

ANNUAL REPORT 2014 - 15



NURSING AND MIDWIFERY
COUNCIL OF NEW SOUTH WALES

PRESIDENT'S MESSAGE



On 30 June 2015, over half the Nursing and Midwifery Council members completed their appointments. Many of these members had been with the Council since it was established and prior to that, they were members of the Nurses and Midwives Board of New South Wales.

Their wisdom and experience will be sorely missed. However, the Council has warmly welcomed the diverse range of skills and experience that the new members will bring to the regulation of nurses and midwives.

The Council completed its first three-year strategic plan and has now commenced another. It is timely to reflect on the Council's achievements over the past three years.

This period was seen as one of consolidation. Members were interested in evaluating the effectiveness of regulatory activities. The organisation as a whole was also beginning to look outward to engage with stakeholders in activities that are proactive and collaborative rather than reactive.

The Council met a number of challenges during this period. The number of complaints assessed by the Council increased by 46%. The Council restructured its direct staffing team to better manage the increased workload. Whilst the number of panels and committees doubled from 219 per annum to 439 per annum, the Council was able to achieve improvements in: the timeliness of the management of cases; the preparation of panel and Council members; consistency of decision making; engagement with stakeholders; staff engagement with innovation and change processes; and improved financial probity.

Reprioritisation of strategic projects occurred to ensure the efficiency of regulatory functions and to ensure the paramount objective of public safety was achieved. For example, in 2014-15 the Council completed 102 immediate action proceedings for the protection of the public.

The Council continues to deliver on projects commenced during the previous period, such as improving the clarity of correspondence to stakeholders; developing resources for the health and performance pathways for managing complaints and decision making; and research which explores regulatory outcomes and risk profiles. The Council's Newsletter is received by over 80,000 nurses, midwives, and professional and health service organisations.

PRESIDENT'S MESSAGE

continued

The Council was fortunate to be able to include outgoing members and newly appointed members in the strategic planning for 2015 - 2018. The combination of experience and fresh ideas and perspectives enabled participants to develop a clear vision and objectives for the next three years. The vision of the Council is to *"effectively and efficiently minimise risks to public safety through its management of complaints, and promoting a culture of safety by improving nurses' and midwives' understanding of and commitment to professional standards"*. The Council will partner with key stakeholders who have similar goals to achieve this vision. The Council has three focus areas: to effectively manage individual complaints; to engage and influence the health system; and to build our capability.

We look forward to reporting on these focus areas in the next annual report.

Yours sincerely

A handwritten signature in black ink that reads "John Kelly". The signature is written in a cursive style with a long, sweeping underline.

(Adj Prof) John G Kelly AM

President

Nursing and Midwifery Council

REGULATION OF NURSES AND MIDWIVES IN NSW IN 2014/15 YEAR IN SUMMARY

102,117

REGISTERED NURSES AND MIDWIVES

NSW has 102,117 registered nurses and midwives which is 1.7% more than the 100,440 practitioners registered last year

27.6%

27.6% of the 370,303 nurses and midwives registered in Australia are in NSW

610

COMPLAINTS

This year 610 new complaints were received about NSW nurses and midwives representing 0.5% of NSW registered nurses and midwives. This is 2.2% more than the number of complaints received in 2013/14

29%

CONDUCT

179 complaints related to conduct - 29%

44%

PERFORMANCE

265 complaints related to performance - 44%

27%

HEALTH/IMPAIRMENT

166 complaints related to health/impairment - 27%

COMPLAINTS

Regulation of Nurses and Midwives in NSW in 2014/15

Year in summary

NSW has 102,117 registered nurses and midwives which is 1.7% more than the 100,440 practitioners registered last year and 27.6% of the 370,303 nurses and midwives registered to practise in Australia.

This year 610 new complaints were received about NSW nurses and midwives representing 0.5% of NSW registered nurses and midwives. This is 2.2% more than the number of complaints received about 597 NSW registered nurses and midwives in 2013/14.

Complaints about NSW nurses and midwives included:

- 179 related to conduct – 29%
- 265 related to performance – 44%
- 166 related to health – 27%.

