

Local Instruction: FOSH - AHPRA mandatory notification of impairment of registered students

Purpose

- (1) This instruction supports the University's commitment to upholding [Health Practitioner Regulation National Law \(NSW\)](#) and abiding by reporting guidelines set out by the [Australian Health Practitioner Regulation Agency \(AHPRA\)](#).
- (2) This instruction provides a framework to assist staff at Charles Sturt University's Faculty of Science and Health (FOSH) in recommending that the University should report to AHPRA a student who has an impairment which may, in the course of undertaking a workplace learning placement, place the public at substantial risk of harm.

Scope

- (3) This instruction applies to students enrolled through FOSH who are undertaking workplace learning placements in any health or community settings as part of the degrees listed in Schedule 2 and University staff.
- (4) This instruction:
 - a. applies to the University's mandatory notification obligations under the National Law, and
 - b. may be invoked as a result of an investigation under another University process such as the Student Misconduct Rule and conversely, an investigation under another University process may be invoked as a result of consideration of a student's conduct considered under this procedure.
- (5) This instruction does not apply to other reporting obligations of the University, such as those relating to student registration with each health profession's National Health Practitioner Board.

Policy, procedures and guidelines

- (6) This FOSH instruction supports the following University policies, procedures and guidelines and should be read alongside these documents:
 - a. [Assessment - Academic Progress Procedure](#)
 - b. [Disability and Work or Study Adjustment Policy](#)
 - c. [Fitness for Study Procedure](#)
 - d. [Student Misconduct Rule](#)
 - e. [Workplace Learning for Students with Disability Guidelines](#), and
 - f. Work-Integrated Learning Placement Delivery and Management Procedure.

Instruction

(7) Any University staff member may report their concern about the impairment of a student which could result in a mandatory notification in accordance with the steps detailed below.

Initial consideration of impairment

(8) A staff member (notifier) who has a concern should consider whether the impairment may require a mandatory notification by referring to the Mandatory Reporting Decision Flowchart (Schedule 1). The notifier should also consider clauses (9) – (11) (in relation to forming a “reasonable belief) and (12) – (13) (in relation to considering “risk mitigation” strategies).

Reasonable belief

(9) To establish a reasonable belief that an impairment may require a mandatory notification, the notifier should have direct and reliable knowledge of the impairment and potential and/or actual impact on the public during workplace learning.

(10) If the notifier does not have such direct and reliable knowledge, they should gather this information from a reliable source(s) before proceeding.

(11) All conversations about impairment and workplace learning should be undertaken in a respectful way and maintain student confidentiality as much as possible in accordance with clause (37).

Risk mitigation

(12) When considering whether an impairment may require mandatory notification the notifier should establish if any strategies are in place or could be put in place that would mitigate risk of harm to the public during workplace learning. For example, the student may have a disability study plan and/or reasonable adjustments already in place.

(13) It is reasonable and acceptable for the notifier to discuss their concerns with the student and provide the student an opportunity to contribute to the development of strategies that would mitigate risk of harm to the public during workplace learning.

Notifier’s reporting of concern

(14) If, after referring to the Mandatory Reporting Decision Flowchart and having considered and taken action as required in accordance with clauses (9) – (11) and (12) - (13), the notifier reasonably believes that the impairment requires a mandatory notification, the notifier should report their concern to the Associate Dean (Partnerships and Workplace Learning), FOSH (ADPWL) as soon as possible, providing sufficient information to support their concern.

(15) If, after referring to the Mandatory Reporting Decision Flowchart and having regard to clauses (9) – (11) and (12) – (13), the notifier reasonably believes that the impairment does not require a mandatory notification, no further action is required.

Initial determination by Associate Dean (Partnerships and Workplace Learning, Faculty of Science and Health

(16) On receipt of a report from a notifier, the ADPWL 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 and any supporting AHPRA guidelines in order to make an initial determination whether the impairment requires a mandatory notification.

(17) If the ADPWL determines that the impairment requires a mandatory notification, they will refer the matter to the Executive Dean, FOSH for further assessment and determination.

(18) If the ADPWL determines that the impairment does not require a mandatory notification, the ADPWL will advise the notifier of the decision and will retain a record of the report. No further action is required under this instruction, but this will not prevent the University from addressing any student conduct under other relevant policies or procedures.

Determination by ADPWL and Executive Dean

(19) Within a reasonable timeframe following the ADPWL's referral, the ADPWL and Executive Dean will undertake further assessment to determine whether the impairment requires a mandatory notification, including meeting with the student.

(20) The ADPWL will notify the student in writing of the:

- a. substance of the concern
- b. date, time and location of the requested meeting
- c. advice that a support person may be present for the student
- d. available support services such as counselling, and
- e. relevant University policies.

(21) During the meeting with the student, the ADPWL 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.

(22) If, after all reasonable efforts have been made to meet and discuss the concern with the student, the ADPWL and Executive Dean have not been able to do so, they may proceed with the assessment and determination.

