



23 March 2017

School Learning Support Officers Report back on NSWIRC HCP dispute

Health Care Procedures Dispute – Update

The PSA and the Department of Education (DoE) appeared before the NSW Industrial Relation Commission (NSWIRC) today (2017.03.13) in the Health Care Procedures (HCP) dispute.

Members will recall the DoE has:

- created a new position School Learning Support Officer (Student Health Support) [SLSO(SHS)] which greatly expands the scope, responsibility and complexity of HCP being delivered to students with complex health needs in NSW public schools
- advised the PSA it wished to terminate the Tripartite Agreement which sets boundaries on the HCP that SLSOs perform. It advised it wished to cease the current arrangements for Special Considerations Applications having oversight by the Special Considerations Panel comprising the DoE, PSA and NSW Nurses and Midwives Association representatives.

The PSA has continued to press the concerns of SLSOs, who care deeply for the students they assist who are unable to undertake these often invasive HCP themselves.

PSA members have advised they are often subject to duress to volunteer to undertake HCP and if they do not agree, their contracts will not be renewed. Catheterisation and suctioning have continued to be contentious issues raised by PSA

members and the PSA has continued to push these concerns with the DoE as part of the HCP dispute.

With the assistance of Commissioner Murphy, it appears the DoE has conceded on a number of crucial aspects of the dispute at today's hearing. These matters are:

1. Replacing the current Tripartite Agreement with a policy which sets boundaries on what activities may be performed by an SLSO as part of the students HCP. The difference between the current statement of duties and the proposed statement of duties is vast. For example, the PSA pointed out that the draft statement of duties for the proposed SLSO(SHS) does not restrict reinsertion of enteral tubes which have become dislodged. This and other changes to HCP needs further discussion. The draft policy to replace the Tripartite Agreement will be provided to the PSA within the next four weeks;
2. Developing a discussion paper which deals with formal accreditation of the training for SLSOs undertaking HCP. The PSA has raised, on behalf of members, concerns about the suitability of the current training not being formally accredited and in consultation with the

NSW Nurses and Midwives Association, the training not incorporating best clinical practice. Members have advised that facilities may be inadequate in providing a hygienic environment;

3. Continuation of the accessing by SLSOs of the relevant sections of the students health care plan. The DoE has maintained that this potentially breaches the student's privacy. The PSA has submitted that when highly personal and invasive HCP such as catheterisation is being performed by SLSOs, a student's name and the HCP they require can hardly be considered a privacy breach.

Further, SLSOs have advised that they have neither been asked to contribute feedback into, nor in some instances been provided access to the students health care plan prior to volunteering to perform the HCP in support of the student. This means that SLSOs are not making informed decisions before they volunteer for HCPs; and,

4. Continuing to provide information on students and schools where HCPs are being provided. This is a part of the current Special Considerations Panel process and will allow for the PSA to contact SLSO members to identify if they have concerns around training; facilities; knowledge of the students Health Care Plan and other aspects of supporting students with complex health requirements.

The next hearing of the HCP dispute is set for 27 April 2017.

Fast track consultation with Delegates and Special Education Working Group Representatives

Commissioner Murphy from the NSWIRC has set some very strict dates in advance of the next hearing. The DoE is required to supply their draft documentation to the PSA within four weeks. Two weeks after the documentation is received, the parties attend the next hearing at the NSWIRC.

Hopefully the documentation will be provided earlier than expected to allow for greater PSA consultation. However, this can't be relied upon.

Once the draft policy and discussion paper are provided to the PSA, the documents will be circulated to DC Delegates and the representatives to the Special Education Working Group.

Once the material is circulated, there will be a one-week window of opportunity for receipt of feedback. While it is always very busy running schools and taking care of students, Delegates and Representatives are urged to take some time out to consider the DoE's draft material.

This HCP dispute is important for SLSOs and students with complex health care needs in the state education sector. Your views are vital and will help the PSA progress the dispute.

This is a historic opportunity to help the PSA to best represent SLSOs providing HCP into the future. We want to hear from you! Feedback will need to be urgently provided as the PSA will need to have a position on those documents for Commissioner Murphy at the next hearing.

