PRIVATE PRACTICE, COMPLIANCE AND PROFESSIONAL PROTECTION TRANSCRIPT

Thank you, everyone. So pleased to have you all joining us again for the second half of our Starting Strong conference, hosted by PACFA and supported by insurance.com, which we are really appreciative of.

Now, our next session is always a keenly awaited topic. It's private practice compliance and professional protection.

And we have three speakers here to talk to you today from their experience. Edwin will be speaking from insurance.com.

He's worked in the insurance industry for the last five years, specializing in solutions for allied health professionals and partnership management.

Edwin brings a deep understanding of the risks and challenges faced by health practitioners. He works closely with association partners to identify growth opportunities and deliver meaningful, value-driven member engagement.

And then after that, we're going to have a panel, which Edwin will continue with, with two members of PACFA, Tyler and Anya.

And I will present their bios just a little bit when we get to the end of this insurance information. So, we look forward to hearing from all of you very soon.

Edwin, over to you.

Awesome. Thank you so much, Johanna.

It's great to be here, and I hope you've all been enjoying the sessions here today and hearing from the amazing speakers PACFA have organized. As Johanna mentioned, I'm Edwin from insurance.com.au, a proud partner of the Psychotherapy and Counseling Federation of Australia for a number of years now. And I'm here to talk to you all about insurance, particularly professional indemnity insurance and why you need it.

Now, I understand most of you are students and probably don't need to worry about this so much right now, but it's definitely something you'll need to think about and organize once you graduate and start working.

If you're a student undergoing practical placements through the university and doing supervised work, it's still a good idea to arrange a policy for yourself. And luckily for you, if you're a PACFA student member, you'll have access to our complimentary student policy. I'll explain later how you can apply for this.

For the graduates and those of you in early career, professional indemnity is definitely an important consideration to protect yourself. Whether you're an employee or a contractor, it's a great idea to have your own professional indemnity policy to follow you throughout your career due to the claims-made nature of the policy.

I'll also explain later what that means in a moment.

And don't worry, I know the PACFA students have a great offer for a complimentary policy, but we haven't left the rest of the PACFA members out.

We also have a great offer for you, too, which is access to discounted premiums. And if you purchase a new policy within this month, you get 15 months cover for the price of 12.

And sorry, can we just go back one slide? It's okay? Yeah.

Just before we begin, I'd just like to direct your attention to the slide showing our disclaimers and important information. And I'd also just like to take the time to acknowledge the traditional owners of the land on which we meet today and pay my respects to elders past and present.

Next slide, please.

So insurance can sometimes feel very confusing or overly technical. So my goal here today is to make it practical, clear, and relevant to where you are in your career journey.

Starting out in practice is exciting, but it also brings the responsibility to manage your own risks. And sorting out your own insurance policy to transfer your risk and protect yourself against claims or allegations made against you can help alleviate those concerns and help you continue your work with peace of mind.

Even with the best intentions, misunderstandings, accidents, or allegations can happen. And insurance is there to help protect you against those claims, legal costs, and unexpected incidents that could otherwise be financially and emotionally stressful.

It may also be commonly required by professional associations like PACFA, employers, and practical placement providers as well to have your own insurance policy.

So one of the most important insurance policies you should have as a health professional, and one that is often required, is professional indemnity insurance. That's a mouthful, sorry.

Professional indemnity insurance is designed to protect you against claims or allegations arising from the professional services or advice you provide.

In your case, it will be for your counselling or psychotherapy services, or advice that you give to your clients or patients. It's very important that when you arrange professional indemnity insurance, that you make sure your insured name corresponds with the entity name associated with your ABN. If you don't have an ABN and you operate as a sole trader, please ensure that it's your full name, including any middle names.

In the health industry, things can go wrong and misunderstandings can happen, especially within your field, dealing with clients going through a challenging time.

So for example, claims could arise from negligence, incorrect advice, breach of confidentiality, inaccurate record keeping, miscommunication, and claims can even arise today from services or advice you provided in the past, even dating back years ago.

Next slide, please.

Another important thing to note is that professional indemnity insurance is a claims-made and notified contract. What this means is that you need to have an active policy in place in the event you receive a claim or allegation made against you.

Only an active policy can respond to a claim. So for example, if you had a policy last year and it expired or lapsed this year, and today you receive a claim regarding something that happened last year, because your policy had already expired or lapsed, you won't have a professional indemnity policy that can help respond or protect you for the claim that you have just received, even though it was for something that occurred last year when you had the policy.

