



Hearing members professional development

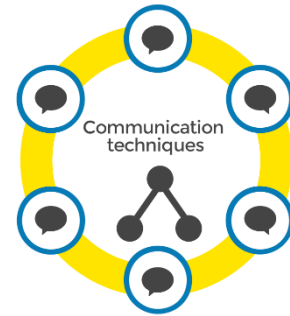


Communication techniques

Quick reference guide

About this guide

This guide outlines the skilled and strategic communication techniques to use during proceedings to ensure a respectful process. These techniques should be used to elicit the information you require or to minimise any anger or distress. They can be applied when communicating with other hearing members, the practitioner and their support person.



Preparation

Plan for proceedings

- You should read all background material thoroughly. Check the documentation and determine any other documents or information that needs to be tabled and available at proceedings.
- Attend the pre-meeting on day of proceedings ready to plan, discuss and decide upon an approach for proceedings such as:
 - The priorities and key issues
 - Define questions to ask, or question areas to explore and clarify
 - The order of question areas (agenda for the day)
 - Who is covering specific question areas
 - The role of each member such as who will be chairing, delivering the introduction, taking notes, writing the decision or report

Proceedings

Define purpose of proceedings

- The purpose of the proceedings needs to be defined through the introduction to the proceedings. The introduction may advise:
 - The proceedings are about assessing the information, the issues of concern, and the protection of the public
 - An introduction to the hearing members
 - An opportunity for the practitioner to tell their story
 - The practitioner can request a break at any time
 - The practitioner will be advised of the outcome at the end of the proceedings or as soon as the decision is made
 - The proceedings will be a fair and respectful process
 - The proceedings and the decision or report are confidential and not open to the public

Communication techniques

Quick reference guide

- An opportunity to report factual inaccuracies in documentation e.g. date of birth or address is incorrect
- An explanation of the support person role
- The hearing members will take notes however, they are listening to the practitioner
- Hearing members should check the practitioner understands the proceedings.

Engage the practitioner

- It is normal for the practitioner to feel nervous. Acknowledge the practitioner's discomfort and give them time to settle in.
- A polite, professional and respectful tone helps to decrease the formality.
- Only once they've settled in should you start asking questions. These questions should be open-ended, factual and neutral and may include:
 - What are the issues you believe have brought you here today?
 - Could you reflect on the information before us?
 - Which areas of your practice do you think you need to address or improve?
 - What are your thoughts about how you might make those improvements?
- Acknowledge the impact a complaint has on the practitioner. Offer a break if one is needed but use your communication skills to reduce their discomfort.
- Develop a professional relationship with the practitioner, not a friendship.

Interview techniques

- The interview techniques needed during proceedings are different to those you use to diagnose patients. They are about gathering information to verify the facts and identify areas that may not be convincing and need exploration. Your role is to identify risks, not diagnose.
- Practitioners may demonstrate a variety of responses. These may reflect that the questioning methods need to be modified to ensure the goals of the interview are achieved.
- You should ask questions that are neutral to ensure the interview is a factual process.
- Ask open, neutral questions which allows the practitioner to deeply reflect on the issues and demonstrate their understanding. These questions may include:
 - Can you tell us your understanding of the guidelines?
 - You said X, can you tell us more about that?
 - What would you do differently in this type of scenario in the future?
 - One area we would like to know more about is...
- You should allow hearing members to explore their question areas in full without another member overriding the interview.
- Ensure the practitioner does most of the talking and is given the opportunity to be heard throughout the proceedings.
- The method to establish rapport may differ with each interview. Remember each encounter is unique.
- Seek a collaborative process where you're working together to achieve certain outcomes, rather than administering an intervention.
- Although the practitioner doesn't need to agree with the decision of hearing members, your communication skills will make the difference.

Communication techniques

Quick reference guide

Keep the practitioner on topic

- Hearing members are responsible for keeping the practitioner on-topic during the proceedings.
- Being flexible and responsive may allow the practitioner to disclose new or unexpected information but always return to your clear plan.
- You entered the proceedings with pre-defined question areas and need to ensure the practitioner answers your questions appropriately.

Seek support from Council Officer

- A Council Officer sits in on the proceedings to support the hearing members. The type of support they can provide includes:
 - Answering questions about process
 - Helping with the wording of questions
 - Assisting with the wording of conditions from the Conditions Bank
 - Assisting the hearing members during proceedings for example, when the practitioner becomes distressed
 - Contacting a legal officer or monitoring officer for advice if required

Be aware of practitioner's wellbeing

- Acknowledge upfront to the practitioner the proceedings can be distressing and they can request a break if this occurs.
- Advise the practitioner you are not there to prove if the incident did or didn't happen. You are there to look at the risks and this should be your focus throughout the proceedings.
- Monitor the practitioner and check if they are able to contribute to the proceedings. If not, offer a break to address the wellbeing and personal safety of the practitioner.
- A practitioner's verbal or nonverbal response to questioning may show signs of distress.
- Take extra care when the practitioner is without a support person.
- Seek immediate assistance from the Council Officer if there are concerns about the health and wellbeing of the practitioner. In an extreme situation the proceedings may need to be halted. This can mean the decision may not be finalised in time.
- If the practitioner needs to be checked, the Council Officer should take on this responsibility.
- Although the proceedings are focused on the safety of the community, the practitioner's wellbeing and personal safety is also important. This is not just during the proceedings but throughout the entire day.
- The practitioner's response is a part of what hearing members need to manage.
- You should be aware of the exits and ensure a duress alarm is available in case you feel at risk for your own safety.

