

Hospital-based early career doctors

Overview

- Avant's Medico-legal Advisory Service provided vital support and guidance to hospital-based early career doctors during the COVID pandemic and continues to do so today.
- Regulatory complaints accounted for the largest share of medico-legal matters, followed by employment disputes.
- Practitioner behaviour was a significant issue in complaints, particularly relating to health impairment and communication.
- Other common concerns included prescribing and patient management (residents) and surgical-related issues (registrars).
- In more than 50% of regulatory complaints, early career doctors were found to have met the expected standard of care.
- Where the standard of care was not met, risk intervention strategies helped reduce the severity of outcomes.

Practice points

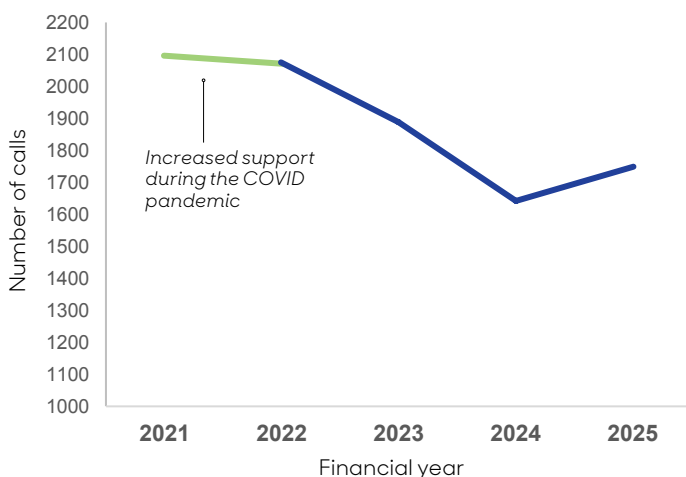
- As doctors progress through hospital training and assume greater responsibilities, they are more likely to receive complaints relating to communication, procedural skills and patient boundaries.
- Take patient concerns seriously and respond promptly. Communicate proactively with patients to understand and address their concerns.
- Manage patient expectations for procedures through clear communication, realistic examples of outcomes, and a thorough consent process.
- Document all discussions carefully.
- Do not let concerns about impairment-related complaints prevent you from seeking healthcare when you need it. Complaints are uncommon at this stage of your profession, and prioritising your health is always the safest course of action.

Incidence and types of matter are based on all matters indemnified by Avant for hospital-based early career doctors from FY 2021-25. Underlying themes and outcome of complaints are based on regulatory complaints closed from FY 2019-25.

Hospital-based early career doctors are covered by their hospital for civil liability for patient injury, while Avant provides cover for other medico-legal matters including regulatory complaints, employment and training disputes, coronial matters, and other issues. Avant members also have access to Avant's Medico-Legal Advisory Service (MLAS) for expert guidance and support when challenges arise.

Medico-legal calls

MLAS received an average of 1800 calls from hospital-based early career doctors each year with volumes rising to more than 2000 calls during the COVID pandemic.

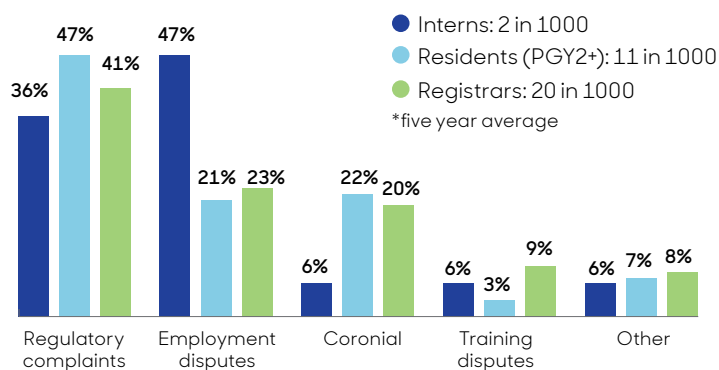


Most common topics discussed

- 1. Clinical issues** (e.g. treatment-related incidents/adverse events, COVID-related, patient relationships, medical records, confidentiality)
- 2. Employment concerns** (e.g. employment disputes, contracts)
- 3. Patient complaints** (e.g. responding to complaints)
- 4. Court documents and requirements** (e.g. responding to subpoenas for medical records)
- 5. Coronial matters** (e.g. preparing a coronial statement).

