



PROCEDURE FOR MANDATORY REPORTING OF STUDENT IMPAIRMENT TO AHPRA

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Relevant Legislation & External Documents:	AHPRA Guide for Practitioners - Notifications in the National Scheme Health Practitioner Regulation National Law (2009) NSW Health Care Complaints Commission Student Health Assessment & Leave Policy Disability Policy – Students Code of Practice – Student Professional Experience Privacy Policy Student Conduct Rules and Procedure for Managing Alleged General Misconduct by Students Anti-Discrimination Act 1977 (NSW) Disability Discrimination Act 1992 (Cwth) Disability Standards for Education Privacy and Personal Information Protection Act 1998 (NSW) Health Records and Information Privacy Act 2002 (NSW) The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007		
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1 Introduction / Background

1. All registered health practitioners have a professional and ethical obligation to protect and promote public health and safe healthcare. Under the Health Practitioner Regulation National Law (2009) (the National Law), health practitioners, employers and education providers also have some mandatory reporting responsibilities.
2. The National Law requires practitioners to advise the Australian Health Practitioner Regulation Agency (AHPRA) or a National Board of ‘notifiable conduct’ by another practitioner or, in the case of a student who is undertaking clinical training, an impairment that may place the public at substantial risk of harm.
3. An education provider is required to report a student to AHPRA or a National Board if they reasonably believe:
 - a. A student enrolled in a program of study delivered by the education provider has an impairment that, in the course of the student undertaking clinical training as part of that program of study, may place the public at substantial risk of harm; or
 - b. A student for whom the education provider 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.
4. Where the notification relates to a practitioner in NSW, AHPRA will forward the notification to the relevant NSW Council. In NSW, according to the National Law, mandatory notifications are deemed to be a complaint. The relevant NSW Council will forward the notification to the Health Care Complaints Commission to deal with it as a complaint.
5. No exceptions are applicable to education providers.
6. An education provider who does not notify AHPRA or a National Board as required by the National Law does not commit an offence, however, the National Board that registers the student must publish details of a failure to notify on the board’s website and in other media.
7. Any person, who, in good faith, makes a notification or gives information under the National Law will not be liable civilly, criminally or under an administrative process for giving the information. Additionally, no liability for defamation is incurred by the person because of the making of the notification, nor will it be classified as a breach of professional etiquette or ethics or departure from accepted standards or professional conduct.

2 Scope / Purpose

1. The purpose of this Procedure is to outline the process for mandatory reporting of Impairment of students undertaking professional experience placements in the health industry, who:
 - a. are enrolled in a UOW course which leads to eligibility for registration with AHPRA (see Schedule 3 for current list of courses); or
 - b. are not enrolled in one of the above courses but are undertaking clinical training (clinical placement, rotation etc.) arranged by UOW in a health profession for which they do not hold health practitioner registration.
2. This Procedure supports the Code of Practice – Student Professional Experience, which sets out what is expected from students, the University and Host Organisations in providing student professional experience placements.



3. This Procedure applies to the University's mandatory obligations to report Impairment of all students identified under clause 2.1, whether the professional experience placement they undertake forms the whole or part of a subject or course offered at the University.
4. This Procedure does not apply to other reporting obligations of the University, such as those relating to student registration with the National Board.
5. This Procedure may be invoked as a result of an investigation under another University process, such as the Student Health Assessment and Leave Policy or Student Conduct Rules, and conversely, an investigation under another University process may be invoked as a result of consideration of a student's conduct under this Procedure.

3 Definitions

Word/Term	Definition (with examples if required)
AHPRA	Australian Health Practitioner Regulation Agency
Faculty Notification Coordinator (FNC)	A nominated officer within the faculty who is responsible for receiving reports of possible Impairment of a student and for making an initial determination, in consultation with the Executive Dean, of whether the conduct of the student may constitute Impairment.
Good faith	Honesty or sincerity of intention
Honorary Clinical Academic	As defined in the Appointment of Visiting and Honorary Academics Policy
Host Organisation	Any organisation that provides professional experience to a student.
Impairment	In relation to a student, impairment is defined under Section 5 of the National Law to mean 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' and may place the public at substantial risk of harm.
National Board	Each health profession that is part of the National Registration and Accreditation Scheme is represented by a National Board. While the primary role of the Boards is to protect the public, the Boards are also responsible for registering practitioners and students, as well as other functions, for their professions.
National Law	Health Practitioner Regulation National Law (2009) <i>NSW</i>
Notifiable Conduct	A registered health practitioner has: <ol style="list-style-type: none">a. practised the practitioner's profession while intoxicated by alcohol or drugs, orb. engaged in sexual misconduct in connection with the practice of the practitioner's profession, or



