitioner to a panel hearing, or
7. refer the practitioner to a tribunal hearing.

When a National Board decides to **take immediate action, caution or impose conditions** on a practitioner's registration, it is legally required to seek submissions from the practitioner about what the Board proposes to do. These submissions can be made face-to-face or in writing and will inform the final decision made by the National Board.

More information about immediate action is published in this fact sheet available at www.ahpra.gov.au/Notifications/Fact-sheets/Immediate-action.

If the Board decides to **limit a practitioner's registration** in some way, any restrictions are

published on the register of practitioners at www.ahpra.gov.au/Registration/Registers-of-Practitioners. This online public register provides information about the current registration status of every registered health practitioner in Australia. The only exception is in relation to private health information, which is not published.

It is not common for a Board to refer a matter directly to a panel or a tribunal without investigation, but this is possible under the National Law.

3. Not enough information is available, seek more information.

Sometimes the Board decides it needs more information before it can make an informed decision about what, if any, action might be necessary to keep the public safe. In these cases, the Board can:

- refer the matter to investigation, and/or
- refer the practitioner for a health or performance assessment.

If the Board decides to investigate a matter, the investigation will usually be undertaken by AHPRA staff. During an investigation, we may seek more information from you or other people or organisations (such as hospitals, other practitioners or witnesses), including records, reports or expert opinions. This information forms the basis for a decision by the Board at the end of the investigation.

Practitioners can continue to practise while an investigation is underway, consistent with any limits on their registration a Board has put in place to keep the public safe in the meantime.

We will write to you every three months to inform you about the progress of the investigation and we will write to you at the end of the investigation to tell you what action the Board decided to take. After an investigation a National Board can decide to:

- take no further action
- refer the practitioner for a health or performance assessment
- refer the matter to a health or performance and professional standards panel
- impose conditions on/accept an undertaking from the practitioner
- caution the practitioner
- refer the matter to a tribunal, or
- refer the matter to another entity.

Information about performance assessments, health assessments and the role of panels and tribunals is available at www.ahpra.gov.au/Notifications/The-notifications-process.

Answers to some common questions

Can I seek compensation through a Board and AHPRA?

No, the Board cannot deal with issues of compensation.

Sometimes notifiers do seek compensation for what has occurred. The health complaints entity in your state or territory can advise you about compensation, even if your concerns are being handled by AHPRA and the National Boards.

Can I seek advice about health treatment from a Board and AHPRA?

No, the Board cannot provide any advice about the health treatment you should seek or recommend which practitioners you should or could seek treatment from.

Can I appeal a Board's decision if I am not happy with it?

Under the National Law this is not possible. The role of the Board is to assess the concerns you have raised about the practitioner and take action

to protect the public. The Board conducts this assessment and decides what to do as a result.

If you are not happy with our processes or you think our systems were not fair and robust, you can make a complaint to AHPRA. If you are not satisfied with our response, you can also make a complaint to the National Health Practitioner Ombudsman and Privacy Commissioner at www.nhpopc.gov.au. The Ombudsman cannot overturn a decision of the Board but can review the process for managing the notification.

How long does an investigation take?

Each investigation is guided by the facts of the individual case. How long an investigation takes is influenced by a number of issues including:

- how much evidence is available
- whether we need to get other expert opinions, and
- whether we are relying on information being provided by other people or organisations.

Most straightforward investigations are completed within nine to 12 months.

More common questions and answers are published on our website at www.ahpra.gov.au/Notifications/Fact-sheets.

AHPRA state and territory offices

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