

## Course Related Work Experience: Procedures for Reporting Obligations to the Australian Health Practitioner Regulation Agency (AHPRA)

### Abstract

These Procedures outline UTS reporting obligations under the [Health Practitioner Regulation National Law \(NSW\)](#) and should be read in conjunction with the [Course Related Work Experience Vice-Chancellor's Directive](#).

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Approved by	Deputy Vice-Chancellor (Education and Students)	
	Latest amendment: Director, Governance Support Unit (see change history for details)	
Implementation Officer	Director, Student Services Unit	
Relevant to	UTS staff in healthcare professions UTS students enrolled in healthcare courses	
Related documents	<a href="#">Course Related Work Experience Vice-Chancellor's Directive</a> <a href="#">Equal Opportunity and Diversity Policy</a> <a href="#">Student Charter</a> <a href="#">Assessment of Coursework Subjects Policy</a> <a href="#">English Language Policy</a> <a href="#">Health and Safety Policy</a> <a href="#">Risk Management Policy</a> <a href="#">Privacy Vice-Chancellor's Directive</a> Student Rules: <ul style="list-style-type: none"> <li>• <a href="#">Rule 3.4 Professional experience requirements</a></li> <li>• <a href="#">Rule 16.9 Exclusion from facilities and/or participation in activities</a></li> <li>• <a href="#">Section 16, Part E — Student misconduct appeals</a></li> </ul> <a href="#">Standing Delegations of Authority</a> (Delegation 4.8 Student Professional Experience)	

	<a href="#">Guidance Notes on Student Placement Health and Safety Checklist</a> (PDF) <a href="#">Professional Experience Appeals Committee of Academic Board</a>
Legislation	<a href="#">Health Practitioner Regulation National Law (NSW)</a> <a href="#">Fair Work Act 2009 (Cwlth)</a> <a href="#">Education Services for Overseas Students (ESOS) Act 2000 (Cwlth)</a> (ESOS Act) <a href="#">National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (Cwlth)</a> (National Code) <a href="#">Work Health and Safety Act 2011 (NSW)</a> <a href="#">Disability Discrimination Act 1992 (Cwlth)</a> <a href="#">Disability Standards for Education 2005 (Cwlth)</a>
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## 1. Purpose

The [Health Practitioner Regulation National Law \(NSW\)](#) (Law), as administered by the Australian Health Practitioner Regulation Agency (AHPRA), places legal obligations on a wide range of health practitioners (including UTS staff), employers and education providers to report the impairment of a student where that impairment may place the public at substantial risk of harm.

This document provides procedures to manage this reporting obligation where it relates to UTS students undertaking course related work experience and should be read in conjunction with the [Course Related Work Experience Vice-Chancellor's Directive](#).

## 2. Scope

These Procedures apply to all students participating in clinical and professional healthcare placements, paid or unpaid, as defined under the Law and articulated under the [Course Related Work Experience Vice-Chancellor's Directive](#).

These Procedures do not apply to students who voluntarily undertake work experience that may be related to, but is not an assessable requirement of, their course or subject, unless that voluntary work experience is arranged by UTS.

These Procedures do not apply to incidents of notifiable conduct (as defined by the Law) of UTS-registered health practitioner staff members. This reporting obligation is managed by the Human Resources Unit.

These Procedures provide:

- reporting guidelines in relation to students undertaking course related work experience in a clinical or other health related setting
- procedures to manage notifications as follows:
  - the Student Professional Experience Review Panel that will assess whether a notification is required
  - procedures to advise relevant staff of the outcome of the panel decision, and
  - procedures to support any student who is the subject of a notification.

### 3. Definitions

A list of key definitions, in line with the Law, as administered by AHPRA, is outlined below. These definitions are in addition to those outlined in [Schedule 1, Student Rules](#) and the [Course Related Work Experience Vice-Chancellor's Directive](#).

