

Review of *Criminal history registration standard* and *English language registration standard*

Submission to the Australian Health Practitioner Regulation Agency

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Purpose

The Pharmaceutical Society of Australia (PSA) makes this submission to the Australian Health Practitioner Regulation Agency (AHPRA) in response to the public consultation on the review of the *Criminal history registration standard* and the *English language skills registration standard*.

Recommendations

PSA recommends the following to AHPRA:

Criminal history registration standard

- *Introduce a requirement for students to meet this standard in order to promote their understanding of their obligations as a member of a health profession.*
- *Review the order and weighting of listing of sub-clauses relating to the types of criminal history information considered by AHPRA.*

English language skills registration standard

- *To determine AHPRA's list of recognised countries, consider factors such as: use of the English language in tertiary education; use of English within the health care sector (e.g. between professional colleagues or in providing direct patient care); and use and understanding of the English language by the broader population in the applicant's country.*
- *Consider the impact of English language skills testing of international students in parallel with parameters of testing of international practitioner applicants for initial registration.*
- *Consider an appropriate mechanism to review and address any trends of lower than adequate English language skills standards in domestic students.*

Specific comments on registration standards

Criminal history registration standard

PSA notes the National Boards' preference for Option 1 (Status quo) and the statement that "no major issues have been raised with the existing standard".

PSA seeks the National Boards' consideration of the following matters.

Scope of application

This standard does not apply to students.

With regards to the pharmacy profession, pharmacy students are considered to be part of the profession and, apart from a few exceptions, all will transition to 'pharmacist' status and be required to meet the Pharmacy Board's standards.

Consistent with PSA's *Code of ethics for pharmacists*,¹ the responsibility to uphold the reputation and public trust of the profession applies equally to pharmacy students. With regards to the PSA Code, pharmacy students will have a basic understanding of the core principles as they are expected to comply with the Code during periods of supervised practice.

The notion that a person's criminal history is relevant to and may have an impact on professional practice and public perceptions is integral to the understanding of students and every effort needs to be made to communicate and cement this message from the earliest stages possible.

PSA therefore recommends the introduction to or preliminary application of the *Criminal history registration standard* to the student cohort.

Requirements

We note there is a level of confusion as, in the current standard under clause 3 (p. 6 of the consultation paper), a label for sub-clause 'e' has inadvertently been introduced when in fact, we believe, all of the text should belong to sub-clause 'd'.

Under clause 3, the National Boards provide a list of types of criminal history information considered. The types of information are provided "in descending order of relevance". This clause seems to imply that, for example, a finding of guilt without a conviction could result in registration being disallowed.

There are instances when a judge determines that a finding of guilt is appropriate but a conviction is not required to be recorded. In such cases, it is felt that it may not be fair or equitable for a Board to base its decision purely on the fact that a guilty finding has been recorded. That is, the contextual information referred to under sub-clause 'd' should be considered to be as important as the 'finding of guilt'.

¹ Pharmaceutical Society of Australia. Code of ethics for pharmacists. Canberra: PSA; 2011. At: www.psa.org.au/membership/ethics

Therefore PSA recommends that the order of listing of sub-clauses and associated importance and relevance be reviewed.

English language skills registration standard

PSA understands the rationale for and implications of the proposed changes to this standard and supports the National Boards' preference for Option 2. However, several comments are provided below for the Boards' consideration.

List of recognised countries

Although the list of countries recognised in the National Boards' standard may be consistent with the list of countries recognised by the Department of Immigration and Citizenship, we do not believe this needs to be an absolute requirement.

For registration purposes, other relevant factors must be considered, as the Boards suggest they have done, such as the use of the English language in tertiary education and in the delivery of health care services. In addition, PSA believes that the uptake and use of the English language by the broader population within the applicant's country is also relevant. This is because in some countries, a person can undertake studies in English and use English to communicate with health professional colleagues within the health care sector, but use a local non-English language or dialect when communicating directly with consumers or patients. When professional pharmacy practice experience is gained or built upon in this environment, English language skills are often found to be inadequate in dealing with situations typically encountered by practising pharmacists such as medication history taking or patient counselling.

Many tertiary students and graduates now have the opportunity to undertake studies or employment in other countries and it is not uncommon for people to hold a passport of an English-speaking country based on time spent in a country or other factors not directly associated with professional practice (e.g. marriage). However, similar to the reasons outlined in the points raised above, holding a passport of an English-speaking country does not necessarily reflect the actual level of exposure to or use of English in the context of professional practice, particularly in providing direct patient care.

International applicants

With regards to the proposed changes around International English Language Testing System (IELTS) scores, PSA believes it is reasonable to remove the requirement for an overall score of 7.5 provided a minimum score of 7 will continue to be required in each of the components.

There is some consideration and debate within the pharmacy profession in relation to standards of English language skills of the international student cohort. Although students are not directly relevant in the context of this review, the standard of English language skills observed and expected of students does require consideration as consistency is required across the different stages of the profession and how applicants are treated at different points of entry to a profession.

Standards and policies that apply to students can have flow-on effects as the individuals transition through their internships and progress to initial registration. As an intern training

provider, PSA has experienced cases where an international student on becoming an intern pharmacist has struggled with workshop-type learning sessions due to a lack of appropriate English language skills.

Overall, we believe that the impact of English language skills testing of international students needs to be considered in parallel with the parameters around the testing of international practitioner applicants for initial registration.

Domestic students

PSA has received feedback from members that English language skills of domestic students also require attention. With the multinationality and multicultural profile of Australia, it is not uncommon for domestic students to also spend the majority of their time within non-English speaking communities, groups and friendships during their student years and beyond. This manifests in similar observations as described above under 'List of recognised countries' i.e. these individuals do not have adequate English skills during their internship period, at initial registration and post-registration and this impacts negatively on professional practice.

PSA acknowledges that the review of this registration standard does not cover English language skill standards of domestic students as they are not required to undergo testing. However, PSA believes this is a significant immediate and long term concern where a profession has a strong multinational profile (e.g. pharmacy). PSA therefore strongly recommends that the National Boards consider a way to address this issue.

Summary

The PSA appreciates the opportunity to provide comments on the review of the registration standards on criminal history and English language skills. We are happy to clarify or further discuss issues raised in this submission.

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