

Work Based Assessment – Process for Special Consideration

Sites where Guideline applies:	HNELHD Work Based Assessment Program
Target audience	Standard Pathway (Work Based Assessment) candidates WBA Program Office WBA Special Consideration Review Committee.
Description	This guideline describes the decision making process applied when a WBA candidate seeks special consideration in regards to the requirement to meet the rostering and attendance requirements of the WBA program.

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Keywords	Workplace Based Assessment, International Medical Graduate, special consideration
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Replaces existing document?	No
Related Legislation, Australian Standard, NSW Ministry of Health Policy Directive or Guideline, National Safety and Quality Health Service Standard (NSQHSS) and/or other, HNE Health Document, Professional Guideline, Code of Practice or Ethics:	<ul style="list-style-type: none"> Current WBA Candidate Resource Kit:
Tier 2 Director responsible for non-clinical guideline and authorised by	Executive Medical Director
Guideline contact person	Director, Work Place Based Assessment
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PURPOSE AND RISKS (Essential requirement)

HNELHD imposes a number of rostering and attendance requirements on candidates participating in the Standard Pathway (Work Based Assessment) program offered by HNELHD. These reflect the operational requirements for HNELHD to be able to successfully run the program.

This Guideline addresses the risk that individual candidates may encounter personal circumstances that render them unable to meet the rostering and attendance requirements and susceptible to not successfully completing the program, by allowing for special consideration to be granted.

Risk Category: Workforce

GUIDELINE

This document establishes best practice for HNE Health. While not requiring mandatory compliance, staff must have sound reasons for not implementing standards or practices set out within the guideline, or for measuring consistent variance in practice.

Procedure for Application for Special Consideration

1 Content

This procedure applies only to International Medical Graduates (IMGs) participating in the HNELHD Workplace Based Assessment Program (WBA Program).

This procedure should be read in conjunction with information available on the WBA Application Form and in the WBA Candidate Resource Kit.

2 Preamble

Workplace-based assessment, tests performance in the actual environment of doctors' everyday clinical practice over a 26-week period. HNELHD has been accredited by the Australian Medical Council to conduct workplace-based assessments allowing eligible International Medical Graduates (IMGs) to complete their clinical assessments in the workplace setting. The candidate results are reviewed by the AMC WBA Results Panel who will then deem the IMG competent to receive their AMC Certification, which is required by the Medical Board before registration is granted. **(The registration level is assessed by APHRA, it may be general or limited)**

When a doctor is either applying for acceptance, or has been accepted onto the WBA program, there may be circumstances that render them unable to meet the rostering/attendance requirements of the WBA Program. In these circumstances, the IMG may apply for special consideration with regards to these requirements.

3 Identifying what may be Exceptional Circumstances.

Special Consideration is available to WBA Program candidates who consider that there are *exceptional circumstances* which may impact their ability to comply with the WBA Program's operational requirements and which may be considered by the WBA Program when making its decision about whether the candidate is either eligible for selection or has satisfactorily completed the WBA Program.

For the purposes of this guideline, HNELHD views '*exceptional circumstances*' as those not ordinarily encountered or anticipated which are beyond the control of the individual concerned. Note: recruitment and on-boarding delays are not usually consider an exception circumstance.

3.1 Selection requirements:

An IMG seeking selection into the WBA Program, may apply for Special Consideration if exceptional circumstances result in:

- An IMG being unable to meet the application requirement of providing evidence that they have completed 26 weeks of paid employment (at minimum 0.6 FTE worked) within HNELHD prior to commencement of the WBA program.
- An IMG seeking to commence participation in a WBA program after the commencement date of the program.
- An IMG seeking inclusion in a WBA program even though the program is full where the IMG would face unreasonable hardship if they were required to wait until the next program commenced.

3.2 Program requirements:

Special Consideration may be sought where, due to exceptional circumstances, a WBA Program candidate is unable to:

- complete the WBA Program attendance requirements (i.e. 26 weeks worked at no less than 0.6FTE); or (2 weeks leave is OK)
- comply with the requirement that worked hours must be more or less evenly distributed across shifts and days worked.

3.3 Situations that ARE NOT special circumstances:

- IMG misreading available materials or application form.
- Any issue relating to AMC required assessments. These must be managed in accordance with Review and Appeals processes.

4 Special Consideration application process

Where an individual fails to meet the WBA Program's operational requirements, it is incumbent upon the individual concerned to demonstrate to the satisfaction of HNELHD that the circumstances involved are, in fact, such that they may be deemed to be 'exceptional' and that grounds exist for that individual to be afforded special consideration due to these circumstances.

The application should indicate the nature of the circumstances and specify in what way(s) they are considered to be 'exceptional' in that they hampered the individual's capacity to meet the requirement(s) to which the application relates.

Individuals should advise the WBA Program Office of circumstances that they feel may warrant special consideration as soon as they are aware that such circumstances exist and communication with the WBA Program Office is possible. Special consideration may be refused where prompt notification or application as outlined below has not been made. Initial notification may be verbal or written; however, formal notification to the WBA Program Office in writing MUST be submitted and received by the WBA Program Office. A specific form is not required. All requests for special consideration must be emailed to the WBA Program Director via the WBA Program office email at HNELHD-WBA@health.nsw.gov.au.

Applications should be submitted by the individual claiming to be affected by exceptional circumstances and requesting special consideration or, if this is not possible due to the nature of the event(s) in question, by the individual's nominee.

5 Consideration of applications

Where some form of special consideration is granted on the basis of the existence of exceptional circumstances, it must be recognised that this will not excuse the WBA Program candidate from meeting the assessment requirements of the WBA Program.

In the first instance, applications will be considered by the WBA Program Director.

In making a decision in relation to the application for special consideration, factors such as the following will be taken into account:

- the extent to which the circumstances cited in the application are considered to be exceptional in that they could reasonably be seen as preventing the applicant from meeting the operational requirement(s);
- the extent to which the circumstances cited are considered to have been foreseeable and/or avoidable by the applicant; and
- the degree to which the exceptional circumstances claimed in the application are supported by the documentation provided;

As far as is possible, applications for special consideration will be regarded in the strictest confidence and the WBA Program Office will strive to maintain anonymity of applicants.

6 Possible outcomes

The outcome of an application for special consideration in relation to a failure to meet an operational requirement, may be any of the following:

- The WBA Program candidate may be given additional time to comply with the requirement;
- The requirement may be waived or modified;
- Other consideration given as deemed appropriate; or
- The application may be declined / no action may be taken.

7 Notification of special consideration outcome

Applications will be considered in as timely a manner as possible and applicants will be notified in writing of the decision in relation to their application as soon as is practicable.

8 Review of WBA Program Director's decision

An applicant who is dissatisfied with the decision of the WBA Program Director, may request that the decision be reviewed by the Special Consideration Review Committee, which consists of the Executive Medical Director, Executive Director Workforce and the Executive Director with responsibility for the unit employing the WBA Program candidate.

Applications for review are to be lodged with the WBA Program Office via HNELHD-WBA@health.nsw.gov.au.

9 FEEDBACK

Any feedback on this document should be sent to the Contact Officer listed on the front page.
