



DECISION GUIDELINES AND PROCEDURES RELATING TO PRACTITIONERS RETURNING TO WORK AFTER A BREAK IN PRACTICE

Preamble

In accordance with section 27 of the Health Practitioners Competence Assurance Act 2003 (the **Act**), the Board's Registrar (acting under proper delegation) must consider any application for an Annual Practising Certificate (**APC**) from a registered practitioner who has not, within the 3 years immediately preceding the date of application, lawfully practised the profession. In accordance with section 29 of the Act the Registrar must not decide that an APC should be issued until he or she is satisfied that the applicant meets the required standard of competence and, to this end, may decide:

- to include or vary conditions on the applicant's scope of practice,
- that an APC should not be issued until the applicant has fulfilled one or more conditions, and/or
- that an APC should not be issued to the applicant.

Purpose

The main purpose of the HPCA Act and of these guidelines and procedures is to protect the health and safety of members of the public. To that end, the following objectives are sought:

- To facilitate and assure practitioner competence;
- To identify factors that may increase or mitigate the risk of loss of competence;
- To ensure there are appropriate monitoring and oversight processes in place during a practitioner's resumption of practice;
- To support practitioners to update their skills and knowledge; and
- To assure the public of a practitioner's competence while avoiding unnecessary barriers to practitioners wishing to resume professional practice.

Guideline statements

The following decision-making guidelines have been developed to supplement the Board's *Decision Guidelines Relating to Part 2 of the HPCA Act* and to assist the Board (and the Registrar as its delegate) in making fair, reasonable, and lawful decisions.

- Each application will be assessed on its merits to determine:
 - whether or not an APC should be issued,
 - whether or not formal re-training will be required,
 - whether or not any conditions should be imposed, and
 - the duration of any prescribed monitoring regime.
- In assessing an application, the following factors will all be taken into account:
 - the extent to which the practitioner's skills were consolidated after initial training,
 - the relevance of any activity undertaken during the break from practice to the maintenance of competence, and
 - the similarity of the intended domain(s) of practice to the practitioner's previous domain(s) of practice, and
 - the length of time the practitioner has not been practising.

- Any requirements on a practitioner may be waived or modified in circumstances where he or she has undertaken activity relevant to maintaining competence during the break in practice. This may include, but is not limited to, circumstances such as practising psychology in another country, research, and academic instruction.
- In cases where the practitioner has not remained actively engaged with the profession for many years¹ it may be prudent for them to update and refresh their training (e.g., an appropriate graduate or post-graduate degree) to ensure a safe return to practice. In such cases an APC with conditions may be issued while the practitioner is enrolled in the prescribed training course or programme.
- The factors which are perceived to increase or to mitigate the risk of loss of competence are listed below:

Factors perceived to increase the risk of loss of competence:

- Extended period of time away from practice and/or other engagement with the profession.
- Resuming practice in a different domain of professional activity from that which had been undertaken previously.
- The length of time away from practice is greater than the period of time spent actively practising prior to the break.

Factors which mitigate risk of loss of competence:

- Extensive experience prior to the break which has consolidated professional competence.
- Experience in a related field of endeavour while not engaged in actual practice of psychology.
- Activity which has maintained knowledge and familiarity with contemporary research during the break in practice.
- Resuming practice in the same domain of activity as that prior to the break in practice.

Procedure

Step 1:

The practitioner should initially communicate to the Board his or her intentions for a safe return to practise. This should be by way of a cover letter and a current *Curriculum Vitae (CV)*. The letter should explain the reason for the break in practice and outline the intended practice domain(s) and setting, how those compare to previous professional experience, and how he or she will ensure that competence standards will be maintained throughout the transition back into active practice. The CV should clearly evidence the length of time spent practising to consolidate skills after completion of training and prior to the break in practice.

Step 2:

The Registrar will consider the information provided, and will advise the practitioner of the requirements likely to be imposed *if a formal application for an APC is submitted*. In general terms, this is likely to fall into one of three categories:

- A. No special requirements.
- B. A transitional period of supervised practice is required.
- C. Formal re-training is required.

¹ Usually 8 or more, but this may vary depending on factors such as the applicant's initial training and the consolidation thereof.

If A, Step 3:

If an application were submitted an APC would be issued without conditions.

If B, Step 3:

In this case, *if an application were submitted*, a proposed supervision plan² would be requested including:

- a “self-reflective review” (**SRR**) identifying competencies in need of rehabilitation,
- a set of clear learning objectives based on the SRR,
- a set of learning plans to achieve the learning objectives identified, and
- a detailed supervision plan (including details of the proposed supervisor and frequency of supervision).

If the supervision plan was acceptable to the Registrar, an APC with a condition requiring Board-approved supervision (including regular reports to the Board from the supervisor) would be issued. The condition would be reviewed after a prescribed period (commonly one year) of monitoring, and would be lifted if there were no concerns arising. Were the supervisor to alert the Board to concerns about the practitioner’s practice at any time during the year, then further steps could be taken to ensure the health and safety of the public.

If C, Step 3:

In this case, and *if prior to an application being submitted*, the Registrar would advise the practitioner that formal retraining is likely to be required, and will discuss options with the practitioner. *If an application has already been submitted*, then the Registrar would issue a proposed decision declining the APC application pending the practitioner’s enrolment in an appropriate training course or programme.

This version: Approved/Adopted on 20 November 2013.

² All aspects of the supervision plan should be developed in consultation with the proposed supervisor.