



HEALTH
PROFESSIONS
ACCREDITATION
COLLABORATIVE
FORUM

Australia's accreditation authorities
for regulated health professionals



Ahpra
& National
Boards

Management of complaints relating to accreditation functions under the National Law – a guidance document

September 2021

Introduction

The Health Practitioner Regulation National Law as in force in each state and territory (the National Law) gives separate but related roles to Accreditation Authorities and National Boards. More information about these roles is published at <https://www.ahpra.gov.au/Accreditation.aspx>.

All National Scheme bodies (Accreditation Authorities, National Boards and the Australian Health Practitioner Regulation Agency (Ahpra)) publish information about complaints processes that apply to their respective functions.

This document provides guidance about the management of accreditation complaints and is intended to promote role clarity and responsibilities of Accreditation Authorities in the management of accreditation complaints and, where relevant, collaboration between National Scheme bodies. The guidance also supports information sharing about, and referral of, accreditation complaints by Accreditation Authorities with other organisations, where appropriate.

For the purposes of this document, an *accreditation complaint* is any matter raised by a stakeholder which expresses concern about, or dissatisfaction with:

- an accredited program and/or education provider. This may include, for example, complaints about approved programs or education providers that raise issues identified as potentially generating high risk consequences for students, graduates or the public; or
- how an accreditation authority has carried out its program accreditation work. This may include, for example, complaints about how the authority has communicated with a stakeholder, how timely or appropriate the authority's customer service was, or a policy or process that the authority has in place.

An appeal against an accreditation authority's accreditation or assessment decisions under the National Law are managed through published internal review processes and are outside the scope of this guidance.

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.

General principles for management of complaints

Context

The general principles for managing accreditation complaints aim to address the guiding principles of the National Law.

General principles

- Every National Scheme body will have a published complaints process that is rigorous, fair and responsive¹.
- The complaints process will:
 - clearly describe processes for the sharing of appropriate information (within a framework of confidentiality)
 - include a clear strategy for the management of anonymous complaints, and
 - ensure regular contact is maintained with the complainant throughout the complaints process including regular updates if the complaint is taking longer to resolve than first advised.
- The body receiving the complaint will:
 - assess the complaint early to determine whether an investigation might be needed to clarify aspects of the complaint and whether the complaint would be better referred to another body, and
 - provide advice to the complainant about any decision to refer the complaint to another body and request consent (either written or verbally) for the referral.
- Every National Scheme body will:
 - communicate effectively and clearly articulate the roles and responsibilities of all bodies involved
 - have a standardised process for referring complaints between organisations and for sharing appropriate information (within a framework of confidentiality) with other organisations, and
 - recognise that some accreditation complaints involve a potential high risk to public safety and will need to be managed differently, including communication with other Scheme bodies (see section below).

Complaints about an accredited program and/or an education provider

Context

Section 50(1) of the National Law requires the Accreditation Authority to monitor each accredited program and the relevant education provider, to ensure the Authority continues to be satisfied the program and provider meet an approved accreditation standard.

One of the ways that an Accreditation Authority may become aware that an approved program or an education provider may no longer be meeting accreditation standards is through a complaint about the conduct of the program or the education provider.

There are, broadly speaking, two types of complaints about accredited programs and education providers:

- Concerns about systemic matters, which may indicate a failure of a program or provider to meet one or more accreditation standards.
- Complaints by individuals, where the complainant seeks a matter related to their personal situation be investigated and addressed to bring about a change to that situation. This includes matters such as: employment decisions, selection decisions, recognition of prior learning/experience, allocation of training posts, examination results, or dismissal from training.

Accreditation Authorities do not generally have a role in resolving the second type of complaint. Complaints by individuals about personal situations are generally dealt with through local organisational processes.

¹ There are many guides to good practice complaints management available. For example, the [Better Practice Guide to Complaint Handling](#), published by the Commonwealth Ombudsman describes seven steps involved in an effective complaints management process. **Attachment 1 – Steps in the complaints management process** provides a modified version and detailed description of these steps.

Good practice

- If an Accreditation Authority receives a complaint about an accredited program or education provider, it will consider whether the complaint:
 - directly relates to an area covered by the accreditation standards, and/or
 - is an issue that should be further investigated as part of the Authority's monitoring processes under Section 50 of the National Law.
- If the Accreditation Authority decides the complaint relates to one or both of these items, the Authority will investigate the complaint and advise the complainant of this action.
- If the Accreditation Authority decides a complaint does not relate to either of these issues, the Authority will advise the complainant that the complaint is outside the scope of the Accreditation Authority's role. The Accreditation Authority may recommend that the complaint is referred to the education provider or to another organisation such as the relevant education regulator.
- The Accreditation Authority will:
 - ensure accreditation complaints are actively assessed and managed to ensure concerns that could potentially be considered high risk issues for students, graduates or the public are identified as early as possible
 - address any real and potential risks to providing high quality education for health professionals, and to the registration of graduates or endorsement of registered health practitioners by the National Board
 - generally manage complaints that do not raise serious concerns about a program continuing to meet the accreditation standards through the Authority's monitoring processes
 - communicate to the National Board any conditions placed on the accreditation as a result of a complaint, and
 - report to the National Board on the outcomes of any complaints it receives about an accredited program or education provider.

