

LEARNING AND DEVELOPMENT POLICY

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Version:	Final version				
Summary:	To provide the Nursing and Midwifery Council of NSW's (Council) position on the learning and development opportunities available to decision-makers.				
Applies to:	<ol style="list-style-type: none">1. Members of the Council2. Persons appointed by the Council to the panel of assessors who conduct performance assessments3. Persons appointed by the Council to the panel or committee of hearing members for:<ol style="list-style-type: none">a. Section 150 Review Committeeb. Notifications Committeec. Monitoring and Review Committeed. Performance Interview and Counselling Committeee. Impaired Registrants Panelf. Performance Review Panelg. Professional Standards Committeeh. NSW Civil and Administrative Tribunal				
Author:	Policy and Project Advisor				
Owner:	Nursing and Midwifery Council of NSW				
Related legislation, Awards, Policy and Agreements:	<ul style="list-style-type: none">• Health Practitioner Regulation National Law (NSW)• Procedure for Funding Decision-makers' Professional Development• Council Policy for handling complaints• Health Professional Councils Code of Conduct for members• HPCA Official Travel Policy• HPCA Member Remuneration and Payment Policy• NSW Health - Official Travel Policy Directive and Procedures				
Review date:	June 2021				

1. PURPOSE

To define the scope of the Council's professional development program, the Council's expectation of individual decision-makers, and the ways the Council supports continuous learning and development.

2. SUMMARY

This policy outlines the Council's position on the learning and development requirements and opportunities for decision-makers to support effective regulatory decision-making and administration of the *Health Practitioner Regulation National Law (NSW)* (the Law (NSW)).

The Council and the Health Professional Councils Authority (HPCA) share a strategic goal to build and sustain the capacity, capability and confidence of their decision-makers.

Decisions by the Council and associated statutory bodies directly affect the safety of the NSW public and the professional practice of registered health practitioners and students about whom a notification or complaint is made.

The Council considers it vital that its decision-makers have the knowledge and skills to fulfill their responsibilities under the Law (NSW). It also believes that decision-makers' knowledge and skills must be continually developed to sustain trust from the public and the profession that decisions are sound and in line with best practice.

3. DEFINITION AND ABBREVIATIONS

Terms	Definition
Applicant	An applicant means a decision-maker submitting an application for funding of professional development.
Council	Council means the Nursing and Midwifery Council of NSW
Decision-makers	Decision-makers include: <ol style="list-style-type: none"> 1. members of the Council 2. persons appointed by the Council to the panel of assessors who conduct performance assessments 3. persons appointed by the Council to the panel or committee of hearing members for: <ol style="list-style-type: none"> a. Section 150 Review Committee b. Notifications Committee c. Monitoring and Review Committee d. Performance Interview and Counselling Committee e. Impaired Registrants Panel f. Performance Review Panel g. Professional Standards Committee h. NSW Civil and Administrative Tribunal

(continued)

Terms	Definition
Director	Director is the lead of the Health Professional Councils Authority, responsible for ensuring it operates efficiently and effectively and provides the Councils with the services they require to carry out their statutory functions under the <i>Health Practitioner Regulation National Law (NSW)</i> .
Executive Officer	The Executive Officer is an employee of the Health Professional Councils Authority. The Executive Officer is responsible for the management of the affairs of the Nursing and Midwifery Council of NSW.
Health Professional Councils Authority (HPCA)	The agency that supports the Nursing and Midwifery Council of NSW by providing administrative support and other services required by Council to meet their legislative functions.
The Law (NSW)	The Law means the <i>Health Practitioner Regulation National Law (NSW) No 86a</i> and associated regulations.

4. WHAT IS NOT COVERED IN THIS POLICY

The new members' induction program and other learning and development opportunities provided by HPCA.

5. MANDATORY REQUIREMENTS

It is mandatory for all decision-makers to satisfactorily complete the online learning program within three (3) months of receiving notification from the Executive Officer. Evidence of satisfactory completion must be provided to the Executive Officer. If necessary, decision-makers may request the Executive Officer's approval for an extension of time to complete the program.

