

Legal members for NSW health professional regulatory Committees including Chairs for Professional Standards Committees for the Medical Council of NSW and Nursing and Midwifery Council of NSW

Closing date: Friday 22 November 2019

Contact: Senior Policy and Project Advisor, Corporate Governance
9219 0273
swiebenga@hpca.nsw.gov.au

Applications submitted:

Email: appointments@hpca.nsw.gov.au

Post: Attn: EOI - Legal Panel
Senior Policy and Project Advisor, Corporate Governance
Health Professional Councils Authority
Locked Mail Bag 20
Haymarket NSW 1238

Website: www.hpca.nsw.gov.au

INFORMATION FOR APPLICANTS

We seek expressions of interest from suitably qualified and experienced lawyers to chair Professional Standards Committees and to either chair or participate in other regulatory processes including Performance Review Panels. Successful applicants will be appointed to a panel which may be accessed by any of the 15 health professional Councils in NSW.

LEGAL MEMBERS PANEL

Professional Standards Committees

The Medical Council and the Nursing and Midwifery Council establish Professional Standards Committees to inquire into complaints of unsatisfactory professional conduct brought by the Health Care Complaints Commission against medical practitioners, nurses or midwives.

Professional Standards Committees conduct their inquiries in public and the parties are entitled to legal representation. The relevant Council publishes a Professional Standards Committee's written reasons for decision.

Other regulatory processes

Other relevant regulatory processes in which legal practitioners participate include Performance Review Panels and Immediate Action (s.150 hearings).

ROLE OF HEALTH PROFESSIONAL COUNCILS

The primary responsibility of the Councils is to protect the public by managing complaints about the health, performance and conduct of registered health professionals practising in NSW. Councils manage complaints through co-regulatory arrangements with the Health Care Complaints Commission (HCCC).

Further information about the Councils and the Health Professional Councils Authority (HPCA) is available on the HPCA website at www.hpca.nsw.gov.au.

Term of appointment

3 years

Applicants should be aware that the Councils select from the Panel on an ad hoc basis and appointment to the Panel does not guarantee selection to a committee or regulatory hearing.

Standards of conduct

Legal members must adhere to public sector standards and principles of conduct in order to ensure public confidence and trust in the Councils and their processes. All members need a clear understanding of their public duty and legal responsibilities and must act for the proper purpose without exceeding their powers.

MAKING AN APPLICATION

Applicants are required to complete the Expression of Interest form and submit it with a brief statement addressing each of the selection criteria and an up to date curriculum vitae (CV) (maximum of 5 pages).

SKILLS AND EXPERIENCE

A legal member appointed to the panel must be an Australian lawyer and must not be a registered health practitioner in any profession.

A legal member participates as a panel member of a committee of inquiry. Where also acting as Chairperson he or she presides at an inquiry and must be able to ensure that proceedings are conducted in a manner that is procedurally sound and fair.

The Chairperson is also responsible for producing, with the assistance of the other members, the Committee's written reasons for decision.

Selection criteria

Applications should include a brief covering letter or statement addressing each of the following selection criteria. These criteria are taken into account when selecting candidates on merit to recommend to the Councils.

1. Admission as a legal practitioner with a current NSW practising certificate.
2. Demonstrated high level performance in leadership and management skills
3. Demonstrated commitment to fairness and ethical behavior.
4. Ability to deliver prompt, well reasoned written decisions in plain English.
5. Willingness to develop detailed knowledge and understanding of legislation relevant to the Council including the *Health Practitioner Regulation National Law (NSW)* and the *Health Care Complaints Act*.

Member attributes

While the Law does not define the required attributes or qualities of a legal member, the desired attributes for all members are:

- ***Displays integrity***: is ethical, committed, diligent, prepared, organised, professional, principles-based and respectful, values diversity, and shows courage and independence

- **Thinks critically:** is objective and impartial, uses logical and analytical processes, distils the core of complex issues and weighs up options
- **Applies expertise:** actively applies relevant knowledge, skills and experience to contribute to decision-making
- **Communicates constructively:** is articulate, persuasive and diplomatic, is self-aware and reflects on personal impact and effectiveness, listens and responds constructively to contributions from others
- **Focuses strategically:** takes a broad perspective, can see the big picture, and considers long term impacts
- **Collaborates in the interests of the scheme:** is a team player, flexible and cooperative, creates partnerships within and between Councils and the HPCA.

Applicants who are NSW Government sector employees

NSW Government sector employees including Health Service employees may be appointed to the panel of Chairpersons. In accordance with the *NSW Government Boards and Committees Guidelines*, Section 8.3, public sector employees cannot be paid a sitting/annual fee without obtaining an exemption from the Health Professional Councils Authority

Applicants who are NSW Government sector employees should seek their employer's support for their nomination and provide contact information on the Expression of Interest form.

SELECTION PROCESS

Applications that are incomplete or do not answer the criteria will be culled. We will review applications against the selection criteria and member attributes. We may call applicants for an interview.

We will recommend assessed applicants to the Councils which will make the final decision to appoint to the Panel. Applicants must be prepared to Chair Professional Standards Committees for both the Medical Council and the Nursing and Midwifery Council, and to participate in regulatory processes for any Council. We will not consider applicants who are unable or unwilling to work across all Councils.

Referee reports

Applicants must nominate two referees who are familiar with their work and professional responsibilities and who can discuss their skills and qualifications, if required.

Unsuccessful applicants

We will notify all unsuccessful applicants after the EOI process.

Probity checks for short listed applicants

Appointees need to have records of personal, professional and commercial integrity. Applicants will be subject to a national criminal record check.

PROTECTING PERSONAL INFORMATION AND PRIVACY

The HPCA will collect personal information to assess an applicant's suitability for appointment. Throughout the process personal information will be held confidentially and will only be disclosed to persons involved in the short listing and appointment process.

Personal information will be handled in a secure manner and will only be accessed as required. Information may also be used in a de-identified format in order to:

- meet whole of Government reporting requirements

- enable the Government to monitor the diversity of appointments to and composition of statutory and other bodies to which the Government makes appointments, and
- allow accurate reporting on the profile of public sector entity board and committee memberships.