**Impairment** means the student has a physical or mental impairment, disability, condition or disorder (including substance abuse or dependence), that detrimentally affects or is likely to detrimentally affect the student's capacity to undertake clinical training as part of the approved program of study in which the student has enrolled, or as part of work experience arranged by UTS. ([Law, section 5](#))

**Mandatory notifications by education providers:** An education provider must notify AHPRA if the provider reasonably believes that a student enrolled in a program of study within the educational institution has an impairment that may place the public at substantial risk of harm in the course of the student undertaking clinical training as part of the program of study or where otherwise arranged by UTS. ([Law, section 143](#))

**Mandatory notifications by practising health practitioners:** Where UTS *does not* make a notification, notification remains mandatory for a registered health practitioner who, in the course of practising their profession, retains a reasonable belief that a student has an impairment that, in the course of undertaking clinical training, may place the public at substantial risk of harm. ([Law, section 141](#))

**Staff member** means any member of UTS staff who initially forms an opinion that a student may have an impairment.

**Student** means a UTS student undertaking study with a clinical placement element for a UTS health profession award.

**Student Professional Experience Review Panel** means the panel responsible for assessing the nature and extent of identified student impairments, and any resulting notification to AHPRA as outlined in section 5 of these Procedures.

**Suspension of notification** means a situation where the Student Professional Experience Review Panel makes a decision to delay mandatory notification to AHPRA to allow a student to have additional time to provide evidence that an identified

impairment may change in advance of the start of clinical placement. Where no evidence is forthcoming, the Panel will proceed with a mandatory notification.

**Supervisor** means the direct supervisor of the UTS staff member who forms an opinion that a student has an impairment.

#### 4. Procedural principles

These Procedures seek to operationalise the principles articulated in the [Course Related Work Experience Vice-Chancellor's Directive](#), with specific reference to the reporting obligations under the [Health Practitioner Regulation National Law \(NSW\)](#), as administered by AHPRA. UTS is obliged under the Law to report the impairment of a student where that impairment may place the public at substantial risk of harm.

Students undertaking courses of study with a clinical and/or professional healthcare placement under the scope of the Law and these Procedures should be made aware of the Law, the [Course Related Work Experience Vice-Chancellor's Directive](#) and the University's obligations under these Procedures as soon as practicable.

UTS will seek to ensure that the student is supported through, and kept informed of, any internal processes resulting from the University's obligation to consider any identified impairments, and where necessary, through the process of making a mandatory notification.

#### 5. Procedural statements

The Law, as administered by AHPRA, places legal obligations on a wide range of health practitioners, employers and education providers, to report the impairment of students where that impairment may place the public at substantial risk of harm.

In order to fully consider the nature and impact of student impairments, and to ensure a system of transparency and fairness, a Student Professional Experience Review Panel will be convened to make determinations in relation to the extent and nature of student impairments and any resulting notification to AHPRA. The composition and terms of reference for the Student Professional Experience Review Panel (the Panel) are contained in [Attachment 1](#) of this document.

At any time in this process, prior to any decision to notify AHPRA, the student may decide to defer their clinical training, transfer to a different course of study (where possible) or withdraw from the course of study, in which case notification will not be mandatory.

Where relevant, the University may, under [Rule 3.4 Professional experience requirements](#) and [Rule 16.9 Exclusion from facilities and/or participation in activities](#), make a decision to suspend or exclude a student from placement. This is a separate process to the issues and determinations outlined in these Procedures, however, may take place, where necessary, in parallel with or in addition to any consideration under the Law.

Additionally, any associated appeals procedures available for the implementation of [Rule 3.4](#) or [Rule 16.9](#) (either under the appeals procedures outlined in [Rule 3.4](#) or [Section 16, Part E Student misconduct appeals](#)) are not applicable to the decision-making processes outlined in these Procedures.

### **5.1 Process for determining whether there is a matter for the Student Professional Experience Review Panel**

- a. A UTS staff member (whether with the UTS Counselling Service, the student's faculty or otherwise) forms an opinion that the student has an impairment as defined above.
- b. The UTS staff member discusses this opinion with their supervisor (taking into consideration issues of confidentiality) (see section 5.6).
- c. The supervisor makes a determination whether to notify the Chair, Student Professional Experience Review Panel of the matter. Notification to the Chair should take place in writing no more than five working days after receiving the report from the UTS staff member. The supervisor should also act as liaison with the student regarding any decision to notify the Chair, Student Professional Experience Review Panel, and any further action taken. Where necessary, the supervisor may request information from the student on behalf of the Panel to assist in the decision-making process.
- d. The Chair, Student Professional Experience Review Panel, considers whether to refer the matter to the Panel. Where the Chair does not refer the matter to the Panel, the Chair should notify the supervisor of this decision, in writing, no more than five working days after receipt of written notification from the supervisor. The Chair may also decide to refer the matter to the Alternate Chair, where the Chair is of the view there is a conflict of interest. In this instance, the Alternate Chair will take on the duties of the Chair as outlined in these Procedures.
- e. Where the Chair decides to refer the matter to the Panel, the Chair will liaise with the office of the Deputy Vice-Chancellor (Education and Students) to make arrangements to convene the Panel within five working days.

