

# AHPRA Mandatory Notification and Complaint Reporting Procedure

## Section 1 - Introduction

(1) This procedure supports the University's commitment to upholding the [Health Practitioner Regulation National Law \(NSW\) \(2009\)](#) and abiding by reporting guidelines set out by the [Australian Health Practitioner Regulation Agency](#) (AHPRA).

(2) This procedure provides a framework to aid staff at the University in recommending that the University should report to AHPRA a student who has an impairment which may, in the course of attending clinical placement, place the public at substantial risk of harm.

(3) This procedure also sets out the process to be followed by staff when recommending whether the University should make a complaint to AHPRA about a student, where the student has been charged with or convicted of an offence that is punishable by 12 months imprisonment or more, or where the student has contravened a condition of the student's registration or an undertaking given by the student to AHPRA.

(4) This procedure applies to staff associated with students of the University who attend clinical placement in both public and private health settings as part of the degrees listed in Appendix A.

## Section 2 - Audience

(5) Staff and students (in relation to the degrees listed in Appendix A).

## Section 3 - Procedure

### Notifications

#### Mandatory Notification by Education Providers

(6) In accordance with the National Law (NSW), the University is required to notify AHPRA if the University reasonably believes that:

- a. a student enrolled in a program of study offered by the University has an impairment that, in the course of the student undertaking clinical training as part of the program of study, may place the public at substantial risk of harm; or
- b. a student for whom the University has arranged clinical training has an impairment that, in the course of the student undertaking the clinical training, may place the public at substantial risk of harm.

#### Other Complaints

(7) The University may make a complaint to AHPRA about a student in relation to:

- a. offences, where the student has, either in New South Wales or elsewhere, been charged with an offence, or has been convicted of or made the subject of a criminal finding for an offence, that is punishable by 12 months imprisonment or more; or
- b. impairment, where the student has an impairment (and is not currently undertaking clinical training);
- c. contravention of conditions, where the student has contravened a condition of the student's registration or an undertaking given by the student to a National Board.

## **Protection from Liability**

(8) The National Law (NSW) provides protection from civil, criminal and administrative liability for persons who, in good faith, make a notification under the National Law (NSW). If a notification is made in good faith and on the basis of a reasonable belief, then the making of a notification will not constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct and will not incur any liability for defamation.

## **Process and Approvals**

### **Lodging a Notification**

(9) Where a University staff member reasonably believes that:

- a. a student has demonstrated an impairment and that the impairment is consistent with the requirements for Mandatory Notification by Education Providers; or
- b. that a student has been charged with an offence, or has been convicted of or made the subject of a criminal finding for an offence, that is punishable by 12 months imprisonment or more; or
- c. that a student has an impairment (and is not currently undertaking clinical training); or
- d. that a student has contravened a condition of the student's registration or an undertaking given by the student to a National Board;

then the relevant Head of School should be notified in writing of the complaint.

(10) Where the Head of School believes that a complaint should be submitted to AHPRA, the relevant Pro Vice-Chancellor should be notified in writing. The Pro Vice-Chancellor will then deliver a written recommendation to the Deputy Vice-Chancellor (Academic) and Vice President.

(11) The Deputy Vice-Chancellor (Academic) and Vice President may:

- a. confirm the recommendation and notify AHPRA of the complaint, in writing, on behalf of the University. The complaint will contain particulars of the allegations on which it is founded.
- b. refer the recommendation back to the College Pro Vice-Chancellor for further clarification.
- c. request advice as appropriate and refer the recommendation back to the College Pro Vice-Chancellor with an alternative determination and reasons for the decision.

(12) The College Pro Vice-Chancellor and/or the Deputy Vice-Chancellor (Academic) and Vice President may also refer the complaint for consideration and possible sanctions under the University's [Student Conduct Rule](#).

(13) Where a complaint is made to AHPRA in accordance with clause 11, the Deputy Vice-Chancellor (Academic) and Vice President will also inform the student that a complaint has been lodged with AHPRA. The correspondence will include the particulars of the allegations, direct the student to the [AHPRA](#) website, and provide the student with information regarding the relevant University student support.

## Consequences for Students

(14) If AHPRA, the NSW Council or the Health Care Complaints Commission (HCCC) find that the complaint is proved or where the complaint is admitted by the student, they may impose certain conditions or restrictions on the student's registration and determine the nature and duration (not more than 2 years) of any consequences. The consequences for the student may include suspended registration or registration conditions.

## Outcome Notification

(15) Once the University is notified of the outcome of the assessment by AHPRA or the relevant NSW Council or HCCC, the University will:

- a. if the student is still undertaking a clinical placement, notify the clinical placement provider of the outcome of the assessment; and
- b. provide any relevant information to the Deputy Vice-Chancellor (Academic) and Vice President for consideration and to the College Pro Vice-Chancellor to disseminate any conditions on the student's registration to the relevant Head of School as well as any staff who may coordinate the student's placements.

## Self-Notifications by Students

(16) Under the National Law (NSW), students enrolled in an approved program of study or undertaking clinical training must notify their relevant NSW Council within seven days of becoming aware that:

- a. they have been charged with an offence punishable by 12 months imprisonment or more; and/or
- b. they are convicted of or are the subject of a finding of guilt for an offence punishable by imprisonment; and/or
- c. their registration under the law of another country that provides for the registration of students has been suspended or cancelled.

## Notification by a Health Practitioner

(17) A staff member or conjoint who is a health practitioner and believes that a student has an impairment that, in course of the student undertaking clinical training, may place the public at substantial risk of harm, may notify AHPRA of the impairment in their capacity as a health practitioner.

(18) In the event that a staff member or conjoint makes a notification in their capacity as a health practitioner, rather than relying on the processes set out above for the University to make a notification as an education provider, then the staff member or conjoint cannot represent to AHPRA that they are making the notification on behalf of the University. The notification must not be written on University letterhead and cannot be submitted using a University email address or signed under the staff member's title at the University.

# Section 4 - Roles and Responsibilities

(19) Staff members, if they reasonably believe that a student has demonstrated an impairment, been charged with or convicted for an offence or has contravened conditions on their registration, are responsible for ensuring the relevant Head of School is notified in writing.

(20) Head of School is responsible for determining whether a notification should be submitted and, if the notification is recommended, notifying the relevant Pro Vice-Chancellor of this recommendation in writing.

(21) Pro Vice-Chancellor is responsible for considering the recommendation and, if approved, delivering the recommendation to the Deputy Vice-Chancellor (Academic) and Vice President in writing, and (if appropriate) referring the student to be subject to processes of the [Student Conduct Rule](#).

(22) Deputy Vice-Chancellor (Academic) and Vice President is responsible for confirming a recommendation concerning a mandatory notification, lodging a complaint with AHPRA on behalf of the University, and informing the student of the complaint in writing. Additionally (if appropriate) referring the student to be subject to processes of the [Student Conduct Rule](#).

(23) Secretary, Program and Course Approval Committee is responsible for updating programs listed in Appendix A.

(24) Students enrolled in those degrees listed in Appendix A are responsible for notifying their relevant NSW Council within seven days of becoming aware that they fall into any of the categories outlined in clause 16 of this procedure.

## Section 5 - Appendix A

Bachelor of Arts (Honours) (APAC accredited fourth-year courses in psychology comprising one-year equivalent of study)

Bachelor of Medicine (Joint Medical Program)

Bachelor of Medical Science/Doctor of Medicine (Joint Medical Program)

Bachelor of Medical Radiation Science (Diagnostic Radiography)

Bachelor of Medical Radiation Science (Radiation Science)

Bachelor of Medical Radiation Science (Nuclear Medicine)

Bachelor of Midwifery

Bachelor of Nursing

Bachelor of Occupational Therapy

Bachelor of Occupational Therapy (Honours)

Bachelor of Oral Health

Bachelor of Oral Health Therapy

Bachelor of Pharmacy (Honours)

Bachelor of Physiotherapy

Bachelor of Physiotherapy (Honours)

Bachelor of Podiatry

Bachelor of Psychological Science

Bachelor of Psychology

Bachelor of Psychology (Honours)

Bachelor of Science (Honours) (APAC accredited fourth-year courses in psychology comprising one-year equivalent of study)

Bachelor of Social Science (Honours) (APAC accredited fourth-year courses in psychology comprising one-year equivalent of study)

Doctor of Clinical and Health Psychology

Doctor of Clinical Psychology

Doctor of Philosophy (Clinical Psychology)

Graduate Diploma in Psychology

Master of Clinical Psychology

Master of Mental Health Nursing (Nurse Practitioner)

Master of Nursing (Nurse Practitioner)

Master of Pharmacy

## Status and Details

<b>Status</b>	Historic
<b>Effective Date</b>	20th January 2016
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<b>Approval Authority</b>	Deputy Vice-Chancellor (Academic) and Vice President
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<b>Responsible Executive</b>	Mark Hoffman Deputy Vice-Chancellor (Academic) and Vice President
<b>Enquiries Contact</b>	College of Health, Medicine and Wellbeing

## Glossary Terms and Definitions

**"University"** - The University of Newcastle, a body corporate established under sections 4 and 5 of the University of Newcastle Act 1989.

**"Risk"** - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

**"Approved program of study"** - A program that has been approved by the University which gives a staff member access to study leave and/or examination leave.

**"Complaint"** - As defined in Australian/New Zealand Standard - Guidelines for complaint management in organisations.

**"Course"** - When referring to a course offered by the University, a course is a set of learning activities or learning opportunities with defined, assessed and recorded learning outcomes. A course will be identified by an alphanumeric course code and course title. Course types include core courses, compulsory courses, directed courses, capstone courses and electives. For all other uses of this term, the generic definition applies.

**"Student"** - A person formally enrolled in a course or active in a program offered by the University or affiliated entity.

**"Impairment"** - Has the same meaning as in the Health Practitioner Regulation National Law (NSW).

**"National Board"** - The Board responsible for registering practitioners and students, as well as other functions, for their particular profession. An example is the Psychology Board of Australia.

**"Program"** - When referring to learning, a program is a sequence of approved learning, usually leading to an Award. For all other uses of this term, the generic definition applies.

**"Staff"** - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

**"College"** - An organisational unit established within the University by the Council.