

## COMPLAINTS RESOLUTION

### 1 General Principles

The Australian Dental Association [ADA] recognises it has a number of obligations with respect to complaints concerning professional duties.

- 1.1 The interests of the patient must always be paramount.
- 1.2 The ADA should maintain mechanisms which aim to ensure its members practise dentistry at the highest possible standard.
- 1.3 Self-regulation by the dental profession should be preserved and promoted.

### 2 Responsibility

- 2.1 The ADA recognises its responsibility for matters concerning conduct, performance and standards in the provision of services by its members.
- 2.2 The ADA may provide a mechanism to resolve a dispute where a dentist, who is a member of the ADA, is the subject of a potential or actual formal complaint about that member's conduct, performance or standards in the provision of services.
- 2.3 The ADA may co-operate in a mechanism to resolve a dispute where a dentist, who is not a member of the ADA, is the subject of a potential or actual formal complaint about that dentist's conduct, performance or standards in the provision of services.
- 2.4 The ADA recognises the role of the Dental Boards, State Health Complaints Commissions and other statutory authorities in the resolution of complaints.

### 3 Conciliation

- 3.1 Conciliation is a process which attempts to resolve differences between dentists and complainants without recourse to adjudication. It may be made available through the ADA or other bodies.
- 3.2 The ADA, through its Branches, may provide an avenue for conciliation in addition to or in conjunction with Dental Boards, state health complaints Commissions and other statutory authorities.
- 3.3 Conciliation should be available to deal with complaints concerning all dentists.
- 3.4 The means for conciliation should be available as a primary response to a formal written complaint.
- 3.5 The conciliatory mechanism should use the services of experienced dental practitioners.
- 3.6 Information provided by a practitioner who is the subject of a complaint during conciliation should remain privileged and be quarantined from future adjudicative or civil proceedings.

## 4 **Adjudication**

- 4.1 Where conciliation mechanisms have failed to resolve a dispute then the matter may proceed to adjudication utilising either peer review mechanisms or appropriate statutory authorities.
- 4.2 In matters requiring adjudication, preference should be given to peer review mechanisms which allow assessment of the appropriateness and quality of care.
- 4.3 Statutory review applies to all registered dentists and is regulated by Government.

### **Policy Statement 4.4**

Adopted by ADA Federal Council, November 21/22, 2002.  
Amended by ADA Federal Council, November 15/16, 2007.

## APPENDIX TO POLICY STATEMENT 4.4

### PRINCIPLES OF PEER REVIEW

1. Peer Review is a system by which the dental profession assumes a responsibility for reviewing matters concerning the performance of a dentist in carrying out professional duties, upon receipt of a formal complaint.
2. Peer Review is intended to provide assessment of an alleged deficient practice.
3. Appropriate matters for assessment by Peer Review might include (but are not limited to):
  - 3.1 propriety of treatment;
  - 3.2 appropriateness of care;
  - 3.3 quality of services rendered;
  - 3.4 reasonableness of fees;
  - 3.5 questions of overall provider competency.
4. The following guidelines should apply to the operation of Peer Review:
  - 4.1 Assessment of a complaint against a practitioner must be by a committee composed of the practitioner's peers.
  - 4.2 All parties concerned should agree to recognise the authority and finding of a Peer Review Committee.
  - 4.3 A Peer Review Committee should employ established parameters for the assessment of clinical quality and professional performance.
  - 4.4 Clinical assessment may be made only with the consent of both patient and practitioner.
  - 4.5 Where clinical assessment of a patient is undertaken, a Peer Review Committee may engage independent consultants, who should be remunerated.
  - 4.6 A consultant's report shall be in writing, limited to facts, and must only be made to the Peer Review Committee.
  - 4.7 Members of a Peer Review Committee and its consultants must be afforded protection against litigation arising from their participation in the review.
  - 4.8 Where either party initiates legal procedures in connection with a complaint, the review shall cease.