This document is currently under review and a new version will be available shortly.
Procedure Illustration

Trainer/NSD/Programme
Director/Associate Dean

1. Role of the Trainer
2. Non Performing Trainee Training
   - Informal counseling meeting with trainee in the training hospital
3. RCPI Disciplinary Procedure
   - Stage 1: Formal meeting in Hospital/Training Centre. Trainer/Trainee Attend
4. Stage 2:
   - First Formal Meeting in RCPI Dean or Assoc Dean/NSD or Programme Director with Trainer & Trainee Attend
5. Stage 3:
   - Second Formal Meeting in RCPI Dean or Assoc Dean/NSD or Programme Director/External Assessor with Trainer & Trainee Attend - Remedial Action
6. Stage 4:
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7. Stage 5:
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Trainee

1. Training Agreement
2. Grievance Procedure for trainee
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3. RCPI Grievance Procedure
   - Stage 1:
     - First Formal meeting in Hospital/Training Centre. Trainer/Trainee Attend
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5. Stage 3:
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INTRODUCTION

The Grievance and Disciplinary Procedures is produced by the Royal College of Physicians of Ireland to assist trainers and trainees to deal with grievance and disciplinary issues that may arise in the course of a trainee’s participation in an approved training programme. The essential elements of these procedures are to deal with grievance and disciplinary issues in a rational and fair manner, the basis for disciplinary action is clear, the range of penalties that can be imposed is well defined and an appeal mechanism is also outlined.

The procedures will be reviewed and up-dated periodically so they are consistent with changed circumstances in the workplace, developments in training and good practice generally. Good practice entails a number of stages in discipline and grievance handling. These include raising the issue with the trainer/trainee in the first instance. If not resolved, matters are then progressed through a number of steps as set out in this document. The procedures are effective from 1st January 2011 and supersede all existing procedures.

The Grievance and Disciplinary Procedures for trainees are presented in three separate sections as outlined below. Section 1 and Section 3 may cross over due to related training or employment issues. In this instance the Royal College of Physicians of Ireland and the training hospital/centre where the trainee is assigned must both be notified of any disciplinary issues.

SECTION 1:
This section outlines procedural steps a Trainer/National Specialty Director/Programme Director or Associate Dean should take in the case of a trainee who is not meeting the required standards of performance or conduct in relation to their participation in their training programme (including non attendance at assessments, failure to complete log book etc.)

SECTION 2:
This section outlines procedural steps a trainee should take in the case of a grievance issue with their trainer, location of training or general training issues.

SECTION 3:
This section outlines the procedures to be followed by the trainer/trainee where the issue is primarily a matter relating to employment or service such as terms and conditions of employment, theft, assault or bullying for example.
SECTION 1 – RCPI Disciplinary Procedure for Trainees

Role of the Trainer

Trainers are responsible for overseeing the educational process for trainees, making them aware of the standards of training and work commitment and dealing with shortcomings promptly and fairly. The trainer should, where possible, deal with deficiencies on an informal basis through discussion, counselling and appropriate assistance rather than through the formal disciplinary procedure. The Role of the Trainer document defines the role and responsibilities of the trainer and should be read in conjunction with this document.

Non Performing Trainee – Training Issue

If the trainee’s performance, progression through the training programme, or provisions of the programme or conduct itself, appears to be falling below the expected standards, this should be discussed with the trainee without delay. This section outlines the process a trainer should follow if the issue relates to training.

Examples of training issues which may lead to disciplinary action:

- Non attendance at assessments
- Non attendance at required courses
- Non completion of the training logbook
- Failure to reach the appropriate level of clinical standards
- Failure to reach the appropriate level of clinical knowledge
- Failure to reach the appropriate level of competency
- Breach in Patient Confidentiality
- Non satisfactory multidisciplinary team work

Note: This list is not exhaustive.