(23) In investigating the matter, the Executive Dean or ADPWL may seek guidance from AHPRA in relation to the concern regarding the impairment on a confidential basis.

(24) Based on the information collected, including information gathered during any discussion with the student, the ADPWL and Executive Dean will determine whether the impairment requires a mandatory notification. If the ADPWL 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, for example the Deputy Vice Chancellor (Academic) will be briefed on the assessment and asked to provide a recommendation on the matter.

Consequence of determination

(25) If, after conducting the assessment, the ADPWL and Executive Dean determine that the impairment requires mandatory notification, the Executive Dean will report the matter to AHPRA as soon as possible (see Report to AHPRA clauses (27)-(30)) and will advise the student and notifier of the decision, using the appropriate letter template.

(26) If, after conducting the assessment, the ADPWL and Executive Dean determine that the impairment does not require a mandatory notification, a report will not be made to AHPRA. The ADPWL and Executive Dean may determine that further internal action is required in accordance with clause (31). The ADPWL 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.

Report to AHPRA

(27) Where the impairment requires a mandatory notification pursuant to this instruction, 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.

(28) In the interest of public safety, the student will be withdrawn from further participation in any workplace learning until conclusion of the investigation by AHPRA. The student should continue to undertake the coursework component of their course.

(29) 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. the National Law provides for an appeal against AHPRA's decision
- 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.

(30) On receipt of AHPRA's assessment, the Executive Dean will retain a record of the outcome, will advise the student and notifier of the outcome, using the appropriate letter template, and will implement any further requirements by AHPRA.

Other internal action

(31) Any action or outcome under this instruction will not affect the University's ability to manage the student's conduct under other relevant policies or procedures.

Notification by Registered Health Practitioners as individuals

(32) The University expects that staff members who are registered health practitioners follow this instruction in the first instance. Where the University makes a mandatory notification to AHPRA, relevant staff members are relieved of their obligation to report the same matter.

(33) Where a staff member who is a registered health practitioner disagrees with a University decision not to make a mandatory notification to AHPRA, a meeting will be scheduled with the Discipline Lead, Head of School, ADPWL and Executive Dean to provide the staff member an opportunity to raise their concerns directly with the Executive Dean and to hear the justification for not making a notification.

(34) If a staff member continues to disagree, they may make a notification to AHPRA in their capacity as a health practitioner however they must not 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.

(35) Where a staff member, under their practitioner obligations, reports an impairment to AHPRA, the University expects that staff member to notify the University of the report so that the University can manage the case internally as necessary.

Confidentiality

(36) Other than described in this instruction, 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](#), the [Privacy Management Plan](#), and other relevant privacy legislation, noting that any confidentiality regarding impairment arising under this instruction is limited by the University's obligations under law to disclose certain impairments to relevant authorities.

Timeframes

(37) All actions relating to assessments and reports to AHPRA of impairment of a student will be undertaken in a reasonable timeframe.

Further information

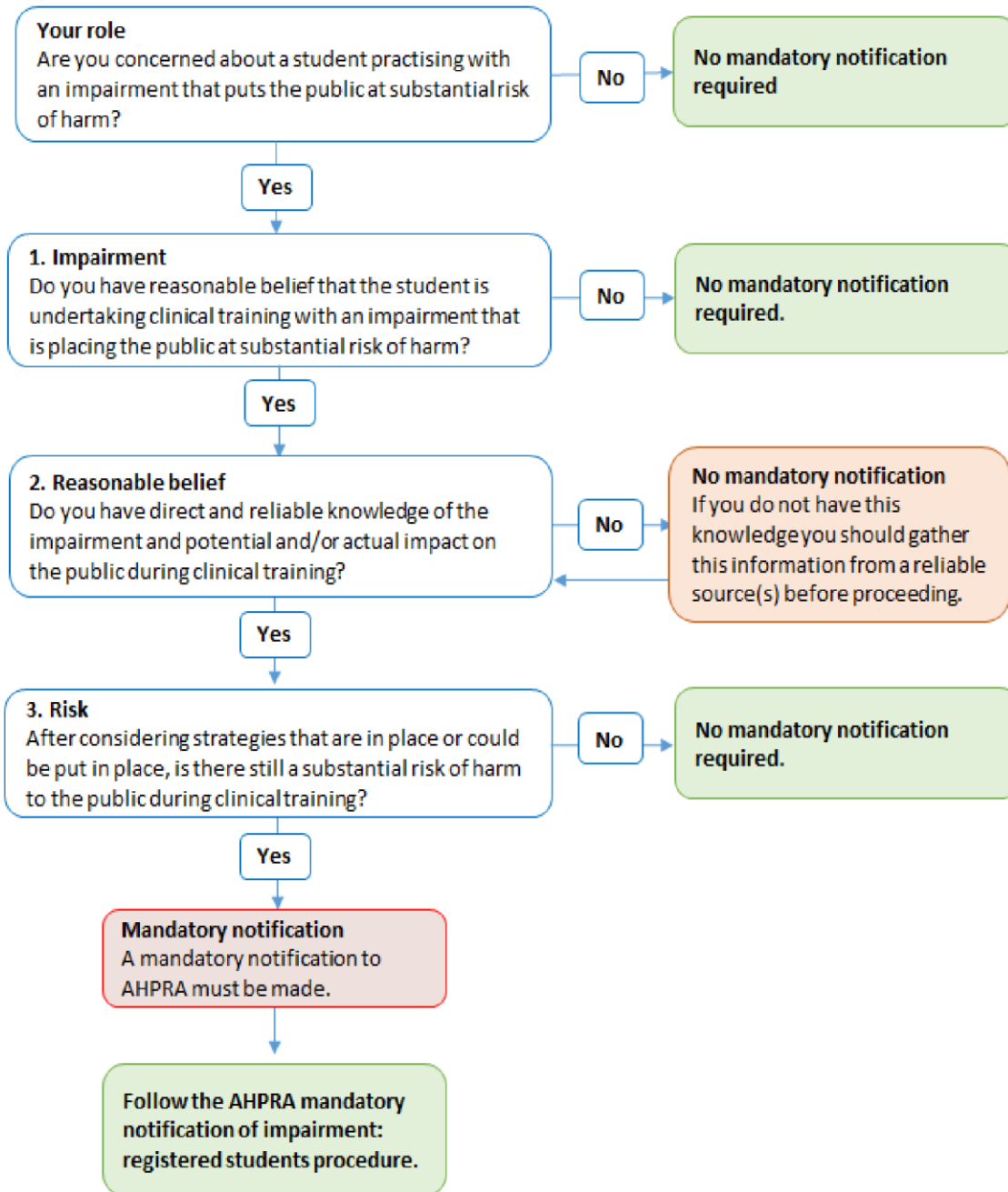
(38) The [AHPRA website](#) provides further information regarding mandatory notifications including explanatory guides, frequently asked questions, and forms.

