

FIRST AID TRAINING MATTERS

promoting quality in the first aid industry

AECTP

Volume 5: Issue 2: August 2016

Association of Emergency Care Training Providers

EER Amendment Rules 2016 Released—Consultation on the EER enhancements closed in May resulting in NZQA considering 74 submissions. The key changes are listed in the Q&A page 4.

Implementation step	Implementation date
• EER Amendment Rules 2016	1 July 2016
• Four month notification to providers for EERs with new KEQs	From 1 July 2016
• Sector guidance on the new elements of the evaluation framework, and	25 July 2016
• Interim tertiary evaluation indicators for compliance KEQ	
• EER visits with new KEQs	From 1 Nov 2016
• Revised tertiary evaluation indicators with sector input	1 Nov 2016
• Self-assessment guidelines	End of 2016

NZQA-TEC letter to the tertiary education sector—a joint letter was issued to clarify the requirement to report assessments for learning outlined in the course approval. NZQA explains that every programme “at levels 1-6 must specify the learning hours. The notional hours are 1 credit = 10 hours (e.g. 120 credits = 1200 learning hours)”.

Each type of different learning activities needs to be listed (e.g. Xhrs practical face to face, Xhrs on-line, Xhrs online, Xhrs work experience, Xhrs self-directed learning etc).

All e-learning and self-directed learning times need to be “purposeful, achieve specified learning outcomes and be facilitated with educational support for learners who are completing this style of learning”, engagement needs to be trustworthy and be measurable, therefore this must be included appropriately in the course or programme application.

Training provision in breach of their programme approval requirements is not limited to L1-6. Currently a university is also being audited regarding learners meeting their L7 approved course expectations.

Because NZQA (and TEC) agrees that some learners will take more or less time than the expected average, they both consider the learning hours as those of an average learner.

PTEs should apply for a type 2 change to a course to reflect any delivery changes made to the actual learning hours.

NZQA Risk Issues—currently the NZQA Risk business unit conducts investigations into known, self-disclosed, suspected or alleged non-compliance with the Education Act 1989 and NZQA Rules. This covers non-compliance of all types, including poor national external moderation results and information received from protected disclosures and complaints

2016 ECIL2 Recertification, Annual Meeting & First Aid Conference—Registrations will open late August with our new registration portal online.

2016 ECIL2 Annual Recertification — Steve Jenkins has agreed to run the ECIL2 revalidation certification course again as usual the evening before Conference. The venue will be the NZ Resuscitation Council, at The Terrace, Wellington as usual. Bookings can be made through the Council’s website.

Annual Meeting, 8.30am, Tuesday 22 Nov 2016—the Board confirms our Annual Meeting will be held immediately prior to the First Aid Conference 8.30am—9.30am as previously.

2016 First Aid Conference 10am-4.30pm Tues 22 Nov is confirmed Brentwood Hotel, Wellington. www.aectp.org.nz/ Our speakers include both technical and educational, and we are delighted to announce that we have a special guest to open our Conference this year.

NZ Resuscitation Council Guidelines — By now most members will have integrated the new Guideline updates into their training, or at least be well underway with their transitions to address ILCOR’s consensus on science and treatment recommendations and the new ANZCOR Guideline updates.

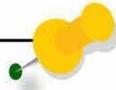
Council’s Strategic focus— In late July the NZ Resuscitation Council completed their 2016-19 Strategic Plan. The new plan and focus will also be covered at Conference.

NZQA - Annual Fees letter to members

NZQA now has two new Deputy Chief Executives – Russell Wood (DCE of the Strategic and Corporate Services Division) and Andrea Gray (DCE Digital Transformation). The Board was happy to clarify the member’s Annual Fees question and was grateful for Russel Wood’s timely reply for you all.

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Letter From The Chair

Words from the Deputy Chair:

Members

I am writing this as Acting Chair for the association, as Eric continues on his journey of recovery. By all accounts he is improving and he has been engaging in the Board meetings by skype.

