

Policy statement on the governance responsibilities of the Board

Policy statement on the governance responsibilities of the Board

The Board is the governing body of the statutory organisation, the Psychotherapists Board of Aotearoa New Zealand (PBANZ), which is responsible for protecting public health and safety under the HPCA Act and to ensure registered psychotherapists are competent and fit to practise psychotherapy.

PBANZ's role is to ensure the implementation of the HPCA Act as it applies to registered psychotherapists and to fulfil the principle purpose as set out in Section 3 and the functions as set out in Section 118 of the HPCA Act.

The Board should ensure policies and processes are in place to meet this responsibility.

<p>Purpose</p>	<p>The Board has made a commitment to ensure that issues of diversity and equality are valued, upheld and promoted and underpin all aspects of PBANZ's work and therefore Members should be familiar with and operate according to the following statutes, principles and codes:</p> <ul style="list-style-type: none"> • Principles of the rule of law and natural justice; • Te Tiriti of Waitangi - The Treaty of Waitangi; • Health and Disability Commissioner Act 1994; • The Code of Health and Disability Services Consumers' Right; • Health and Disability Services Act 1993; • Privacy Act 1993; • Health Information Privacy Code 1994; • Human Rights Act 1993. <p>Board Members' focus will be on governance of PBANZ though fulfilling the following roles:</p> <ul style="list-style-type: none"> • fiduciary; • strategic; • generative. <p>The focus of the Registrar and staff/contractors will be on management and implementation of Board agreed policy or actions.</p>
<p>Background</p>	<p>At the inaugural meeting of Board on 30th November /1st December 2007 it was agreed that the Board would work towards governance - management split.</p>
<p>Implementation</p>	<ol style="list-style-type: none"> 1. Board Members are the governance body of the Responsible Authority (RA) under the HPCA Act and will: <ol style="list-style-type: none"> 1.1 fulfil Section 3 and Section 118 and implement the provisions of the HPCA Act; 1.2 appoint a Registrar and formalise delegations under Schedule 3(17); 1.3 implement the Sections that cannot be delegated (i.e. Sections 69 and 71);

1.4 report to the Minister as required by the HPCA Act.

2. The Board as a governance body will in its:
 - 2.1 fiduciary role – operate a duty of care including approving the business plan and budget, monitoring the Registrar and organisational and financial performance, monitoring risks and protecting PBANZ’s assets;
 - 2.2 strategic role - develop and review the vision, mission and the strategic plan and assist the Registrar to communicate these to the profession and other stakeholders;
 - 2.3 generative role - act as a source of leadership for PBANZ and assist the Registrar to identify and solve problems and build on opportunities through strategic/forward thinking and policy development.
3. The Board will also act within the rules natural justice and the rule of law.
4. In fulfilling these roles the Board will govern with an emphasis on:
 - 4.1 an outward vision rather than inward concern;
 - 4.2 encouragement of diversity of opinions and views;
 - 4.3 strategic leadership rather than a focus on administrative detail;
 - 4.4 a collective rather than individual decision making;
 - 4.5 a future rather than present focus;
 - 4.6 a clear distinction between Board and Registrar roles;
 - 4.7 pro-activity rather than reactivity.
5. And will:
 - 5.1 cultivate a sense of group responsibility with attention to achieving a high level of governance excellence;
 - 5.2 govern PBANZ through careful design and review of written policies that reflect PBANZ’s values, focusing on the long-term effects;
 - 5.3 maintain a commitment to excellence in all matters coming before it and work within the agreed Code of Ethics that is binding on all Members;
 - 5.4 not allow any officer, individual or Committee of the Board to hinder or be an excuse for not fulfilling PBANZ commitments.
6. And will be mindful of the Board Member’s duty of care that is

	<p>to:</p> <ul style="list-style-type: none"> 5.1 act in good faith and in the best interests of PBANZ; 5.2 use their position as a Board Member in a proper manner; 5.3 use information correctly; 5.4 act with due diligence, reasonable care and skill; 5.5 not trade while insolvent. <p>7. The Registrar has the responsibility of reporting to the Board on the work of the secretariat in implementing Board policy as requested by the Board.</p> <p>8. The Registrar also has the responsibility of assessing risk, reporting risk to the Board and developing risk mitigation strategies.</p>
<p>Definitions</p>	<p>The application of the rule of law requires:</p> <ul style="list-style-type: none"> • equality before the law and equal subjection of all persons to the law; • decisions to be made by reference to known general rules and not discretion; • procedural fairness and due process; • similar cases to be treated alike, so that persons are able to predict actions and plan, before laws are enforceable they must be knowable. <p>Under natural justice, decision makers are required to ensure procedural fairness when making a decision. This includes:</p> <ul style="list-style-type: none"> • hearing all affected parties; • giving adequate notice of any hearing prior to the decision being made; • being open minded; • using known procedures; • reaching decisions only on evidence presented; • being unbiased; • providing reasons for decisions. <p>The key aspects in relation to 'hearing all parties' are that:</p> <ul style="list-style-type: none"> • the parties must be given notice of a hearing; • the parties have a right to be heard; • there should be disclosure of relevant material; • the parties should have the opportunity to comment; • the decision maker should hear the full case; • the decision must be made on reason not chance. <p>Natural justice also requires that the decision maker is disinterested and unbiased, 'nemo iudex in causa sua'. In considering the rule against bias the decision makers should:</p> <ul style="list-style-type: none"> • have no direct pecuniary interest; • not have reasonable suspicion of bias;

	<ul style="list-style-type: none">• not be predetermined.
--	---

Date approved: 30 Nov/1Dec 2007

Date of updates: April 2010

Date to be reviewed: