

Summary

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

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

What is the Council?

The Council is a statutory body that was established in July 2010 under the *Health Practitioner Regulation National Law (NSW)*. It is part of the National Registration and Accreditation Scheme. The Council consists of practising psychologists, a legal member and community representatives. Members are nominated by the NSW 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 psychologists and psychology students
- promoting compliance with professional standards.

This may include restricting the practice of a psychologist.

How we do this

We focus on promoting safe professional practise, protecting public safety and minimising risk. Our objective is not to punish a psychologist. 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 psychologists in NSW.

How does the regulation of psychologists work in NSW?

In regulating psychologists we work with:

- the Health Care Complaints Commission (HCCC). We consult with the HCCC about complaints relating to psychologist and students working or studying in NSW. The HCCC can independently investigate serious complaints, which can be prosecuted before the NSW Civil and Administrative Tribunal.
- the Health Professional Councils Authority, an administrative agency which supports the Council.
- the Psychology Board of Australia, supported by the Australian Health Practitioner Regulation Agency (AHPRA), which manages registration of psychologists and psychology students. We collaborate with the Board in relation to professional standards.

Further details about complaints

What is a complaint?

A complaint is any concern made in writing about the professional performance, conduct and/or health of a registered practitioner in NSW. It also covers 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 psychologists and educational institutions with psychology students, must tell the Psychology 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 practice 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.

2. Complaints

Complaints from any person including an employer, an educational institution or a member of the public, including patients or relatives of a patient.

3. Self-notifications

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

4. Complaints about students

Complaints in relation to psychology 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.

Who manages a complaint?

We can manage:

Health matters, such as:

- physical health / mental health
- disability or cognitive impairment
- misuse, abuse or dependence on alcohol or other drugs

that meet the definition of impairment under the *National Law (NSW.)*

Performance matters, such as:

- inadequate or inappropriate history/examination, review/referral, treatment, procedure/testing, misdiagnosis
- improper records or inaccurate medical certification, coercion regarding consent.

Conduct matters, such as:

- unacceptable behaviour (aggression, bullying, harassment, intimidation)
- communication issues (disrespectful manner, insensitive to cultural needs)
- inappropriate behaviour (violation of professional boundaries – inappropriate sexual comments/contact/relationship).

The Psychology Board of Australia (AHPRA)

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 about unregulated health workers and health service organisations and complaints referred for investigation.

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

We cannot manage complaints:

- if the person is not a registered psychologist
- if the person is misrepresenting themselves as a registered psychologist