

## **Question 1**

Outcome of investigation of former employee with a criminal record.

### **Response**

An investigation was undertaken by an external and independent workplace investigations firm.

The investigation had two components:

- The first component was in support of legal advice that had already been sought by the Commission into the employment of the individual.
- The second component was to examine and comment on the processes that led to the hiring of this individual and whether there were changes that needed to be made to recruitment processes to prevent a recurrence of this situation.

The independent investigations were finalised and found:

- The individual with the criminal conviction was not honest and forthright with the Commission in responding to its questions regarding a criminal history.
- The Commission erred in not taking timely action to meet its policy of obtaining criminal history checks before an employee commences work. Several recommendations for improvements in administrative practices were made.

The Commission accepted and implemented all recommendations from the investigation reports as outlined below.

- The employee in question was no longer employed by the Commission.
- New administrative procedures were implemented to confirm that all checks must be finalised before an individual commences employment.
- To provide an additional safeguard, and at the request of the Minister for Health, the Commission also negotiated with the Children's Guardian to introduce a requirement for a Working with Children Check for Commission staff.
- The Commission finalised a review and formal update of the Recruitment and Onboarding Policy and recruitment practices, to reflect the new administrative protections and undertook communication and training on them.
- These new administrative procedures are being rigorously followed.

## Question 2

Is the Commission able to breakdown the total number of complaints about medical practitioners by:

- Individual practitioners (who may have multiple complaints)
- Incident.

## Response

The categories and settings for complaints data arise from the legislated basis on which a complaint can be made and must be reported.

Under the *Health Care Complaints Act 1993*, complaint can be made against an individual health practitioner or a health service. If a particular health “incident” involves multiple individual health practitioners and/or organisations, the written complaint form can name all providers involved in the “incident” and each provider will be set up as a separate complaint. This is the process because:

- It avoids the requirement for complainants to have to lodge multiple separate complaints about the same incident.
- It ensures that if there is a poor outcome and/or many different issues and concerns about a health care experience, there will be a full separate assessment of the role of each provider involved in that experience as the legislation requires (and the outcome may be different for each provider).

The complaints data is therefore counted “*by provider*” and each time a provider is named the data shows it as a separate complaint.

It is possible to determine the number of individual registered medical practitioners who are the subject of complaints, by extracting providers who have been the focus of multiple complaints from the total pool of medical practitioner complaints. This data extraction is shown in Table 1 below.

**Table 1. Number of individual medical practitioners identified in complaints**

	2017-18	2018-19
<b>Individual practitioners identified</b>	<b>2,051</b>	<b>1,924</b>
All complaints about medical practitioners	2,553	2,377

We can also undertake manual analysis for those providers that are the focus of multiple complaints, to identify how many individual complaints that provider may have been named in. This analysis shows:

In 2017-18:

A total of 301 medical practitioners received two or more complaints, of these:

- 13 medical practitioners received more than 5 complaints
- Three medical practitioners received more than 10 complaints (specifically: 19; 15 and 13).

In 2018-19:

A total of 287 medical practitioners received two or more complaints, of these

- 11 medical practitioners received 5 or more complaints
- Two medical practitioners received more than 10 complaints (specifically 32 and 10).

In considering whether it is possible to count health incidents, there is not a direct measure of this in the data, but there is a manual and proxy method for getting some understanding of it. This method is to count the number of individual subjects named in complaints, but in so doing care must be taken in interpretation as there will be at least four different "subject" scenarios, not all of which translate to a health incident:

- If the complaint is a mandatory self-notification by a provider in relation to say, a drug or substance abuse problem this is not a health incident per se, but it is a complaint requiring action.
- There may be a complaint naming a provider but the subject is not named. This is often the case if the complaint is about attitude or manner or if there is a concern that an incident could arise, but has not yet materialised.
- A complaint from a patient or their carer and may be identifiable as an incident based on a search "by subject".
- However, a search "by subject" will also pick up these patients/subjects who have been named on multiple occasions. This may be because they have made multiple complaints about the same incident over time, or made multiple complaints about different incidents and the data does not differentiate between those two possibilities.

The number of complaints in segment (iii) above plus a proportion of the complaints in segment (iv) above could be a reasonable proxy for the number of health incidents involving medical practitioners. This proxy "by subject" data for complaints about medical practitioners in 2017-18 and 2018-19 is presented in [Table 2](#).

**Table 2. Number of individual subjects identified in complaints about medical practitioners**

	2017-18	2018-19
Self-notification*	44	24
No subject named in complaint	449	460
Individual subject named in complaint	1803	1681
Individual subject named in many provider complaints	257	212
<b>All complaints about medical practitioners</b>	<b>2553</b>	<b>2377</b>

\* Under the Health Practitioner Regulation National Law, a registered health practitioner must provide written notice of a notifiable event such as a health impairment; criminal charges and/or conviction.