Principles

The following principles apply to all stages of the disciplinary procedure:

- Every effort should be made by the trainer, where possible, to address shortcomings in training performance, work standards, conduct or attendance through an informal counselling meeting without invoking the disciplinary procedure.

- Where it is proposed to progress a disciplinary matter beyond the informal counselling stage outlined in this policy, the Manager, Medical Training Department (01-8639700) must be informed in advance.

- While the disciplinary procedures will normally be operated on a progressive basis, in cases of serious training/conduct issues e.g. serious breach of patient confidentiality or insubordination, the trainer may bypass the Stage 1 of the procedure.
• No decision regarding disciplinary action should be made until a formal meeting has been convened and the trainee has been afforded an opportunity to respond.

• The trainee will be advised of his or her right to be accompanied by a work colleague, other person or another trainer at any meeting under the disciplinary procedure.

• The trainee will be advised in advance in writing of the requirement for the formal meeting and of the precise nature of issues to be discussed.

• The trainee will be afforded the opportunity to state his or her case and challenge any evidence that may be relied upon in reaching a decision.

• The trainer will not prejudge the outcome of the meetings and will take into account any mitigating circumstances before deciding on appropriate action.

• It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness.

• The trainee may appeal the outcome of the disciplinary process.

Disciplinary Procedure Steps for Non Performing Trainees

Pre Procedure: Informal Counselling Meeting:

Where possible and appropriate, the trainer should arrange an informal counselling meeting with the trainee to identify the problem or discuss any shortcomings the trainee may have. The purpose of this meeting is to ensure the trainee understands what is expected of them and to provide an opportunity to discuss any aspects of their training which may be causing them difficulties in achieving the required standards. The trainer should also provide the trainee with the opportunity to comment in confidence on the training that is being provided by the post and on their experience of the support offered. Any problems, which have been identified, should be openly discussed. The formal meeting is normally only invoked where this approach fails to bring about the required improvements.

The counselling meeting should be conducted as follows:
• The trainee shall be given the chance to highlight any problems that they may have. Similarly, the trainer may also highlight details of the specific aspects of the trainee’s attendance, work or conduct that require improvement.

• The trainee shall be given an opportunity to respond to complaints and careful consideration shall be given to any explanations given.

• Having identified the problem or made the trainee aware of deficiencies in his/her attendance, work or conduct, the trainer shall identify appropriate measures that can be taken to assist the trainee and formulate an action plan for achieving the required improvements in an agreed timeframe.

• A written record of the counselling meeting should be kept in the trainee’s logbook.
Disciplinary Process:

Where a trainee’s conduct, work, or attendance at courses and assessments etc does not meet the required standards, despite informal counselling and being given the opportunity to rectify the issues, where that is possible and appropriate, the matter will be dealt with under the disciplinary process. While the disciplinary procedure will normally be operated on a progressive basis, in cases of serious misconduct or serious performance issues, the trainer may bypass Stage 1 of the procedure. The training body reserves the right to suspend the trainee from the programme until the disciplinary process is complete. If a training issue arises at the trainee’s end of year assessment, Stage 1 of the process may also be bypassed and the disciplinary procedure implemented.

The stages of the disciplinary process are as follows:

**Stage 1: Formal Meeting**

If a concern arises about the work, conduct, attendance or training of a trainee, the trainer will organise a formal meeting with the trainee. This meeting will ordinarily be convened in the training hospital/centre where the trainee is assigned. A written record of the meeting should be kept and the RCPI should be notified about the meeting and its outcome. If the matter at issue is substantiated, the trainee may be given a formal oral warning for a stated period of time relevant to the training issue. The trainee should be advised that the warning constitutes the first stage of the disciplinary procedure and failure to improve within the specified timescale may result in further disciplinary action under Stage 2 of the disciplinary procedure.

The trainee should be given sufficient time to rectify the issue and if the trainee fails to do this the matter should be referred to the RCPI and Stage 2 of the disciplinary procedure will be invoked. The deficiencies identified at this meeting must be set out in writing and recorded in the trainee logbook including the remedial action required.

