

Hospital-employed doctors

Overview

- Avant's Medico-legal Advisory Service supports hospital-employed doctors by providing medico-legal advice on issues relating to provision of care, complaints, employment and coronial cases, among others.
- Regulatory complaints (42%) were the most common medico-legal matters among hospital-employed doctors who sought assistance from Avant, followed by coronial matters (28%) and employment disputes (24%).
- Management and treatment issues, together with concerns about practitioner behaviour, were the most common themes in regulatory complaints.
- In 72% of regulatory complaints, hospital-employed doctors were found to have met the expected standard of care.

Practice points

- Take patient concerns seriously. Engage proactively with patients to understand and address their concerns.
- Use open disclosure where appropriate. Follow your hospital's open disclosure policy and seek medico-legal advice from Avant if needed.
- Prioritise continuity of care and ensure safe and effective clinical handover across teams and healthcare providers (including external practitioners), with clear documentation of management plans.
- Carefully document discussions with patients and healthcare providers involved in the patient's care, both within and outside the hospital, where appropriate.
- If your hospital is assisting you with a medico-legal matter, Avant can provide independent advice to ensure your own interests are protected.

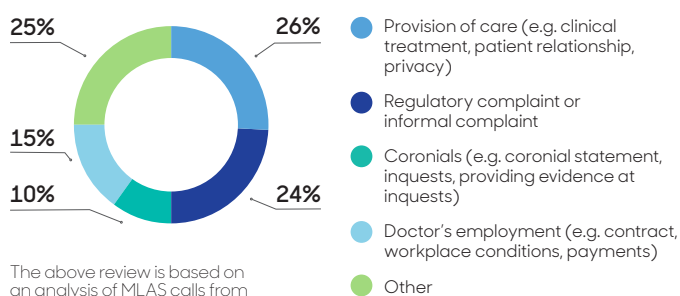
Incidence and types of matter are based on all matters indemnified by Avant for hospital-employed doctors from FY2021-25. Underlying themes and assessment of care are based on regulatory complaints closed from FY2020-25.

Hospital-employed doctors are generally 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.

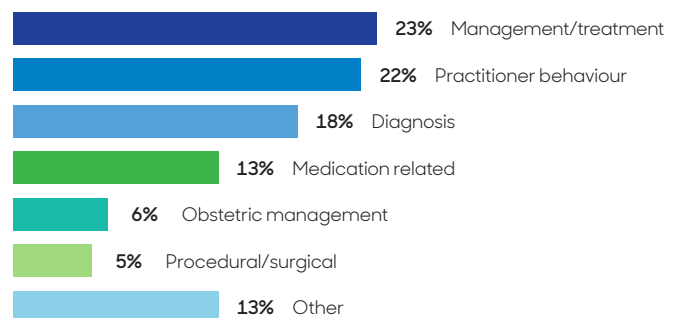
Medico-legal calls

1 in 7* hospital-employed doctors contacted Avant's Medico-legal Advisory Service (MLAS) per year (*six-year average).

MLAS supported these doctors by providing expert advice across a range of topics:



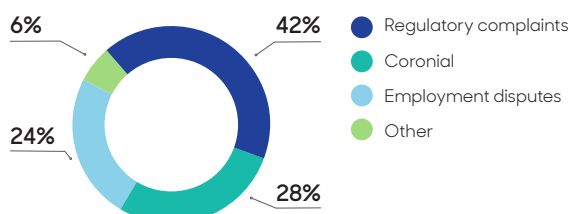
Main issues in regulatory complaints



Main theme	Most common issue
Management/treatment	• Failure to appropriately arrange treatment of patients (e.g. frequently psychiatric patients) • Delay or failure to instigate appropriate treatment plan • Lack of discharge summary or arrangements for continuity of care upon patient discharge or transfer • Inadequate or no examination
Practitioner behaviour	• Attitude and communication issues • Professional boundary transgression
Diagnosis	• Failed, delayed or mis-diagnosis during the initial patient assessment • Contributing factors included inadequate examination, failure to refer for appropriate diagnostic testing and failure to establish differential diagnosis
Medication related	• Prescribing issues (e.g. inappropriate prescribing) • Prescribing drugs of dependence (e.g. inappropriate prescribing or over-prescription)

Medico-legal matters

1 in 24* Avant hospital employed doctor members per year were subject to a complaint, coronial claim, employment dispute or another type of matter relating to their provision of health care (*five-year average).



Assessment of the care provided

Experts and/or regulators assessed the care provided in regulatory complaints, with the following results:



Cases that meet the standard of care are generally dismissed with no further action. When care is assessed as below standard, Avant works with members throughout the legal process. Outcomes vary depending on the nature and complexity of the matter. Click [here](#) for more information.

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

About this analysis

This report is based on our analysis of regulatory complaints involving Avant member hospital-employed doctors practising exclusively in the public hospital system, finalised between 1 July 2019 and 30 June 2025.

Hospital-employed doctors included in this analysis comprise career medical officers, hospital medical officers, emergency medicine doctors, geriatricians, intensive care specialists, obstetricians and gynaecologists, oncologists, paediatricians, palliative care specialists, psychiatrists and respiratory physicians.

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 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 [Risk Advisory Services – Avant](#).

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. © Avant Mutual Group Limited 2026. Insight-014 Published and current as of: 08/26 (DT-4903)