AHPRA Mandatory Notification Reporting Procedure

Section 1 - Introduction

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

(2) This procedure sets out the steps by which the University may 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 notification 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 document should be read in conjunction with the AHPRA Guidelines for Mandatory Notifications about Registered Students (see Australian Health Practitioner Regulation Agency - Mandatory Notifications).

Section 2 - Scope

(5) This procedure applies to staff associated with University students who are:

a. enrolled in a program (listed below); and
b. registered with their respective National Board.

Section 3 - Audience

(6) Staff and students (in relation to the programs listed in Section 7 – Relevant Programs).

Section 4 - Definitions

(7) In the context of this document:

a. ‘the public’ means the student's patients or clients in a clinical training environment and the wider community that could be put at risk of harm;
b. ‘reasonable belief’ or ‘reasonably believe’ means that direct knowledge of an incident or behaviour has led to a concern. Reasonable belief does not include speculation, rumours, gossip, innuendo or suspicion. Reasonable belief should be informed by personal knowledge of reasonably trustworthy facts or circumstances.
c. ‘national board’ is as defined by the Health Practitioner Regulation National Law (NSW), 2009.

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Section 5 - Procedure

Mandatory Notifications to AHPRA

(8) 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.

Voluntary Notification to AHPRA by Education Providers

(9) The University may make a voluntary notification to AHPRA about a student on the grounds that the student:

a. has either in New South Wales or elsewhere, been charged with an offence, or has been convicted of or found guilty of an offence, that is punishable by 12 months imprisonment or more;
b. has or may have an impairment; or
c. has or may have contravened a condition of the student's registration or an undertaking given by the student to a National Board.

University Process for Lodging a Mandatory or Voluntary Notification to AHPRA

(10) Staff must notify the relevant Head of School in writing where they reasonably believe that a student has:

a. demonstrated an impairment and the impairment will place the public at substantial risk of harm;
b. been charged with an offence, or been convicted or found guilty of an offence, that is punishable by 12 months imprisonment or more;
c. an impairment, or may have an impairment;
d. contravened, or may have contravened, a condition of the student's registration or an undertaking given by the student to a National Board.

(11) Where the Head of School believes that a notification should be submitted to AHPRA, the College Pro Vice-Chancellor should be provided with a written recommendation for this action. The College Pro Vice-Chancellor will then deliver a written recommendation to the University Registrar.

(12) The University Registrar may:

a. confirm the recommendation and notify AHPRA, in writing, on behalf of the University. The notification will contain particulars on the basis of which the notification is made;
b. refer the recommendation back to the College Pro Vice-Chancellor for further clarification; or
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.

(13) If the matter is considered appropriate to be reported to AHPRA, the University Registrar will confirm the recommendation and notify AHPRA within 10 working days. (AHPRA may choose to notify the Health Professional Councils Authority (HPCA), or Health Care Complaints Commission (HCCC)).

(14) The College Pro Vice-Chancellor and/or the University Registrar may also refer the matter for consideration and

possible sanctions under the University's Student Conduct Rule.

(15) Where a notification is made to AHPRA in accordance with clause 12, the University Registrar will also inform the student that a notification has been lodged with AHPRA. The correspondence will:

a. include the particulars included in the notification;
b. direct the student to the AHPRA website; and
c. provide the student with information to access available University student supports.

Consequences for Students

(16) Upon assessing a notification the National Board may take regulatory action, including imposing certain conditions or restrictions on the student's registration.

Outcome Notification

(17) Once the University is notified of the outcome of the assessment by AHPRA, the Health Professional Councils Authority (HPCA), or Health Care Complaints Commission (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 University Registrar 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.

Mandatory Self-Notifications by Students

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

a. they have been charged with an offence punishable by 12 months imprisonment or more;
b. they are convicted of or found guilty of 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.

Mandatory Notification by a Health Practitioner who is a Staff Member

(19) A staff member who is a health practitioner and reasonably 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.

(20) In the event that a staff member makes a notification in their capacity as a health practitioner, the staff member must not represent to AHPRA that the notification is being made on behalf of the University. Any such notification must not be made on University letterhead, submitted via a University email address, or signed under the staff member’s position title at the University.

Section 6 - Roles and Responsibilities

(21) Staff members who have reasonable belief that a student has demonstrated an impairment, been charged with or convicted of an offence, or has contravened conditions on their registration, are responsible for ensuring the relevant Head of School is notified in writing.

(22) The Head of School is responsible for determining if a matter reported to them should be escalated for notification and notifying the relevant College Pro Vice-Chancellor of this recommendation in writing.

(23) The College Pro Vice-Chancellor is responsible for considering the recommendation and, if approved, delivering the recommendation to the University Registrar in writing, and (if appropriate) referring the student to be subject to processes of the Student Conduct Rule.

(24) The University Registrar is responsible for submitting complaints with AHPRA on behalf of the University, in accordance with this procedure 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.

(25) The Secretary, Program and Course Approval Committee is responsible for updating programs listed in Section 7 – Relevant Programs.

(26) Students enrolled in those degrees listed in Section 7 are responsible for notifying their relevant NSW health professional Council within seven days of becoming aware that they fall into any of the categories outlined in clause 18 of this procedure.

Section 7 - Relevant Programs

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 and Doctor of Medicine (Joint Medical Program)	Bachelor of Medical Radiation Science (Diagnostic Radiography) (Honours)
Bachelor of Medical Radiation Science (Radiation Science)(Honours)	Bachelor of Medical Radiation Science (Nuclear Medicine) (Honours
Bachelor of Midwifery	Bachelor of Nursing
Bachelor of Occupational Therapy (Honours)	Bachelor of Oral Health Therapy
Bachelor of Pharmacy (Honours)	Bachelor of Physiotherapy (Honours)
Bachelor of Podiatry	Bachelor of Psychological Science
Bachelor of Psychological Science (Advanced)	Bachelor of Psychology (Honours)
Doctor of Philosophy (Clinical Psychology)	Master of Clinical Psychology
Master of Mental Health Nursing	Master of Midwifery Studies
Master of Nurse Practitioner	Master of Nursing
Master of Professional Psychology	

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Enquiries Contact	Ellen Parker Senior Manager Education and Innovation Office of the Senior Deputy Vice-Chancellor (Academic & Global)

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.

"Working day" - Any day other than Saturday, Sunday, or a public holiday in Newcastle, on which business may be conducted.

"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.