*Please use attached Appendix 1 – ‘Record of Meeting’ document to keep a record of this meeting in relation to a training issue. If there are concerns regarding the trainee’s clinical skills please use attached Appendix 2 – ‘Assessment of Clinical Skills’ document to assess the trainee’s skills.*

**Stage 2: Formal First Meeting in the RCPI:**

A trainee whose work, conduct, attendance or training continues to fall below the required training standards after Stage 1, or the matter in question is of such significance to warrant bypassing Stage 1 (e.g. breach in patient safety, breach of patient confidentiality) the trainee will be called for a formal first meeting in the RCPI.

The RCPI panel for this meeting will be convened by the Dean of Higher Specialist Training and may consist of the National Specialty Director for the appropriate specialty, Programme Director or Associate Dean or other trainer as appropriate. The trainee and trainer will be invited to attend the meeting in the College and will be interviewed separately and then together.

The trainee has the right in advance of the meeting to submit any information or evidence to support their case and the right to challenge statements made. They also have the right to be accompanied at this meeting. A written record of the meeting must be kept.
Outcome of Formal First Meeting:

_Satisfactory_

If the outcome of the first meeting in the RCPI is satisfactory and the training issue is resolved to the satisfaction of RCPI, the trainee can continue their training programme and move on to the next training post as appropriate. A written record of this decision is made and maintained in the trainee’s file.

_Unsatisfactory_

If the outcome of the first meeting in the RCPI is unsatisfactory and there are significant issues, weaknesses or deficits identified:

- The trainee may be given up to six months (as determined by the investigation panel) to address these issues.
- The trainee will also be advised of training credit status of the training period completed at this time.
- A list of recommendations should be sent to the trainee in writing and he/she advised that he/she will be reassessed in the stated period of time.
- A copy of this letter should be sent to the Trainer, NSD, Associate Dean or Programme Director as appropriate.
- If the trainee is moving training posts during this period of time, the new trainer should be notified about the training issues and the required recommendations.

Stage 3: Formal Meeting in the RCPI:

The trainee will be called for a second meeting in the RCPI after the stated period of time. The RCPI panel for this meeting will be convened by the Dean of Higher Specialist Training and may consist of the National Specialty Director for the appropriate specialty or Programme Directors, Associate Dean or other Trainer. An External assessor may be appointed to the panel by the Dean of Higher Specialist Training if deemed necessary.

The trainee and trainer will be invited to attend the meeting and will be interviewed separately and then together. The trainee has the right in advance of the meeting to submit any information or evidence to support their case and the right to challenge statements made. They also have the right to be accompanied at this meeting. A written record of the meeting must be kept.

Outcome of Second Meeting:

_Satisfactory_

If the outcome of the second meeting in the RCPI is satisfactory and the training issue is resolved to the satisfaction of the RCPI, the trainee can continue in their training programme and move on to the next training post as appropriate. A written record of this decision is made and maintained in the Trainees file.

_Unsatisfactory_

If the outcome of the meeting is unsatisfactory the panel will agree on the appropriate action to be taken and make a recommendation through the Dean of Higher Specialist Training to the Training Body.
This may result in the trainee having to repeat the training year or part thereof or, in the case of failure to reach the required training standards, be withdrawn from the training programme. The College Registrar will also be informed about the recommendation.

Stage 4: Final Decision:

The final decision on the continuation, or otherwise, of the trainee on the programme will be made by the Training Body. If the trainee has not adequately addressed all the recommendations set out in the first meeting, the second meeting or the end of year assessments a meeting of the Training Body Executive will be convened to consider the report from the Dean of Higher Specialist Training. The trainee and trainer will be invited to attend the meeting and will be interviewed separately and then together.

