



AHPRA Management Policy – Regulatory Operations

Operational Policy: Review of immediate action restrictions arising from allegations of sexual boundary violations

Division/s: Regulatory Operations – Compliance and Notifications

September 2017

Purpose

The purpose of this policy is to ensure a consistent approach is taken to the review of immediate action restrictions¹ arising from allegations of sexual boundary violations relating to medical practitioners and that these restrictions are reviewed at least every six months, or earlier if there are triggers for review.

Policy statement

Immediate action restrictions arising from allegations of sexual boundary violations and/or sexual misconduct must be reviewed at least every six months or earlier upon:

- Confirmed non-compliance with the restrictions.
- Suspected non-compliance, where the risk posed by the nature of the non-compliance is considered moderate or high.
- Receipt of any information that may indicate the risk posed by the practitioner has altered. This information may or may not be related to monitoring or risk management activity. At a minimum a review must occur when, in relation to the conduct that gave rise to the restrictions:
 - an investigation is commenced by police
 - charges are laid by the police
 - the Practitioner is committed to stand trial in relation to any charges
 - there is an outcome from any hearing in relation to the charges, or
 - the police close an investigation into the conduct without laying charges.
- Receipt of any new notification, regardless of whether the notification relates to similar allegations or issues from which the immediate action restrictions arise.

On each occasion a trigger for review is identified it must be escalated to the relevant committee in accordance with the Guideline: Review of immediate action restrictions arising from allegations of sexual boundary violations.

Scope, evaluation and review

This operational policy is established in accordance with *Operational Guidance Framework*. It must be used and complied with by all relevant Regulatory Operations staff and decision makers.

This operational policy will be reviewed yearly or as required by the policy sponsor/s.

Appendices

- Guidelines: Review of immediate action restrictions arising from allegations of sexual boundary violations

Policy Sponsor/s

National Director, Compliance

¹ Immediate action restrictions are any immediate action, including suspension of registration, taken as defined in section 155 of the National Law.

National Director, Notifications

Approved by

Executive Director, Regulatory Operations

Effective date

This policy is effective from 1 November 2017 and was updated in July 2018