	<p>c. placed the public at risk of substantial harm in the practitioner's practice of the profession because the practitioner has an impairment, or</p> <p>d. placed the public at risk of harm because the practitioner has practised the profession in a way that constitutes a significant departure from accepted professional standards.</p>
Student professional experience placement	<p>Includes any workplace activity that is undertaken by a student in a Host Organisation as a requirement of any course or a subject offered by the University and includes practicums, placements, internships and other forms of professional experience programs.</p> <p>For the purposes of this procedure, includes both:</p> <p>a. placements undertaken by students enrolled in courses which lead to eligibility for registration with AHPRA; AND</p> <p>b. placements undertaken by students who are not enrolled in courses which lead to eligibility for registration with AHPRA but who are undertaking clinical training (clinical placement, rotation etc.) in a health profession for which they do not hold health practitioner registration.</p>
Substantial risk of harm	<p>A strong possibility, as contrasted with a remote or even a significant possibility, that harm to the public may occur. It is risk of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that a reasonable person would exercise in such a situation.</p>
University Community	<p>Students, staff and other individuals or groups that have a current association with the University, eg Council members and recipients of University honorary awards.</p>

4 Faculty Notification Coordinator

1. All faculties that deliver UOW courses which lead to eligibility for registration with AHPRA will nominate one or more officers to hold the position of Faculty Notification Coordinator. These officers should have appropriate expertise in the relevant discipline area.

5 Process for Reporting Impairment to AHPRA

1. Any member of the University community may report of their concern about the Impairment of a student in accordance with the steps detailed below.

Stage 1 – Initial Consideration of Impairment

2. A member of the University community (notifier) who has a concern regarding the conduct of a student should, in the first instance, consider whether the conduct may constitute Impairment, by referring to the Mandatory Reporting Decision Flowchart (Schedule 2).
3. If, after referring to the Mandatory Reporting Decision Flowchart, the notifier believes that the conduct of the student may constitute Impairment, the notifier should report the matter to the Faculty Notification Coordinator (FNC), as soon as possible (see Stage 2: Consideration of Conduct by the Faculty Notification Coordinator), providing sufficient information to support their concern.
4. If, after referring to the Mandatory Reporting Decision Flowchart, the notifier believes that the conduct of the student does not constitute Impairment, no further action is required.



Stage 2 – Determination by the Faculty Notification Coordinator

5. Upon receipt of a report of potential Impairment of a student, the FNC will consider the matter, making reference to the Mandatory Reporting Decision Flowchart, undertaking further fact-finding as necessary, and consider the facts against the National Law in order to determine whether the conduct has the potential to be Impairment.
6. If the FNC determines that:
 - a. the conduct appears to be Impairment, he/she will refer the matter to the Executive Dean for further assessment in accordance with Stage 3.
 - b. the conduct does not appear to be Impairment, the matter will be dismissed. The FNC will advise the notifier of the decision, and will retain a record of the matter. No further action is required under this Procedure, but this will not prevent the University from addressing the conduct under other relevant policies or procedures.

Stage 3 – Assessment by FNC and Executive Dean

7. Within a reasonable timeframe, the FNC and Executive Dean will undertake further assessment in accordance with clauses 5.9 – 5.13 to determine whether the student's conduct constitutes Impairment.
8. The FNC will notify the student in writing of the:
 - a. Substance of the concern;
 - b. Date, time, location of the requested meeting;
 - c. Advice that a support person may be present for the student
 - d. Reference to related policies;
9. The FNC and Executive Dean will then meet with the student. During the meeting with the student, the FNC and Executive Dean will explain the concern to the student and give the student the opportunity to respond to the concern. The student has the right to refuse to respond to the concern.
10. If, after all reasonable efforts have been made to meet and discuss the concern with the student, the FNC and Executive Dean have not been able to do so; they may proceed with the assessment.
11. In investigating the matter, the Executive Dean or FNC may seek guidance from AHPRA in relation to the concern regarding the student's conduct.
12. Based on the information collected, including information gathered during any discussion with the student, the FNC and Executive Dean will determine whether the conduct of the student constitutes Impairment. If the FNC and Executive Dean are unable to reach agreement on the matter, a third officer of equal or higher rank who is independent of the process to date will be briefed on the assessment and asked to provide a recommendation on the matter.

Outcome of Assessment

13. If, after conducting the assessment, the FNC and Executive Dean:
 - a. determine that the conduct of the student constitutes Impairment, the Executive Dean will report the matter to AHPRA as soon as possible (see Stage 5: Notification to AHPRA), and will advise the student and notifier of the decision, using the appropriate letter template.
 - b. determine that the conduct of the student does not constitute Impairment, a report will not be made to AHPRA. The FNC and Executive Dean may determine that further internal action is required in accordance with clauses 5.26-27. The FNC will retain a



record of the decision and will advise the student and notifier of the decision and of any further action required, using the appropriate letter template.

- c. are unsure whether the conduct of the student constitutes Impairment, the Executive Dean will convene an Advisory Panel to further consider the matter (see Stage 4: Consideration of Conduct by the Advisory Panel) and will advise the student and notifier of the decision, using the appropriate letter template.

Stage 4 – Consideration by the Advisory Panel

14. An Advisory Panel will be convened by the Executive Dean to consider matters where uncertainty remains as to whether the conduct of the student constitutes Impairment.
15. The Advisory Panel will be constituted on a needs basis from the following pool, and will comprise a minimum of three members:
 - a. Director, Student and Accommodation Services Division (Chair)
 - b. Academic Staff who are also health practitioners
 - c. Disability Services
 - d. Clinical representatives, either internal or external, including but not limited to Honorary Clinical Academics
16. The Advisory Panel will meet to consider the matter and interview the student, and will make such inquiries as it sees fit to make a determination, including consideration of documented evidence, and interview with any other persons involved.
17. If the Advisory Panel determines that the conduct of the student constitutes Impairment, the Chair will refer the matter to the Executive Dean for reporting to AHPRA as soon as possible (see Stage 4: Notification to AHPRA).
18. If the Advisory Panel determines that the conduct of the student does not constitute Impairment, a report will not be made to AHPRA. The Advisory Panel may determine that further internal action is required in accordance with clauses 5.26-27. The Advisory Panel will refer the matter to the Executive Dean and FNC for closure. The FNC will retain a record of the decision and will advise the student and notifier of the decision, and of any further action required, using the appropriate letter template to the student.

Stage 5 – Report to AHPRA

19. Where the conduct of the student is determined to constitute Impairment, the Executive Dean will report the matter to AHPRA as soon as possible, using the NOTF-00 form. The AHPRA website provides further detail on the notification and assessment process (<https://www.ahpra.gov.au/Notifications/Make-a-Notification.aspx>).
20. In the interest of public safety, the student will be withdrawn from further participation in any clinical placement until conclusion of the investigation by AHPRA. The student should continue to undertake the coursework component of their course.
21. The Executive Dean must advise the student that:
 - a. the student may be required to attend an interview with AHPRA;
 - b. the ultimate decision regarding their fitness to continue in their professional experience placement will be made by AHPRA, not the University;
 - c. the student will be expected to comply with AHPRA's decision;



- d. legislation provides for appeal against the decision of AHPRA;
 - e. continuing enrolment in the course may be contingent upon the student's acceptance of conditions imposed by AHPRA after any appeal has been heard; and
 - f. continuing enrolment in the course is contingent on student registration with AHPRA.
22. AHPRA will advise the Executive Dean of the outcome of the AHPRA assessment and any further action required.
 23. The Executive Dean will retain a record of the outcome, will advise the student and the notifier of the outcome, using the appropriate letter template, and will implement any further requirements of AHPRA.

Other Internal Action

24. Any action or outcome under this Procedure will not affect the University's ability to manage the student's conduct under other relevant policies or procedures.

6 Non-UOW Supervising Practitioners

1. Supervising practitioners who are not employees of the University have their own reporting obligations in relation to student Impairment, which this procedure does not affect or replace. The University expects that where a supervising practitioner who is not a University employee makes a report to AHPRA, they notify the University of that report pursuant to usual conduct notification obligations under clinical placement agreements so that the University can manage the case internally as necessary.

7 Notification of Registered Health Practitioners

1. Some students of the University, while not required to register with AHPRA as students under the National Law, are required to register with AHPRA as a provisional health practitioner whilst undertaking University study, and as such, are bound by the laws which apply to "registered health practitioners" under the National Law (see Schedule 3 for further information).
2. Notifiable Conduct of a provisionally registered practitioner may be the subject of mandatory notification to AHPRA by a staff member of the University who is a registered health practitioner (for example their clinical placement supervisor).
3. Where a staff member of the University who is a registered health practitioner makes a report to AHPRA regarding Impairment of a University student in their capacity as a provisionally registered health practitioner, the University requires that the staff member provide notification of this reporting to the relevant FNC so that the University can manage the case internally as necessary.

8 Principles of Natural Justice

1. University staff involved in assessments and reports of Impairment of a student must observe the rules of natural justice in applying this Policy. This includes:
 - a. ensuring all parties are aware of the procedure being followed and the student is provided with copies of relevant policy documents and facts obtained;
 - b. explaining to the notifier that the requirements of procedural fairness mean that their identity will normally be disclosed to the student (except where it is not appropriate or not lawful to do so);



- c. informing the student of any assessment of potential Impairment being undertaken and the factors being considered in making that assessment;
- d. providing the student with the opportunity to respond;
- e. conducting a factual investigation of the case, interviewing all parties the FNC considers to be relevant to the matter and considering all relevant information; and
- f. acting fairly, impartially and without bias.

9 Appeal

1. A student may appeal the Executive Dean's determination to notify AHPRA of Impairment on the following grounds:
 - a. substantive procedural error; or
 - b. new and substantive information that could not be provided originally;
2. An appeal must be lodged in writing with the Deputy Vice-Chancellor (Education) (DVC(E)). The student must state grounds for appealing the determination and may include any new information the student believes is relevant to the appeal and could not be provided originally.
3. The DVC(E) will review all of the information provided by the Executive Dean and the student, and may seek further information as necessary.
4. Upon consideration of the appeal, the DVC(E) may apply the following outcomes:
 - a. appeal denied and the determination of the Executive Dean stands;
 - b. appeal upheld and the matter referred back to the Executive Dean for reconsideration.
5. Where the matter is reconsidered as per clause 9.4(b), upon the outcome of the reconsideration a new report will be made to AHPRA to either:
 - a. amend the original notification; or
 - b. reaffirm the original notification.

10 Confidentiality

1. Other than as described in this Procedure, all parties involved in matters relating to assessments and reports of Impairment of a student are obliged to preserve confidentiality in accordance with the University's [Code of Conduct - Staff](#), [Privacy Policy](#), and other relevant privacy legislation, noting that any confidentiality regarding conduct arising under this Procedure is limited by the University's obligations under law to disclose certain conduct to relevant authorities.

11 Roles & Responsibilities

1. All areas of the University have a responsibility to fulfil the University's mandatory obligations to report Impairment of all students identified under clause 2.1.
2. Specific roles and responsibilities are as detailed in this Procedure.

12 Timeframes

1. All actions relating to assessments and reports to AHPRA of Impairment of a student will be undertaken within a reasonable timeframe.



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13 Record Keeping

1. Files relating to assessments and reports of Impairment of a student shall be retained and disposed of in accordance with the [University's Records Management Policy](#), the [State Records Act 1998](#), and the [General Retention and Disposal Authority GDA23](#).

14 Further Information

1. The AHPRA website (<http://www.ahpra.gov.au/>) provides further information regarding mandatory reports of Impairment including explanatory guides, frequently asked questions, and forms.



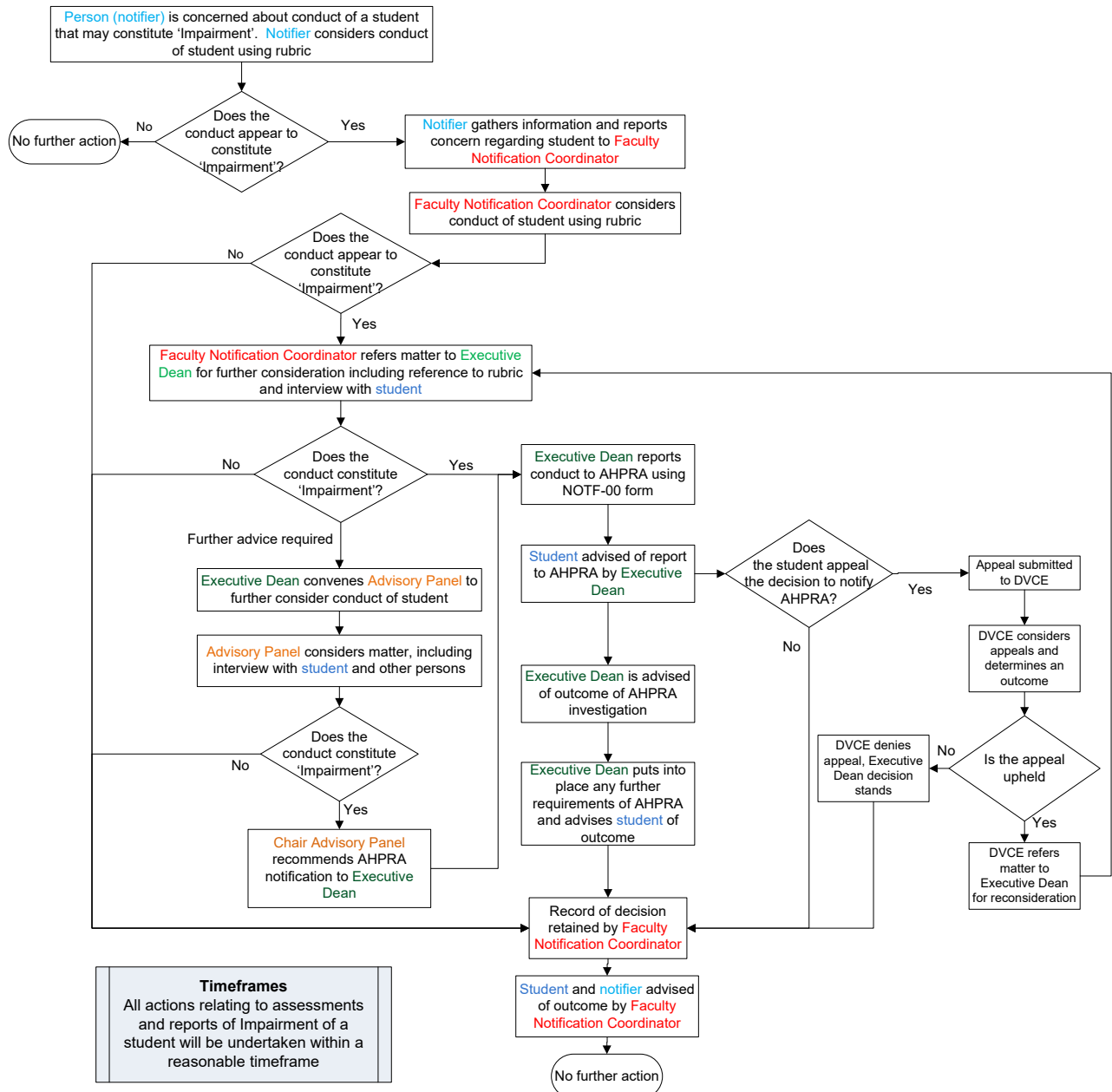
15 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	29 July 2015	Deputy Vice-Chancellor (Academic)	First version.
2	1 May 2020	Deputy Vice-Chancellor (Education)	Administrative amendment to update Senior Executive titles.
3	18 December 2020	Chief Operating Officer	Administrative amendments to reflect divisional and faculty realignments.



