

# Fact sheet - Assessor Performance assessment



Council of New South Wales

## Summary

### **i** What

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A performance assessment is a process that provides an independent assessment of a practitioner's professional performance.

The *Health Practitioner Regulation National Law (NSW)* gives us the authority to require a registered practitioner to attend a performance assessment.

### **?** Why

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Our role is to manage complaints about the performance, conduct, or health of practitioners, to protect public health and safety.

We may assess a practitioner's performance if a complaint indicates that the practitioner's performance is or may be unsatisfactory.

### **⚙️** How

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You should assess whether or not the practitioner's knowledge, skill and judgment meets the standards reasonably expected of a practitioner of an equivalent level of training or experience at the time of the assessment.

The method of assessment can include theoretical and practical components.

### **👤** Who

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We will generally appoint two or more suitably qualified persons to conduct the assessment.

You may:

- together, assess the practitioner at the same time over the course of one day, or
- separately assess the practitioner over the course of two days.

We will tell you the name of the practitioner, their background and details of the complaint.

If you know the practitioner, please tell us immediately. The practitioner may also object to an assessor. After consideration, we may or may not agree to replace you.

### **📍** Where

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The assessment will take place either in the practitioner's workplace, a simulated environment, or both.

### **📅** When

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We will:

- contact you to identify a suitable time. If we do not hear from you, we will contact another suitable assessor
- contact the simulation facility or workplace to confirm the date
- tell the practitioner the time, date and location of the assessment at least 14 days before it occurs.

We ask the practitioner to report to the assessment location on the day at least 15 minutes before the start of the assessment.

### **☰** Further details

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This fact sheet details the following topics:

1. What we will send you
2. What can you do to prepare?
3. What happens at the assessment?
4. What are you authorised to do?
5. What is a conflict of interest?
6. What if the practitioner brings documents to the assessment?
7. What happens if the practitioner does not attend the assessment?
8. What happens if you have significant concerns regarding the practitioner's practice following the assessment?
9. What happens after the assessment?
10. Is the assessment report confidential?
11. What are the possible outcomes?
12. Flowchart – administrative process

## Further details

### 1. What we will send you

Before the assessment we will send you:

- a copy of the complaint, or a summary of the issues raised, and background information
- the areas of focus for the assessment
- the practitioner's registration details, including a copy of any restrictions on their registration
- the practitioner's CV
- Performance Interview report (if available)
- a Certificate of Authority to act as the Council's performance assessor
- a Conflict of Interest form to complete and return to us.

### 2. What can you do to prepare?

- Review the information we have provided you. You should not evaluate the practitioner's past behaviour but this information may assist you to identify specific areas to assess.
- Send us an outline of the activities that will take place on the day at least one week before the assessment, so that we can forward it to the practitioner.
- You may need to develop your own case studies and/or quizzes in order to tailor the assessment to the practitioner. We will provide you with access to any resources that we have.
- Speak with the other assessor/s about your respective roles on the day. This should include identifying which of you may have particular knowledge of speciality areas that need to be assessed, and other practicalities.

### 3. What happens at the assessment?

We may ask you to assess the practitioner's performance in their clinical environment, a simulated setting, or both.

You may need to produce the Certificate of Authority when conducting an assessment in the practitioner's workplace.

You may use a variety of assessment methods, including:

- **interview:** at the start of the day, you should discuss with the practitioner the complaint, their background, work experience and education. During the assessment, you should ask the practitioner questions about their knowledge and reasoning behind clinical actions. After the assessment, you should ask the practitioner to reflect and provide feedback on the assessment.
- **direct observation of clinical practise:** this occurs either in a clinical setting or through a clinical simulation using case scenarios.
- **audit of records:** you may review records and documentation completed by the practitioner to assess whether record-keeping is factual, accurate, complete, timely, organised and complies with professional standards, legislation and policies.

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- **written knowledge test:** you may ask the practitioner to answer multiple choice or short answer questions to demonstrate knowledge about a specific area, practice or issue of concern.
- **interview with colleagues:** you may speak to the practitioner's professional colleagues to assess the practitioner's collaboration and communication with other health team members.
- **other methods:** you may also assess the practitioner by other methods which you decide are relevant.

