1. Introduction and Scope

The University understands that it is important for clinical academics to work in a professional capacity to ensure that they are conversant with current professional practice and to maintain professional registration.

Due to the ever increasing incidence of litigation, it is important to manage the risks associated with the outside work of staff members and to differentiate between University work and the work that a staff member undertakes privately. The paid outside work policy for academic staff and these guidelines have been developed to protect and balance the interests of both clinicians and the University.

UNSW’s Policy on Paid Outside Work by Academic Staff applies in all cases where the staff member is working in a private capacity, either as an employee of another entity, as a member of a partnership or as an individual.

The following Guidelines have been developed to assist clinical academic staff and Heads of School to interpret the Policy on Paid Outside Work in relation to clinical academics.

2. Approval

No type of paid outside work can be undertaken without the approval of the Head of School through completion of the Application for Approval to Undertake Paid Outside Work form (myUNSW)

In the case of clinical academics, approval can be sought for a category or sequence of work (e.g. to run a clinic as a sole practitioner every second Friday afternoon.) Approval is not required for work done as part of emergency or other response at short notice. Wherever possible though, approval in advance should be sought in such a manner that most likely contingencies are addressed.
3. Conflict of Interest
As with all paid outside work, the clinical academic should ensure that there is no conflict of interest between his or her work for the University and the private practice. A good rule of thumb in conflict of interest cases is to ask the question as to whether it could be perceived that the staff member is putting his or her interests above those of the University. If the answer is yes, then there needs to be further discussion with the Head of School as to whether the work should proceed, and if so, how the conflict of interest is to be managed.

4. Insurances
Clinical academic staff need to take out the following insurances at the requisite levels to cover themselves for:
- Professional indemnity insurance;
- Third party insurance; and
- Run-off insurance to cover any claims which may be made after the paid outside work has been completed.

While public patient work in public hospitals is covered for UNSW clinical academic staff by the Treasury Managed Fund, there may be ambiguities in relation to insurance cover for treating private patients in public hospitals.

Almost all clinicians are required by law to hold professional indemnity insurance. Where a clinician is working for another entity that holds this insurance (eg a clinical practice) the insurance held by that practice is likely to be adequate. Details of the insurance and a certificate of currency for each must be provided to the Head of School at the time that approval for outside work is sought.

5. Indemnity
Clinical academic staff members must indemnify the University against any claims made as a result of their private clinical work. Normally, the statement set out in the Application for Approval of Paid Outside Work form will suffice.

6. Acknowledgement and Release
The Paid Outside Work Policy requires that an acknowledgement and release be obtained from the person for whom any private paid outside work is being done. Clearly this imposes difficulties in situations where private patients are being seen. A third party release is not necessary if:
- The clinical academic is not indicating in any way that there is a connection with the University in the operation of the practice;
- The clinical academic is working as part of a clinic or partnership where there is no clear relationship to the University;
- The patient is a long-standing current patient.

In the cases where the clinical academic is working as a sole practitioner in premises or circumstances which associate him or her with the University, every effort should be made to ensure that new patients understand the fact that the clinical academic is working in a private capacity (by inclusion of this acknowledgement on a new patient information sheet).

A suggested wording is “I understand that Dr/Associate Professor/Professor X is consulting in his or her private capacity and independently of the University of New South Wales”.
7. University Facilities
In some cases, there are long-standing arrangements that University facilities are used for the conduct of private clinics. Where the facilities are clearly signed as University facilities, this could create the impression that the work is being undertaken by the University.

Every effort should be made to ensure that new patients are aware that the clinical academic is consulting in his or her private capacity. Signs to this effect should be displayed in reception and other appropriate areas.

Arrangements for payment of the costs associated with using University facilities for private practice must be made as part of the approval process.

8. Use of other University Staff
Normally it is inappropriate to use other University staff (e.g. administrative or technical staff) to support private outside work. In some cases, University administrative staff make booking times and other arrangements associated with the clinical academic staff member’s private consulting. The risk with this practice is the more contact patients have with staff at the University, the greater the likelihood of the patient believing that the University is standing behind the clinical academic. University staff should only be involved in the support of private practice in accordance with the provisions for agreement and payment as set out in the Policy on Paid Outside Work. This includes taking calls from general practitioners to make appointments for patients and answering calls from patients requesting test results or in an emergency.

9. Reference to University
A member of staff is entitled to use a University position title, providing that they abide by the requirements of the Code of Conduct and refrain from representing themselves as acting for or on behalf of the University when undertaking private paid outside work. The statements of acknowledgement and release described in these Guidelines satisfy the requirements of the Code of Conduct.

Where the private work of a clinical academic is carried out on University premises, it will not be possible to refrain from the use of the University address, phone numbers and the like. In this circumstance, the clinical academic should seek approval from the Deputy Vice-Chancellor (Academic) to be excluded from this provision of the policy.
Appendix A: History

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<th>Version</th>
<th>Authorised by</th>
<th>Approval Date</th>
<th>Effective Date</th>
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<td>26 September 2005</td>
<td>1 January 2006</td>
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<td>1.1</td>
<td>Administrative update by Acting Head of Governance</td>
<td>27 November 2015</td>
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<td>Amendments to the Responsible Officer and Contact Officer.</td>
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