The trainee may be advised to repeat the year of training or part thereof or be withdrawn from the training programme. The trainee has the right in advance of the meeting to submit any information or evidence to support their case and the right to challenge statements made. They also have the right to be accompanied at this meeting. A written record of the meeting must be kept.

The trainee should be notified of the Training Body’s decision within 4 weeks of the meeting taking place. The trainee may appeal against the Training Body’s decision and in doing so must follow the appeals process below.

Gross Misconduct

In the case of gross misconduct in training the progressive stages of the disciplinary procedures will not apply. The training body reserves the right to suspend the trainee from the programme without notice until the investigation is complete. If the case of gross misconduct is upheld the trainee may be withdrawn from the programme.

Examples of Gross Misconduct in training which may lead to immediate suspension including;

- Falsifying certified documentation
- Falsifying training documentation
- Altering training documentation
- Forging trainer signatures on training documentation

Trainee Appeals

Appeals Process:

The trainee has a right to appeal the Training Body’s decision after each stage of the process has been exhausted and a final decision has been made by the Training Body. To do this the trainee must submit a written application to the College Registrar no later than 21 working days after the date that he/she has been informed of the decision which is the subject of the appeal. The College Executive, on behalf of the College, will be notified by the Registrar that that the notice of appeal has been appropriately lodged.

The College Executive will arrange for the appeal to proceed, and advise the appellant of the fact, and that the sum of €500 is required to be lodged with the College as an act of good faith. The fee may be refundable if the appeal is upheld. The appeal will be considered by the College Executive and will refer the matter to an Appeals Committee which they will appoint. The trainee has the right to be represented, the right to challenge statements made and the right to an impartial decision making body.
Appeals Committee:

The Appeals Committee will consist of two senior Fellows of the College together with an external assessor from another academic or professional body. It is recommended that one of the Fellows selected should be currently practicing in the appellant’s own specialty, the other being drawn from a different medical or related specialty. No person who has been concerned in any way with the decisions giving rise to the appeal will be eligible to sit on the Appeals Committee. A legal representative of the College may be present as an adviser to the Committee.

Appeals Committee Decision:

The date of the Appeal will be set by the Appeals Committee and the appellant will be informed giving at least 21 working days notice so that he/she can arrange to be present, accompanied if so wished.

The appellant may withdraw his/her appeal at any time up to and including the date set for the appeal. The appellant will also be informed that the Appeals Committee has the power to consider the case even in the absence of the appellant him/her-self.

The Appeals Committee will consider all the evidence available, and may ask for additional information to be presented. The Committee's judgement on the appeal will be reported in writing to the College Executive. If the decision of the Appeals Committee is accepted by the College Executive this fact will be transmitted by the Registrar to the appellant. The decision of the College Executive is final.
SECTION 2 – RCPI Grievance Procedure for trainees

Training Agreement

The Training Agreement document defines the role and responsibilities of the trainee and should be read in conjunction with this document.

Grievance Procedure

The purpose of the Grievance Procedure is to enable trainees to raise complaints concerning training matters so that the issue may be addressed promptly and without disruption to training. A grievance may be defined as a complaint which a trainee has concerning his or her terms of conditions of training. This procedure covers individual grievances.

Examples of grievance issues which are appropriate for referral under this procedure include:

- Access to Courses
- Access to Study Days
- Relationship with Trainer
- Relationship with other work colleagues on training matters
- Training facilities/support in training post
- Completion of training Logbook
- Conduct/outcome of assessments

Note: This list is not exhaustive

Principles

The following principles apply to all stages of the grievance procedure:

- Trainees should, where possible, raise complaints on an informal basis with their trainer in the first instance before invoking the formal grievance procedure.

- Every effort will be made to address complaints quickly and fairly and at the lowest level possible at which the matter can be resolved.

- A trainee will not be penalised in any way for making a complaint in good faith, regardless of whether or not the complaint is upheld.

- The trainee has the right be accompanied by a work colleague or another person, at all formal hearings under the grievance procedure.

