



AHPRA Management Policy – Regulatory Operations

Operational Policy: Responding to critical compliance events

Division: Compliance

Purpose

The purpose of this policy is to ensure that all critical compliance events are managed consistently, effectively and in the public interest with oversight by the National Board.

Background

Critical compliance events are triggers for a review of the monitoring case, the restrictions in place on the registration and the overall risk posed by the practitioner. A critical compliance event may indicate that a practitioner is suspected non-compliant or non-compliant with the restrictions on their registration and/or that the restrictions in place on the registration are no longer sufficient to protect the public.

Policy statement

In all instances of critical compliance events, risk management activities must be undertaken to:

- gather further information to appropriately inform assessment of the situation specific risk
- manage the risks associated with the suspected critical compliance, critical compliance event.

Risk management must be consistent with the risk the critical compliance event poses or may pose to the public. Where an operational policy exists for the types of restrictions being monitored, the response to the critical compliance event must be undertaken in accordance with the policy.

The risk management activity must be recorded in the compliance status commentary in accordance with the procedure: Recording a compliance status in order to ensure accurate reporting to the National Board.

At a minimum risk management activity must be undertaken as follows:

- **Notify practitioner**

Case officers must notify the Practitioner of the occurrence of a critical compliance event. This activity is mandatory and must be in written correspondence outlining the details of the critical compliance event.

In circumstances where the critical compliance event poses a serious and immediate risk to the public, and in which the AHPRA recommendation is to take immediate action under Part 8 of the National Law, case officers are not required to notify the practitioner of the fact of the critical compliance event prior to consideration by the National Board.

- **Escalation to the National Board**

All critical compliance events must be notified to the National Board either for noting or for a decision in relation to a recommendation to take action, in accordance with the *Guideline: Managing and responding to critical compliance events*. Notification to the National Board may be via an agenda paper with a recommendation or via an automatically generated reporting for noting.

Recommendations to the National Board must be guided by the Regulatory Principles for the National Scheme and the *Guideline: Managing and responding to critical compliance events* and have regard for the specific circumstances of the critical compliance event including risk indicators and risk mitigating factors.

Scope, evaluation and review

This operational policy is established in accordance with *Operational Guidance Framework*. It must be used and complied with by all relevant Regulatory Operations staff and decision makers.

This operational policy will be reviewed annually.

References

Procedure: Recording a compliances status

Guideline: Managing and responding to critical compliance events.

Policy Sponsor

National Director Compliance

Approved by

Executive Director, Regulatory Operations

Effective date

This policy is effective from July 2018.