Complaints about accredited programs or education providers concerning potential high risk issues

Context

Information sharing is important in managing risks related to complaints. A complaint about an accredited program or an education provider may raise concerns that could potentially create high-risk issues² for students, graduates or the public. Examples of situations where early information sharing about complaints may assist management of risks include:

- Alleged moderation of clinical results leading to students graduating who have failed hurdle safety requirements in capstone assessments.
- Alleged racism and/or bullying by a number of staff or students indicating systemic issues within a program.

Good practice

- An Accreditation Authority will alert the National Board and Ahpra as soon as it becomes aware of a concern that could potentially be considered a high risk issue.

All bodies will share information relevant to a high risk issue early and often to ensure that risks are averted or minimised. This may include working with other organisations to manage complaints that fall outside the remit of National Scheme bodies, as outlined below.

² A high risk issue is one that could/is reasonably likely to result in the graduation of students who are not safe and competent practitioners, or graduation of students from a non-accredited or non-approved program who are likely to be expected to be qualified for registration in the relevant profession.

Complaints to Accreditation Authorities about their accreditation decision making processes

Context

From time to time, an individual or organisation may complain to an Accreditation Authority about the processes related to its accreditation decision making. A National Board or Ahpra may also receive a complaint about an Accreditation Authority's work.

Good practice

- If a National Board or Ahpra receives a complaint about the processes related to an Accreditation Authority's decision making, it will request consent (either written or verbally) from the complainant to refer the complaint to the relevant Accreditation Authority/ies. If the complainant does not consent to referral of the complaint, it will be managed through Ahpra's internal complaints process.
- The Accreditation Authority will report to the relevant National Board any complaints it receives about its accreditation decision making processes or its work including the outcome of any complaints referred by the National Board or Ahpra.
- Each National Board reviews the relevant Accreditation Authority's complaints processes and monitors the number of complaints and appeals as part of the reporting under the accreditation agreements/terms of reference.

Working with other organisations in the management of complaints about accredited programs and education providers

Context

Some complaints may fall outside of the remit of Accreditation Authorities, National Boards and Ahpra. Where this occurs, it is important that other organisations are aware that a complaint may be relevant to the scope of their responsibilities.

Good practice

- National Scheme bodies will work with other organisations to manage complaints that fall outside their remit and consider how best to share information while respecting responsibilities.

Below is a list of other agencies where a complaint may be referred and includes the role of each organisation in the management of complaints:

[The National Health Practitioner Ombudsman and Privacy Commissioner](#) deals with complaints about administrative actions of the bodies established to implement national health practitioner regulation scheme, particularly in relation to the actions of Ahpra and the National Boards, including;

- the actions of Ahpra when assessing and investigating notifications against health practitioners
- the actions of a National Board when considering what action to take in relation to a notification made about a health practitioner
- the actions of a National Board regarding a decision to refuse registration, or place conditions on the registration of a health practitioner
- the handling of personal information by Ahpra or a National Board.

[The Tertiary Education Quality and Standards Agency \(TEQSA\)](#) is Australia's independent national quality assurance and regulatory agency for higher education. TEQSA accepts [complaints](#) about Australian higher education providers' compliance with their regulatory obligations.

[The Australian Skills Quality Authority \(ASQA\)](#) is the national regulator for vocational education and training. ASQA accepts [complaints about VET sector providers](#) from all members of the community.

- National Vocational Education and Training Regulator Act (NVR Act), or
- Education Services for Overseas Students Act 2000 (ESOS Act)

Attachment 1 – Steps in the complaints management process

Steps	Process
<p>Acknowledge all complaints quickly</p>	<ul style="list-style-type: none"> • Receipt of the complaint will be acknowledged, and the complainant will be provided with information regarding the relevant complaints processes • If not already identified the relevant National Scheme body will ask the complainant what outcome they are seeking, acknowledging that sometimes expectations may or may not be met • The complaint will be recorded in a confidential and secure manner.
<p>Assess the complaint and prioritise</p>	<ul style="list-style-type: none"> • The complaint will be assessed to determine whether it is relevant to the Authority, the urgency of the complaint, and decide who should address the complaint given the matters raised • If the issue identified is potentially generating a high risk to the safety of the community, the National Scheme body will provide early notice of the issue to other National Scheme bodies in accordance with the monitoring requirements of the National Law.
<p>Plan the investigation</p>	<ul style="list-style-type: none"> • Depending on the complexity of the complaint, the relevant National Scheme body will plan the investigation including: identifying what is to be investigated; who will co-ordinate the investigation; and note any special considerations.
<p>Investigate the complaint</p>	<ul style="list-style-type: none"> • The complaint will be investigated using the principles of accessibility, understanding, transparency, fairness, responsiveness, improvement, accountability and evidence-informed decision-making.
<p>Respond to the complainant in a timely manner</p>	<ul style="list-style-type: none"> • A response will be provided to the complainant upon completion of the investigation. This may include the particulars of the investigation, any findings and the decision reached • On occasion, it may not be possible to resolve each disputed matter as the evidence available after investigation might be scant, inconclusive or unevenly balanced, and this may be explained to the complainant.
<p>Follow up any concerns</p>	<ul style="list-style-type: none"> • Feedback will be sought on complaints management to ensure transparency and stakeholder confidence in the process.
<p>Consider any systemic issues</p>	<ul style="list-style-type: none"> • Any systemic issues will be considered and identified in the investigation of the complaint and make a recommendation if any remedy or action is indicated, including referral to another agency. This may be done during the management of the complaint.