### **5.2 Student Professional Experience Review Panel**

The Chair, Student Professional Experience Review Panel, convenes the Panel with the office of the Deputy Vice-Chancellor (Education and Students).

The documentation and date of the meeting should be provided to Panel members as soon as possible, taking into consideration issues of privacy, confidentiality and sensitivity.

The Panel considers the documentation, and makes a decision with regard to the existence of an impairment that may place the public at substantial risk of harm. (The composition and terms of reference for the Student Professional Experience Review Panel are contained in [Attachment 1](#) of this document.)

### 5.2.1 Decision of the Panel

Following consideration of the documentation, the Panel may:

- a. determine that no further action is required and that any identified impairment will not detrimentally affect the student's capacity to undertake clinical training as part of the approved program of study in which the student has enrolled, or
- b. refer a matter back to the supervisor for further consideration, or
- c. where it is unclear whether the student has a notifiable impairment (either because insufficient documentation has been provided, or if the nature of the impairment is such that it may diminish or become manageable to the extent that, by the time of placement, there will no longer be a substantial risk of harm to the public) suspend notification to AHPRA. The decision to suspend notification may only be made if there are six or more weeks prior to the commencement of clinical placement. The Panel must be reconvened no later than 15 working days prior to the scheduled placement. The Panel should consider any further documentation provided by or on behalf of the student relating to the impairment. If the decision of the Panel is that the student has an impairment which places the public at substantial risk of harm the Chair of the Panel will advise the Director, Governance Support Unit to proceed with notification to AHPRA, or
- d. recommend that the Responsible Academic Officer undertake a suspension of a placement under [Rule 3.4 Professional experience requirements](#) for a specified period of time, to enable a student to address or remediate their impairment, or to make that impairment more manageable, or
- e. advise the Director, Governance Support Unit to proceed with mandatory notification to AHPRA, identifying that the student's impairment may place the public at substantial risk of harm (see section 5.3), and request that the Director, Governance Support Unit also inform the Deputy Vice-Chancellor (Education and Students) of the decision, and
- f. if necessary, advise the supervisor and the Responsible Academic Officer that the student should not be permitted to continue to participate in any part of professional experience required in a course under [Rule 3.4 Professional experience requirements](#). This is an additional and separate process that may take place following a decision from AHPRA, or in parallel with this consideration.

In each case, the Panel must notify the supervisor of the Panel's decision.

### 5.3 Action of the Director, Governance Support Unit

On the advice of the Chair, following a decision of the Student Professional Experience Review Panel to proceed with mandatory notification, the Director, Governance Support Unit will formally notify AHPRA, informing the Chair, the Deputy Vice-Chancellor (Education and Students), the Director of Student Services Unit, the supervisor and the Responsible Academic Officer that a notification has been made.

The Director, Governance Support Unit must notify AHPRA at least 10 working days prior to the first placement date.

The Director, Governance Support Unit must provide a copy of the mandatory notification sent to AHPRA to the student with advice about avenues of support provided by the University.

#### **5.4 Action of the supervisor**

The supervisor will decide on any internal actions that should be taken following a decision to notify, suspend notification or not to notify, including, where appropriate:

- notifying the placement coordinator of the decision
- informing the student of a decision to suspend notification or not to notify
- referring the student to the UTS Counselling Service
- notifying the UTS staff member who formed the initial opinion of relevant student impairment
- discussing possible ways in which the risk of harm to the public may be mitigated, such as consultation with the student during the period preceding the placement or student-initiated deferral of placement, and
- where the panel decision has been made to suspend notification, then the supervisor must, no later than 20 working days before the placement is due to commence, provide an update to the Chair of the Student Professional Experience Review Panel of any documented change in impairment and/or perceived risk to the public, or change to the placement date.

