Justice Health and
Forensic Mental Health Network

Justice Health NSW Policy

Clinical Observers

Issue Date: 02 November 2023

Together for
Healthier Tomorrows

Clinical Observers

Policy Number 5.105

Policy Function Safe Practice and Environment

Issue Date 02 November 2023

Next Review Date 02 November 2026

Risk Rating High

Summary Clinical Observers have clinical training and experience but are not Justice Health NSW staff. This policy advises how Clinical Observers are approved and managed in observing patient care delivered by current members of Justice Health NSW Clinical staff for the purpose of developing knowledge and experience in their clinical field of interest.

Responsible Officer Director, Executive Medical Services

Applies to
☒ Administration Centres
☒ Community Sites and programs
☒ Health Centres - Adult Correctional Centres or Police Cells
☒ Health Centres - Youth Justice Centres
☒ Long Bay Hospital
☒ Forensic Hospital

CM Reference POLJH/5105

Change summary
- Minor updates to branding, hyperlinks and policy cross references.
- Additional comments added to clarify definition and purpose of Clinical Observers, and to provide governance around patient consent process.

Authorised by Chair, Policy Steering Committee

Revision History

#	Issue Date	Number and Name	Change Summary
5	November 2023	5.105 Clinical Observers	• Minor updates to branding, hyperlinks and policy cross references. • Additional comments added to clarify definition and purpose of Clinical Observers, and to provide

			governance around patient consent process.
4	August 2020	5.105 Clinical Observers	• Updating of branding, Policy links and references • Clarification of Observer status, consenting and safety and security links
3	September 2017	5.105 Clinical Observers	• Minor updates • Updating of references
2	March 2014	5.105 Clinical Observers	• Update in line with Ministry Policies • Define and agree approval procedures • Expand to include non-medical 'Clinical Observers' • Define limits of role
1	November 2011	5.105 Clinical Observers	• New policy

PRINT WARNING

Printed copies of this document, or parts thereof, must not be relied on as a current reference document.

Always refer to the electronic copy for the latest version.

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1. Preface

Clinical Observers are individuals who are not members of Justice Health New South Wales (NSW) Clinical staff, who generally have clinical training and experience, and who attend a Justice Health NSW facility to observe patient care delivered by current members of Justice Health NSW clinical staff. Clinical Observers are provided with this opportunity so they may develop knowledge and experience relevant to their clinical field of interest. Clinical Observers do not undertake any clinical duties, should not portray themselves as Justice Health NSW staff, and are not included in patient care decisions.

This policy provides directions to staff with regard to how applications and visits by a Clinical Observer must be managed within Justice Health NSW and provides instructions for staff when facilitating or supervising a Clinical Observer at a Justice Health site.

This policy does NOT apply to:

- Honorary Junior Medical Staff, Honorary Senior Medical Staff, Honorary Dentists, or other Honorary Clinical staff. These categories refer to clinical staff that may participate in clinical care and therefore are required to have the correct category of registration with the *Australian Health Practitioner Regulation Agency* (AHPRA). A separate application process exists for these staff.
- Students undertaking formal student placements as part of recognised tertiary education training program. This includes Medical, Nursing and Allied Health Students on Student Placements.
- A person on a Student Placement undertaking a course as part of their by the Public Health Organisation (PHO), including trainees who may be employed by a PHO.
- Visitors (clinical and non-clinical) who are attending a Justice Health facility or service for a short period, generally one day or less, and who are escorted at all times by a member of staff and issued with a “Visitors Pass.” This includes members of external organisations who may be attending for the purpose of education and training sessions, assist Justice Health to undertake on-site professional assessment and examinations (such as University or College exams), part of an accreditation team, or other short term approved visits.

2. Policy Content

2.1 Roles and Responsibilities of a Supervisor

- A Clinical Observer must at all times be under the direct supervision of a Justice Health NSW clinical staff member who has current AHPRA registration and who is approved to provide the observation.
- Direct supervision must be provided whenever an observer is present with a patient. The supervisor must not delegate the supervisory role to a person from a different professional discipline. For example, a Medical Clinical Observer must be supervised at all times by a Justice Health NSW medical practitioner. Clinical Observers may have more than one supervisor who meets the above criteria.
- Supervisors are professionally accountable for the actions of a Clinical Observer under their supervision. The scope of a Clinical Observer’s interaction with Justice Health NSW

patients should be guided by the Clinical Observer's background, training, experience and performance.

