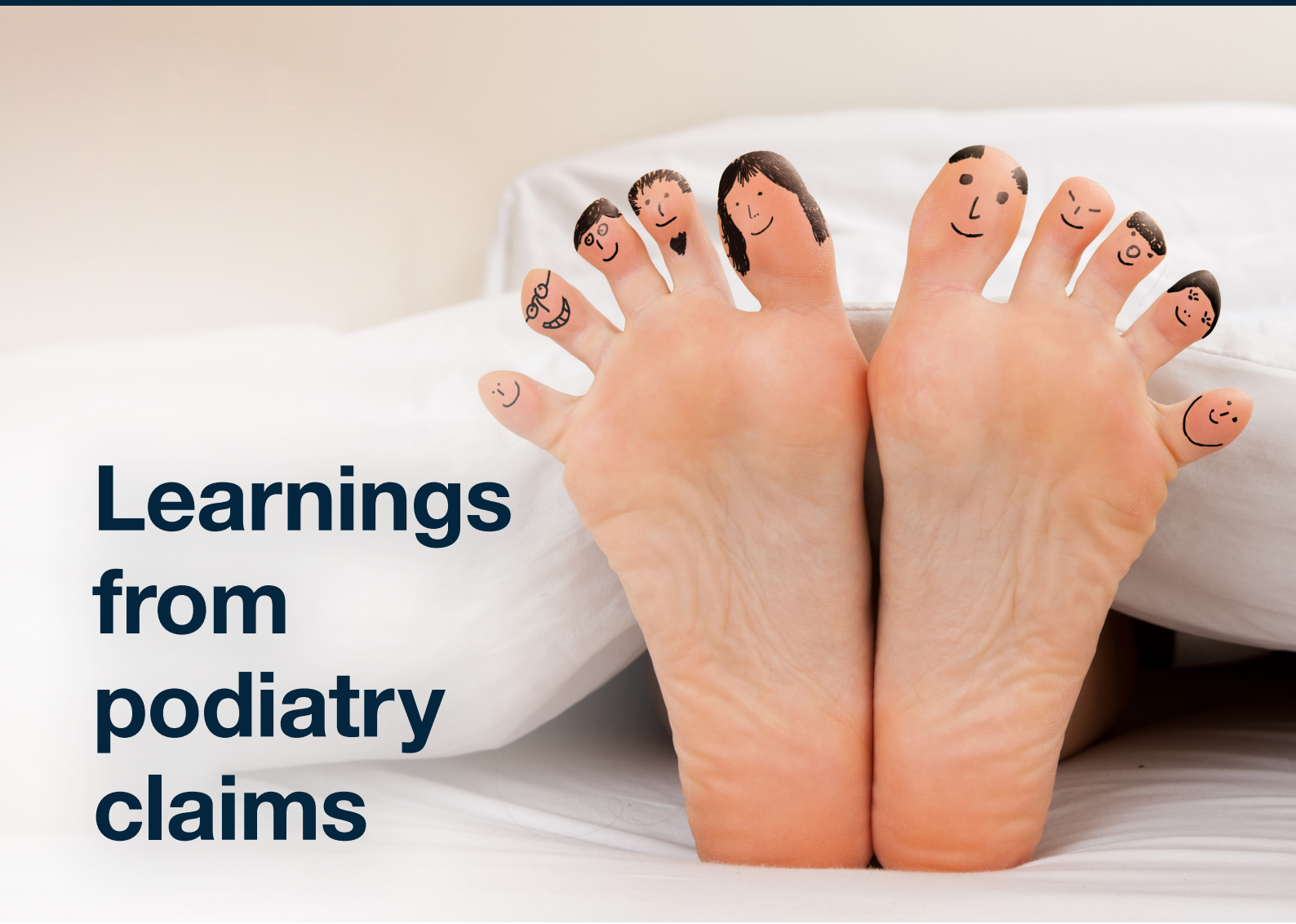

Learnings from podiatry claims

Guild Insurance spends time analysing claims and/or complaints relating to treatment provided by podiatrists. This involves complaints made directly to the practitioner or practice, as well as complaints to a regulatory body such as Ahpra. This analysis helps Guild better understand several key details such as:

- what the complaint or allegation is about
- the factors that may not be mentioned in the complaint, yet have contributed to the incident and therefore the complaint occurring
- what could have been done differently to possibly avoid the complaint from occurring

This information is then used to develop risk messages for the profession, which are tips and strategies to reduce the likelihood of complaints being received. It's important to understand that risk management can't guarantee a poor outcome or complaint won't ever occur. However, by adhering to the following messages, podiatrists are taking positive steps to reduce the likelihood.

