



Information sheet for educators

Introduction

This information sheet is to help you, as an approved educator, better understand your role and responsibilities when providing required education to a practitioner (or student) with restrictions.

National Boards, panels and tribunals can place restrictions (conditions and undertakings) on a practitioner's registration when they consider it necessary to protect the public, such as during an investigation or at the end of a hearing.

Agreeing to provide the required education to a health practitioner with a restriction is an important responsibility. A National Board has delegated responsibility to you, to ensure the person you are educating gains the required knowledge to enable them to practise to the expected standard.

Your service to the community and support of the practitioner, by undertaking the education, is appreciated.

When should I decline to act as an educator?

An educator must be able to provide an independent report of the education outcomes and must be willing to report to AHPRA immediately if any practice or conduct of the practitioner is placing the public at risk. Therefore, you must declare to AHPRA any actual or perceived conflicts of interest that may undermine the independence of your reporting.

A conflict of interest occurs when a fair-minded observer might reasonably think that your interest may result in a conflict with the proper performance of your duties and responsibilities.

Examples of situations that may result in a conflict of interest are:

- The practitioner being the employer of the educator and having the ability to direct the education process.
- Having a shared financial or other interest with the practitioner being educated or if your friends or relatives have such an interest.
- Accepting a gift or benefit that may be seen as intending to influence how you act as an educator.
- Having a personal, philosophical, religious, moral or political belief or attitude that could be seen to affect your impartiality.
- Having or developing a personal relationship with the practitioner being educated or their friend or relative that goes beyond the level of a professional working relationship.
- Providing reports to the National Board that result in your personal gain or advantage.

What is an educator expected to do?

In providing the education, the National Board expects that you will:

- develop a written education plan for Board approval outlining the form the education will take and how the area of concerns of the Board will be addressed in the education
- deliver the education as per the approved plan
- immediately inform AHPRA of any significant concerns identified through the education where any of the practitioner's practice or conduct could be placing the public at risk
- provide a written report of the education to the Board, and
- notify the Board if you intend to withdraw from the role of educator.

What information is to be included in the education report?

A written report of the education is to be provided at the conclusion of the program. Information in the report should be sufficient for the Board to determine whether or not the issues which gave rise to the imposition of the restriction requiring education have been addressed. The report is to be forwarded to AHPRA (addressed to the compliance case officer, whose name and contact details will be provided to you). An example of what should be included in a report is as follows:

- dates and duration of the education
- confirmation that all education activities detailed in the approved education plan have been completed
- whether the practitioner has or has not attained the knowledge to practise to the expected standard.
- whether there were areas for improvement noted and the feedback provided to the practitioner, and
- any recommendations for the Board to consider, for example, any areas of further education or upskilling required.

How will the education report be used?

The education report will be used by the National Board to determine whether the practitioner has attained the knowledge to practise to the expected standard.

The report will not be routinely released to the practitioner. However, if the National Board relies on the report to take any further regulatory action in relation to the practitioner, they will need to release the report. AHPRA and the Board may also have to disclose a report if this is required by law.

All costs associated with the education and the provision of the report is the responsibility of the practitioner.

Further information regarding AHPRA's privacy policy is available at www.ahpra.gov.au: *Freedom of information and privacy*. The privacy policy explains:

- how you may access and seek correction of your personal information held by AHPRA or a National Board
- how to complain about a breach of your privacy, and
- how your complaint will be dealt with.

What are my rights and obligations as an educator?

As an educator you are performing an important function for the purposes of the National Law and this brings with it responsibilities and protections. In agreeing to provide the education, you are confirming that you are aware of the following rights and obligations, and that you must notify AHPRA and withdraw from providing the education if you cannot meet these obligations. You may also, for any other personal reason, withdraw from providing the education at any time by notifying AHPRA.

General duties

You must undertake the role of educator:

- in good faith
- in a financially responsible manner, and
- with a reasonable degree of care, diligence and skill.

You must not use your position as an educator or the information that comes to you through this position to gain an advantage for yourself or someone else or to cause damage to the operation of the National Registration and Accreditation Scheme.

Duty of confidentiality

Protected information is information that comes to your knowledge through your role as an educator. You must not disclose protected information unless:

- it is necessary to carry out the education
- is required by law, or
- the person the information relates to consents to the disclosure.

All information provided to you, as an educator, must be:

- securely stored to ensure confidentiality is maintained
- securely returned to AHPRA when asked, or
- destroyed when it is no longer needed to carry out the education unless you are legally required to keep it (such as record keeping obligations).

Protection from personal liability

AHPRA provides protection from personal monetary liability for anything done or omitted to be done in good faith in carrying out the education.

Mandatory reporting

As a registered health practitioner you have a mandatory reporting responsibility under the National Law. If in the course of practising your profession, you form a reasonable belief that another registered health practitioner has behaved in a way that constitutes 'notifiable conduct' you must notify AHPRA.

Notifiable conduct by registered health practitioners is defined as:

- practising while intoxicated by alcohol or drugs
- sexual misconduct in the practice of the profession
- placing the public at risk of substantial harm because of an impairment (health issue), or
- placing the public at risk because of a significant departure from accepted professional standards.

Further information on what constitutes 'notifiable conduct' and about how to make a mandatory report can be found at www.ahpra.gov.au.