

## What are the different types of notification?

### 'Competence' notification

This is where the concerns raised relate to your ability to practise to the standard reasonably to be expected of a kaiwhakaora ngangahau practising within your scope of practice.

### 'Conduct' notification

This is where the concerns raised cast doubt on the appropriateness of your conduct or behaviour.

### 'Health' notification

This is where the concerns raised relate to whether there may be a mental or physical condition impairing your ability to carry out the functions required for the practise of occupational therapy.

There will be times where the concerns raised crossover between the different types of notification. In these instances, te Poari, or its delegated committee, will gather information to establish the most appropriate pathway to consider and resolve the concerns raised.

## What is the process?

To some extent, it is the type of notification that determines the process that will be used to consider it. The other part of the equation is the risk level associated with the notification. If the notification raises serious concerns regarding public safety, this could impact significantly on the way that the process unfolds; however, regardless of this, you will be kept informed and involved in the process throughout.

## Who are the members of the Notification Assessment Committee (NAC)?

The membership of the NAC includes:

- Te Kairēhita Registrar (or acting Kairēhita Registrar)
- One practitioner member of te Poari
- One lay member of te Poari
- Kaitohutohu Ngaio Professional Advisor
- Tikanga Advisor (as required)

The NAC will have at least one Tangata Whenua member at all times.

## What agencies are available to offer support?

How you respond to being the subject of a notification is different for everyone. While te Poari and the NAC encourage you to be open about the notification with those closest to you or who you feel can best support you through this process, there could be times when you need outside support or advice on how to cope with the feelings, pressure, or anxiety you may be experiencing. Below are some agencies available for such support and their contact information:

### Citizens Advice Bureau

Ph: 0800 367 322  
Web: [www.cab.org.nz](http://www.cab.org.nz)

### Healthline

Ph: 0800 611 116  
Web: [www.healthline.com](http://www.healthline.com)

### Anxiety New Zealand

Ph: 0800 269 4389  
Web: [www.anxiety.org.nz](http://www.anxiety.org.nz)

### Lifeline

Ph: 0800 543 534  
Web: [www.lifeline.org.nz](http://www.lifeline.org.nz)

### Samaritans

Ph: 0800 726 666  
Web: [www.samaritans.org.nz](http://www.samaritans.org.nz)

### Mental Health Foundation

Ph: Free call or text 1737 for support from a trained counsellor  
Web: [www.mentalhealth.org.nz](http://www.mentalhealth.org.nz)

## I'm finding the notification process stressful. What should I do if I become overwhelmed?

No matter what support you seek while you are going through a notification, if you are starting to feel overwhelmed by it all, please let te Poari know. We will do our best to talk through and allay any concerns or fears you may have, provide you with an update on how the notification process is progressing, and help guide you to the right available support if you need it.




**Occupational Therapy Board of New Zealand**

TE POARI WHAKADRA NGANGAHAU O AOTEAROA  
FOSTERING FAITH AND CONFIDENCE IN THE PROFESSION

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# What happens if someone makes a complaint about me?

Guidance on notifications for kaiwhakaora ngangahau occupational therapists

## Introduction

If you have been informed that you are the subject of a notification, particularly if this is your first notification, this may invoke feelings of anxiety and unease. The first thing to remember is that notifications (sometimes referred to as complaints) are a normal part of being a health practitioner and it is expected that many kaiwhakaora ngangahau occupational therapists will be the subject of at least one notification over the course of their career. The second thing to remember is that just because you are the subject of a notification does not mean that you are a 'bad' or 'incompetent' kaiwhakaora ngangahau. There are many reasons that notifications arise, and in some instances, there is nothing you could have done differently to avoid it.

The Occupational Therapy Board of New Zealand (te Poari te Board) aims to work with you constructively and collaboratively to resolve any issues raised in the notification. We will keep you informed throughout the process, and are happy to answer any questions that may arise for you as we navigate this journey together.