Glossary

(39) For the purpose of this instruction, the following additional terms have the definitions stated:

- a. AHPRA – means the Australian Health Practitioner Regulation Agency.
- b. Host organisation – means any organisation that provides workplace learning placements to a student.
- c. Impairment – has the same meaning as defined in section 5 of the National Law meaning in relation to a student, that 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 an approved program of study in which the student is enrolled, or arranged by an education provider.
- d. Mandatory notification - means the University's mandatory notification obligation as contained in section 143 of the National Law being that the University must notify AHPRA if it reasonably believes:
 - i. a student enrolled in a degree listed in Schedule 2 has an impairment that, in the course of the student undertaking workplace learning as part of their program of study, may place the public at substantial risk of harm, or
 - ii. a student for whom the University has arranged workplace learning has an impairment that, in the course of the student undertaking the workplace learning, may place the public at substantial risk of harm.
- e. National Law – means the Health Practitioner Regulation National Law (2009) NSW.

Schedule 1 Mandatory notification of impairment decision flowchart



Schedule 2 Current Charles Sturt University Faculty of Science and Health courses registered with AHPRA

The following list identifies Charles Sturt University courses within the Faculty of Science and Health currently registered with AHPRA, as at the most recent approval date of this instruction:

- Bachelor of Clinical Practice (Paramedic)
- Bachelor of Dental Science
- Bachelor of Medical Radiation Science (Diagnostic Radiography)
- Bachelor of Medical Radiation Science (Medical Imaging)
- Bachelor of Medical Radiation Science (Nuclear Medicine)
- Bachelor of Medical Radiation Science (Radiation Therapy)
- Bachelor of Medical Radiation Science in Diagnostic Radiography
- Bachelor of Medical Radiation Science in Radiation Therapy
- Bachelor of Medical Radiation Science (Medical Imaging) (Honours)
- Bachelor of Nursing
- Bachelor of Nursing/Bachelor of Clinical Practice (Paramedic)
- Bachelor of Occupational Therapy (Albury campus)
- Bachelor of Occupational Therapy (Port Macquarie campus)
- Bachelor of Occupational Therapy (Honours) (Albury campus)
- Bachelor of Occupational Therapy (Honours) (Port Macquarie campus)
- Bachelor of Oral Health (Therapy and Hygiene)
- Bachelor of Paramedicine
- Bachelor of Paramedicine (Honours)
- Bachelor of Pharmacy
- Bachelor of Physiotherapy
- Bachelor of Physiotherapy (Honours)
- Bachelor of Podiatric Medicine
- Bachelor of Podiatric Medicine (Honours)
- Graduate Certificate in Nursing (Clinical Education)
- Graduate Certificate in Nursing (Leadership and Management)

- Graduate Certificate in Nursing (Rural and Remote Nursing)
- Graduate Diploma of Midwifery
- Graduate Diploma of Clinical Practice (Paramedicine)
- Graduate Diploma Clinical Practice (Paramedic)
- Doctor of Medicine
- Doctor of Psychology (Clinical)