

Fact sheet

About the Council



Council of New South Wales

Summary

This fact sheet provides information about the role of the Occupational Therapy Council of New South Wales. It covers:

- the role of the Council, how we are funded and who we are
- how occupational therapists are regulated in New South Wales (NSW), and
- how we define a complaint and the types of complaints we manage.

i What is the Council?

The Council is a statutory body that was established in July 2012 under the *Health Practitioner Regulation National Law (NSW)*. It is part of the National Registration and Accreditation Scheme. The Council consists of four occupational therapists, a legal member and a community representative, all of whom are nominated by the Minister for Health and appointed by the Governor of NSW.

What we do

We aim to protect the health and safety of the public by:

- managing complaints about occupational therapists and students
- promoting compliance with professional standards and the National Board's guidelines.

This may include restricting the practice of an occupational therapist.

How we do this

We focus on promoting safe professional practise, protecting public safety and minimising risk. We assess the likelihood of harm to public safety and act to prevent unsafe practise and to minimise harm.

How we are funded

We are funded by a proportion of the annual registration fee paid by occupational therapists practising in NSW.

⚙ How does the regulation of occupational therapists work in NSW?

In regulating occupational therapists we work with:

- the Health Care Complaints Commission (HCCC). We consult with the HCCC about complaints relating to occupational therapists and students working or studying in NSW. The HCCC can independently investigate serious complaints involving unsatisfactory professional conduct, which can be prosecuted before the NSW Civil and Administrative Tribunal.
- the Health Professional Councils Authority, an administrative agency of the Ministry of Health, which provides administrative support to all health professional councils in NSW.
- the Occupational Therapy Board of Australia, supported by the Australian Health Practitioner Regulation Agency (AHPRA), which manages the registration process for occupational therapists. We collaborate with the Board in relation to professional standards.

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Further details about complaints



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What is a complaint?

A complaint is any concern made in writing about a registered occupational therapist in NSW, which relates to their professional performance, conduct and/or health. It also relates to any concerns about the criminal conduct or health of a student. We use the term 'complaint' to refer to:

1. Mandatory notifications

All registered health practitioners, employers of occupational therapists and educational institutions with occupational therapy students, must inform the Occupational Therapy Board of Australia / AHPRA about notifiable conduct.

The *National Law (NSW)* describes 'notifiable conduct' as:

- practising while intoxicated by alcohol or drugs
- sexual misconduct in the practise of the profession
- placing the public at risk of substantial harm because of an impairment (health issue), or
- placing the public at risk because of a significant departure from accepted professional standards.

Who manages a complaint?

We can manage:

Performance matters, such as:

- unsafe practise
- communication issues
- inadequate or inappropriate treatment
- infection control breaches
- inadequate or inaccurate patient records.

Conduct matters, such as:

- breaching patient confidentiality
- inappropriate behaviour
- providing care beyond scope of practice
- non compliance with a condition or undertaking
- a criminal conviction or a criminal finding for an offence
- providing unnecessary health services.

Health matters, such as:

- physical / mental health
- drug and alcohol matters
- that meet the definition of impairment under the *National Law (NSW)*.

2. Complaints

Complaints from any person, including employers, educational institutions or members of the public such as patients or relatives of a patient.

3. Self-notifications

Where an occupational therapist informs us or AHPRA about a relevant event or an issue which might impact their practice, such as being hospitalised due to a health impairment.

4. Complaints about students

Complaints in relation to occupational therapy students, if they relate to health or criminal conduct matters.

5. National Board audit notifications

Complaints from AHPRA relating to non-compliance with registration requirements.

The Occupational Therapy Board of Australia manages advertising issues and complaints about a person practising while unregistered or using a title when not qualified to do so.

The HCCC manages complaints referred for investigation as well as complaints about non-registered health practitioners and health service organisations.

Fair Trading NSW manages complaints about fees, claims for compensation and refunds.

We cannot manage complaints:

- if the person is not a registered practitioner or student
- about industrial issues or personal disputes with occupational therapists which are not about unsafe or inappropriate practise
- about an occupational therapy practice.