

Public Service Association of New South Wales  
General Secretary: Anne Gardiner • President: Sue Walsh  
160 Clarence Street, Sydney  
GPO Box 3365, Sydney NSW 2001

Telephone: 1300 772 679  
Facsimile: 02 9262 1623  
Internet: www.psa.asn.au  
ABN: 83 717 214 309

In reply please quote: VB:cj A15/0690



3 May 2016

***Without Prejudice***

Mr Mark Philip  
Director, Industrial Relations  
NSW Department of Education  
35 Bridge Street  
SYDNEY NSW 2000

Email: [mark.philip@det.nsw.edu.au](mailto:mark.philip@det.nsw.edu.au)

**RE: HEALTH CARE PROCEDURES DISPUTE**

Dear Mark,

The PSA met with the Department of Education in relation to the health care procedures dispute on the 7<sup>th</sup> April 2016. On this date, the PSA was also presented with the training kit that is used in health care procedure training.

## **BACKGROUND**

In your last correspondence 1 April 2016 you stated that the health care procedures dispute is in relation to the Health Care Procedure Manual. However, at the 7 April meeting, the parties agreed that the Joint Statement on Role Boundaries in the Provision of Support at School for Students Requiring Health Care Procedures – 2005 (hereafter 'the Joint Statement') and the Health Care Procedure Manual go hand in hand and it is difficult to discuss one without considering the other. The Department then went on to request that the PSA state its position and concerns regarding the joint statement.

### ***PSA position and concerns on the Joint Statement***

The PSA notes that the following is submitted on a without prejudice basis and does not prejudice our request for the entire Joint Statement to be reviewed.

The PSA position is that the joint statement finalised in 2005 should be reviewed.

The PSA is concerned that the 11 year old joint statement is out of date and does not reflect the current complex health care needs of students enrolled in schools.

The NSW Nurses and Midwives Association (hereafter 'NNMA') has also sought a review of the Joint Statement on a number of occasions. Indeed, during the course of the meeting I presented an email to the Department from 2011 where the NNMA sought a review of the document. However, this review has not occurred.

The PSA understands that the NNMA have now withdrawn from the special consideration process until this review is undertaken. The PSA shares the serious concerns of the NSWNMA and advise that we withdraw from the process until a review of the joint statement takes place.

In terms of specific concerns the PSA directs your attention to clause 2, principles, in the Joint Statement. Clause 2.5(a), (b) and (c) provide that schools must investigate arrangements which may be necessary to meet a student's health care needs including:

- Parent/caregiver
- Attendance of a health care professional (e.g. registered nurse)
- Renegotiation with the student's medical practitioner of the parent/caregiver regarding the timing of this procedure

The PSA refers to the 7 outstanding students presented for review at the most recent Special Consideration Panel meeting on Monday 14<sup>th</sup> March 2016. I note that the document presented by Trish Boss to the Special Considerations Joint Committee (entitled "Special Consideration Applications in relation to health care procedures February 2016") addressed the parent/caregiver's situation as set out in clause 2(a). However, it did not address (b) or (c) of clause 2.5 of the Joint Statement. The PSA requests this evidence is furnished and that the Department takes care to comply with the Joint Statement.

The PSA also requests a copy of any information given to SLSOs that have volunteered to undertake health care procedures address possible adverse medical complications, potential legal consequences and rights to representation that the SLSOs have in relation to the procedures.

The PSA refers to clause 4 of the Joint Agreement – Catheterisation. The PSA concurs with the NNMA that clean intermittent catheterisation is a procedure that should be performed by a qualified and competent registered nurse. As confirmed by the NNMA in their letter to the Department dated 16 March 2016 only registered nurses are considered safe and competent to perform such procedures.

#### ***PSA Comment Regarding Health Care Procedures (HCP) Training***

At the meeting on the 7<sup>th</sup> April 2016 the PSA was presented with the kit that is used in HCP training. However, this is insufficient information for the PSA to ascertain how the training is delivered and communicated to staff. The PSA again requests to attend as an observer on a full day certification training course and a recertification training session of the health care procedures.

#### ***Industrial Concerns Regarding HCPs***

At the meeting on the 7<sup>th</sup> April 2016 the PSA advised of our concern that SLSOs are being subjected to pressure and expectations to carry out these voluntary procedures. As you may be aware many SLSOs are employed on a short or long term temporary basis and are led to believe that their employment may be at risk if they do not agree to undertake these procedures. SLSOs are not contractually obligated to undertake this task and it should not be relevant in considering whether a contract for an SLSO is renewed or offered.

#### ***Statement of duties and HCPs***

I refer to the statement of duties of an SLSO. The first sentence states "Under the supervision and direction of a teacher a school learning support officer, in respect of students enrolled in special schools and classes, is responsible to the principal or the supervisor for toileting and personal care needs of students at all age and dependency levels to include washing, bathing, showering and

changing". This requirement applies to the performance of all SLSO duties including voluntary undertakings. Without prejudice to the review of the Joint Statement, two people must be present in the toileting of the student, one of whom must be a teacher. The PSA requests that the Department adheres to this requirement.

### ***Department Action Items***

The above meets the request by the Department that the PSA submits its position. I note there were some actions items for the Department arising from our meeting including some further information the PSA is seeking. This includes a request that the Department:

- Provide the internet reference to WHS Directorate.

I acknowledge that Leanne Beggs has emailed a copy of the Department's Legal Issues Bulletin 46 (referenced in the Health Care Procedures Manual) to the PSA on the 12<sup>th</sup> April 2016.

I note that minutes from the Special Consideration Panel meeting on Monday 14<sup>th</sup> March 2016 taken by Patricia Boss have yet to be circulated to the attendees. I request this done as a matter of urgency.

An agreement was also reached on an industrial issue, specifically the manner in which the allowance is referenced in the manual. The Department agreed to extract the award entitlement in the manual. We request the manual is amended to reflect this agreement.

The PSA requests a meeting with the Department, the NNMA and the PSA to review the Joint Statement as soon as possible. Accordingly I have carbon copied the NNMA into this letter.

Please feel free to contact the PSA to arrange to a mutually convenient time to meet.

Yours sincerely,



**VERA BABICHEVA**  
**INDUSTRIAL ADVOCATE**

Cc: Eric Dailly, Senior Industrial Officer, DET  
Trish Boss, Manager, Complex Support Disability & Health  
Kate Adams, NSW Nurses and Midwives Association  
Marc Hopkins, NSW Nurses and Midwives Association  
Ann Attwater, Public Service Association of NSW