

# SPEAKOUT

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with  
AHAs**



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# AHAs and professional indemnity insurance

**A**s AHAs should only facilitate the delivery of speech pathology services when supervised by a speech pathologist then generally speaking your indemnity insurance will cover the work carried out by an AHA. It would be prudent to let your insurer know you are responsible for supervising an AHA.

However, it is important to understand that under your insurance policy employees and contractors are treated slightly differently with respect to services performed for or on behalf of the business owner.

If you own a business, you should be aware that employers have a direct liability for employees. If you engage an AHA as an employee, then you are responsible for the errors and omissions of that AHA even if their work is being supervised by another speech pathologist in your practice. You would need to confirm this with your insurer.

Please note that Guild have advised the Association that a Guild PI insurance policy provides the business owner with coverage for that under the policy definitions.

Employers, generally, do not have a direct liability for all independent contractors including AHAs. However, they can still be held vicariously liable for the actions of AHAs who are working in the business as contractors.

\*Guild Insurance have indicated their PI policy provides cover for this scenario under the policy's Additional Benefits section. If you have PI insurance with another company,

you will need to confirm if a similar arrangement exists. AHAs working as contractors should also have their own PI policy as they may be sued in their own name and may incur legal costs in defending those claims. They may also need to fund any damages awarded against them.

If an AHA signs an employment contract with a 3rd party company, then regardless of insurance or not, that company is vicariously liable for the actions of their employees and should have insurance in place to cover them for that liability exposure under a PI policy. However, like private practice owners, they are not directly liable for the actions of independent contractors in the same way that they are for their employees. If the AHA is engaged by a third party company on a contractor basis, then the AHA should maintain insurance in their own name as they are a separate entity to the company.

If you are responsible for supervising and delegating to an AHA, it would be prudent for yourself and/or the business owner to have a conversation with an AHA about their insurance cover.

Please see [SPA's FAQ about Professional Indemnity Insurance](#) and contact your insurer for further information.

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## Employment considerations for engaging an AHA

**A**llied health assistants (AHA) can provide assistance with the delivery and administration of speech pathology services. There are many potential benefits to engaging an AHA in your practice, including increasing your capacity to provide therapeutic services with the assistance and support of the AHA.

Before engaging an AHA in your practice, you must ensure that you are meeting your employment obligations and taking the following factors into consideration:

### Working arrangement

The nature of the employment relationship is a very important consideration. There are two main reasons why it is strongly advisable that AHAs are taken on as employees, not as independent contractors.

AHAs who support speech pathology interventions must

work under the direct supervision of a qualified speech pathologist. This supervision requirement generally does not meet the definition of an independent contractor. For more information on the difference between an independent contractor and an employee, refer to SPA's document [Employees vs Contractors](#) and [Contractor or employee?](#)

AHAs should be engaged as employees, so that they are covered by the employer's insurance and can receive the appropriate entitlements per the *Health Professionals and Support Services Award 2010* and the *National Employment Standards*. A casual employment arrangement is usually the most practical option for AHAs who are studying to become speech pathologists.

### Employment contracts and HR documentation

Practice owners must ensure that their employment



## in focus

contracts and position descriptions are up-to-date and clearly state all the necessary conditions of employment for an AHA. For example, they may need a Working with Children Check, an NDIS Worker Screening Check and/or a police check.

The employment contract must clearly outline the employment relationship and obligations, and these should be reviewed annually. It is important to ensure that the AHA reads the contract, knows how they will be paid, and is given ample opportunity to ask questions about any employment matters they may not understand. Make sure the contract is signed!

The position description should clearly outline the scope of the duties of an AHA in your practice, which may include details of the activities that have been identified as suitable to be delegated by a speech pathologist in your practice.

You also need to ensure that your practice has workplace policies and procedures that cover all employees and contractors. These protocols include areas such as workplace conduct, infection control, privacy and confidentiality, performance management, complaints and grievances and others.

### Supervision and training

AHAs must be provided with regular, formal supervision by a speech pathologist. It is the supervising speech pathologist's role to determine what supports an AHA may be able to offer and what level of training and supervision they will need, to ensure they are offering assistance in a safe environment and achieving the desired outcomes. The speech pathologist must develop clear protocols and provide adequate training to guide the AHA.

The supervising speech pathologist should provide:

- clear instructions on the outcomes to be achieved
- clear processes to be followed in undertaking the task
- guidance on how to manage any perceived risks
- alternative strategies to be utilised if modification is required

- clear guidance on when further advice or direction should be sought from a qualified allied health professional.

Speech Pathology Australia has a range of documents for members to support this relationship, including a supervision template. Refer to [Working with allied health assistants](#).

Regular performance reviews are an important part of any supervisor/staff relationship. They include discussions around achievements areas for improvement and future objectives. From the beginning of your AHA's employment, the supervising speech pathologist should set up regular meeting times to review, evaluate and log the AHA's performance goals and progress. These are opportunities to give and receive feedback, and discuss any concerns.

The information provided in the article is a brief summary of the employment obligations that practice owners need to be aware of when preparing to engage an AHA. If you have any questions or require more detailed or tailored information, it is advisable to seek professional workplace relations advice.

All members receive special member benefits through WorkPlacePLUS for support with HR and IR issues. For more information, contact Anna on (03) 9492 0958 or visit [www.WorkPlacePLUS.com.au](http://www.WorkPlacePLUS.com.au).

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