There is no limit to the number of attempts to complete any module or assessment within the online learning program. If decision-makers experience any difficulty with the modules and/or assessments, please contact the Executive Officer for support.

Failure to satisfactorily complete the online learning program may result in:

- counselling or when relevant (such as continued failure to complete) a formal caution from the President or Executive Officer
- cessation of appointments to hearings, panels or committees until the mandatory learning is satisfactorily completed

The Council will follow its complaint handling policy and procedures to resolve a complaint by a decision-maker who feels they have been inappropriately treated in relation to their participation in or completion of the online learning program.

6. LEARNING AND DEVELOPMENT PROGRAM

Decision-makers are accountable for maintaining, improving and broadening their knowledge and capability to undertake their regulatory responsibilities.

The Council is committed to supporting decision-makers by providing opportunities for learning and development which are relevant, timely, evidence-based and not onerous to complete.

Decision-makers need the following knowledge and skills. The learning and development program assists decision-makers to develop these core capabilities:

- Understanding of the legislative framework and the parameters for the regulation of health practitioners and students in NSW
- Understanding of the role and responsibilities of members, powers and possible outcomes of bodies established under the Law (NSW)
- Ability to apply key principles that underpin a protective jurisdiction and procedural fairness across different contexts
- Effective and respectful communication and questioning skills in the conduct of meetings and hearings
- Understanding and skills to make consistent and well-reasoned decisions, and to assess information, issues of concern and level of risk
- Ability to construct or review/amend decision documents to efficiently produce high quality reports

The Council may use its discretion to provide the professional development program, including the online learning component, to persons and organisations other than those identified in this policy.

7. LEARNING AND DEVELOPMENT COMPONENTS

The professional development program consists of online learning, written resources, seminars, peer support and feedback. The components will be progressively developed, reviewed and enhanced with input from members.

a. Online learning program

The Council provides an online learning program for decision-makers which is designed to be accessible, flexible and encourage reflection on key aspects of regulatory decision-making.

The online program has five modules:

1. The Legal Framework
2. Primary Roles and Responsibilities
3. Acting Fairly
4. Decision-making
5. Communication Techniques

Each module includes an online assessment. The results will inform the Council that a person has demonstrated the knowledge required to fulfil their responsibilities as a decision-maker.

The online program takes approximately 8 hours to complete. Decision-makers are required to achieve an 80% grade to successfully complete the assessments and can repeat the modules and assessments as necessary.

b. Written resources

The Council provides a range of resources on our website and board books to help decision-makers understand the Law (NSW), regulatory requirements and standards of practice, including:

Resources	Purpose
Benchbook, Legal Practice Notes, Legal News	Resources designed for decision-makers which detail legal requirements, issues and considerations about the various panels and hearings.
Conditions Handbook	Helps members draft conditions and orders.
Governance Framework and associated Terms of Reference for the Council's subcommittees	Provides an understanding of the Council Governance structure and the purpose, membership, delegated authority and reporting requirements of each committee.
Delegations Manual	Details powers under the Law, which have been delegated and to whom they have been delegated.
Handbook – Council, Committee and Panel Members	Provides key info about: National Registration and Accreditation scheme; managing health, performance and conduct issues; Councils, committees and panels; HPCA and other regulators; and includes a series of process maps.
Quick Reference Guides	Related to the five modules of the online program, these guides can be accessed anytime to support decision-makers in carrying out their roles

The Council also provides articles, reports, decisions and case studies for professional reading.

A 'decision-maker' electronic newsletter will be produced periodically with information on case review, policy changes, regulatory matters and relevant issues. Members will be encouraged to contribute to the newsletter when interesting, complex, or challenging issues arise.

c. Seminars

The Council provides an opportunity, at least once a year, for members to meet, network and discuss their roles, workshop or seminar. Members should attend at least one of these sessions.

d. Peer Review and Feedback

The Council support a regulatory environment which encourages peer review and support, mentoring and evaluation. It will provide opportunities for shared learning and will encourage members to seek assistance as required to complete modules within the required timeframes.

e. Other learning and development

The Council may fund other learning and development opportunities that are not set out in this policy. All learning and development activities for which decision-makers seek funding must have direct relevance to the Council and its responsibilities under the Law (NSW) and the issues facing the National Registration and Accreditation Scheme.

