

Fact sheet - practitioner

What happens if a complaint is made about you?



Council of New South Wales

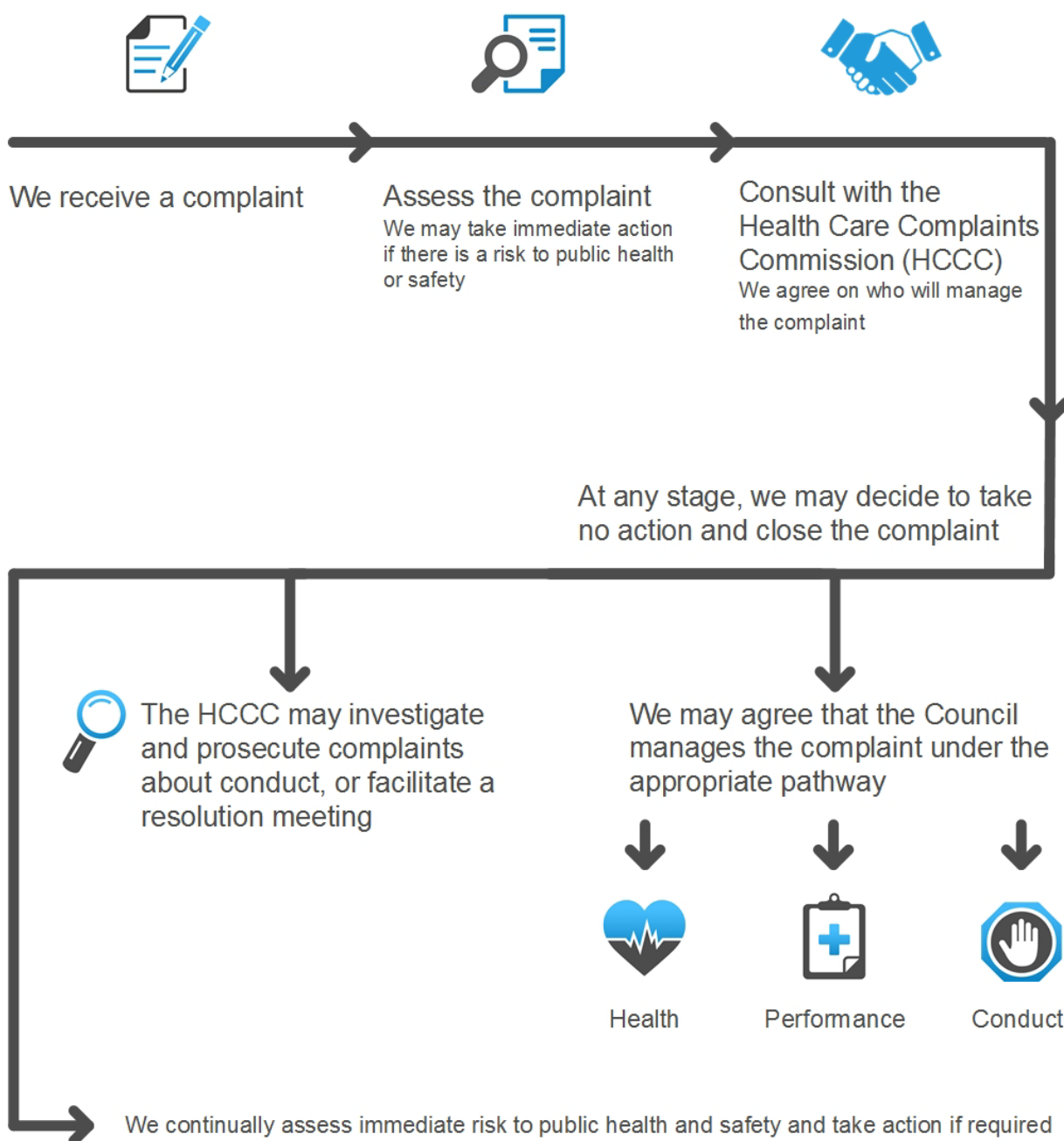
Summary

This fact sheet gives you information about the assessment process we follow when assessing a complaint about you, including possible outcomes. Our powers come from the *Health Practitioner Regulation National Law (NSW)*, which we refer to in this fact sheet as the *National Law (NSW)*.