The board, like a lot of others around the country have been hit by different bugs and lurg, but they are a tenacious lot and have continued to input and represent you and ensure that we have a quorum at each Board meeting so we can progress the aims of the Association.

I would like at this stage to thank Laurel for the secretariat services that she has provided support into. Without the additional administration support a lot of the initiatives we have in the pipeline just would not have happened. The Conference sub-committee are progressing plans for the upcoming November conference and the program is shaping up really well. We have reviewed the website and changes are on the way in that space and a group on the board have been focussed on moving the association into an incorporated society. A move that was supported by members at the last AGM.

I continue to be grateful for the time and personal and financial commitment that the board members put into the Association. The belief in delivering quality training in the first aid area remains strong and the association gives us an excellent platform to engage and represent quality providers throughout the country.

Hope to see many of you at the Conference, stay safe and I hope the new financial year is bringing you all the business you can handle.

Cheers, Julian Price, Deputy Chair AECTP

Dial 111 for Emergency—St John continues to be concerned that people are being placed in danger through not using the 111 Emergency Service.

A First Aid Provider is teaching people to phone their local ambulance stations instead of 111. This Provider is not a member of AECTP and we are putting out the message in case any of our members get questions and to ensure we are doing is the correct process.

“An emergency situation is stressful for anyone, if you come across an accident or emergency, or if you are involved in one and are able to call us, there are some simple but very important things you need to do. The first is to phone 111.”

The Emergency Ambulance Communications Centre has a constant knowledge of the closest appropriate resource and can fully brief the emergency team or teams which will be dispatched to your emergency.

By phoning 111 and remaining calm, you can help provide the information needed to get the most appropriate assistance on the way as soon as possible, at the right level and to the right location.

You will be asked a series of questions about what happened, about the patient and about the patient’s condition. This is so we can send the most appropriate resources to your assistance.

These questions and instructions are not delaying the dispatch of an emergency ambulance. If an ambulance is needed immediately, an ambulance can already be on the way while you continue to answer questions.

People should not be afraid to dial the 111 for all emergencies. You can phone 111 (24 hours a day, 7 days a week) from any phone, including cell phones. There is no charge for the call – including from cell phones. If you have a pre-paid cell phone and you have run out of airtime, you can still phone 111 and you will be connected for free.

After phoning 111, ask for ambulance and you will be immediately transferred to an Ambulance Communications Centre. If you also require Police or Fire assistance, the Ambulance Communications Centre will take your details and forward them on your behalf.

Shirley Kerr, Board Member, St John

AECTP Meetings - 2016

Members are welcome at Board Meetings

12 Aug—Board Meeting CHC

7 Sept—NZQA Peak Body forum, WGT

7 Oct—Board Meeting ,CHC

3 Nov - NZQA Peak Body forum, WGT

21 Nov 2016— ECIL2 refresher, WGT

22 Nov - AECTP Annual Meeting 8.30-9.30am (prior to the Conference) WGT

22 Nov-2016 First Aid Conference, WGT

30 Nov—NZQA Peak Body forum, WGT

NZ Resuscitation Council

www.nzrc.org.nz

In July the Council completed their Strategic Planning.

- ***For our sector it was agreed to release the updated version of ‘Saving Lives’ by end 2016.***

This follows the recent releases of:

- ***‘Resuscitation—A Guide for Advanced Rescuers’ (a new comprehensive resource aimed at clinicians who are not resuscitation specialises) and***
- ***‘Resuscitation—A Guide for Health Professionals’ (a slim version of the comprehensive resource) providing for the new 4-6 hr CORE Immediate course.***

Both resources include ANZCOR 2016 resuscitation guideline recommended treatments. They will update with future developments as these occur.

AECTP Incorporation

The Board has sought legal advice to assist with the updating of the AECTP Rules. Once agreed by the Board, the new Rules document will be circulated to members prior to our AM for ratification.