#### **5.5 Responsibility of staff health practitioner following a Panel decision not to notify AHPRA**

If the initiating staff member is a health practitioner (eg psychologist), the staff member must consider independent notification to AHPRA where, upon being informed of a decision by the Student Professional Experience Review Panel not to notify AHPRA and the reasons behind this decision, the staff member strongly holds a different belief that the student's impairment would place the public at substantial risk of harm. Independent notification should take place where the health practitioner:

- considers that there has been a failure on the part of the Panel to consider the issue fully (given the nature of any clinical training that the student might be undertaking)
- considers the Panel has not come to a conclusion within a reasonable time (including consideration of the date of clinical training), or
- has specific reasons for doubting the quality and validity of the decision-making process.

#### **5.6 Confidentiality**

All matters must be treated confidentially and the student's identity disclosed only when required. Access to all documentation submitted by the student, including information, reports and other documents, must be limited to those staff and other persons who are required to know about the matter in order to make a decision, recommendation or take a relevant action.

Recordkeeping requirements as outlined in the [Records Management Vice-Chancellor's Directive](#) and the [Privacy Vice-Chancellor's Directive](#) must be observed. Members of the Student Professional Experience Review Panel must shred all circulated papers after the decision of the Panel has been confirmed.

Only the Director, Governance Support Unit will notify the student of the decision to notify AHPRA and the reasons for the decision. The Director, Governance Support Unit may provide notice of the decision and reasons for it to staff that need to know



the outcome and details of the decision, in accordance with the [Privacy Vice-Chancellor's Directive](#).

Panel members should never be involved in making arrangements for a student's clinical placements nor make any suggestion that a particular student has been the subject of consideration for notification.

## 5.7 Appeals

UTS does not provide an appeals process to students following a decision of the Panel to notify AHPRA under these Procedures due to the University's obligation under the Law to make a mandatory notification where a reasonable belief exists that a student undertaking or scheduled to undertake clinical training has an impairment that may place the public at substantial risk of harm.

Following a notification by UTS to AHPRA, AHPRA engages in a process of assessment of the notification, and makes decisions to refer the matter to the relevant National Board that is responsible for conducting investigations and making decisions resulting in a number of possible outcomes.

The student may appeal some decisions of a National Board. Further details are available on the [AHPRA website](#).

## 6. Roles and responsibilities

**Accountable Officer:** Deputy Vice-Chancellor (Education and Students) is responsible for managing compliance with these Procedures and initiating a review process.

**Implementation Officer:** The Director, Student Services Unit is the primary point of contact for advice on implementing and administering these Procedures, for establishing and maintaining the official file, for proposing amendments as required and for managing the consultation process when these Procedures are due for review. The Director must also ensure that the necessary supports are in place for students with an impairment, whether or not that impairment is subject to mandatory notification.

### Other positions and committees

The **Director, Governance Support Unit** has responsibility for reporting students to regulatory bodies, as determined by the Panel (see section 5.3) and as outlined in Delegation 4.8 (see [Standing Delegations of Authority](#)). The Director, Governance Support Unit is also responsible for communicating with the student where a decision to notify AHPRA has been made by the Panel (see section 5.3).

The **Chair, Student Professional Experience Review Panel** is responsible for convening the Panel via the office of the Deputy Vice-Chancellor (Education and Students), as well as communicating Panel decisions to the Director, Governance Support Unit, supervisor and the Responsible Academic Officer.

The **Alternate Chair, Student Professional Experience Review Panel** is responsible for undertaking all the duties of the Chair where the Chair is unavailable or identifies a conflict of interest.

The **supervisor** is responsible for determining whether to notify the Chair, Student Professional Experience Review Panel of a staff member's identification of a



potential student impairment. The supervisor also acts as a liaison point for the student and the Panel/Chair and, where necessary, may support the student through referrals to the UTS Counselling Service or other UTS support system.

The **Responsible Academic Officer** must make determinations regarding student participation in professional experience following the recommendation of the Panel as outlined in [Rule 3.4 Professional experience requirements](#).

The **student** must provide all necessary documentation, as requested by the supervisor, to facilitate the decision to convene the Panel and/or make a decision with regard to mandatory notification.

