
17 June 2020

Ahpra's response to the recommendations of the *Review of confidentiality safeguards for people making notifications about health practitioners*

Overview

Information disclosed to Australian Health Practitioner Regulation Agency (Ahpra) when concerns are raised about practitioners is important. Making sure that individuals feel safe to raise their concerns with us is vital.

In late 2018, we asked the National Health Practitioner Ombudsman and Privacy Commissioner (NHPOPC) to conduct an independent review of the confidentiality safeguards in place for individuals making notifications about registered health practitioners.

The NHPOPC reviewed Ahpra's management of confidential and anonymous notifications. It found that Ahpra's current approach offers reasonable safeguards for notifiers and was consistent with the practices of other regulators. However, there were improvements that could be made.

It made ten (10) recommendations to strengthen the protection of notifiers from risks of harm. We accept all recommendations from this report and provide the following response as to how we will implement them.

Consideration of confidentiality safeguards for notifiers (Recommendation 1)

Ahpra response

Ahpra will make several adjustments to improve the process. We will:

- continue the practice of not naming a notifier when the notifier withholds consent to do so
- assess every notification on a case-by case basis to determine whether the release of the notifier's name (and/or category of notifier¹) is necessary to enable a response
- allow a practitioner to ask us to review our decision to withhold a notifier's name
- amend our collection statement and Privacy Policy about consent to make it clear that the name of the patient will be disclosed when the concern relates to care provided to a patient, and
- consult with the Professions Reference Group and Community Reference Group about any guidance or policy changes relevant to the release of a notifier's name.

This policy will be developed by 31 July 2020 and in place by 30 September 2020.

Improvements to the administrative management of confidential and anonymous notifications (Recommendations 2-5)

Ahpra response

We have begun a review of our Privacy Policy and statement on the collection and use of information, and documents relating to notifications. A draft of a revised Privacy Policy and collection statement will be developed before 30 June 2020, and will be published and operationalised with our teams by 1 July 2020.

New resources are being developed to support and provide guidance to staff and clarify:

- how and when to redact a notifier's information
- when we may be compelled to release information about the notifier to a practitioner, and
- the circumstances under which to withhold from notifying a practitioner of an incoming notification about them, and how this is to be documented on our database.

¹ A 'category of notifier' may be a patient, relative of patient, another health practitioner or an employer

Consultation on this guidance will be completed in July 2020 and the resources will be available for staff by 30 September 2020.

Changes made to Ahpra's database (Pivotal) in September 2019 address the consent requirements for notifier's information to remain confidential or anonymous. All notifications staff have received guidance on the changes.

Work to automate reminders when dealing with a confidential notification will be prioritised alongside other system changes as part of a schedule of proposed system enhancements and an ambitious digital enhancement plan. This plan is expected to be completed by June 2022.

Improvements to communication about privacy and confidentiality for notifiers (Recommendations 6-7)

[Ahpra response](#)

All relevant communications are under review to ensure consistency and transparency in our messaging to notifiers. This review includes consideration of the information and pathways available to notifiers through our online notification portal, as well as all online guidance and fact sheets that relate to the notifications process. This will be completed by 31 December 2020.

In September 2019, new guidance and training was implemented to ensure all notifications staff have the skills to structure conversations about consent, with knowledge of what information must be provided to the notifier.

Changes to current process will require updates to this guidance and the nature of advice provided to notifiers. The review and update of guidance will be completed by 30 September 2020.

Consequences for practitioners who harm, threaten, intimidate, harass or coerce notifiers (Recommendations 8-9)

[Ahpra response](#)

Ahpra will develop guidance for staff on how to identify and flag potential harassment or intimidation of notifiers by a practitioner.

Ahpra will consult with the Professional Reference Group, Community Reference Group and professional indemnity providers before any change to current processes. This guidance will be drafted by 30 June 2020 and made operational by 30 September 2020.

We acknowledge the provisions available to the NSW health regulators under section 98 of the *Health Care Complaints Act 1993* (NSW) which make it an offence for a person who by threat, intimidation or inducement, persuades or attempts to persuade another person not to continue to make a complaint.

Ahpra and the National Boards will advise Government of this proposed amendment to the *Health Practitioner Regulation National Law* to align with this legislation.

Managing the risk of vexatious notifications (Recommendation 10)

[Ahpra response](#)

We will publish a new guide for staff by 31 July 2020 and consult with the Professions Reference Group, Community Reference Group and professional indemnity providers before operationalising the advice by 30 September 2020.