This pamphlet endeavours to answer as many of your initial questions (and potential fears) as possible. You will find contact details for te Poari's office at the back of this pamphlet, should you have unanswered questions after reading this material or if you wish to talk through your circumstances with someone directly.

## Te Poari's role in considering notifications

Te Poari is the regulator of kaiwhakaora ngangahau in Aotearoa New Zealand, tasked with protecting the health and safety of members of the public by providing mechanisms for ensuring kaiwhakaora ngangahau are fit and competent to practise their profession. These mechanisms include having notification processes in place to consider concerns when they are received and ensure public safety is protected throughout any period of enquiry.

Te Poari does not represent practitioners—that is the role of the Association. Therefore, te Poari's role in considering notifications, first and foremost, will be in turning its mind to whether the notification indicates members of the public may be at risk. If it does, te Poari will utilise its powers under the Health Practitioners Competence Assurance Act (the Act) to take any necessary interim safety steps such as imposing conditions on your scope of practice, restricting the tasks or

services you can perform, or suspending your practising certificate or registration while enquiries are made into the matter. The aim of te Poari is to ensure, wherever possible, that you can practise while enquiries are made, as in most cases, this is in the best interests of both you and the public.

Except for ensuring public safety is protected, te Poari will remain objective and will not pre-judge the outcome of a notification. It will keep an open mind, gather necessary information, including information from you, before determining the best course of action to resolve the concerns raised.

Te Poari has appointed a specific committee whose job it is to receive and consider notifications on behalf of te Poari. This committee is the Notifications Assessment Committee (the NAC). The Registrar will communicate directly with you during the process and will answer any questions you may have.

## Will I get to have my say/tell my side of the story?

Yes. As indicated above, the Registrar will communicate with you, keep you updated on enquiries, and ask you for information and/or your response to the notification in determining how best to resolve the concerns raised.

## Who should I tell?

Being the subject of a notification can be stressful, no matter how long you have been in practice. Te Poari encourages you to be open about the notification with those closest to you or who you feel can best support you through this process. This could be a friend or family member, union representative, colleague, your supervisor, employer, or anyone else you feel comfortable sharing this with.

## Can I keep practising while te Poari looks into the notification?

As indicated earlier, te Poari's aim is to ensure, wherever possible, that you can remain practising while enquiries are made, as in most cases, this is in the best interests of both you and the general public.

If you are in the minority of cases and te Poari asks you to cease practising for a time while enquiries are made, te Poari will notify you of this, and in most instances, you will have an opportunity to respond and/or be heard on the matter before a final decision is made.

## Who will know about the notification?

From a Board perspective, notifications are handled in the strictest confidence. Only those Board, Committee and staff members who need to be involved in the process will be made aware of it, and any identified conflicts of interest will be managed accordingly.

In the most serious of cases, when public safety is at risk, there may be cause for te Poari to release information about you and the potential public safety risk publicly. However, the Act and te Poari's policies have strict protocols around how such information releases will be considered and managed, and these include liaising with you to ensure you are aware of any release of information.

## Do I need a lawyer?

This is completely up to you. Te Poari and the NAC will always communicate and engage with you in good faith during the notification process. Te Poari will keep you well informed of your rights and obligations as a health practitioner under the Act, but you are more than welcome to seek independent advice from a lawyer at any time.

If you have indemnity insurance, the terms of your cover may require that you disclose any communications with te Poari about notifications or any adverse findings with your provider. You may wish to check this with your provider at the time you are made aware of the notification.

## What if the notification against me is frivolous, vexatious or given in bad faith?

The Act recognises that there may be instances where information may be provided to te Poari in bad faith or where notices given could be frivolous or vexatious. Depending on the information provided, this may not immediately be obvious to te Poari or the NAC. If you believe this to be the case in your circumstances, please make this known to the Registrar and provide as much information as possible so that the NAC can consider this further.