## 7. Acknowledgements

[Health Practitioner Regulation National Law \(NSW\)](#)

## 8. Version control and change history

Effective date	Version	Approved by (date)	Amendment
24/12/2013	1	Deputy Vice-Chancellor (Teaching, Learning and Equity) (27/11/2013)	Original Procedures approved.
08/07/2014	1.1	Director, Governance Support Unit (GSU), 02/07/2014	GSU administrative changes (under Delegation 3.17): Amended process in 5.3 to ensure compliance with privacy legislation regarding disclosure personal and health information.
12/08/2015	1.2	Council, COU/14-5/106 (15/10/2014)	Consequential changes to align with changes to the Student Rules.
		Director, Governance Support Unit (GSU) (11/12/2014)	Changes (approved under Delegation 3.17) to implement 2014 Senior Executive restructure.
		Director, Governance Support Unit (GSU) (27/05/2015)	Changes (approved under Delegation 3.17) to update references to the role of Registrar (part of the 2014 restructure).

## The Student Professional Experience Review Panel

A Student Professional Experience Review Panel shall be appointed annually from a pool of eligible panellists (taking into consideration conflicts of interest), by the Deputy Vice-Chancellor (Education and Students) in consultation with the Director, Governance Support Unit.

This Panel will be established to consider student impairment concerns in relation to UTS students undertaking course related work experience in a clinical or other health related setting. It is established under the requirements of the [Health Practitioner Regulation National Law \(NSW\)](#) (the Law), as administered by the [Australian Health Practitioner Regulation Agency \(AHPRA\)](#).

This Attachment should be read in conjunction with the [Course Related Work Experience Vice-Chancellor's Directive](#) and the [Course Related Work Experience: Procedures for Reporting Obligations to the Australian Health Practitioner Regulation Agency \(AHPRA\)](#).

The Panel will assess the existence and nature of a reported or suspected impairment, assess whether a notification of this impairment should be made to AHPRA, or make a determination to suspend notification.

### Composition

Each Panel shall consist of:

- a. the Chair or Alternate Chair appointed by the Deputy Vice-Chancellor (Education and Students), and
- b. two academic staff members with experience in placement and administration of clinical placements, who have not been involved in the placement of the student concerned.

Each year, the Deputy Vice-Chancellor (Education and Students) shall appoint a Chair and an Alternate Chair, and seek nominations for a pool of eligible panellists with experience in the assignment of students to, and administration of, clinical placements. Nominations should be made by, and may include, Associate Deans (Teaching and Learning) of the relevant faculties and the Head of the Graduate School of Health. The Deputy Vice-Chancellor (Education and Students) will select the pool of potential Panel members in consultation with the Director, Governance Support Unit.

The office of the Deputy Vice-Chancellor (Education and Students) will coordinate annual appointments and nominations for the Panel.

### Terms of reference

The Student Professional Experience Review Panel shall review a student's participation in any required professional experience where a report is received from a supervisor indicating that a student has an impairment that may place the public at substantial risk of harm. The Panel will make a decision as to whether UTS is responsible for mandatory notification to AHPRA as described in the [Course Related](#)

## **Procedures**

When a written report is received from a supervisor, the Chair or Alternate Chair of the Student Professional Experience Review Panel shall appoint Panel members from the Panel pool.

The Alternate Chair will convene the Student Professional Experience Review Panel if the Chair is unavailable or has an identified conflict of interest.

All members of a Student Professional Experience Review Panel must be present at all meetings convened for a specific case.

The Chair may request senior administrative staff to assist the Panel with its understanding of all the relevant issues and circumstances, act as advisers and attend meetings. Senior administrative staff may include relevant faculty administrative staff, the Director, Student Services or nominee. The role of senior administrative staff is not that of an advocate for the student or for the faculty and they must be sufficiently detached from any particular case.

The Panel, through the Chair, may obtain further information from the supervisor if necessary. The Panel considers the matter on the documentation submitted and does not hear evidence (in person) by the student or any other person.

Where possible, the Chair must convene a Panel within five working days of receipt of a report from a supervisor.

The decision of the Panel must be conveyed to the Supervisor, Deputy Vice-Chancellor (Education and Students) and the Director, Governance Support Unit within five working days of the Panel's decision.