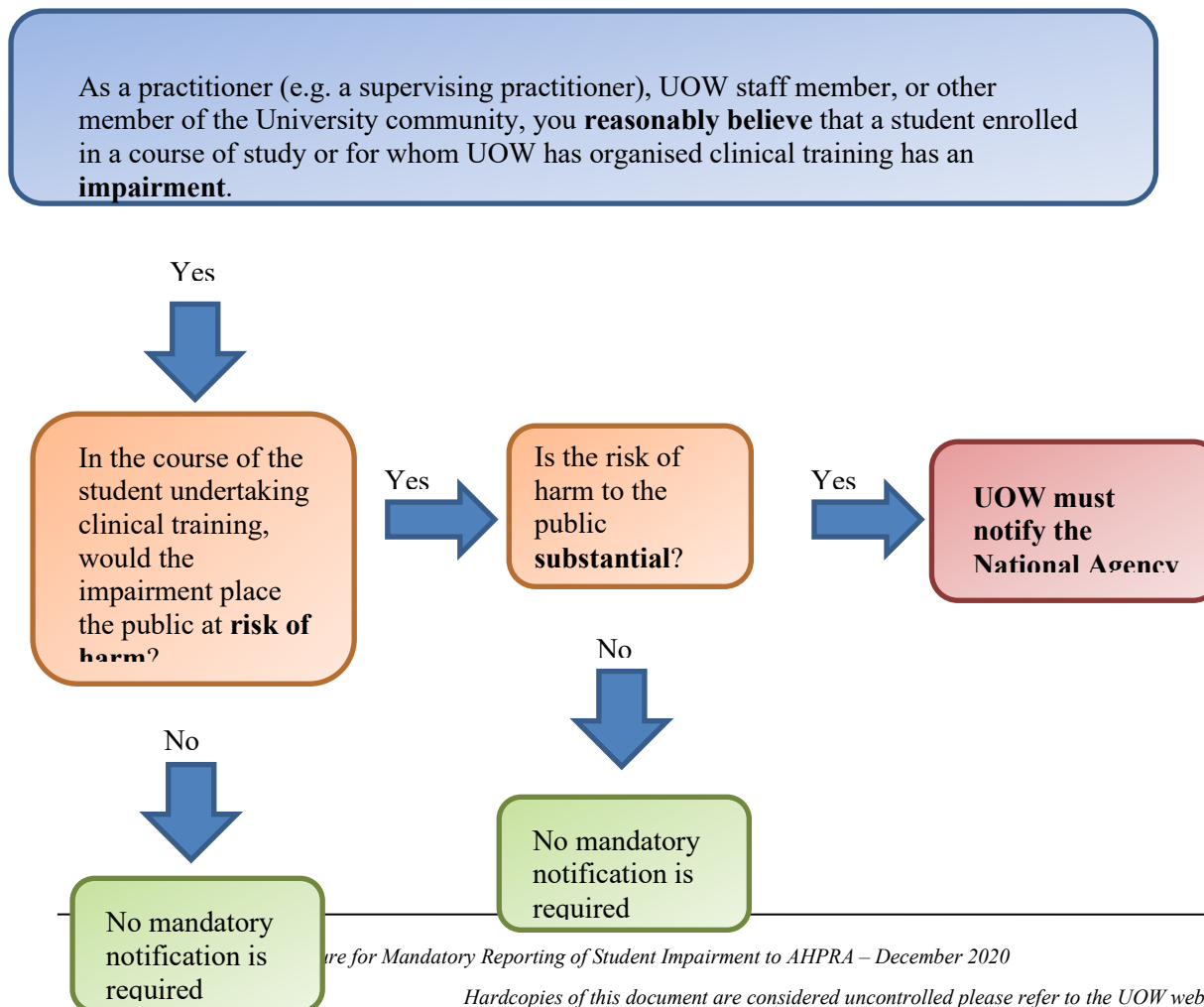
Schedule 1: Flowchart

Mandatory Reporting of Student Impairment to AHPRA





Schedule 2: Mandatory Reporting Decision Flowchart



Reasonable Belief: requires a stronger level of knowledge than mere suspicion. This will be either direct knowledge or observation of the behaviour that gives rise to the notification. A report should be based on facts or circumstances that are reasonably trustworthy. Rumours, speculation, gossip, or unsubstantiated statements will not constitute a reasonable belief and as such any notifications made that are reliant upon such sources will not be afforded the protection of the legislation.

Impairment: 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.

In all cases the student's impairment **must** place the public at **substantial risk of harm** in the course of the clinical training.

Substantial risk of harm means a strong possibility, as contrasted with a remote or even a significant possibility, that harm to the public may occur. It is risk of such a nature and degree that to disregard it constitutes a gross deviation from the standard of care that a reasonable person would exercise in such a situation.



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Schedule 3: Current University of Wollongong Courses registered with AHPRA

The following list identifies University of Wollongong courses currently registered with AHPRA, as at the most recent approval date of this procedure:

- Bachelor of Medicine Bachelor of Surgery
- Bachelor of Nursing
- Bachelor of Nursing – Advanced
- Bachelor of Nursing for Overseas Qualified Nurses;

The AHPRA website should be referred to for an up-to-date list of registered University of Wollongong courses: <http://www.ahpra.gov.au/Education/Approved-Programs-of-Study.aspx>

The following list identifies University of Wollongong courses within which a student may be required to have provisional practitioner registration with AHPRA, as at the most recent approval date of this procedure:

- Graduate Diploma in Psychology
- Master of Psychology (Clinical)
- Doctor of Philosophy (Clinical Psychology)
- Doctor of Psychology (Clinical)
- Master of Professional Psychology