Key risk messages

1. Ensure you make communication a key feature of your work

Guild's claims analysis suggests that poor communication is a feature in almost all treatment-related complaints. Patients don't often complain specifically about poor communication. However, when an incident is investigated, poor communication is quite often a factor. Practitioners must continually focus on their communication with patients, patient's families where relevant, colleagues and other health professionals. Good clinical skills alone aren't enough to make someone a safe and effective practitioner.

2. Ensure there's been an adequate assessment prior to treatment

Assessment before treatment seems like an obvious step. However, it's not uncommon to see claims where the assessment hasn't been thorough enough, leading to treatment that's inappropriate or ineffective. The assessment shouldn't be rushed, and details of the assessment and findings are to be recorded in the clinical record. Practitioners must be sure they don't make assumptions or fall into routines.

Remember, poor assessment usually leads to poorly-selected treatment.

3. Manage patient expectations

It's important that patients have realistic expectations regarding their likely treatment outcomes. Unrealistic expectations are rarely met. Unmet expectations will often lead to patients being dissatisfied with treatment and more likely to complain. It's the responsibility of the practitioner to be sure a patient's expectations are realistic before treatment begins. Practitioners must remember that in most cases, patients won't have the clinical knowledge and understanding they have. They should never assume a patient understands their treatment or what's likely to happen post-treatment; there must be a conversation to ensure this understanding.

4. Be sure patients have given their informed consent to treatment

Patients must be given the opportunity to provide their informed consent to treatment before being treated. Informed consent requires a conversation between the treating practitioner and patient about recommended and alternate treatment options as well as the benefits and risks for each of those options. Informed consent should include informed financial consent which is a discussion about the expected costs of treatment. Details about the consent discussion need to be recorded in the clinical record. Signing a generic form at reception prior to seeing the practitioner is not informed consent.

5. Maintain adequate clinical records

Clinical records are a practitioner's history and evidence of what took place, and they serve numerous purposes. They assist with ongoing clinical care, as no practitioner can remember how they've treated every patient in every consultation. They also assist as evidence, if a practitioner's treatment is questioned by a patient, regulator, or private health insurer. And finally, they're necessary for meeting the expectations of the Podiatry Board of Australia.

6. Know and adhere to all Ahpra requirements

As a health professional registered with Ahpra, it's a podiatrist's responsibility to make themself aware of what's required. This means making the time to seek out and read the numerous codes and guidelines found on the Ahpra website (**ahpra.gov.au**). Some of these documents detail what's considered best practice, while some information refers to the law. Not knowing this information is no excuse for not adhering to it.

7. Behave in a professional and appropriate manner

Complaints don't always focus on clinical outcomes; they can also relate to the behaviour of the practitioner. These complaints include, among others, allegations of speaking rudely to patients, not listening the concerns of a patient and blurring professional boundaries by having inappropriate conversations or interactions with patients. Practitioners must always be very mindful of their professional behaviour. They also need to understand, and adhere to, the professional standards set out in their Code of Conduct, which can be found at **ahpra.gov.au/Resources/Code-of-conduct/Shared-Code-of-conduct**.

8. Adhere to advertising requirements

Ahpra's expectations regarding advertising are explained in the Guidelines for Advertising Regulated Health Services document which can be found at **ahpra.gov.au/Resources/Advertising-hub**. There are numerous complaints continually being lodged with Ahpra alleging health professionals are breaching these guidelines. Practitioners need to be aware these guidelines specify what's required under the National Law and non-compliance is a criminal offence for which hefty fines can be imposed.

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