

# Fact sheet - employer Performance assessments conducted in your workplace



Council of New South Wales

## Summary

### What

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A performance assessment is a process that provides an independent assessment of the professional performance of a registered health practitioner.

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

It is separate to any assessments that an employer might require of an employee and cannot be used for any employment related purpose.

### 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 about them indicates that their performance is unsatisfactory. We assess whether or not their knowledge, skill and judgment meets expected standards at the time of the assessment.

### How

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The assessment can include theoretical as well as practical components.

The assessors will 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.

### Who

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Before the assessment, we will tell you the names of the assessors we have appointed to conduct the assessment. They are generally two or more suitably qualified persons.

They may:

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

A certificate of authority will be issued for each performance assessor signed by our Executive Officer (or a delegate).

### Where

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This fact sheet is about performance assessments that are conducted in the workplace. In some circumstances, we conduct assessments in simulation laboratories at universities or other hospitals.

### When

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We will contact you to explain the process and confirm a suitable date for the assessment.

### Further details

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This fact sheet details the following topics:

1. What should you do before the assessment?
2. What happens at the assessment?
3. What are the assessor/s authorised to do?
4. What happens after the assessment?
5. Is the assessment report confidential?
6. What are the next steps?

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## Further details

### 1. What should you do before the assessment?

We will contact you prior to the assessment to discuss the arrangements.

An assessment conducted by Council-appointed assessors within a practitioner's own workplace is stressful for the practitioner. We ask you to assist us to manage this process in a respectful and discreet manner.

### 2. What are the assessor/s authorised to do?

The assessor/s 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.

Each assessor will carry their Certificate of Authority with them on the day.

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

### 3. What happens at the assessment?

The assessment may include:

- direct observation of clinical practice
- audit of records
- written knowledge test
- discussions with a variety of individuals the practitioner has worked with or cared for
- other methods which the assessors decide are relevant.

The assessors will brief and debrief the practitioner on commencement and completion of the assessment. The assessors will not provide the practitioner with the outcome of the assessment on the day.

### 4. What happens after the assessment?

A Performance Assessment Report will be provided to the practitioner when it is completed for reflection and comment.

Both the report and the practitioner's reflections on the assessment will be provided to the Council for consideration of the next step in the process.

### 5. Is the assessment report confidential?

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

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## 6. What are the next steps?

We will consider the report as well as the practitioner's response to the report and decide whether their performance is satisfactory or unsatisfactory.

If the practitioner's performance is satisfactory, we may decide to take no further action.

If his/her performance is not satisfactory, we will identify the areas of concern and may do one or more of the following:

1. require the practitioner to attend:
  - a Counselling Interview
  - a Performance Interview
  - a Performance Review Panel to inquire into his/her professional performance
  - an Impaired Registrant's Panel to inquire into his/her health and well-being
2. seek the practitioner's agreement to conditions or orders
3. make a complaint about the practitioner to the Health Care Complaints Commission
4. consider whether to take immediate action under section 150 of the *National Law (NSW)* for the safety of the public.