During the year 217 mandatory notifications were received, that is 36% of total complaints about NSW nurses and midwives.

Complaints were received from:

- 191 employers - 31%
- 73 health professionals - 12%
- 67 relatives of patient or practitioner - 11%
- 60 patients - 10%
- 46 self reports - 8%
- 173 other agencies or individuals - 28%.

A total of 860 complaints were managed during the year including 252 carried over from 2013/14.

Complaints management involved:

- 9 Tribunals
- 102 Immediate Action proceedings
- 24 Immediate Action reviews
- 7 Professional Standards Committee
- 14 Performance Review Panels
- 12 Performance assessments
- 79 Impaired Registrants Panels
- 135 Health assessments
- 90 Counselling/interviews.

543 complaints were closed during the year with outcomes including the following:

- 9 Registration cancelled or disqualification
- 3 Suspension
- 24 Orders and conditions imposed
- 58 Conditions by consent
- 5 Reprimands
- 3 Cautions
- 3 Registration surrendered
- 2 Registration changed to non-practising
- 103 Counselling by interview
- 122 No further action required after further assessment
- 4 HCCC Resolution or conciliation
- 8 Referred to another body
- 48 No jurisdiction to act
- 150 Discontinued following assessment by HCCC
- 8 Withdrawn
- 1 Deceased practitioner
- 1 New complaint made.

Council Membership

Section 41E of the Law prescribes that there are 15 members of the Nursing and Midwifery Council appointed by the Governor.

Members who are registered practitioners include the following:

- Adj Professor John G Kelly AM, Practitioner (RN) – President
- Ms Marie Clarke, Nominee (ACN) – Deputy President
- Mr Steven Jeffs, Practitioner (RN)
- Ms Maryann Curry, Practitioner (RN)
- Ms Sue Hendy, Practitioner (RM/RN)
- Ms Rebecca Roseby, Practitioner (EN)
- Ms Karyn Godier, Practitioner (EN)
- Dr Bethne Hart, Practitioner (MHRN)
- Professor Iain Graham, Academic Member
- A/Professor Moira Williamson, Academic Member
- Ms Kate Adams, Nominee (NSW NMA)

Community members include:

- Ms Margo Gill
- Mr David Spruell
- Ms Margaret Winn
- Mr Ian Linwood – Legal Member

Two new members were appointed during the year:

- Ms Karyn Godier
- Ms Maryann Curry

There are eight members who served the maximum term and retired at the end of June 2015 including:

- Ms Marie Clarke, Nominee (ACN) – Deputy President
- Mr Steven Jeffs, Practitioner (RN)
- Ms Sue Hendy, Practitioner (RM/RN)
- Ms Rebecca Roseby, Practitioner (EN)
- A/Professor Moira Williamson, Academic Member
- Ms Margaret Winn, Community
- Mr Ian Linwood, Lawyer
- Ms Margo Gill, Community

Attendance at Council Meetings

The Nursing and Midwifery Council met on six occasions. Attendance at the meetings was as follows.

Member	Meetings Attended	Meetings Eligible to Attend
Adj Professor John Kelly	5	6
Maryann Curry	4	5
Mr Steven Jeffs	5	6
Ms Sue Hendy	4	6
Ms Karyn Godier	5	5
Ms Rebecca Roseby	6	6
Professor Iain Graham	3	6
A/Professor Moira Williamson	6	6
Ms Kate Adams	3	6
Ms Marie Clarke	6	6
Dr Bethne Hart	3	6
Mr Ian Linwood	4	6
Ms Margo Gill	5	6
Mr David Spruell	6	6
Ms Margaret Winn	4	6

Executive Officer

The Nursing and Midwifery Council is supported by Dr Margaret Cooke, Executive Officer, Ms Kim Bryant, Deputy Executive Officer and staff employed by the HPCA.

Committees of Council

Section 41F of the Law provides that the Council may establish committees to assist it with the exercise of its functions. Members of committees need not be Council members. The Nursing and Midwifery Council was supported by the following committees.

The **Strategic Management Committee** met on 5 occasions. The Committee provides strategic oversight of the Council's activities and makes recommendations arising from monitoring the Council's performance and progress against the strategic plan, developing the risk register, assisting in setting the Council's annual budget and considering legal issues that may arise.

The **Education and Quality Committee** met on 4 occasions. The role of the Committee is to provide input and oversight over the creation and management of Council projects, especially where expenditure is being made from the Council's Education and Research account. It also provides expert advice in relation to the Council's education and quality related strategic objectives.

The **Newsletter Editorial Committee** met on 3 occasions. The role of the Committee is to assist in planning the content for the newsletter, to develop and ensure editorial standards are being met and to prepare information, topics and articles for publication.

The **Notifications Committee** met on 20 occasions. This Committee reviews all new complaints in consultation with the HCCC. The Notifications Committee also acts under Council delegation to deal with complaints concerning health, conduct and performance referred to the Council for management.

The **Monitoring and Review Committee** met on 12 occasions. The Committee is delegated to oversee and make decisions on behalf of the Council in relation to monitoring practitioners' compliance with orders and conditions on registration; including relaxing conditions imposed via the impairment provisions when it is safe to do so. (Reviews requested under section 152K or where significant amendment of health conditions is needed, are referred to an Impaired Registrants Panel).

The **s152J Health Committee** reviewed the recommendations of 160 Impaired Registrant Panels and Review Panels conducted under 152K. The Committee is delegated to act as the Council and impose conditions which have been recommended by the Panels and agreed to by the practitioners. The Committee does this following careful consideration of Impaired Registrants Panel reports. This process allows for more timely decision-making in the Council's health pathway.

The **Counselling Committee** met on 21 occasions to counsel 59 practitioners. The role of the Counselling Committee is to counsel a nurse, midwife or student regarding professional standards, provide an opportunity for the practitioner or student to reflect on their actions and discuss strategies to improve their performance, conduct or behaviour. If necessary, the Committee on behalf of the Council, may provide corrective advice or a warning to the practitioner or student about their behaviour.

The **Performance Interview Committee** met on 12 occasions to interview 31 practitioners. This Committee was established this year to assist in the performance pathway. Its role is to interview practitioners to gather information about any issues which have been reported to the Council. The Committee will determine whether performance, health or conduct issues may be ongoing and require further structured performance or health assessment. The Committee will discuss with practitioners their professional practice and make recommendations to the Council about the appropriate courses of action. If relevant, the Committee may also discuss the practitioner's compliance (or otherwise) with conditions on their registration.

The **s 150 Immediate Action Committee** met on 34 occasions to consider the safe practice of 102 practitioners. The Committee is delegated to conduct immediate action inquiries when there are significant safety concerns related to the behaviour of a registered nurse, registered midwife or a registered student. The Committee may impose interim conditions on registration or suspend registration if satisfied it is necessary to do so for public safety or in the public interest

Council Membership	Committees Attended
Adj Professor John Kelly	Notifications Committee, Education and Quality Committee, Strategic Management Committee, Monitoring and Review Committee, S150 Immediate Action Committee
Ms Maryann Curry	Notifications Committee, S150 Immediate Action Committee, s152J Health Committee
Ms Sue Hendy	Notifications Committee, Performance Interview, S150 Immediate Action Committee, Education and Quality Committee, S150 Immediate Action Committee
Ms Karyn Godier	Notifications Committee, Counselling Committee, S150 Immediate Action Committee
Ms Rebecca Roseby	Notifications Committee, Counselling Committee, S150 Immediate Action Committee
A/Professor Moira Williamson	Notifications Committee, Counselling Committee, S150 Immediate Action Committee, Education and Quality Committee, Newsletter Editorial Committee, s152J Health Committee
Ms Marie Clarke	Notifications Committee, Counselling Committee, Education and Quality Committee, Strategic Management Committee, Monitoring and Review Committee, Performance Interview
Dr Bethne Hart	Notifications Committee (Chair), Performance Interview, S150 Immediate Action Committee
Mr Ian Linwood	Notifications Committee, Strategic Management Committee, S150 Immediate Action Committee, s152J Health Committee
Ms Margo Gill	Notifications Committee, Counselling Committee, Education and Quality Committee, Monitoring and Review Committee, Performance Interview Committee, Newsletter Editorial Committee
Mr David Spruell	Notifications Committee, Strategic Management Committee, S150 Immediate Action Committee
Ms Kate Adams	Education and Quality Committee, Monitoring and Review Committee, s152J Health Committee
Ms Margaret Winn	Education and Quality Committee (Chair), Strategic Management Committee, S150 Immediate Action Committee
Professor Iain Graham	Monitoring and Review Committee, Newsletter Editorial Committee, s152J Health Committee
Mr Steven Jeffs	Monitoring and Review Committee, s152J Health Committee
External Membership	Committees Attended
Ms Zena Wilson	Counselling Committee
Ms Sue Kennedy	Counselling Committee, Performance Interview

