

Candidate Information on the Terms and Conditions of Appointment to the Psychologists Board

Health Practitioners Competence Assurance Act 2003

Introduction

This document provides information for prospective candidates for membership of the Psychologists Board. It sets out the:

- role and functions of the Board
- composition of the Board
- terms and conditions of appointment
- duties and responsibilities of a member.

The Role of Registration Bodies in Regulating Occupations

Consumers do not always have enough knowledge to make an informed decision whether psychologists are competent to carry out their occupation. This can be a matter of concern when the actions of an incompetent practitioner may impact on the health and safety of consumers. Occupational regulation is one way of providing consumers with information on a practitioner's competence. It ensures that only practitioners who have demonstrated that they meet the minimum standards for entry to an occupation can practise or use particular protected titles.

A wide range of health and disability sector occupations are regulated through legislation to protect the consumers of health services. Each statute establishes a registration authority for the purposes of establishing the competencies required for safe practice and registering practitioners who demonstrate they possess these competencies. The Psychologists Board is one such registration authority.

Individuals appointed to the Board include registered professionals and lay members. Members have a range of experience, from first-time appointees with little or no experience as a member of such authorities to members with extensive experience. The Board draws considerable benefits from having a diverse membership with a range of skills, attributes, and experience.

Functions of the Board

The Psychologists Board is a body corporate established under section 114 of the Health Practitioners Competence Assurance Act 2003. The purpose of the

Psychologists Board is to protect the consumers of psychological services through the education, registration and discipline of psychologists.

The functions of the Board are set out under section 118 of the Health Practitioners Competence Assurance Act 2003. As they relate to the Psychologists Board, the Board's functions are:

- (a) to prescribe the qualification required for scopes of practice within the profession, and, for that purpose, to accredit and monitor educational institutions and degrees, courses of studies, or programmes
- (b) to authorise the registration of psychologists under this Act, and to maintain registers
- (c) to consider applications for annual practising certificates
- (d) to review and promote the competence of psychologists
- (e) to recognise, accredit, and set programmes to ensure the ongoing competence of psychologists
- (f) to receive and act on information from psychologists, employers, and the Health and Disability Commissioner about the competence of psychologists
- (g) to notify employers, the Accident Compensation Corporation, the Director-General of Health, and the Health and Disability Commissioner that the practice of a psychologist may pose a risk of harm to the public
- (h) to consider the case of psychologists who may be unable to perform the functions required for the practice of the profession
- (i) to set standards of clinical competence, cultural competence, and ethical conduct to be observed by psychologists
- (j) to liaise with other authorities appointed under this Act about matters of common interest
- (k) to promote education and training in the profession
- (l) to promote public awareness of the responsibilities of the authority
- (m) to exercise and perform any other functions, powers, and the duties that are conferred or imposed on it by or under the HPCA Act or any other enactment.

Composition of the Board

There are 10 members on the Board. Under section 120 of the HPCA Act, the Board must consist of:

- a majority of members who are health practitioners; and
- 2 laypersons, if the authority has at any time 8 or fewer members; and
- 3 laypersons, if the authority has at any time 9 or more members.

Consumer Constituency

The consumer constituency of the Psychologists Board includes those who use the services of Psychologists as well as those with an interest in the mental wellbeing of themselves and other New Zealanders. Those that use these services are a cross-section of New Zealanders in terms of ethnicity, age, gender and geography.

Appointment as a Member of the Board

In making yourself available to be considered for appointment, please ensure that:

- there is no conflict of interest which would preclude your appointment; and
- you are available to serve for a term of office of up to 3 years.

The Psychologists Board provides an induction package to all new members.

Board members are expected to follow the terms and conditions set out below.

Terms and Conditions of Appointment

The Minister of Health appoints the members of the Board by notice published in the *Gazette* for a term of up to 3 years. Appointments take effect from the date of the Gazette notice or such later date as may be specified in the notice. Members may be reappointed from time to time, but may not hold office for more than nine consecutive years.

Members may at any time resign from office by advising the Minister of Health in writing.

The Health Practitioners Competence Assurance Act 2003 states that appointment members are considered to have vacated their office if they die or are adjudged bankrupt under the Insolvency Act 1967. The Minister of Health may at any time remove members from office on the grounds of:

- inability to perform the duties of the office,
- neglect of duty,
- misconduct, proved to the satisfaction of the Minister,
- with the concurrence of the Board, by notice given to the member, on the ground that the member's performance on the Board is inadequate.

Duties and Responsibilities of a Member

This section sets out the Minister of Health's expectations regarding the duties and responsibilities of a person appointed as a member of the Psychologists Board. This is intended to aid members of the Board by providing them with a common set of principles for appropriate conduct and behaviour and serves to protect the Board and its members from being exposed to legal challenges.