That's why it's important to maintain cover and ensure that you don't have any gaps in your cover, as you may be left uninsured.

Some good housekeeping tips to keep in mind is to ensure you keep accurate record keeping, as this can help support your case or argument in legal defence.

And also, it's very important that you notify your insurance broker immediately if a circumstance occurs between yourself and your patient, and you suspect it might lead to a potential claim in the future.

This forms part of your duty of disclosure and also so your broker can keep a record of it and bookmark the notification if it substantiates into a claim into the future.

Next slide, please.

Two other important insurance covers to consider are public and products liability. So public liability is designed to cover you for injury or property damage to third parties arising from your business activities, such as slips, trips, and falls, or accidentally spilling coffee on a client's laptop.

Products liability is designed to cover injury or damage caused by products you supply or sell. So for example, books, wellness products, therapy tools or merchandise.

These two covers are included and combined with professional indemnity insurance through the healthcare professionals' civil liability insurance policy arranged through insurance.com.au.

Next, please.

And yeah, I know what most of you may be thinking, "I'm just a student right now, I don't need to think about this yet." But actually, it's an important consideration to have your own professional indemnity insurance, even if you're doing practical placement and working under supervision.

As you state, you might still have exposure to claims even if your university or employer say they cover you.

So as a PACFA student, you have access to complimentary student policy for no cost, so you have nothing to lose obtaining your own policy.

The complimentary student policy is also for the highest professional indemnity and public products liability limit that we offer, which is $20 million, and gives you access to the one hour of complimentary legal advice. Once you graduate and you are fully qualified, you will no longer be eligible for the complimentary student policy and will need to purchase paid policy. If you're a PACFA member, you get access to special discounted rates for our highest level of cover as well at $20 million for PI and PPL.

So we have an offer now, where if you purchase a policy by the end of this month, you get 15 months cover for the price of 12.

Next month it'll be 14 months for the price of 12, and so on, so forth. When you go on to start working, whether it's for an employer or you go off on your own as a sole trader or contractor, it's important that you arrange your own policy that follows you throughout your career, as you can move jobs multiple times in your life and have your own policy following you throughout that career journey.

And to protect you for any claims that may arise for past services is a good way to manage your risk.

Next slide, please.

And I'm sure you're all wondering where you can get access to the complimentary student policy. So let me tell you.

You can easily apply online, and the link can be found on PACFA's websites, through your student membership pack that you receive when joining up, or you can visit the insurance.com.au digital booth today, on the Crowd Comms platform.

You'll see on the left-hand side on Crowd Comms homepage, there'll be insurance.com.au tab, and just click there and you'll see the link in the description.

Next slide, please.

So as a quick summary, here are a few important things to note from my 10 minutes of fame, or 15 minutes of fame here today.

Professional indemnity covers claims arising from your professional services or advice. Public liability covers claims arising from your third-party injury or property damage from your business activities. And product liability covers injury or damage caused by products you supply or sell.

And professional indemnity is a claim made policy, meaning you need an active policy in place to respond to a claim.

Claims can arise from your past work or services provided, and it's very important to notify of any potential claims, and also important to have continuous cover to follow you throughout your career.

Next slide, please.

And just to finish up today, I just wanted to remind you guys that we're running a giveaway today. Just by attending, you'll go into the draw to win a MacBook Air and AirPods, or one of two AirPod 4s.

And as mentioned before, PACFA students have access to the complimentary student insurance policy, and PACFA members have access to special discounted rates, as well as the current 15 for 12 offer this month, which becomes 14 for 12 next month.

I hope that alleviates any concerns or any technical things about insurance. I may have gone a bit technical, but feel free to message me on the chat later if you have any additional questions. Thank you.

Thank you, Edwin. That was informative.

And I think one of the things that's important for students and early career practitioners to understand is that insurance and compliance aren't just administrative tasks. They're part of ethical practice and professional protection.

So we're now going to move into our panel discussion.

I'm really pleased to introduce Tyler and Anya, who are joining Edwin for this next part of the session.

Tyler is a PACFA registered clinical counselor and supervisor with experience across private practice, mental health, and organizational wellbeing. His work focuses on creating sustainable and ethical practice frameworks for counselors, particularly those moving into private practice settings.

Anya is also a PACFA registered clinical counselor with extensive experience supporting practitioners in establishing and maintaining compliant private practices. She has a strong interest in reflective practice, professional identity, and helping early career counselors navigate the transition into independent work.