Regulatory Committees and Panels

Part 8 of the Law prescribes the committees and panels that support the Council in undertaking its regulatory activities. They include, Impaired Registrants Panels and Performance Review Panels.

The Council may establish Impaired Registrants Panels (IRPs) to deal with matters concerning nurses or midwives who suffer from a physical or mental impairment which affects or is likely to affect their capacity to practise.

An IRP is non-disciplinary and aims to assist nurses and midwives to manage their impairment while remaining in professional practice as long as this poses minimal risk to the public. The Panel's role is to inquire into and assess the matter, obtaining reports and other information from any source it considers appropriate, and to make recommendations to the Council.

The Panel may counsel the nurse or midwife or, on the recommendation of the Panel, the Council may provide counselling, impose conditions on registration, or suspend the registration for a period if the Council is satisfied the nurse or midwife, or student has voluntarily agreed to the conditions or suspension.

Performance Review Panel

If a performance assessment indicates that the professional performance of a nurse or midwife is unsatisfactory, the Council may decide to refer the matter to a Performance Review Panel (PRP). The role of the Panel is to review the practitioner's professional performance by examining the evidence placed before it to establish whether their practice meets the standard reasonably expected of a nurse or midwife of 'an equivalent level of training or experience at the time of the review.

Where deficiencies are identified, the nurse or midwife is required to undertake remediation tailored to their individual needs. This may entail attending courses, undertaking supervision or engaging in additional continuing professional development. Conditions on practice may also be required to ensure the public is protected while the nurse or midwife is undertaking remediation.

Professional Standards Committee

Complaints which may lead to a finding of unsatisfactory conduct are usually referred to a Professional Standards Committee (PSC). A PSC takes an investigatory approach rather than a strict adversarial format. Unlike a court, a PSC is not bound to observe the strict rules governing the admissibility of evidence and can inform itself on a matter in a manner it deems appropriate within its powers.

A PSC may do one or more of the following:

- caution or reprimand the practitioner
- direct that conditions relating to the practitioner's practice of his or her profession be imposed on his or her registration
- order the practitioner to seek and undergo medical or psychiatric treatment or counselling
- order the practitioner to complete an educational course specified by a PSC

- order that the practitioner report on his or her practice as required
- order the practitioner to seek and take advice in relation to the management of his or her practice.

If it becomes apparent to the PSC members that the matter may warrant cancellation of the practitioner’s registration, then the inquiry is discontinued and the matter referred to a Tribunal.

NSW Civil and Administrative Tribunal (NCAT)

Tribunals deal with serious complaints that may lead to suspension or cancellation of registration, appeals against Council decisions regarding disciplinary matters and appeals against decisions of the National Board in relation to registration matters. Professional and community members are nominated by the Council for appointment by NCAT.

Matters may be referred to a Tribunal by the Council or the HCCC Director of Proceedings. Hearings are generally open to the public unless otherwise directed by the Tribunal.

