

# Te tirohanga whānui o Te tukanga matataunga

## Overview of the competence process

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Te Kaunihera Manapou | Paramedic Council (Te Kaunihera) acknowledges that although competence processes are designed to be educative, they can be stressful. Te Kaunihera encourages paramedics to contact a support person, their employers, unions/associations and/or legal representative to support them through a competence process.

Kaunihera kaimahi/employees are available as a point of contact for paramedics.

### Introduction

Te Kaunihera is a regulatory authority which is governed by the Health Practitioners Competence Assurance Act 2003 (HPCA Act).

The HPCA Act sets out several functions concerning the registration, continuing competence, and fitness to practise of paramedics. One of the functions under section [34 – 44](#) of the HPCA Act, Kaunihera can review the competence of a paramedic if they have not maintained the required standard of competence, or there is evidence to suggest the paramedic's practice poses a risk of harm to the public, or at any other time.

An overview of the competence process is included as [Appendix A](#).

### Notifications

#### Mandatory notifications

An employer *must* notify Kaunihera when a paramedic has resigned or been dismissed for reasons relating to competence. A notification must also be made to Te Kaunihera by the Health and Disability Commissioner or the Director of Proceedings if they believe that a paramedic poses a risk to the public by practising below the required standard of competence.

#### Notifications from other health professionals

Any health professional *may* notify Te Kaunihera if they believe a paramedic poses a risk to the public by practising below the required standard of competence.

Professional conduct committees appointed by Kaunihera may also recommend that Kaunihera review the competence of a paramedic following the investigation of a complaint.

## **Protection for those making a notification**

Any person who makes a notification about a paramedic cannot be made the subject of civil or disciplinary proceedings unless that person has acted in bad faith.

## **Form of notification**

Any person making a notification *must* have reason to believe a paramedic poses a risk to the public.

The notification must be submitted in writing to the Registrar and provide details of all the circumstances, including the reasons why the person believes the paramedic poses a risk to the public. You can also use our online form which is available [here](#).

In the interests of natural justice, the paramedic concerned will be provided with a copy of the notification.

## **The Inquiry Process**

### **Initial assessment/inquiry**

Te Kaunihera is required to make inquiries into the competence of the paramedic before deciding whether their competence should be reviewed.

A copy of the notification is sent to the paramedic requesting any information they wish to provide to assist in making a decision on whether the paramedic's competence should be reviewed. This may include asking them to provide evidence of professional development and any employer related competence assessments completed within the last three years.

Paramedics are asked to complete a [practice profile](#) to provide Te Kaunihera with information about their previous and current practice and practice intentions.

Information may also be sought from the person or organisation that made the notification, or other sources. It could include previous competence assessments, appraisals, professional development that has been completed, and further detailed information about the competence issues identified in the notification.

Paramedics are encouraged, to seek the representation or support of a legal representative, their union/association or support person through this process. Paramedics who wish to have representation are strongly recommended to contact that person or their professional organisation at this time to ensure they are involved in the process.

Te Kaunihera will decide whether a competence review is required once the relevant information has been assessed.

If no further action is being taken, then the paramedic will receive a letter with the reasons for this decision.

If Te Kaunihera has decided that a review of the paramedic's competence is required, then the paramedic will be informed and be given the reasons for their decision.

### **Retirement**

It may be at this stage that paramedics decide they wish to stop practising or retire from paramedicine.

If that is the case, then no further action will be taken on the notification, unless the paramedic decides to return to practising later.

### **Mental or physical condition**

If a paramedic believes that they have a health issue (mental or physical condition) that has impacted on their ability to practise competently, these issues may be raised with the Registrar. Te Kaunihera may then decide that a medical assessment is required before a competence review.

If the medical assessor concludes that a health issue has caused or contributed to the competence issues raised, then the paramedic may be referred to the health process. There is further information about that process in the [health process overview](#).

### **Competence review**

#### **Educative approach**

A competence review is part of an overall process that is essentially evaluative and educational in nature, with the goal of working with the practitioner to identify any problems that need to be remedied. They are not a disciplinary process.

Te Kaunihera believes that reviews should be as supportive of the practitioner as possible. It is expected that direct dialogue with the practitioner is likely to facilitate such support and collaboration.

If there is a competence concern, then Te Kaunihera wants to help the practitioner address it, and minimise any risk of harm to the public. The review is a formal assessment, the outcome of which may have major (and potentially adverse) consequences for the paramedic being assessed.

While a consultative and collegial approach is always preferred, there may be occasions during some reviews when a more directive approach is required.

## **Failure to respond**

If the paramedic fails to respond to Kaunihera's request to undertake a competence review, then Kaunihera may need to set in place conditions which limit or suspend the paramedic's practice.

## **Competence review committee (CRC)**

A competence review committee (CRC) will undertake the review on behalf of Te Kaunihera. There are usually a combination of paramedic practitioners and lay people who form part of the CRC membership. Considerations are given to ensure that any cultural needs of the paramedic are met.

## **Review format**

The format of the review will often be determined by the paramedic's practice. It may be undertaken by observing the paramedic during their usual mahi/work, an assessment at an education institute, role play, or any other means.

## **Report to Kaunihera**

After reviewing a paramedic's competence, the CRC members are required to provide a report to Kaunihera. The members are asked to consider and recommend to Te Kaunihera whether the paramedic's practice of the profession either:

- meets the required standard of competence, or
- does not meet the required standard of competence.

If the CRC decides that the paramedic does not meet the required standard of competence, the CRC is not required to decide what remedial action should apply. It is helpful to Te Kaunihera and the paramedic, however, to understand the CRC's reasons, concerns or recommended areas for remediation.

The paramedic will be provided with a copy of the CRC's report and asked to make any comments on the report for Kaunihera to consider.

## **Kaunihera consideration**

If, after considering the CRC report and recommendations, and any comments from the paramedic, Te Kaunihera has reason to believe the competence of the paramedic is deficient, then Te Kaunihera will make one or more of the following orders

- that the paramedic undertakes a competence programme;
- that one or more conditions be included in the paramedic's scope of practice;

- that the paramedic sits an examination or undertake a specified assessment;
- that the paramedic be counselled or assisted by one or more nominated persons.

### **Notification of risk of harm to other agencies**

If Te Kaunihera believes the practice of a paramedic may pose a risk of harm to the public, it must promptly notify the following in writing including the circumstances that have led to that belief:

- Accident Compensation Corporation
- Director-General of Health
- Health and Disability Commissioner
- employer of the paramedic

A copy of this notice is also given to the paramedic. If Te Kaunihera concludes the paramedic's practice never posed or no longer poses a risk to the public, it must notify the above agencies.

### **Review and appeal rights**

A paramedic may ask for a review of the Registrar or competence review committee's decision by the full Kaunihera. The paramedic must make this request in writing within 20 working days of receiving a decision. A review will be conducted on the information provided to the Registrar/Committee and any submission the paramedic may wish Kaunihera to consider.

Alternatively, the paramedic may appeal the decision to the District Court within 20 working days of receiving the decision.

The decision or order continues in force unless the District Court orders otherwise.

### **Judicial review**

Decisions of the Kaunihera may be reviewed in the High Court. The purpose of a judicial review is to assess the process the decision maker used to come to a decision and to ensure a fair and reasonable process resulted in a fair and reasonable outcome.

### **Enquiries**

Any enquiries about the competence process should be addressed to the Registrar of Te Kaunihera – [registrar@paramediccouncil.org.nz](mailto:registrar@paramediccouncil.org.nz).

## Appendix A – Competence review process