- While every effort will be made to adhere to the prescribed time limits these may be extended at any stage where necessary.
This procedure provides a comprehensive method for the resolution of grievances in the absence of conflict. In the norm, issues raised will be processed in accordance with the principles of full consultation and agreement during the process. In the event of a grievance arising and which is significantly impacting on the quality of training being received by the trainee, and where a trainee is working under protest, a meeting with the Royal College of Physicians of Ireland will be held within 7 working days of the request being received as per stage 2 of this procedure.

The grievance hearing cannot be used as an opportunity to address shortcomings in the trainees work standards, conduct or attendance. Any deficiencies will be dealt with through informal counselling or under the progressive stages of the disciplinary procedure explained in Section 3.

**Grievance Procedure**

**Informal Discussions:**

Most routine complaints are capable of being resolved on an informal basis without recourse to the formal grievance procedure. Before invoking the grievance procedure the trainee should, where possible, raise the matter informally with his or her trainer. If the complaint relates to the immediate trainer the trainee should discuss the matter informally with another trainer. If the matter has not been resolved satisfactorily through informal discussions, the trainee may raise a formal complaint under the grievance procedure.

**Grievance Procedure:**

**Stage 1: First Formal Meeting**

The trainee should refer the complaint to Programme Coordinator/Director in respect of BST and National Specialty Director in respect of RTP and HST. A meeting will be arranged to discuss the matter not later than 7 working days following receipt of the complaint. This meeting will normally be held in the training hospital/centre where the trainee is assigned.

The trainee/trainer will be advised of his/her right to be accompanied by a work colleague or other person. Following this meeting, the decision will be conveyed in writing to the trainee within 7 working days and a copy of this will be sent to the Dean of Higher Specialist Training in the RCPI.

*Please use attached Appendix 1 – ‘Record of Meeting’ document to keep a record of this meeting in relation to a training grievance.*

**Stage 2: Second Formal Meeting**

If agreement cannot be reached at Stage 1, the matter may be referred to the dean of Higher Specialist Training and who will nominate a panel of three persons, at least one of whom will be a National Specialty Director/Associate Dean as appropriate, and at least one other person shall be an external person to consider the grievance.

A meeting will be arranged to discuss the matter no later than 7 working days following receipt of the complaint. The trainee/trainer will be advised of his/her right to be accompanied by a work colleague or other person.
Following this meeting, the decision will be conveyed in writing to the trainee within **7 working days** and a copy of this will be sent to the Dean of Higher Specialist Training in the RCPI.

**Stage 3: First Formal Meeting in the RCPI**

If agreement cannot be reached at Stage 2, the matter will be referred to the Training Body Executive. A meeting will be arranged to discuss the matter no later than **14 working days** following notice of referral from the Dean of Higher Specialist Training. The trainee/trainer will be advised of his/her right to be accompanied by a work colleague or other person. Following this meeting, the decision will be conveyed in writing to the trainee within **7 working days** and a copy of this will be sent to other parties’ subject of the grievance.

The trainee may appeal against the Training Body’s decision and in doing so must follow the appeals process below.

### Trainee Appeals

#### Appeals Process:

The trainee/trainer has a right to appeal the Training Body's decision at Stage 3 of the process. To do this the trainee must submit a written application to the College Registrar no later than **21 working days** after the date that he/she has been informed of the decision which is the subject of the appeal.

The College Executive, on behalf of the College, will be notified by the Registrar that that the notice of appeal has been appropriately lodged. The College Executive will arrange for the appeal to proceed, and advise the appellant of the fact, and that the sum of €500 is required to be lodged with the College as an act of good faith. The fee may be refundable if the appeal is upheld. The appeal will be considered by the College Executive and will refer the matter to an Appeals Committee which they will appoint. The trainee has the right to be represented, the right to challenge statements made and the right to an impartial decision making body.

#### