

Summary

What

A performance assessment is a confidential process that provides an independent assessment of your professional performance.

It is separate to any assessments that your employer might require.

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

Why

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

We may assess your performance under the *National Law (NSW)* if a complaint about you indicates that your performance is or may be unsatisfactory. We assess whether or not your knowledge, skill and judgment meets expected standards at the time of the assessment.

How

We assess your performance against the professional standards approved by the National Board.

The assessment includes theoretical as well as practical components.

We will assess whether you comply with relevant laws, policies, and practice guidelines applicable to your profession.

Who

Before the assessment, we will tell you the names of the assessors we have appointed to

conduct the assessment. There are generally two or more suitably qualified persons.

They may:

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

If you object to the appointment of a particular assessor, you must tell us your reasons in writing. After consideration, we may or may not agree to replace them – our decision is final.

Where

The assessment will take place either in your workplace, a simulated environment, or both.

When

You will be told about the time, date and location of the assessment at least 14 days before it occurs. We aim to schedule your assessment within three months of our decision to conduct the assessment.

Please report to the assessment location at least 15 minutes before the start of the assessment.

Further details

This fact sheet details the following topics:

1. What can you do to prepare?
2. What documents do we provide to the assessors?
3. What happens at the assessment?
4. Who pays for the assessment?
5. What happens if you do not attend?
6. What happens after the assessment?
7. Is the assessment report confidential?
8. Where can you get support or advice?

Further details

1. What can you do to prepare?

You must	understand the relevant laws, policies, and practice guidelines as they apply to your practice as a nurse / midwife. Particularly in relation to the issues that have triggered the assessment.
You should	<ul style="list-style-type: none">▪ undertake further learning in relation to the national standards. Check the websites of the National Board, and NSW Health for more information.▪ undertake further learning in the areas of concern raised by the complaint/s. This can be done via HETI Online or other sources. If you do not have access to HETI Online, contact us.▪ update your curriculum vitae (CV).▪ check that your continuing professional development (CPD) log for the past two years is accurate.
You may	ask an experienced health professional to provide feedback about your practice prior to the performance assessment and seek his/her advice on areas for improvement.

Before the assessment we will request that you send us your CV, your CPD log and any additional relevant information.

We will send you an outline of the activities that will take place on the day at least one week before the assessment.

On the day, you should dress as you would for a normal day at work. You may wish to bring along:

- a calculator (not a smartphone)
- pen and paper
- your preferred nursing drug handbook/MIMS
- your reading glasses
- your own lunch.

2. What documents do we provide to the assessors?

We provide:

- a copy of the complaint, or a summary of the issues raised, and background information
- the areas of focus for the assessment
- your registration details, including a copy of any restrictions placed on your registration which are available on the National Register
- your CV and your CPD records for the past two years
- Performance Interview report (if available).

3. What happens at the assessment?

We may assess your performance in your clinical environment, a simulated setting, or both. A simulated setting uses case studies, simulation mannequins and/or actors.

We do not evaluate your past behaviour but this information may assist the assessors to identify specific areas to assess

There are a variety of assessment methods that may be used, such as:

- **interview:** at the start of the day, the assessors will usually discuss the complaint, your background, work experience and education. During the assessment, you may be asked questions about your knowledge and reasoning behind clinical actions. After the assessment, you will be asked 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. This observation allows for assessment of your management of unexpected events and interactions, clinical judgment, time management, planning and prioritisation and communication with patients, family and colleagues.
- **audit of records:** the assessors review records and documentation completed by you to assess whether record-keeping is factual, accurate, complete, timely, organised and complies with legal and professional standards. The records may also be assessed for evidence of critical thinking and clinical judgment.
- **written knowledge test:** you may be asked to answer multiple choice or short answer questions to demonstrate knowledge about a specific area, practice or issue of concern.
- **interview with colleagues:** the assessors may question professional colleagues to assess your ability to collaborate and communicate with other health team members.
- **other methods:** you may also be assessed by other methods which the assessors decide are relevant. In this case, you will be told about these tests on the day of the assessment – the time, place and duration of the assessment exercise must be reasonable for the matters of concern.

Consent by patients / clients

If the performance assessment takes place in a clinical environment, you should seek the permission of your patients or clients for the assessors to observe your work and document this in your notes. This consent can be obtained in writing or verbally. You do not need to tell patients or clients that your performance is being assessed.

The assessors' role is to observe and assess you, not to provide clinical care. But, they may stop the assessment if they believe that patient safety has been compromised.

4. Who pays for the assessment?

We pay for the cost of the assessment and the report. You will need to pay for your transport and, if necessary, accommodation.

If you live over 100km from the assessment, you may apply for limited financial assistance to travel to the assessment. To apply you must submit an application form at least 5 working days before travelling. We will only approve funding in limited circumstances at our discretion.

The application form can be found on our website by using the drop down menu under 'Resources' and clicking on 'Our policies' and 'Travel policies and forms for practitioners'.

5. What happens if you do not attend?

If you do not attend the performance assessment and cannot provide a reasonable explanation, we will consider this as evidence that your professional conduct is unsatisfactory. We may refer the matter to the Health Care Complaints Commission for further consideration, which may result in an investigation and possible disciplinary action.

It is an offence to hinder or obstruct an assessor, or to knowingly provide false information. An offender may face prosecution in the Local Court and a fine.

6. What happens after the assessment?

Generally the assessors complete the report within four weeks, providing a summary of processes and describing each result. They will include a sample of behaviours – both positive and negative – that led to the conclusions and may also highlight specific recommendations.

We will send you a copy of the report and give you an opportunity to comment on:

- the report
- the performance assessment process
- your performance on the day.

We will consider the report as well as your response to the report and decide whether your performance is satisfactory or unsatisfactory.

If your performance is satisfactory, we may decide to take no further action.

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

1. require you to attend:
 - a Counselling Interview
 - a Performance Interview
 - a Performance Review Panel to inquire into your professional performance
 - an Impaired Registrant's Panel to inquire into your health and well-being
2. seek your voluntary agreement to conditions or orders
3. make a complaint about you 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.

7. Is the assessment report confidential?

The report is confidential and will be used in line with National Law provisions but 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.

8. Where can you get support or advice?

We are available to answer any questions you have about our role and processes. If you would like advice or further support, you can contact any of the following:

- NSW Nurses and Midwives' Association on either 02 8595 1234 (for Sydney metropolitan areas) or 1300 367 962 (for regional areas)
- your employee assistance program
- your lawyer

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- your insurer
- your professional organisation.

We recognise that having a complaint made about you can be stressful. If you are concerned about your mental health and well-being, or need other assistance, you can speak to:

- your general practitioner
- your treating psychiatrist or psychologist
- a mental health help line:

Mental health help line	Contact details
NSW Mental Health Line	1800 011 511
Beyond Blue	1300 224 636
Lifeline	13 11 14