The *Procedure for Funding Decision-makers' Professional Development* outlines the processes to apply for funding of professional development.

8. IMPLEMENTATION

It is the responsibility of the Executive Officer to monitor learning and development needs and provide a program that meets the needs of the Council and members. Priorities must align with the Council's and HPCA's strategic goals. Decision-makers are expected to contribute to the ongoing evaluation and development of the program through the Council's annual survey.

9. ASSOCIATED DOCUMENTS

- Procedure for Funding Decision-makers' Professional Development and Form

Procedure for Funding Decision-makers' Professional Development

1. PURPOSE

To describe the processes and actions required for individual decision-makers to apply for funding of professional development that is external to the Council activities set out in the Learning and Development Policy.

2. WHAT THE COUNCIL FUNDS

All learning and development activities for which Council funding is sought must have direct relevance to the Council and its responsibilities under the Law (NSW) and the issues facing the National Registration and Accreditation Scheme.

Individual professional development which may be eligible for funding includes support to attend an external course, conference or other relevant activity to meet a specific knowledge gap or identified need. In some circumstances, educational activities that contribute to meeting the continuing professional development standard for registration may also be considered, but only when the education has relevance to the work of the Council and regulatory decision-making.

3. WHAT THE COUNCIL DOES NOT FUND

Applications for funding must not relate to:

- membership of professional organisations
- mandatory training
- reimbursement for time undertaking the learning and development activities
- activities that do not directly inform the role and responsibilities of decision-makers

4. FUNDING

Each year, the Council determines the budget available for professional development. The budget will be determined by past expenditure and any projected priority learning and development needs identified through individual or Council-wide evaluation, planning or review.

The Council has an Education and Research Account which the Council may expend for education and research purposes relevant to its regulatory functions. Expenditure from the Education and Research Account requires approval by a two thirds majority of Council members and must meet the requirements under section 41S the Law (NSW).

5. APPLICATION FOR FUNDING OF PROFESSIONAL DEVELOPMENT

Applications should be submitted as far in advance as possible. Applicants should not accept an invitation to attend or participate in an activity involving travel without prior approval. This is particularly the case where funds for travel within Australia and overseas are involved, requiring additional approval processes.

Decision-makers applying for funding must complete the 'Funding of Professional Development Form' and include:

- relevant information pertaining to the professional development activity
- estimated costs; and
- a response addressing the selection criteria outlined in section 6

Applications involving funds for travel, accommodation and reimbursement of expenses must meet the requirements outlined in the [HPCA Official Travel Policy](#) and the [HPCA Member Remuneration and Payment Policy](#). If overseas travel is required, the application must comply with [NSW Health Official Travel Policy](#) and additional approval processes are required.

6. SELECTION CRITERIA

The following criteria should be addressed when applying for funding and will be used for assessing applications:

- a. The relevance of the activity and the applicant's responsibilities in relation to the objectives of the Law (NSW) and/or the Council's strategic plan
- b. Specific benefits expected from participating in the professional development, such as applicant's knowledge and skills that will be developed, ability to increase contribution to the Council, potential for growth and development in their current or future role(s)
- c. Length of service and active contribution to Council business
- d. Expertise relevant to and/or contribution to the event, including if presenting or participating in a formal capacity
- e. Other financial support options available
- f. Whether the applicant has previously received funding from the Council
- g. The relative cost and value of the professional development activity
- h. Consideration of recent/previous funding

7. ASSESSING AN APPLICATION

Applications will be considered on merit taking into account the estimated cost and available funds in the Council budget.

Applications will be assessed according to the selection criteria and any other professional learning or priority the Council may determine at the time.

Applications received as a result of a call for expressions of interest by the Council will also be assessed against the selection criteria.

Applications will be approved by the Council or the appropriate financial delegate.

In principle, all applications for travel within Australia and overseas must be approved by the Council. A formal brief will be submitted to the Director of HPCA and NSW Ministry of Health, if the Council supports the application.

The [NSW Health Official Travel Policy](#) outlines the requirements and criteria for assessing overseas travel applications.