The Nursing and Midwifery Council was supported by Impaired Registrant Panels, Performance Review Panels, Professional Standards Committees and Tribunals during the reporting period with membership as follows:

Membership	Tribunals, Committees and Panels Attended
Dr Alison Reid	Impaired Registrants Panel
Dr Karen Arnold	Impaired Registrants Panel
Dr Mary-Anne Friend	Impaired Registrants Panel
Dr Michael Diamond	Impaired Registrants Panel
Dr Saw Hooi Toh	Impaired Registrants Panel
Dr Sue Morey	Impaired Registrants Panel
Mr Adam Johnston	Tribunal Complaint Hearing , Professional Standards Committee
Mr Ian McQualter	Tribunal Complaint Hearing, Impaired Registrants Panel
Mr James Lyon	Tribunal Complaint Hearing
Mr Kurt Andersson-Noorgard	Professional Standards Committee, Impaired Registrants Panel
Mr Mark Paul	Professional Standards Committee
Mr Maxwell Kettle	Tribunal Complaint Hearing, Impaired Registrants Panel
Mr Nicholas Miles	Tribunal Complaint Hearing, Impaired Registrants Panel
Mr Peter Shearing	Tribunal Complaint Hearing
Mr Phillip French	Tribunal Complaint Hearing
Mr Ronald Kerr	Tribunal Complaint Hearing
Mr Scott Hillsley	Impaired Registrants Panel
Mr Sieu Foong Liew	Tribunal Complaint Hearing
Ms Amanda Currie	Tribunal Complaint Hearing, Impaired Registrants Panel
Ms Angela Heenan	Impaired Registrants Panel

Membership (continued)	Tribunals, Committees and Panels Attended (continued)
Ms Anita Bizzotto	Impaired Registrants Panel
Ms Anne Flanagan	Impaired Registrants Panel, Professional Standards Committee
Ms Barbara Monley	Performance Review Panel
Ms Belinda Baker	Professional Standards Committee
Ms Beth Kotze	Impaired Registrants Panel
Ms Carole Doyle	Impaired Registrants Panel
Ms Catherine Berglund	Professional Standards Committee, Performance Review Panel
Ms Catherine Crewes	Professional Standards Committee
Ms Catherine Maloney	Tribunal Complaint Hearing, Performance Review Panel, Impaired Registrants Panel
Ms Christine Anderson	Tribunal Complaint Hearing, Impaired Registrants Panel
Ms Christine Selkirk	Tribunal Complaint Hearing, Impaired Registrants Panel
Ms Deborah Armitage	Impaired Registrants Panel
Ms Deborah Beaumont	Tribunal Complaint Hearing
Ms Deborah Burrows	Impaired Registrants Panel
Ms Deidre Sinclair	Professional Standards Committee, Impaired Registrants Panel
Ms Elizabeth Angel	Impaired Registrants Panel
Ms Elizabeth Bide	Professional Standards Committee
Ms Frances Taylor	Performance Review Panel
Ms Gerda Tolhurst	Performance Review Panel, Impaired Registrants Panel
Ms Helen Stirling	Impaired Registrants Panel
Ms Janette Curtis	Tribunal Complaint Hearing, Impaired Registrants Panel
Ms Janice Dilworth	Impaired Registrants Panel
Ms Jennifer Evans	Impaired Registrants Panel
Ms Jennifer O' Baugh	Performance Review Panel
Ms Julianne Williams	Impaired Registrants Panel
Ms Karen Sherwood	Impaired Registrants Panel
Ms Kate Chellew	Impaired Registrants Panel
Ms Kathleen Dixon	Performance Review Panel
Ms Kerry Mawson	Impaired Registrants Panel
Ms Leeanne Carlin	Impaired Registrants Panel
Ms Leigh Schalk	Professional Standards Committee, Performance Review Panel
Ms Leigh Smith	Professional Standards Committee
Ms Letetia Gibbs	Impaired Registrants Panel
Ms Lucy Burns	Impaired Registrants Panel

Meetings and Conferences

The Nursing and Midwifery Council was represented at the following meetings and conferences during the reporting period:

