
Doctors (GP) – how to make a complaint

Summary

- If you feel uneasy about the conduct (behaviour) or performance of your doctor, it may be a warning sign that something is wrong and that they are practising in an unsafe or inappropriate way.
 - You can talk about your concern with your doctor or health service directly.
 - If you are uncomfortable doing this, or if you are not satisfied with their response, you can contact the Health Complaints Commissioner, the Australian Health Practitioner Regulation Agency (AHPRA) or the Medical Board of Australia (the Board).
 - The Health Complaints Commissioner investigates and resolves complaints about healthcare and the handling of health information in Victoria.
 - AHPRA helps the Board protect the public by responding to concerns about doctors and making sure they are safe to practise.
 - All doctors practising in Victoria must be registered with the Board.
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If you feel uneasy about your doctor's conduct or performance or the service they provide, trust your judgment. Your doctor may be practising in an unsafe or inappropriate way. There are steps you can take to address this problem.

Talk to someone – a trusted friend, a family member or another healthcare professional such as a nurse, social worker or another doctor. If, having talked it through, you are still uneasy, raise your concern with your doctor directly, or with the healthcare service they work for (both of these are known as healthcare providers) – you can do this by talking to them, or by making a complaint in writing. This may clarify the situation or prevent a problem from developing and may be the quickest and easiest way to resolve your complaint.

Clearly write down what happened and who was involved, and what sort of a solution would satisfy you. Ask for a written response. The healthcare provider should acknowledge that they have received your complaint. It may then take a few months for them to respond.

If you do not feel comfortable doing this, or if you are not happy with the healthcare provider's response, you can contact:

- the **Health Complaints Commissioner** in Victoria, or the **equivalent service in your state or territory**, or
- the **Australian Health Practitioner Regulation Agency (AHPRA)**.

The **Victorian Health Complaints Commissioner** manages complaints about:

- health service organisations in Victoria such as public or private hospitals, GP clinics or community health services
- individual health practitioners, whether they are registered or non-registered (also known as general health service providers)
- anyone who holds your health records (including schools, gyms and other non-health service providers).

If your concerns are about your doctor's professional conduct, the Health Complaints Commissioner may refer it to the **Australian Health Practitioner Regulation Agency (AHPRA)**.

AHPRA investigates concerns (known as notifications) about doctors on behalf of the public and the **Medical Board of Australia**. The Board sets the standards and policies for the medical profession. All doctors must meet these to be able to work as a doctor in Australia. All doctors practising in Victoria must be registered with the Board. The Board can act to protect the public and to ensure high standards of conduct are maintained by doctors.

AHPRA has offices in each state and territory, and you can contact them with any concern about the professional behaviour, performance or health of a registered health practitioner.

The doctor-patient relationship

Good medical practice depends on trust, respect, openness and good communication between doctors, patients and their families. The Medical Board of Australia has issued **Good medical practice: a code of conduct for doctors in Australia**, which describes what is expected of all medical practitioners registered to practise medicine in Australia.

It specifies that medical practitioners should:

- be courteous, respectful, compassionate and honest
- treat each patient as an individual
- protect patients' privacy and right to confidentiality, unless release of information is required by law or by public-interest considerations
- encourage and support patients (and, when relevant, their carer or family) in caring for themselves and managing their health
- encourage and support patients to be well informed about their health and to use this information wisely when they are making decisions
- recognise that there is a power imbalance in the doctor-patient relationship, and not exploit patients physically, emotionally, sexually or financially.

Appropriate professional boundaries for doctors

Doctors must maintain a strict professional boundary in their dealings with all patients.

A doctor has a professional responsibility not to enter into a sexual, exploitative or other inappropriate relationship with a patient, former patient, or close relative of a patient, even if the patient is a consenting adult. Such a relationship may cloud the doctor's judgement and make them less objective. As a result, the quality of care the doctor provides for the patient may be compromised.

If a patient seeks such a relationship with their doctor, the doctor must tell the patient that this cannot happen, and it may be appropriate for them to advise the patient to see another doctor.

If a doctor abuses a patient's trust by crossing this boundary, they are acting unprofessionally and should be reported to the Board. If the allegations are substantiated (found to be true), the Board will take disciplinary action. All allegations of sexual assault should be reported to the police.

Crossing professional boundaries

Professional boundaries are crossed when any inappropriate sexual interaction occurs between a doctor and a patient, or an immediate family member of the patient.

There is a wide range of behaviour that is considered unprofessional sexual conduct, including:

- engaging in, or seeking to engage in, a sexual relationship with a patient
- conducting a physical examination that is not required, or that the patient has not consented to
- making sexual remarks
- flirting
- touching patients in a sexual way
- engaging in sexual behaviour in front of a patient
- speaking or acting in a way that might be interpreted as sexual
- discussing their own sexual problems or fantasies with a patient
- requesting irrelevant or unnecessary details of a patient's sexual history, preference or sexual performance
- making unnecessary comments about a patient's body or clothing, or making other sexually suggestive comments by way of sexual innuendo or jokes
- touching any part of the patient's body when the patient has indicated that they don't want to be touched. Patients may change their mind during an examination – the examination should stop as soon as the patient

indicates this to the doctor

- attempting to go out with or otherwise enter into a sexual relationship with a patient.

There are other (non-sexual) ways that doctors can cross professional boundaries, such as:

- expressing personal beliefs in a way that exploits patients' vulnerability or causes them distress
- using social media to contact patients or close relatives of patients
- establishing an inappropriate financial relationship.

Disciplinary action for inappropriate behaviour

AHPRA investigates concerns (known as notifications) about doctors on behalf of the public and the Medical Board of Australia. The Board has the power to take action to protect the public and to ensure high standards of conduct are maintained by doctors.

What the Board can and cannot do is determined by the **Health Practitioner Regulation National Law (the National Law)**. The National Law sets out the powers available to the Board to discipline doctors, and the powers of the independent tribunals that hear allegations of the most serious unprofessional conduct.

There are tribunals in each state and territory and the Board must refer a matter to the tribunal in the state or territory where the behaviour occurred. In Victoria this is the **Victorian Civil and Administrative Tribunal**.

Disciplinary powers available to the Board and the tribunal include:

- In serious cases of professional misconduct, the tribunal has the power to cancel or suspend a doctor's medical registration.
- The Board and the tribunal may impose conditions or restrictions on a doctor's registration that limit the way a doctor can work.
- The Board can caution a doctor.
- The tribunal can impose a fine, require a doctor to undergo counselling or complete further education or issue a reprimand.

How concerns are managed by AHPRA

All concerns (notifications) sent to AHPRA are treated seriously and are assessed and managed by staff trained to deal with notifications in a sensitive and confidential way.

The Board is the decision-maker in all matters that come to AHPRA about doctors. More information about **investigations**, the powers of the Board and **how notifications are managed** is published on the **AHPRA website**.

Contacting AHPRA

If you are concerned about a doctor's behaviour, it is simple to contact AHPRA for help. You can call AHPRA on **1300 419 495**, **lodge a notification online** or visit the **AHPRA website** for more information.

Where to get help

- **Australian Health Practitioner Regulation Agency (AHPRA)** Tel. **1300 419 495**
- **Centres Against Sexual Assault (CASA)** Tel. **1800 806 292**
- **1800 RESPECT National Sexual Assault**, Domestic Family Violence Counselling Service (Australia) Tel. **1800 737 732** – free telephone counselling hotline (24 hours, 7 days)
- **Kids Helpline** Tel. **1800 55 1800**
- **MensLine** Tel. **1300 78 99 78**

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