

# Competence Reviews, 2022

## Purpose

- > To provide an information sheet for use by Individual Case Organisers (ICO)/organisers, Professional Nursing Advisors, and delegates when they are assisting members who have had issues raised about their competency to practice as a nurse or midwife.
- > To promote better outcomes for members who either undergo a performance management plan or are notified to the Nursing or Midwifery Council on a matter of competence.

## Background

There are common questions that arise around advice to give to members who are under-going performance management and the potential consequences if the performance management is unsuccessful.

The Performance Management process is frequently linked to the competency process under the Health Practitioners Competence Assurance Act 2003 (HPCAA) and it sometimes leads to an employer notifying the Nursing or Midwifery Council of their competence concerns under section 34(3) of the HPCAA.

Section 34 (3) of the HPCAA states that whenever an employee employed as a health practitioner resigns or is dismissed from his or her employment for reasons relating to competence, the person who employed the employee immediately before that resignation or dismissal must promptly give the Registrar of the responsible authority written notice of the reasons for that resignation or dismissal.

Common experience for members undergoing a performance management plan is that they fail and/or resign during the process. Either result leads to a Nursing or Midwifery Council notification.

## Rationale

Members who are placed on a performance management plan need substantial support to achieve a successful outcome. Frequently, performance management plans are based around identifying errors and risk management, rather than supporting development. Members may be left confused and stressed by the requirements of the plan.

It is essential that delegates are aware of their employer's policies, procedures and guidelines related to professional reviews, performance management and disciplinary processes. It is also important that the delegate is aware of the Nursing and Midwifery Councils' competencies for practice.

Delegates, peer support people and mentors must understand their roles and be capable of undertaking the role assigned to them.

This fact sheet should be read in conjunction with the NZNO document *Coaching and performance plans*, which offers a constructive approach to the development of performance management plans.

## Performance Management

This is often the lead up to a competency notification and must be undertaken in an appropriate and effective manner. Here is a list of some things to negotiate as part of a performance management plan to promote a more supportive environment:

- > ensure the plan clearly sets out the performance standards expected and what evidence will be used to assess the performance. It should also include any actions required by the nurse and the employer, what resources are required and the time frames for activities and reviews;
- > establish clear outcomes to enable the nurse or midwife to show whether they are meeting/not meeting the goals set;
- > ensure the nurse or midwife has access to appropriate activities to support the goals e.g. access to Tiriti o Waitangi training;
- > request a mentor from outside the workplace or outside the nurse or midwife's immediate work environment (e.g. another ward) to help develop ways of meeting the goals that have been set. Often this is the most effective way to address any insight issues;
- > ensure any mentor/support person appointed has the necessary qualifications and experience to support the person;
- > negotiate access to EAP or counselling services including payment;
- > limit the number of reviews to fortnightly at most (this may be less often for competencies that are being demonstrated on a daily basis);
- > provide structure around critical feedback:
  - do not focus on errors only;
  - provide feedback on what is going well;
  - ensure feedback is written down and that a copy is sent to everyone involved in the process including the nurse or midwife;
- > limit management people at meetings to the clinical educator and clinical manager where possible (it may be appropriate for others to attend to support and coach the manager if the manager is inexperienced e.g. human resources advisor).
- > encourage the presence of a peer support person at feedback meetings;
- > be clear about the difference between the performance management process and the disciplinary process, however, ensure the nurse or midwife undergoing performance management fully understands the consequences of not achieving the goals set out in the performance management plan;
- > address communication with other staff members to stop rumour/gossip. An agreed statement of what and how to inform other staff of the process is recommended;
- > encourage the nurse or midwife to complete the process and not to resign if possible;
- > ensure the nurse or midwife understands that if they do resign during the process that the employer is obliged to report this to the Nursing or Midwifery Council;
- > Where a referral to the nursing or midwifery council has already occurred, try and keep the nurse or midwife in employment as this will help them to be able to meet the requirements of their regulatory authority
- > ensure consistent communication between all parties supporting the nurse or midwife i.e. between the manager, NZNO organiser, delegate and any other appointed support person/mentor as appropriate;
- > encourage the nurse or midwife undergoing performance management to seek ongoing professional supervision to support their practice for further information;

- > ensure all people (e.g. delegate, mentor, nurse or midwife manager) involved in the process have access to appropriate support both during and after the process e.g. professional supervision.

## Competence Notification

- > Encourage the member to contact NZNO for assistance as soon as they receive the first Nursing or Midwifery Council notification letter in order that they can be referred on to the NZNO Competency Review Adviser;
- > encourage the member **not** to send the first response without feedback first;
- > inform the member that it can be a long process – particularly if the nurse is required to complete a course;
- > if the member has been dismissed/resigned, advise the member:
  - to find alternative employment to provide a period of competent practice;
  - to ensure they receive an appropriate orientation to the new workplace;
  - that they should inform their new employer that a Nursing or Midwifery Council competence notification has been made;
- > encourage the member to undertake further education or professional development in relation to the areas under investigation in order to show insight and awareness of the issue;
- > encourage the member to demonstrate the transfer of new learning to the clinical setting;
- > encourage the member to consider reflective practice such as journaling in relation to the process they have just been through. Also set up role playing with colleagues of different scenarios and how to manage these;
- > seek a suitable nurse as a supervisor/mentor to help the reflection process;
- > encourage the member to acquire references regarding practice. If the period of practice at new employment is longer than 6 months, obtain an up-to-date performance appraisal.

## References

New Zealand Nurses Organisation. Fact Sheet: Supervision.

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### Mission statement

NZNO is committed to the representation of members and the promotion of nursing and midwifery. NZNO embraces Te Tiriti o Waitangi and works to improve the health status of all peoples of Aotearoa/ New Zealand through participation in health and social policy development.

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