Name	Attendance
International Council of Nurses (ICN) Conference (Korea) – Education regulatory decision makers	Adj Professor John Kelly
NRAS meeting - Research	
Monthly Joint State Boards and Council meetings	
NMBA Conference – Review and assessing notifications	
Council Presidents' Forum – bi-monthly meetings	
Council Presidents' Forum meeting with the NSW Minister for Health	
HPCA Audit and Risk Committee – quarterly meetings	David Spruell (Council member)
National Council State Boards of Nursing (NCSBN) International Nursing Regulation Symposium, Chicago	
International Council of Nurses (ICN) Conference (Korea) – Transitions to practice	Kim Bryant (Deputy Executive Officer)
Sydney University – Notifications a shared responsibility	
NSW Enrolled Nurse Forum – Shared responsibilities	
St Vincent's Hospital – Sharing responsibilities in the public interest	
International Council of Nurses (ICN) Conference (Korea) – Transitions to practice	Annmaree Nicholls (Manger Health Program)
South west Sydney Local Health District – Role and function of the Nursing and Midwifery Council	
Day Surgery Nurses Association Conference – Roles and responsibilities of the Council	
AHPRA panel members workshop – online program for panel members	Margaret Cooke, Executive Officer and Melinda Weir (project and policy officer)
AHPRA Directors of Notifications quarterly meetings	Margaret Cooke, Executive Officer

Overseas Travel

Overseas travel during the reporting period included attendance at the International Council of Nurses (ICN) Conference and the Council of International Representatives (CNR) held from 19 to 23 June 2015 in Seoul, Korea. The President of the Nursing and Midwifery Council of NSW, Adjunct Professor John Kelly, Deputy Executive Officer Kim Bryant and Professional Officer Annmaree Nicholls represented the Council at the conference and made presentations on the following topics

- Management of impaired practitioners
- Transitions to practise
- Education regulatory decision makers

Council member, David Spruell also represented the Council at the NCSBN International Nursing Regulation Symposium in Chicago in October 2014.

Council Communications

The Nursing and Midwifery Council website is the principal medium used for communicating information to nurses and midwives, employers, educational institutions, students and the community. The website is updated regularly and includes links to other key bodies in the National Registration and Accreditation Scheme.

The Nursing and Midwifery Council also regularly distributes electronic newsletters to nurses and midwives with a principal place of practice in NSW. Further information is available on the Council's website www.nursingandmidwiferycouncil.nsw.gov.au.

Other Council Activities

- The Council holds a number of evening seminars each year, attended by a wide range of stakeholders. Seminars in 2014/15 included:
 - *Impairment and Performance: how do we manage cognitive impairment?*
 - *Professional Practice and Client-Directed Care: What are the Risks to Public Safety?*
 - *The Future of Drug and Alcohol Testing.*
- The Council held a one-day workshop with employers and managers to provide an opportunity for all attendees to better understand the role of the Council, and the challenges for the Council and employers in ensuring the safe practice of nursing and midwifery. Further work is planned with employers.
- A project has been commenced to improve letters and communication with stakeholders about regulatory processes.
- The Council has commenced development of a research framework and a communication framework. Further work will be carried out on these documents to guide Council activities in these areas for the next three years.

Remuneration

Remuneration for members of the Council is as follows:

President	\$2,336 per annum
Deputy President	\$1,752 per annum
Members	\$1,752 per annum

In addition, Council members receive sitting fees of \$448 per day and \$224 per half day for immediate action proceedings and attendance at committee meetings and other regulatory activities if held on a day other than the monthly Council meeting. Council members are reimbursed for expenses incurred when travelling on official business at Council direction.

Members of panels and tribunals also receive remuneration and reimbursement of expenses.

Financial Management

The Nursing and Midwifery Council's accounts performance as reported in the Financial Statements is as follows.

Accounts Performance 2014/15	\$
Revenue	7,660,969
Operating expenditure	6,313,782
Gain/(loss) on disposal	(36,048)
Net result	1,311,139
Net cash reserves (cash and cash equivalents minus current liabilities)	4,574,084

* Included in the net cash reserves is Education and Research bank account balance of: \$493,558

The Nursing and Midwifery Council's budget for the period 1 July 2015 to 30 June 2016 is as follows.

Budget 2015/16	\$
Operating expenditure	7,142,910
Revenue	7,302,376
Net result	159,466

Full financial statements are presented in Part 3 of this report 'Financial Statements for NSW Health Professional Councils'.