As an independent statutory body, the Psychologists Board has an obligation to conduct its activities in an open and ethical manner. The Board has a duty to operate effectively in a manner consistent with its functions as set out in section 114 of the Health Practitioners Competence Assurance Act 2003.

General

1. Board members have a commitment to work for the greater good of the Board. They are accountable to the Minister of Health (and through the Minister to the public of New Zealand).
2. Board members attend meetings and undertake Board activities as independent persons responsible to the Board as a whole. Members are not appointed as representatives of professional organisations or communities. This issue is particularly important when Board members may, at times, be required to be party to decisions which conflict with the views of other organisations with which they are involved.
3. There is an expectation that Board members will make every effort to attend all Board meetings and devote sufficient time to become familiar with the affairs of the Board and the wider environment within which it operates.
4. Board members may also be required to serve on one or more Board committees or working groups.

Legislation and Conflicts of Interest

6. It is important that Board members have a common understanding of their role as a member in order that decisions can be reached within the spirit of the governing legislation, namely, for the purpose of protecting the public interest through the regulation of psychologists.
7. Board members will be expected, over time, to become familiar with, and operate according to, the:
 - Health Practitioners Competency Assurance Act 2003
 - Psychologists Regulations 1996
 In addition, the Board is expected to be familiar with, and operate according to, the:
 - Principles of natural justice and administrative law
 - Health and Disability Commissioner Act 1994
 - Health and Disability Services Consumers' Code of Rights

- Health and Disability Services Act 1993
- Trans-Tasman Mutual Recognition Act 1997
- Privacy Act 1993
- Health Information Privacy Code 1994
- Treaty of Waitangi

(The Board is expected to comply with the intent of the Official Information Act 1982.)

8. Board members should perform their functions in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. Proper observation of these principles will protect the Board and its members and will enable public confidence to be maintained.
9. When Board members believe they have a conflict of interest on a subject which will prevent them from reaching an impartial decision or undertaking an activity consistent with the Board's functions, then they must declare a conflict of interest and withdraw themselves from the discussion and/or activity.

Confidentiality

10. Meetings, including agenda material and minutes, of the Board are confidential. Board members must ensure that the confidentiality of Board business is maintained.
11. Members are free to express their own views within the context of Board meetings, or the general business of the Board.
12. Board members must publicly support a course of action decided by the Board, or if unable to do that, must not publicly comment on decisions.
13. At no time shall Board members individually divulge details of Board matters or decisions of the Board to persons who are not Board members. Disclosure of Board business to anyone outside the Board must be the decision of the Board, or between meetings, at the discretion of the Chairperson of the Board, or in the case of committees, the Chairperson of the Committee (if they have the delegated authority of the Board).
14. Board members must ensure that Board documents are kept secure to ensure the confidentiality of Board work is maintained. Release of Board correspondence or papers can only be made with the approval of the Board.

Chairperson and Deputy Chairperson

At its first meeting in each year the Board elects one of its members to be its Chairperson, and another to be its Deputy Chairperson. Any such member is eligible for re-election.

The Chairperson presides at all meetings of the Board at which he or she is present and willing to preside. If at any meeting the Chairperson is not present or willing to preside, the Deputy Chairperson, if present and willing to preside, presides at the meeting. If neither is present, the members present elect a member to preside at that meeting.

Meetings of the Board

The Board meets formally on 3 days per year and holds teleconferences from time to time. In addition, members may be required to participate on sub-committees established to address specific issues. It is estimated that members would spend 15 days per annum on Board business

A quorum for any meeting is four members. All questions arising at any meeting of the Board are decided by a majority of the votes cast by the members present. The presiding member has a deliberative vote, and, in the case of an equality of votes, also has a casting vote.

When carrying out its functions the Board must follow the principles of natural justice and administrative law. The Board must act lawfully, that is, the Board can only act within the limits of its powers as set out in the Health Practitioners Competency Assurance Act 2003 and the Psychologists Regulations 1996. The Board must also act fairly when carrying out its functions.

Board members are not entitled to be present or vote or otherwise participate in their capacity as members of the Board at any part of a meeting where any matter relating to their registration, suspension, or discipline under the Health Practitioners Assurance Act 2003 is being considered.

Fees and Allowances

Members of the Board and of any committee appointed by the Board are entitled to be paid fees for attendance at meetings. Currently, the Chairperson is entitled to be paid \$120 (less tax) per hour and members are entitled to be paid \$100 (less tax) per hour. Members may be paid fees (3 hours) for preparation time and Board hearings. The Board pays for actual and reasonable travel and accommodation expenses.

More detailed information can be obtained from the Registrar of the Board.

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