

Podiatrists Registration Board of Tasmania

Policy for Management of Complaints

Policy Number 2/2002	Date Implemented 30/8/2002	Last Review 26/8/2005	Review 1/10/2008
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Introduction

The Podiatrists Registration Board of Tasmania is the statutory authority responsible for the regulation of podiatry in the public interest. The Board is empowered under the Podiatrists Registration Act 1995 (hereinafter referred to as “the Act”) to:

- to investigate complaints and, as necessary, undertake disciplinary action against registered podiatrists.

The provisions of Part 4 of the Act prescribe the matters in respect of which complaints may be made; the manner of dealing with these complaints, and the various options the Board has for dealing with these.

In addition to the Board’s statutory responsibilities under the Act, the Board may receive complaints via the Health Complaints Commission. Pursuant to Section 58 of the *Health Complaints Act 1995*, the Board is required to “...perform whatever functions and exercise whatever powers it has to investigate the[se] complaint[s].” Board Policy 3/2002 documents the guidelines and operating protocol between the Board and the Health Complaints Commissioner.

Procedure

A flow chart summarising the Board’s procedures for managing complaints is attached.

Making of a complaint

Any person who is aggrieved, may make a complaint about the professional conduct or fitness to practice of a podiatrist. In accordance with Section 43 of the Act, all complaints in relation to a podiatrist’s professional conduct or fitness to practice must:

- be in writing;
- contain particulars of the matter complained of;
- identify the podiatrist who is the subject of the complaint or provide known information in relation to the identity of the podiatrist;
- identify the complainant; and
- be lodged with the Registrar.

Persons who require advice or assistance in regard to making a complaint may contact the Registrar.

Receipt of a complaint

Following receipt of a complaint the Registrar must, on behalf of the Board, liaise with the Health Complaints Commissioner to seek advice as to which body should consider the complaint. The complaint should then be placed before the Board without undue delay.

Consideration of Complaints

Should liaison with the Health Complaints Commissioner result in the complaint being a matter for the Board to consider, they must consider it. The key options available to the Board following receipt of a complaint are:

1. If the complaint is considered to be frivolous, vexatious or unsubstantiated then it may be dismissed (Section 45).
2. If the Board considers that a matter may be not sufficiently serious to warrant an investigation it may require the podiatrist to appear before it to give an explanation, or provide it with a written explanation (Section 46.)
3. Determine that the complaint be investigated (Section 44).

Investigation of Complaints

The investigation is to be conducted by a disciplinary committee constituting of at least three persons, one of whom is to be a registered podiatrist. The podiatrist who is the subject of the complaint will be informed in writing of the complaint and the full particulars. The podiatrist will also be informed of their rights.

Investigation Reports

Following the conclusion of the investigation, the disciplinary committee will compile and present an investigation report to the Committee for consideration and recommendation to the Board and the podiatrist who is the subject of the complaint. The future management of the complaint will be dependent on the determination of the Board following consideration of the report.

Reporting following determination of matter

Following determination of the matter, the podiatrist who is the subject of the complaint and the complainant are formally advised of the outcome. If the matter was referred from the Health Complaints Commissioner, a report of the investigation, including the outcome, is also forwarded to the Commissioner.

Costs and Expenses of Investigation

In cases where the complaint is upheld the Board may require the defendant to pay such costs arising from the investigation as it sees fit.

Notice of Decisions

The defendant must be given notice of the decision of the Board and the reasons for the decision in accordance with the relevant provisions of the Act. Information should be given on the defendants right of appeal should be given where this is applicable. A person may appeal to the Supreme Court if they are aggrieved by a decision of the Board and such appeal is to be instituted within 30 days after notice of the Board’s decision is given to the person.

Conflict of Interest

A conflict of interest is present when a person has a private or job-related interest sufficient to potentially influence how they might conduct the Board’s business. This conflict is present whether or not the person is actually swayed or believes they would be swayed by the competing interest. Schedule 2 of the Act contains provisions with regard to conflict of interest.

- 5. (1) *A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board must, as soon as practicable after the relevant facts come to the knowledge of the member disclose the nature of that interest at a meeting of the Board.*
- (2) *A disclosure under subclause (1) is to be recorded in the minutes and the member must not, unless the Board exclusive of that member determines otherwise –*
 - (a) *be present during any deliberations of the Board in relation to that matter; or*
 - (b) *take part in any decision of the Board in relation to that matter.*

In accord with the principles of Natural Justice, no employee of the Board who has a conflict of interest, is to be involved in the receipt or investigation, or any other manner of dealing, with a complaint received in relation to the conduct or health of a podiatrist(s). Any staff member who has a conflict of interest must declare that conflict of interest to the Chairperson, and a notation of the same is to be made in the Board minutes of the next Board meeting.

Approved

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Chairperson