- The safety of Justice Health NSW patients and clinical care provided by Justice Health NSW clinical staff must not be compromised by the presence of a Clinical Observer. Further, training of existing staff must not be compromised by the presence of a Clinical Observer.
- Supervisors (and proposed observers) are required to complete all paperwork and sign the Justice Health NSW *Clinical Observer and Supervisor's Declaration* form (EMP184) which includes an acknowledgement that the supervisor and proposed observer understands the purpose, scope and limitation of the observer's role within Justice Health NSW.
- The Supervisor is to ensure all access requirements such as CSNSW notifications are completed prior to attendance.
- Ensure that all vaccinations are current according to NSW Ministry of Health Policy PD2026_004 *Occupational Assessment, Screening and Vaccination Against Specified Infectious Diseases* including any COVID and Influenza requirements.
- The Supervisor is to accommodate individual cultural and physical needs of Clinical Observers where possible including religious observance and authorised medical device usage and seek approval for such at the nominated facility.
- The Supervisor must provide orientation including:
    - Expectations of behaviors reflecting code of conduct and Justice Health NSW values.
    - Practice/activity exclusions.
    - Prohibited items (prior to entry).
    - Dress requirements (including belt where appropriate).
    - Evacuation procedures.
    - Use of duress alarms.
    - Confidentiality/privacy and professional boundary expectations.
    - Any relevant safe work practice.
    - Reporting expectations.
    - Notification process for non/late-attendance.
    - De-briefing and emotional/professional support process if required.

2.2 Roles and Responsibilities of a Clinical Observer

In circumstances considered safe and appropriate by the supervisor with regard to the observer's background, training and experience, and with explicit patient consent, Clinical Observers may:

- Observe relevant clinical practice;
- Conduct supervised patient interviews;

- Conduct directed and supervised clinical examinations, but NOT including invasive or intimate examinations;
- Participate in educational activities (relevant clinical tutorials and health centre visits) under direct or indirect clinical supervision (i.e. supervisor is aware and has approved for the Clinical Observer to attend the educational activity); and
- Under direct supervision, observe the use of paper or electronic medical information systems, health care records, laboratory, radiology and other clinical reports.

Clinical Observers must NOT:

- Take an active part in, or have any responsibility for, a patient's clinical care, including giving medical or clinical advice to a patient;
- Make entries in a Patient Health Record, or complete any forms;
- Prescribe treatment or medication;
- Order diagnostic tests;
- Take a telephone call regarding clinical matters on behalf of Justice Health NSW staff, their supervisor or another clinician;
- Be responsible for the communication of clinical information about a patient to another medical practitioner or clinician, or to a patient, their carers or families;
- Independently access a patient's medical information or Justice Health NSW Patient Health Record, be it paper or digital/electronic;
- Make copies (digital or hard copy) of clinical information, except with the direct written permission of their supervisor for the purpose of an educational activity and where the information does not contain details which may enable the identification of patients;
- Perform or assist with any medical procedures, including minor procedures and any surgical procedures, administer medications or any other treatments;
- Portray themselves as employees of Justice Health NSW;
- Use or disseminate any Intellectual Property owned by Justice Health NSW, including that created by the observer without permission. This excludes publicly available intellectual property;
- Use any data, image, name, image or any other identifying information without the express written approval of Justice Health NSW;
- Use or disseminate any information regarding Justice Health NSW branding, funding, or function without the express written approval of Justice Health NSW.

Clinical Observers must maintain the dignity, privacy, confidentiality and safety of patients at all times. An observer placement will be automatically revoked if the Clinical Observer does not follow the bounds of the agreed placement, or breaches the NSW Health policy directive PD2015_049 *NSW Health Code of Conduct* or Justice Health NSW procedure 7.025 *Code of Conduct*.

As per section 2.1 above, proposed observers (and Supervisors) are required to sign the Justice Health NSW *Clinical Observer and Supervisor's Declaration* form (EMP184) which

includes an acknowledgement that the supervisor and proposed observer understand the purpose, scope and limitation of the observer's role within Justice Health NSW.

2.3 Approval for Clinical Observations

All requests for Clinical Observers to attend Justice Health NSW facilities must be made by the nominated supervisor, in writing on the approved Justice Health NSW *Application for Clinical Observer Placement* form (EMP186). Requests must include details of the proposed observer, the proposed purpose of the placement and duration, and include all required attachments (see section 3 Procedure Content).

Approval for Clinical Observers is as follows:

- Medical Clinical Observers must be approved by the relevant Clinical Director, and the Executive Medical Director.
- Non-Medical Clinical Observers must be approved by the Service Director and Clinical Director for the relevant clinical service, as well as the relevant General Manager within the Clinical Stream.

For each proposed Clinical Observer, appropriate consultation ahead of the proposed placement and discussion of any anticipated issues should occur with the relevant clinicians and managers depending upon the Clinical Observer's background and their location within the Network.

In general, Clinical Observer placements are limited to a maximum of 3 months. A Clinical Observer may seek an extension of an approved observer placement. Any costs involved in the placement of a Clinical Observer must be borne by the Observer or by agreement with the Directorate requesting the placement.

2.4 Types of Clinical Observers

Clinical Observers may include:

- Overseas trained doctors or other clinical persons who are not registered with the AHPRA and request an Observer placement for short periods for purposes of personal study and education, or as part of an agreed formal training program with Justice Health NSW.
- Other clinicians who hold AHPRA registration but are only attending Justice Health NSW for the purpose of observing.
- Other persons deemed suitable for placement as Observers, on a case by case basis.