### Consent by patients / clients

If the performance assessment takes place in a clinical environment, the practitioner should seek the permission of their patients or clients for you to observe their work. This consent can be obtained in writing or verbally. They do not need to tell patients or clients that their performance is being assessed.

Your role is to observe and assess the practitioner, not to provide clinical care. You may stop an assessment in the workplace if you believe that patient safety will be compromised.

### 4. What are you authorised to do?

You may:

- examine any equipment related to professional practice
- photograph the premises or equipment on the premises
- inspect any stocks of any substance or drugs in or about the premises
- require any person on the premises to produce records relating to performing the professional practice
- make copies, extracts or notes from any such records
- ask questions of any person on the premises
- require the owner or occupier of the premises to provide you with the assistance and facilities reasonably necessary to enable the assessment to take place.

You must carry your Certificate of Authority with you on the day.

It is an offence to hinder or obstruct an assessor, or to knowingly provide false information.

### 5. What is a conflict of interest?

It is important that the assessment is independent and that you take steps to avoid any actual, potential and perceived conflicts of interest. If you are unsure whether a conflict of interest has or will arise, please call us to discuss. Some common conflicts of interest that may arise and the resulting actions we and you should take include:

Conflict of interest	Action by you	Action by us
Current or previous working relationship	Inform us as soon as possible before the assessment	We will appoint another assessor
Practitioner contacts you directly to discuss the assessment and report	Redirect them to us and let us know	We will contact them to update them on the progress of our processes
Gifts	Refuse all gifts and	We will contact the practitioner to clarify that

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let us know

gifts are not appropriate. We will also consider scheduling any future re-assessments with an alternative Council-appointed assessor

## 6. What if the practitioner brings documents to the assessment?

We have asked the practitioner to provide us with any relevant information they would like you to consider before the assessment, which we will forward to you. However, if the practitioner brings documents to the assessment for you to review, please:

- ask the practitioner to state on the top of the document that they consent to the document(s) being forwarded to us and to sign under the statement, and
- forward the additional document(s) to us with your report.

## 7. What happens if the practitioner does not attend the assessment?

Please inform us immediately if the practitioner does not attend the assessment as we may need to take further action. If the practitioner fails to attend, we will pay you.

## 8. What happens if you have significant concerns about the practitioner's health, performance or conduct?

Please call us immediately if you have any significant concerns.

## 9. What happens after the assessment?

You should complete the report within four weeks, providing a summary of each assessment method and describing each result.

## 10. Is the assessment report confidential?

The report is confidential and will be used in line with the *National Law (NSW)* provisions. It may not be used as part of a civil court case unless agreed by both you and the person the report is about.

## 11. What are the possible outcomes?

We will review the report and any information the practitioner provides to decide what further action is needed to protect the public. We will also send a copy of the report to the practitioner.

When providing us with recommendations, you should understand that we may take the following action after the assessment:

- close the matter and take no further action, if there is no evidence that the practitioner's performance is unsatisfactory and we have no further concerns
- counsel the practitioner
- seek the practitioner's consent to conditions and/or orders on their registration
- refer the matter to a Performance Review Panel (PRP) to consider whether conditions or suspension of registration are needed to protect public safety (a PRP and the Tribunal can call an assessor as a witness)
- other action such as referring the matter for further assessment or investigation
- take immediate interim action under s150 of the National Law (NSW), if we believe the health and safety of the public is immediately at risk or it is otherwise in the public interest (*reference s150 fact sheet*).

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If conditions are placed on a practitioner's registration, we will monitor the practitioner's compliance, which may include regular review assessments.

## 12. Administrative process

	<b>Council</b>	<b>Assessor</b>	<b>Practitioner</b>
<b>Within 90 days</b>	We decide to assess a practitioner's performance		
	We contact: <ul style="list-style-type: none"> <li>the practitioner to advise of assessment in workplace</li> <li>the workplace, if needed, to get rostered dates and provide the assessors with the possible dates</li> </ul>		
<b>Assessment date is confirmed</b>			
<b>At least 14 days before the assessment</b>	Send correspondence to the workplace (if applicable), assessors and the practitioner.	Send the assessment plan, equipment list (if applicable) and conflict of interest forms to us.	Sends us an updated CV and CPD.
<b>Assessment is held</b>			
<b>On the day</b>		Contact us if you have any serious concerns about public safety	
<b>Within 28 days</b>		Complete the assessment report	