

Terms of Reference



Performance Interview and Counselling Committee

1. Purpose

In relation to complaints referred by the Council pursuant to its functions under Part 8 of the *Health Practitioner Regulation National Law (NSW)*, the purpose of the Performance Interview and Counselling Committee is to:

- i. make inquiries into a complaint and advise the Council in managing an individual matter.
- ii. counsel registered health practitioners and students about professional standards to ensure safe professional practice and maintain public safety.

2. Functions

The functions of the Committee specific to Performance Interviews include:

- a. interviewing a practitioner to gather more information about a complaint, including requesting for further documentary evidence
- b. making recommendations to the Council about the ongoing management of the complaint in line with the courses of action under section 145B of the *Law*
- c. if required, counselling and/or providing professional guidance on best practice and the relevant standards and codes

The functions of the Committee specific to Counselling include:

- a. counselling a practitioner or student about their professional practice, behaviour and/or conduct and its potential or actual impact on care, outcomes and/or the standing of the profession
- b. if further issues arise and action under the *Law* is required, recommending to Council that a complaint be opened and managed as a new complaint

The functions of the Committee specific to both Performance Interview and Counselling include:

- a. ensuring the record of the interview/ counselling is accurate and appropriate
- b. enabling practitioners or students to reflect and identify ways of preventing similar situations occurring and or improving performance in the future
- c. providing advice on best practice, the relevant standards and codes

3. Delegations

The Committee is advisory and reports to the Council.

4. Membership

The Committee comprises at least two members, with at least one being a Council member.

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The membership is made up of:

1. one community / legal member
2. one member of either profession:
 - a. registered nurse (Division 1)
 - b. enrolled nurse (Division 2)
 - c. registered midwife

5. Quorum

A quorum comprises of two members, one member being a community or legal member and one member of either profession.

The **lead** is a member nominated by the Committee.

6. Meeting Requirements

The Committee meet at least three times a month, unless there are no matters.

7. Expectations and Obligations

Members are expected to prepare for the Committee meeting in advance by reviewing all the complaint material on the agenda.

8. Records and Reporting

A report is prepared for each matter.

The performance interview reports are considered by the Notifications Committee for ratification and consideration of further action under Part 8 of the Law.

The counselling reports are considered by the Council at its monthly meeting.

9. Resources

The RAPPS (Risk, Assessment, Professional Programs and Scheduling) team are responsible for the Committee's meeting requirements. The RAPPS and Case Management teams share responsibility in ensuring all hearing documents and reports are managed within the timeframe specified.

10. Remuneration

Members of the Committee are remunerated for performing regulatory functions delegated by the Council under the schedule of fees approved by the NSW Health Minister.

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11. Review

The terms of reference are to be reviewed every three years.