2.5 Residency and Visa Requirements

In general non-Australian resident Clinical Observers are responsible for obtaining their own visa to allow them to enter Australia and undertake an observer placement for the purposes of education and/or private study.

Justice Health NSW is not able to sponsor non-Australian Resident Clinical Observers unless they are offered placement as part of an approved formal training program which meets the requirements of recognition by the *Department of Immigration and Border Protection*.

2.6 Patient Consent

Prior to any contact between the Justice Health NSW patients and the Observer, the placement supervisor must approach the patient and provide information about who the Observer is, and the nature and purpose of their presence and potential interaction with the

patient. The patient must be fully informed so that their consent (to allow the Observer to participate in any patient interactions) is freely given and voluntary, and can be withdrawn at any stage. Consent from the patient (and/or appropriate Guardian if required) can be either written or verbal consent, and must be in accordance with the *Consent to Medical and Healthcare Treatment Manual*. The supervisor must also consider the patient's capacity to consent before accepting such, and seek advice from the patient's multidisciplinary team if this is unclear.

2.7 Confidentiality and Privacy

Clinical Observers must at all times follow legislative privacy obligations and the policies of the Ministry of Health and Justice Health NSW with regard to patient privacy and confidentiality, including confidentiality of patient Health Records. It is the responsibility of the supervisor to ensure the Observer understands these obligations. The Observer is required to sign the *Clinical Observer - Privacy Undertaking* form (EMP185) acknowledging the above.

2.8 Compliance with Network Policies and Local Orientation Procedures

Clinical Observers must also comply with all other relevant Justice Health NSW and NSW Health Policy Directives, Guidelines, Bulletins, and it is the responsibility of the supervisor to ensure the Observer understands these obligations. The Clinical Observer must be familiar with, and comply with, their obligations under the NSW Health policy directive PD2015_049 *NSW Health Code of Conduct* or Justice Health NSW procedure 7.025 *Code of Conduct*.

Supervisors must also arrange a local Health Centre/Hospital orientation procedure for the Observer at the start of the placement. Clinical Observers must follow all local safety procedures, which may include use of a Duress Alarm and wearing a two-way radio (see Network policies 5.035 *Duress Alarms and Two-way Radios* and 5.135 *Security Risk Management*).

3. Procedure Content

Supervisors for a proposed Clinical Observer must complete all attachments, the *Application for Clinical Observer Placement* form (EMP186), obtain signature by the proposed Observer on the application, and forward the form and all required attachments for review and approval by the relevant manager as per section 2.3 above, and then to the Directorate of Medical Administration (Medical Observers) or to Employee Services (Non-Medical Observers).

The attachments include:

- Up to Date Curriculum Vitae;
- Proof of appropriate health qualifications to undertake the Observership. *For example certified copies of relevant local or overseas qualifications, enrolment in research or training courses*;
- 100 Point Identification Check form (EMP 106) signed & completed and certified copies of required ID;
- Completed *Working with Children Check*;
- *Declaration of Criminal Charges, Offences and Association* form; EMP107
- *Occupational Assessment, Screening and Vaccination against Specified Infectious Diseases Declaration* form EMP137a;

- *Tuberculosis Assessment Tool* form EMP137b;
- Evidence of appropriate personal injury and public liability insurance cover; and
- Signed Clinical Observer and Supervisor's Declaration, and Clinical Observer Privacy Undertaking.

Clinical Observers must be provided with a copy of this policy by their supervisor.

**Forms for above can be found on the JH intranet.*

4. Definitions

Must

Indicates a mandatory action to be complied with.

Should

Indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action.

5. Related Documents

Legislations	*Health Records and Information Privacy Act 2002* *Privacy and Personal Information Protection Act (1998)* *Work Health and Safety Act 2011*
Justice Health NSW Policies, Guidelines and Procedures	5.035 *Duress Alarms and Two-way Radios* 5.135 *Security Risk Management* 7.025 *Code of Conduct*
Justice Health NSW Forms	EMP106 *100 Point Identification Check* EMP107 *Declaration of Association, Criminal Charges and Offences* EMP137a *Occupational Assessment, Screening and Vaccination Declaration* EMP137b *Tuberculosis Assessment Tool* EMP184 *Clinical Observer and Supervisor's Declaration* EMP185 *Clinical Observer - Privacy Undertaking* EMP186 *Application for Clinical Observer Placement*
NSW Health Policy Directives and Guidelines	PD2015_049 *NSW Health Code of Conduct* PD2019_003 *Working with Children Checks and Other Police Checks*

	PD2026_004 *Occupational Assessment, Screening and Vaccination Against Specified Infectious Diseases* IB2024_055 *Privacy Management Plan* *Consent to Medical and Healthcare Treatment Manual* *Privacy Manual for Health Information* *Guidelines for the Supervision of Medical Observers in New South Wales' Hospital (HETI)*
Other documents and resources	*Australian Health Practitioner Regulation Agency* (AHPRA) *Department of Immigration and Border Protection* *Guidance on clinical observerships – Medical Board Ahpra*