AECTP Contacts

<http://www.aectp.org.nz/>

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Contract vs Employ Staff: *written by Kate Nickson, Board Member*

As a PTE are you aware of the implications in many areas, when you employ staff and when you contract staff to conduct training? There are various obligations to maintain your registration with NZQA if you contract trainers. If you employ people you need to ensure they are adequately trained and training is on-going. Under the new Health and Safety regulations there are various issues you need address when dealing with contractors. A reminder of the signing of the code of ethics with AECTP.

From a financial viewpoint, there are rules with IRD re what constitutes an employee vs a contractor (see below)

<http://middletonholland.co.nz/employee-vs-independent-contractor-%E2%80%93-know-the-difference>

EMPLOYEE VS INDEPENDENT CONTRACTOR— know the difference...

If you do not wish to register as an employer and account for PAYE, or you wish to engage an individual under the status of independent contractor, rather than employee, the only option is for your worker to invoice you.

However, you should be mindful of the independent contractor vs. employee rules and ensure that these rules are met.

The issue of whether a worker is an independent contractor or an employee normally arises either when there is an employment dispute or when deciding tax status.

Only an employee is entitled to bring a personal grievance under the Employment Relations Act 2000. The courts have ruled that tax status follows employment status.

The Inland Revenue and the courts have developed a series of tests for distinguishing between the two.

TESTS

Control

Has the employer the right to control the way the work is performed? For example:

- When holidays are taken
- When, Where and What hours are worked
- The standard or quality of work
- How much is paid and how

Integration

- Is the type of work or the way it is done the same as work performed by other staff who are employees?
- Is the work an integral part of the employer's business?

Independence

- Does the worker supply all the necessary tools?
- Does he or she work from home?
- Is he or she free to work for other people as well?
- Does he or she pay for training?
- Does he or she advertise on his/her own account?

Intention

- Does a written contract exist, and what is the nature of that contract?
- What is the conduct of the parties?
- How are the payments for the work made?
- Is the worker carrying out the same activities as other self-employed persons (or employees)?
- Why is the worker being treated as self-employed?

Economic Reality

- Is the worker genuinely in business on his or her own account?
- Could he or she sell the business?
- Has the worker contributed any working capital to the business?
- Is the worker responsible for any losses or bad management?
- Is the worker responsible for investment decisions for the business?

Other matters the courts will take into account

- Contractors are not paid holiday or sick leave, and they are usually responsible for their own ACC premiums
- Contractors are not usually provided with fringe benefits such as company cars and health insurance
- Contractors are usually registered for GST and provide their own tax invoices
- A contractor may employ staff or sub-contract work
- A contractor is able to work for more than one person
- A written contract for services should exist
- The Courts and the Inland Revenue will consider the intention of the parties and their actions, rather than just the written contract

IMPORTANT ADVICE—If the Department investigates the person claiming to be an independent contractor, the onus of proof and the possibility of penalties is as much on the hirer as it is on the contractor.

The IRD is ever vigilant against attempts to avoid the PAYE system. This is because of the favourable tax treatment that self-employed taxpayers receive due to tax deductions for business expenses, not to mention the cash flow advantages.

Contracting through a Company will not necessarily prevent IRD from overturning a decision to treat a worker as an independent contractor. If the IRD considers the arrangement is a sham, the contractor will be treated as being in the PAYE system. Payers will then be faced with a PAYE bill on the grossed up salary, penalties and even possible prosecution.

In light of the above the person or business who is paying for services rendered needs to be careful about how they define the relationship and how they enter into a contract. It may seem "easier" to say that the "worker" invoices you for work done and therefore you are not responsible for tax but if after investigation the relationship is deemed to be one of "employment", then you can be held responsible as an employer.

Member Q & A

What are NZQA's key points about the External Evaluation and Review Amendment Rules 2016?