This fact sheet includes:

- a summary of the assessment process
- further details about our legal powers, your rights and your professional obligations

The assessment process



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We receive a complaint

You will be told about the complaint by either the Health Care Complaints Commission (HCCC) or us, and asked to respond.

Our primary purpose is to minimise any risk of harm in order to protect public health and safety. Our role is not to punish you, but to ensure that you are able to practise safely and competently.

Assessing a complaint and reaching an outcome usually takes months, and sometimes, longer for complex matters. This allows for appropriate assessment and procedural fairness.



We assess the risk to public safety

We assess the seriousness of the alleged conduct or behaviour and any information received, along with the risk of recurrence. At any stage we may hold an urgent hearing. We can act to protect the public and consider suspending or imposing restrictions on your registration if there is an immediate risk, or if it is otherwise in the public interest.



We consult with the HCCC and agree on who will manage the complaint

We jointly decide which agency will manage the complaint. Each agency has different legal powers and the decision will reflect which agency is most suitable. You will be told about this decision.



When the HCCC manages the complaint

The HCCC may investigate and prosecute serious complaints, or facilitate a resolution meeting. More information about the HCCC's process can be found at: www.hccc.nsw.gov.au/Complaints/Complaint-Process



When we manage the complaint

We manage complaints under three pathways health, performance or conduct. We may:

- collect information from relevant parties, in writing or via an interview
- require you to attend a health and/or performance assessment
- hold a panel or committee meeting to decide whether or not we need to restrict your practice to protect the safety of the public
- direct you to attend counselling about professional standards
- advise AHPRA of our decisions so it can update the national register of health practitioners
- monitor your compliance with any orders or conditions on your registration.



How we assess the complaint

We consider:

- your individual circumstances, the complaint, your response to the complaint, and any other relevant information (including information requested from other parties and previous complaints)
- if the incident was serious, is likely to occur again
- if you have reflected and can demonstrate an understanding of why your practice or behaviour may have fallen short of acceptable standards.
- the impact of your health on your practice
- if you have taken any action to ensure that a similar complaint does not occur again.



At any stage, we may close the complaint

On some occasions, we might agree not to take any action on a complaint, without seeking your response. If this occurs, you will be given a copy of the complaint and told that the complaint is closed.



Outcome of the complaint

We will tell you the outcome of the complaint and any next steps. We will only impose restrictions or requirements on your registration if it is appropriate to do so.

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Further details

Your professional obligations

As a registered health professional, you must:

- be timely with your responses and meet our deadlines
- tell us and AHPRA if you change address, contact details or principal place of practice
- follow directions to comply with orders, or undertakings
- act and communicate respectfully.

Our legal powers and obligations

We can ask you to:

- provide us with certain information under s164G of the *National Law (NSW)*. This may include employment details and/or a log of your continuing professional development activities
- attend assessments, counselling and hearings, and provide us with information or evidence of your compliance with conditions or restrictions on your registration.

We may share information

We make certain information publicly available in circumstances such as when you have a condition or suspension imposed on your registration.

We must share information, such as when we:

- inform the complainant about the outcome of their complaint
- provide information to Council-appointed assessors
- provide information to AHPRA (including other states and territories), the HCCC, NSW Health, and overseas regulatory authorities.

We must tell your employer/s if the complaint results in your registration status changing, including:

- if conditions are imposed on, amended or removed from your registration
- your registration is cancelled or suspended.

Your rights

You have the right to:

Be treated with respect

Be kept informed

We will tell you about actions taken which affect your registration or require you to change your practice. Until then, your practice is not restricted.

Respond to the complaint

- you should respond to the specific issues raised by the complaint. You can send us any information you think is appropriate.
- if we decide to hold a hearing, we may invite you to attend
- if we impose restrictions on your registration, we will tell you as soon as practicable after taking that action.

Confidentiality

The complaints process is confidential.

Initially, if a complaint has been made about you, we do not require you to tell your patients, colleagues or employer(s).

However, we encourage you to discuss the matter with your employer, as they can offer you support.

If we impose conditions or restrictions on your registration, this will be published on AHPRA's national register. At this time, you may be required to provide your employer with certain information. We will also write to your employer.

Seek a review and/or appeal

You have formal review and appeal rights under the *National Law (NSW)*.

Provide feedback to us

We are happy to hear your concerns about our processes, via phone or email.

You may also make a complaint about policies, procedures, member conduct, communication, access to information or quality of service using the form on our website.