Address practitioner's distress

- Focus on the purpose of the proceedings when a practitioner is showing conflict, anger or distress.
- Acknowledge that the proceedings can be a very stressful process but reinforce the purpose.
- Remember the decisions/recommendations you make can potentially impact the practitioner's livelihood. There can also be considerable impact on the practitioner's personal life.

Communication techniques

Quick reference guide

- Maintain a kind, calm and straightforward approach and use redirection, limit setting and reassurance with the practitioner.
- Be aware of what is appropriate to ask and ensure the practitioner feels they are being heard.
- Gather better information and diffuse difficult situations by asking the right questions at the right time.
- Set the standard for behaviour and communication. Demonstrate to the practitioner the expectations for their behaviour through your verbal and nonverbal communication.
- The practitioner needs to know they are being heard but you also need to keep the proceedings on track.

Manage challenging practitioner

- Acknowledge the expertise of the practitioner so they stop trying to prove it to you.
- Offer a break if needed.
- Always bring the discussion back to the purpose of the proceedings.
- Offer redirection to the relevant issues regarding the practitioner's practice and the risks to safety, trust and confidence in the profession.
Help the practitioner understand the focus of proceedings is on the safety of the public.

Manage challenging lawyer/barrister

- You are responsible for directing the proceedings.
- Make sure everybody understands the purpose of the proceedings and the role of support person. The introduction addresses these issues, but you may need to reiterate this.
- The role of the lawyer/barrister is to support the practitioner and not to represent them.
- Take a break and seek legal advice from the Council legal officer if required. Advice may be necessary when an aspect needs clarification such as material with conflicting information or a factual error. You may be able to deflect the lawyer/barrister before legal advice is required.
- Remind the lawyer/barrister of the purpose of the proceedings and reiterate the elements of the introduction.
- You can use a break to strategise with each other and then return to the proceedings to address the issue.
- If you are unable to address a question, advise the lawyer/barrister you'll "park the issue and address it later".
- Alternatively, explain that they can address the issue of concern in a written submission.
- You have the right to veto a support person if they continue to be disruptive.

Observe the practitioner

- You should make observations about the practitioner's verbal and nonverbal communication to help you during the proceedings.
- Pay attention to your intuition if you feel the practitioner is being untruthful or is evading the question.
- A description of the demeanour of the practitioner can be included in the decision document. This may provide further reasoning for your decision.

Communication techniques

Quick reference guide

Close the proceedings

- You should start by thanking the practitioner for engaging in the process.
- If possible advise the practitioner of the outcome at the end of proceedings, including advice on any types of conditions on registration.
- Start with an explanation that includes why you are concerned and why you are taking action. It is because of these concerns the decision has been made to do X or Y. Include a brief summary and a couple of explanatory sentences. This shouldn't be too specific as the wording may change as you write the decision document.

An example is:

“We have concerns about your ability to administer medication and those concerns lead us to believe it's best to take action. It is for the protection of the public that we believe conditions should be placed on your registration. This will be effective immediately.”

- Ensure the practitioner understands what this means and is clear about when and how the suspension will come into effect.
- Advise the practitioner they will get this information in writing soon along with a detailed explanation in the decision document.
- After the proceedings, address your own self-care. The hearing members should debrief and seek support, if required.

Post-proceedings

Communicate beyond proceedings

- Engage in regular communication and agreement on input towards the decisions document.
- This document should be written promptly and without any delay.
- Every aspect of the document needs to be correct as it will be referred to for years to come. Nothing in this document should come as a surprise to the practitioner if you have communicated with them fully during the proceedings.
- Refer to the questions that come from the complaint or notification.
- Review notes captured during the proceedings and think about what will mitigate the identified risks.
- Speak with the Council Officer about writing the conditions.

Write the decision or reports

- You need to clearly articulate the reason for taking action and reference any supporting documents or information.
- Provide relevant and concise information and reasoned statements which flow to a logical conclusion.
- Write in plain English and first person and use a neutral and factual voice.
- Use an appropriate tone, which is neutral, factual and direct, and not overly formal.
- Use short sentences, active verbs and less complex vocabulary.
- Ensure your language is respectful and inclusive, and the correct words are used in consideration of the context.
- Avoid jargon so the audience can understand your words the first time they read them.
- All hearing members have input on the decision document.
- There is a template available for the decision document, which includes guidance on how to complete the document.