

Claims and complaints insights

Practices



1 in 14





Avant practice policyholders had a matter raised about the provision of care each year.*

The types of matters indemnified for practices include regulatory complaints (44%), claims for compensation (28%), employment disputes (20%) and other matters (7%).

*Five-year average
Data source: matters indemnified 2016-17 to 2020-21

Staff behaviour issues

Most complaints and claims in this category involved patient communication and access to care issues:

-  Communication, manner and empathy (e.g. failure to communicate results to the patient, disrespectful towards the patient, discrimination) 35%
-  Access and availability (e.g. poor appointment management, inadequate access to the doctor, long waiting time) 22%
-  Continuity of care (e.g. termination of doctor-patient relationship) 15%
-  Other 28%.

(% of total complaints and claims related to practice staff behaviour.)

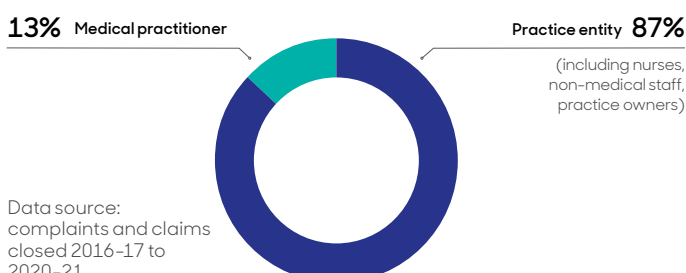
Patient information issues

Most of the allegations in this category related to:

- Use and disclosure 63%
- Administration of records (e.g. failure to or inappropriate transfer of records) 15%.

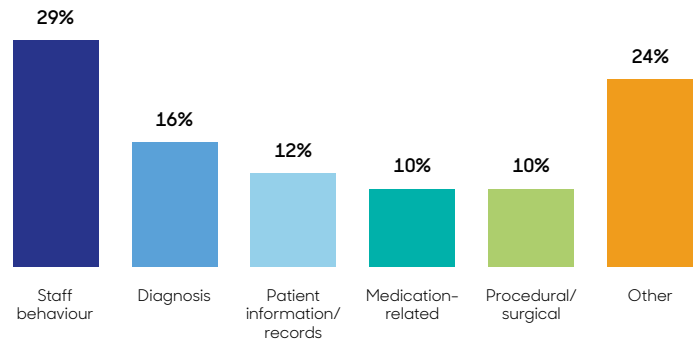
(% of total complaints and claims related to patient information.)

Party against whom the complaint or claim was made



Data source: complaints and claims closed 2016-17 to 2020-21

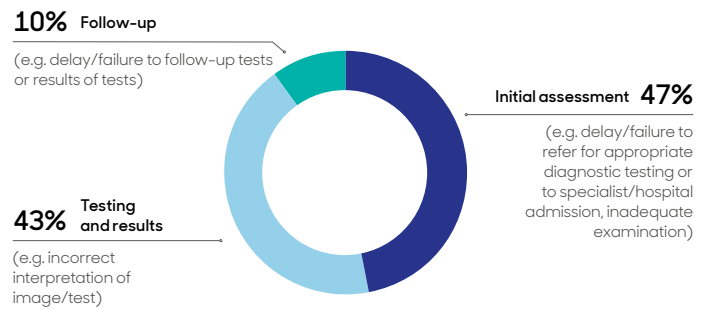
Regulatory complaints and compensation claims against practices related to:



Data source: complaints and claims closed 2016-17 to 2020-21

Diagnosis issues

Issues resulting in delayed, missed or wrong diagnosis in each stage were the basis of diagnosis-related allegations.



(% of total complaints and claims related to diagnosis.)

Key points

- The most common issues in practice complaints and claims were staff behaviour relating to patient communication, and access to the doctor.
- Poor referral process, inadequate examination and incorrect interpretation of test results were the main concerns that led to diagnosis-related allegations.
- Most claims and complaints were raised against the practice, including nurses, non-medical staff and owners. It is important to ensure your practice holds appropriate indemnity insurance to cover acts of your staff.
- Practices met the standard of care expected in 7 out of 10 claims and complaints.

Practice standard of care assessment

Experts and/or regulators assessed that practices met the standard of care in 7 out of 10 claims and complaints.



● Meets standard of care ● Below standard

(% of complaints/claims where the assessment of the expected standards on the main factor is known.)

Glossary

1. Matters include claims, complaints, coronial cases and other matters such as employment disputes and Medicare.
2. Claims refers to claims for money, compensation and civil claims.
3. Complaints relates to formal complaints to regulators.
4. Employment disputes are matters where Avant defends members against complaints or supports members to resolve employment issues.
5. Medicare matters include Medicare investigations and audits.

Resources

Practices can contact the Medico-legal Advisory Service (MLAS) for expert medico-legal advice. If you receive a claim or complaint, contact us ([avant.org.au/MLAS](https://www.avant.org.au/MLAS)) on **1800 128 268** – available 24/7 in emergencies.

For any queries on this analysis, please contact us at research@avant.org.au



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IMPORTANT: Avant routinely codes information collected in the course of assisting member doctors in medico-legal matters into a standardised, deidentified dataset. This retrospective analysis was conducted using this dataset. The findings represent the experience of these doctors in the period of time specified, which may not reflect the experience of all doctors in Australia. This publication is not comprehensive and does not constitute legal or medical advice. You should seek legal or other professional advice before relying on any content, and practise proper clinical decision-making with regard to the individual circumstances. Persons implementing any recommendations contained in this publication must exercise their own independent skill or judgement or seek appropriate professional advice relevant to their own particular practice. Compliance with any recommendations will not in any way guarantee discharge of the duty of care owed to patients and others coming into contact with the health professional or practice. Avant is not responsible to you or anyone else for any loss suffered in connection with the use of this information. Information is only current at the date initially published [April 2023]. © Avant Mutual Group Limited 2023. MJN-1099 04/23 (DT-3097)