So thank you both for joining us.

I might start with a broad question because I know this is something that comes up constantly for students and graduates.

When people think about starting private practice, they often feel really overwhelmed by compliance and administration and insurance and policies and all the things.

Tyler, what do you think are the most important things for people to focus on early?

Yeah. Thanks, Joanna.

I think one of the biggest things is understanding that you don't have to know everything immediately.

I think sometimes people imagine they need to have this perfect polished business and all the answers before they begin, and that's just not realistic.

What you do need is a solid foundation.

So understanding your ethical obligations, understanding confidentiality, informed consent, record keeping, supervision, insurance, those sorts of things.

And then you can build from there.

I think one of the mistakes people make is focusing too much on branding and logos and websites before they've thought through their systems and their practice foundations.

And those foundations are what protect both you and your clients.

I also think it's important for people to understand that private practice can feel quite isolating if you're not intentional about building professional connections.

So supervision, peer consultation, networking, all of those things become important.

Thanks, Tyler.

Anya, what about from your perspective? Particularly around compliance and systems, because I know that's an area you work in a lot.

Yeah. I think probably the biggest thing is to simplify things as much as possible initially.

You don't need the most complicated systems in the world when you're first starting.

What you need are clear systems that you actually understand and will consistently use.

So things like secure note keeping, informed consent processes, cancellation policies, privacy policies, those sorts of things.

And I think one of the important things is consistency.

Because often when people become stressed or overwhelmed, systems fall apart.

So you want systems that are practical and sustainable for you.

I also think it's important for people to understand that compliance isn't separate from care.

Good boundaries and good systems support client safety and support you as a practitioner.

So it's not just bureaucracy for the sake of bureaucracy.

And I think that's a helpful reframe for people sometimes.

Absolutely.

And Edwin, from your perspective, are there common mistakes that you see early career practitioners making around insurance or risk management?

Yeah, definitely.

I think one of the most common things is people assuming they're automatically covered under somebody else's insurance policy without actually confirming what that coverage includes.

And another really common issue is gaps in cover.

Particularly when people move between roles or take breaks or transition into private practice.

Because as I mentioned earlier, professional indemnity is claims made, so continuous cover is really important.

I also think people sometimes underestimate how important documentation is.

Accurate notes and records can make a huge difference if there is ever a complaint or allegation or misunderstanding.

And often those things are actually what help resolve issues early.

So good systems and good documentation are really important risk management tools.

And I think that's probably a good point to pause on because documentation and note keeping is something that creates a lot of anxiety for new practitioners.

Tyler, do you have advice for people around finding a balance between useful documentation and over-documentation?

Yeah. I think people often worry that notes need to be incredibly long and detailed and almost academic.

But actually good clinical notes are usually clear, concise, relevant, and objective.

You're documenting information that is clinically relevant and ethically important.

You're not writing a novel.

And I think one of the really useful questions people can ask themselves is, “If another practitioner needed to understand the continuity of care, would these notes make sense?”

Because that's really the purpose.

I also think it's important to remember that clients can potentially access records.

So writing respectfully and professionally matters.

And supervision is really useful here too because people often develop confidence around note keeping through discussion and practice over time.

That's really helpful.

Anya, is there anything you'd add around documentation or record keeping for early career practitioners?

Yeah. I think one of the biggest things is understanding that your notes are there to support continuity of care and ethical practice.

They're not there to capture every single thing that happened in a session.

And I think sometimes newer practitioners can become very anxious and start over-documenting because they're worried about missing something.

But concise and clear notes are often much more useful.

I also think it's important to have systems that protect confidentiality.

So understanding where records are stored, how they're secured, how long records need to be retained, all of those things are really important parts of private practice compliance.

And honestly, I think one of the best things people can do is develop good habits early.

Because if you start with good systems and good routines, it becomes much easier to maintain them over time.

Absolutely.

And I think one of the things that comes up a lot for people considering private practice is fear around complaints or fear around getting something wrong.

Tyler, what would you say to people who feel really anxious about that side of practice?

Honestly, I think a certain amount of nervousness is actually appropriate because it means people care about practicing ethically and responsibly.

But I also think people can become so afraid of making mistakes that they lose confidence in themselves.

The reality is that no practitioner is perfect.

What's important is being reflective, staying within your scope of practice, seeking supervision, documenting appropriately, and responding professionally if issues arise.

And I think supervision is incredibly important in helping practitioners manage that anxiety because often people feel much more alone with those fears than they actually are.

Most experienced practitioners have had difficult moments or complaints or ethical dilemmas at some point in their careers.

That's part of working relationally with humans.

And I think the goal isn't perfection.

The goal is ethical, reflective, responsive practice.

Edwin, from an insurance perspective, do you find that practitioners are often reluctant to notify insurers when something starts to feel concerning?

Yeah, absolutely.

A lot of practitioners worry that notifying something means they've done something wrong or that it will automatically become a claim.

But often early notification is actually the best thing people can do.

Because sometimes concerns can be resolved very early with guidance and support before they escalate further.

And it's always better for insurers and brokers to know about potential issues earlier rather than much later.

I also think people sometimes underestimate how emotionally stressful complaints or allegations can feel.

So having insurance support there isn't just about financial protection.

It's also about having access to advice and support through difficult situations.

That's really important.

And I think one of the themes that's coming through very strongly today is that professional protection isn't separate from professional wellbeing.

They're actually deeply connected.

Anya, what do you think helps people build sustainable private practices over time rather than just surviving them?

I think clarity and boundaries are huge.

Understanding what kind of work you want to do, what your limits are, what your values are, what kind of clients you're best suited to work with.

And also understanding that you don't have to say yes to everything.

I think particularly early in private practice, people can feel pressure to take every client and every opportunity because they're worried about income or building a caseload.

But sustainability often comes from building a practice that's aligned with who you are and how you work best.

I also think community matters enormously.

Private practice can become very isolating if you're completely on your own all the time.

So maintaining supervision, peer consultation, professional development, networking, all of those things become really important parts of sustainability.

And honestly, having systems that reduce unnecessary stress helps a lot too.

Simple systems, clear policies, clear communication, all of those things reduce friction and help people focus more on the actual work with clients.

That's fantastic.

Tyler, anything you'd add around sustainability or early career private practice?

Yeah. I think one of the biggest things is pacing yourself.

I think sometimes people come into private practice and feel like they need to immediately build a full-time caseload and do everything all at once.

But private practice is often more sustainable when it grows gradually.

It gives you time to develop systems, confidence, routines, referral pathways, all of those sorts of things.

And I also think it's really important that people maintain interests and identities outside of counselling.

Because if your entire identity becomes your work, it becomes much harder to sustain over time.

So maintaining relationships and hobbies and rest and creativity and all of those things is really important.

And I think one of the really beautiful things about counselling work is that it can evolve across your life and career.

You don't have to do everything immediately.

That's such an important point.

And I think one of the things that can sometimes happen for newer practitioners is that they compare themselves to people who have been in practice for 10 or 15 years and think they should already be operating at that level.

But actually careers develop over time.

Confidence develops over time.

Systems develop over time.

And private practice is really a long-term process of learning and refining and evolving.

Edwin, before we finish up, are there any final things from an insurance or risk perspective that you think are particularly important for students and early career practitioners to understand?

Yeah. I think probably the biggest thing is don't leave insurance until the last minute.

It's much easier to set things up properly early and maintain continuous cover than it is to try and fix issues later.

And also don't be afraid to ask questions.

Insurance can feel really technical and confusing sometimes, but that's what brokers are there for, to help explain things and help you understand what cover is appropriate for your situation.

And I also think people should remember that insurance is really there as a support and protection mechanism.

Hopefully you never need to make a claim, but if something does happen, having that support there can make a significant difference.

Absolutely.

And Anya, Tyler, any final advice for people who are maybe sitting there thinking about private practice but feeling a bit overwhelmed by all the moving parts?

I think I'd say start before you feel completely ready.

Because honestly, most people never feel completely ready.

But do it thoughtfully.

Build good supports around yourself, keep learning, stay connected to the profession, and allow yourself to grow gradually.

And remember that private practice doesn't have to look one particular way.

You can build something that's aligned with your values and your life.

Yeah, I completely agree with that.

And I think the other thing is don't confuse professionalism with perfection.

You can be ethical and thoughtful and competent without having everything perfectly figured out.

And I think reflective practice is really the key.

Being willing to keep learning, keep reflecting, keep adjusting, keep asking for support when you need it.

That's what helps people sustain good practice over time.

That's fantastic.

Thank you so much, Edwin, Tyler, and Anya for such a practical and thoughtful discussion.

And thank you everyone for your questions and engagement throughout the session.

We're now going to take a short break before our next session begins.