



# RESPONDING TO A COMPLAINT

## GUIDE FOR VETERINARY PRACTITIONERS TO RESPOND TO COMPLAINTS

Under the provisions of Section 21(1) of the Veterinary Practice Act 1997 the Board must investigate complaints received regarding the professional conduct of a person who is or was, at the time the conduct took place, a registered veterinary practitioner. The Board will investigate the complaint on behalf of the complainant. This is a guide for veterinary practitioners to assist them to respond.

- The response should detail the veterinary practitioner's version of events surrounding the complaint and address only the matters of fact relevant to the complaint.
- The response should be written in a manner which can be understood by both lay people as well as veterinary practitioners. When formulating the response, the veterinary practitioner must consider that the written response will be forwarded to the complainant for comment.
- Your response must be legible and preferably **typewritten** on A4 paper. If not typed please ensure a 2cm margin is allowed around the edge of the page. This will facilitate photocopying of the documents.
- Your response **must be signed**.
- **Clinical records must accompany your response. Clinical records should not be transcribed into the body of your comments but must be presented separately.** If the writing is difficult to read please provide a typed transcript of the records as well as the original. All original documents and any radiographs will be returned at the conclusion of the investigation.
- It is recommended that supporting statements from other involved persons are in the form of a statutory declaration.
- The response must be sent within the time indicated via post.
- The clinical records, any associated diagnostic test results and statutory declarations may be sent to the complainant.
- Any further documentation obtained by the Board during the investigation will be provided to you should the case be referred to an Informal or Formal Hearing.

A checklist is provided on page four to assist you in providing a comprehensive response.

Any enquiries about the complaint or the response should be direct to the Investigation Officer or Registrar (03 9620 7444). This is particularly relevant if there is any difficulty in responding by the deadline.

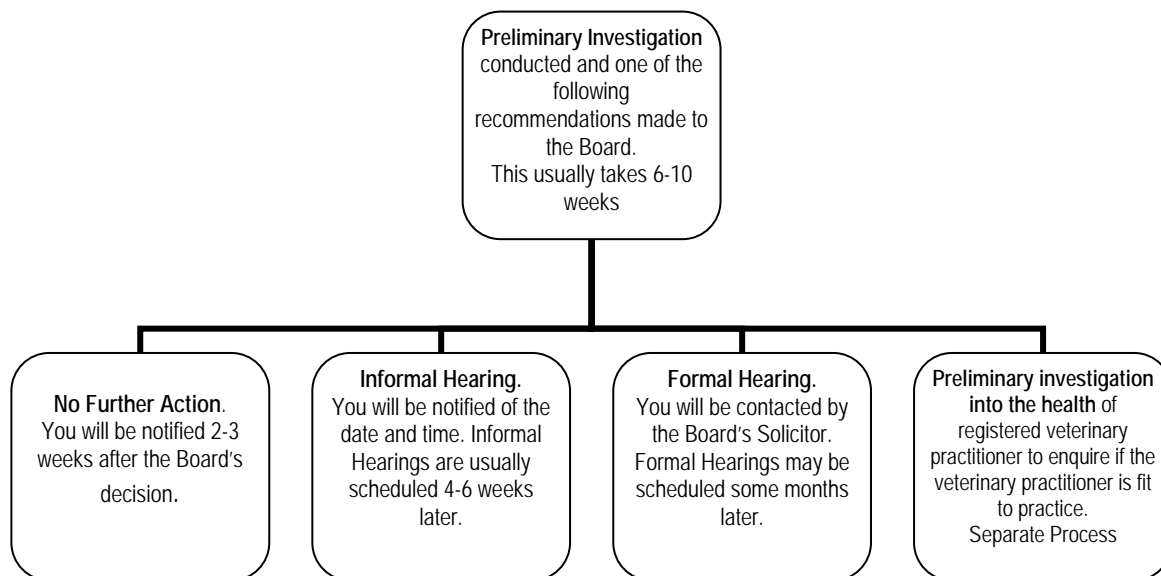
***The Complaints process takes a minimum of three months. Resolution may take up to six months or longer depending on the level of evidence required.***

The Board is subject to the provisions of the *Freedom of Information Act 1982* and the *Information Privacy Act, 2000*. The Board will only use and disclose personal information about you for the purpose of conducting an investigation of this complaint, unless consent has been obtained to use the information for additional purposes. The Board's privacy policy can be obtained from the address below or the Website at [www.vetboard.vic.gov.au](http://www.vetboard.vic.gov.au).

**Unprofessional conduct** may mean all or any of the following:

- of a lesser standard than that which the public or other veterinary practitioners might reasonably expect of a registered veterinary practitioner, (including non-compliance with the Board's guidelines);
- professional misconduct;
- infamous conduct in a professional respect;
- providing veterinary services of a kind that are excessive, unnecessary or not reasonably required for the animal's well-being;
- a finding of guilt under an Act in law;
- Influencing or attempting to influence the conduct of a veterinary practitioner in such a way that an animal's well-being may be compromised;
- The contravention of or failure to comply with a condition, limitation or restriction on the registration of a veterinary practitioner imposed by or under the Act.

## SUMMARY OF STEPS INVOLVED IN PROCESSING A COMPLAINT



If an **Informal Hearing** is to be held the veterinary practitioner will be notified by registered post as to the time and place. The practitioner should provide evidence of Continuing Professional Development over the previous three years. The Informal Hearing Panel will not be more than three Board members, one of whom is not a registered veterinary practitioner. The veterinary practitioner is entitled and requested to be present at the Informal Hearing and may be accompanied by another person. The accompanying person must not be a legal practitioner or a representative of any professional indemnity insurer. This person is not entitled to participate in proceedings. The hearing is not open to the public. During, or at the conclusion of an Informal Hearing, the veterinary practitioner may ask for a Formal Hearing or the Informal Hearing Panel may be of the opinion that a Formal Hearing should be held.

At the conclusion of the Informal Hearing the Panel may find either the veterinary practitioner has, or has not, by act or omission, engaged in unprofessional conduct which is not of a serious nature. If the Panel finds that the veterinary practitioner has engaged in unprofessional conduct, it may make one or more of the following determinations:- That the veterinary practitioner

- be required to undergo counselling;
- be cautioned;
- undertake further education or training;
- be reprimanded;

If the veterinary practitioner fails to attend the Informal Hearing without good cause or the Panel is of the opinion that a Formal Hearing should be held, then the Panel will refer the matter to a Formal Hearing.

If a **Formal Hearing** is to be held notice of the hearing will be served and sent by registered post. The Panel will consist of not less than three Board members, one of whom will be a lawyer and at least one a registered practitioner. The veterinary practitioner is entitled and requested to be present, make submissions and be represented. After considering all the submissions, the Panel may make a determination that the veterinary practitioner, has or has not, by act or omission, engaged in unprofessional conduct, which is of a serious nature. If the Panel finds that the veterinary practitioner has engaged in unprofessional conduct, it makes one or more of the following determinations:- That the veterinary practitioner

- be required to undergo counselling;
- be cautioned;
- be reprimanded;
- give written undertakings;
- require further education or training;
- impose conditions, limitations or restrictions on registration;
- impose a fine;
- require costs of the hearing to be paid;
- alter or cancel endorsement as a specialist ;
- suspend registration;
- cancel registration.

After either an Informal or Formal Hearing the veterinary practitioner will be notified in writing of the findings, determination and the reasons.

VETERINARY PRACTITIONERS REGISTRATION BOARD OF VICTORIA  
ABN 88 393 171 326

Level 11/470 Collins Street, Melbourne Victoria Australia 3000

## VETERINARY PRACTITIONER RESPONSE CHECKLIST

*This checklist is supplied to assist you in providing a comprehensive response and is not required to be returned*

<i>LIST OF REQUIRED DOCUMENTS TO BE SUPPLIED TO THE BOARD</i>	<i>PROVIDED IN RESPONSE</i>
	<i>Tick relevant documents</i>
<i>Items to be addressed in your LETTER OF RESPONSE</i>	
<ul style="list-style-type: none"> <li>• <i>STATEMENT OF EVENTS</i></li> <li>• <i>SPECIFIC ISSUES TO BE ADDRESSED</i></li> <li>• <i>OTHER COMMENTS</i></li> </ul>	
<i>CLINICAL RECORDS</i>	
<ul style="list-style-type: none"> <li>• <i>ORIGINAL</i></li> <li>• <i>TRANSCRIPT</i></li> </ul>	
<i>ADMISSION FORMS</i>	
<i>CONSENT FORMS</i>	
<i>RADIOGRAPHS</i>	
<i>PATHOLOGY REPORTS</i>	
<i>ANAESTHESIA RECORDS</i>	
<i>HOSPITAL IN-PATIENT RECORDS</i>	
<i>STATUTORY DECLARATIONS</i>	
<i>OTHER RELEVANT DOCUMENTS/FORMS</i>	
<i>CONTINUING PROFESSIONAL DEVELOPMENT LOG</i>	
<i>COMPLIANCE SELF ASSESSMENT FORM</i>	