The above review is based on an analysis of MLAS calls from hospital-based early career doctors from FY 2021-25.

Annual incidence* of hospital-based early career doctors who had a medico-legal matter and the types of matters



Most common themes in regulatory complaints

Interns

65% Practitioner behaviour e.g. allegations of impairment (mental or psychological)

Residents (PGY 2+)

27% Practitioner behaviour e.g. allegations of impairment (mental or psychological, substance abuse), communication issues

18% Medication e.g. inappropriate prescribing of drugs of dependence and other medication, self-prescribing

18% Management/treatment e.g. complaints about provision of treatment (inadequate or no examination, treatment plans)

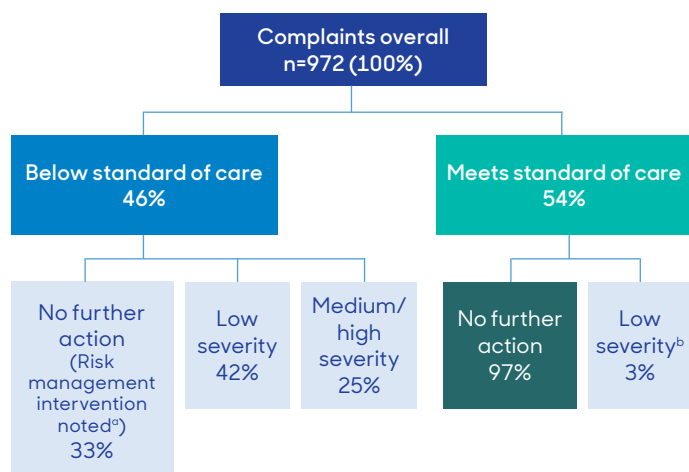
Registrars

30% Practitioner behaviour e.g. communication issues, impairment (mental or psychological, substance abuse), patient boundary issues

14% Procedural/surgical e.g. poor performance/skill/competence in relation to specific procedures or surgeries.

Regulatory complaints outcomes for hospital-based early career doctors overall

- More than half of complaints (54%) were considered to have met the standard of care. Of these, nearly all were finalised with no further action.
- Less than half of complaints (46%) were assessed to not meet the standard. One-third was finalised with no further action with risk management intervention contributing to this outcome. Other cases had either low severity (42%) or medium/high severity (25%) outcomes.



Outcomes classified as: no further action (no further action/discontinued), low severity (counselled/caution/conciliation/resolution), medium severity (conditions/reprimand), high severity (registration changes/suspension). Cases often incur significant legal costs and considerable time to resolve. This includes cases that have been dismissed.

Notes

This analysis was conducted on regulatory complaints made against hospital-based early career doctors closed from July 2018 to June 2025. Only complaints that were risk assessed and with a known outcome were included.

- a) No further action may have been taken despite a below standard of care assessment. This outcome would have considered the actions already carried out by the member including proactive risk management interventions made or education such that there is no future risk.
- b) In some cases, a practitioner who has met the requisite standard of care may agree or be required to go through an additional process, such as a conciliation, for the parties to discuss concerns and explore mutually acceptable resolutions.

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 including Ahpra, HCCC in NSW and OHO in Queensland.
4. Employment disputes are matters where Avant defends members against complaints or supports members to resolve employment issues.
5. Training disputes are disagreements that arise during a doctor's vocational training, involving their training provider, hospital, or a supervisor, assessor, or reviewer.

Medico-legal advice

If you receive a claim or complaint, contact us (avant.org.au/MLAS) on 1800 128 268 for expert medico-legal advice on how to respond – available 24/7 in emergencies.

Avant's Risk Advisory Service provides personalised support to help proactively reduce your exposure to claims. You can benefit from a personalised risk assessment with a focus on strategy to improve your medical records. Contact us at Risk.Advisory@avant.org.au or visit avant.org.au/risk-advisory-services.

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

Useful resources

Completing a death certificate:

avant.org.au/resources/completing-a-death-certificate

Coronial investigations and inquests:

avant.org.au/resources/coronial-investigations-and-inquests

Early career doctors – managing complaints matters:

avant.org.au/resources/ecd-how-we-manage-complaints-matters

Health and well-being support for Avant members:

avant.org.au/health-and-wellbeing



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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. © Avant Mutual Group Limited 2026. Insight-023a Published and current as of: 02/26 (DT-4697)