Introduction of a compliance Key Evaluative Question (KEQ) - The EER Amendment Rules 2016 introduce a compliance KEQ, which focuses on an institution's management of and performance in its important compliance obligations: 'How effectively are important compliance accountabilities managed?'

Refinement of other KEQs—KEQs 3 and 4 have been refined to be more reflective of the modern learning environment and to strengthen the focus on the major contributors to achievement and outcomes. These questions combine the important elements of programme design, teaching effectiveness and learner support.

Provisions for the withdrawal of EER Category and associated statements of confidence— The EER Amendment Rules 2016 allow NZQA to withdraw an EER category and associated statements of confidence it has previously given, in rare cases of significant risk.

Next steps - While the Amendment Rules come into effect on 1 July, the revised KEQs will apply only to EERs that are notified to providers from 1 July onwards. This means that with a standard notification period of four months, providers will have sufficient time to prepare for their EERs under the revised KEQs.

NZQA is also reviewing the evaluation criteria (the tertiary evaluation indicators) to align them more directly with each of the KEQs. This will help to clarify the intent of the questions and the relationship to the possible evidence that would be relevant in answering them. NZQA will undertake further work with the sector on the overall alignment of the indicators over the next four months to refresh and enhance the evaluation criteria.

In the intervening period, NZQA will publish interim indicators and guidance for tertiary education organisations in relation to the 'new' KEQ elements by 25 July 2016. This means that with a standard notification period of four months, providers will have sufficient time to prepare for their EERs under the revised KEQs and interim indicators.

Posted on NZQA website 1 July 2016

Be Prepared for Health and Safety Changes *Marina Matthews, Partner at Chen Palmer NZ Public and Employment Law Specialists*

As well as operating in the heavily regulated tertiary education environment, PTEs are conscious of their responsibility to comply with labour law and provide safe working environments for staff and students. It is a regulatory requirement under rule 5.1.1(f) of the PTE Registration Rules 2013 for all PTEs to operate a safe and legally compliant environment, and at a minimum, PTEs need to meet their obligations under the Health and Safety in Employment Act 1992. These obligations are upgraded. The Health and Safety (in Employment) Reform Bill (the Bill) due to be passed this year represents the most significant update of health and safety law in over 20 years. The aim is to bring about cultural change to markedly improve workplace health and safety across New Zealand. Key implications of the Bill for PTEs include:

- Directors of PTEs, any people occupying a position comparable to director, and senior staff with managerial or substantial decision making responsibilities will have new obligations, and may be personally liable for fines. It is recommended that all PTEs take steps to ensure all relevant individuals in your organisation are identified and briefed on their new obligations so that they can be equipped with the skills to comply with good health and safety practices.
- Because of the potential for personal liability (including heavy fines and imprisonment), PTEs will need to consider reviewing job descriptions and employment agreements to ensure that new health and safety responsibilities are adequately provided for, and liabilities are managed.
- All PTEs will have an obligation to ensure that workers (including all employees, contractors and subcontractors) are safe at 'any place where the worker goes, or is likely to be, while at work.' This is a significant expansion of health and safety law, and will be particularly relevant for PTEs that employ off-site workers or contractors, such as student support and recruitment officers.
- PTEs should review and prepare internal guidelines and policy documents that cover all relevant aspects of the Bill, including identifying "officers" in your organisation, identifying all workers and students who should be provided for, and considering appropriate training and reporting procedures. These policies will also be relevant in demonstrating good business practice and capability during external evaluation and review.

Chen Palmer's EduSafe team specialises in health and safety of educational organisations, including PTEs. If you would like further assistance with your PTE's health and safety practices, please contact Marina Matthews, Partner at Chen Palmer New Zealand Public and Employment Law Specialists on (09) 557 0352 marina.mathews@chenpalmer.com or Frances Linde, Litigation Associate on (09) 557 0353 frances.linde@chenpalmer.com

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