The Executive Officer, or HPCA, may seek additional information from the applicant if necessary for the approval process.

8. APPROVED APPLICATION

Once approved, the applicant will receive written notice with 7 business days. The notice will provide information about payment or reimbursement.

9. DECLINED APPLICATION

Funding is at the discretion of the Council and no appeals will be considered.

Applications are likely to be declined when:

- the information provided does not sufficiently meet the selection criteria
- insufficient funds available
- the amount of funding previously received
- a request for official overseas travel does not meet the requirements set out in the [NSW Health Official Travel Policy](#).

10. REPORTING TO COUNCIL

A written summary of the critical issues, key messages and learning outcomes arising from the activity must be provided to the Council within one month after the event. If necessary, a longer timeframe may be negotiated with the Executive Officer. The written report will be included in the next available Council meeting papers and may be provided to other members and staff for information. The Council may also request a presentation or attendance at a meeting to facilitate information exchange.

A report may not be required if the activity was widely attended by other Council members.

Members are also encouraged to share their experience and learning with colleagues.

The Council will be notified at the next available Council meeting of the professional development activities that have been approved in the preceding period.

This may include a request for approval for the funding to be transferred to the Education and Research Account (which may otherwise be sought annually).

All overseas travel must be reported in the Council's Annual Report. A summary of professional development activities attended will also be included in the Annual Report.

FORM: APPLICATION FOR FUNDING OF PROFESSIONAL DEVELOPMENT

Section A: Applicant Details

Name: _____

Current position(s) on Council (or other): _____

Length of service: _____

Contact details: Phone: _____

Email: _____

Section B: Professional Development Activity Details

Name and type of activity (conference course, workshop): _____

Organising body: _____

Dates &/or times (inclusive): _____

Venue: _____

I have attached the following relevant information pertaining to this activity: *(please list)*

Funds sought:

Estimated Costs	Amount in \$AU
Registration fee*	
Travel expenses**	
Accommodation expenses**	
Meals and incidental expenses**	
TOTAL EXPENSES	

** Expenses will be reimbursed up to current approved rates in accordance with the HPCA's Official Travel Policy and Member Payment and Remuneration Policy on presentation of receipts.

*Are you eligible for membership or other discount rates? Yes No N/A

Are you receiving or applying for financial assistance for this activity from another organisation? Yes No

If yes, Amount \$ _____

 Name of organisation _____

Section C: Selection Criteria

The Selection Criteria (as set out in the Section 9 of the *Procedure for Funding Decision-makers' Professional Development*):

- a. The relevance of the activity and the applicant's responsibilities in relation to the objectives of the Law (NSW) and/or the Council's strategic plan
- b. Specific benefits expected from participating in the professional development, such as applicant's knowledge and skills that will be developed, ability to increase contribution to the Council, potential for growth and development in their current or future role(s)
- c. Length of service and active contribution to Council business
- d. Expertise relevant to and/or contribution to the event, including if presenting or participating in a formal capacity
- e. Other financial support options available
- f. Whether the applicant has previously received funding from the Council
- g. The relative cost and value of the professional development activity
- h. Consideration of recent/previous funding

List any previous financial support you have received from the Council for professional development activities

Name	Dates(s) attended	Financial assistance received

Please address the selection criteria in the space provided below. Information provided will assist with an objective assessment of your application.

Section D: Undertaking

I agree to the following statements:

- | | | |
|---|------------------------------|-----------------------------|
| 1. I have reviewed the Council's Learning and Development Policy, the Procedure for Funding Decision-makers' Professional Development and all other related legislation, Awards, Policy and Agreements. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. I will attend (or otherwise participate in) the funded professional development activity or event. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. I will inform the Executive Officer if unable to attend or participate. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. I will submit a written summary to the Executive Officer within one month outlining the critical issues, key messages and learning outcomes arising from the activity. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 5. I will provide all receipts of expenses or other documentation required by the HPCA's Official Travel Policy and Member Payment and Remuneration Policy (as appropriate). | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

Signature of applicant

Date

Office use

Date received	Approved by (Name and title)	Date approved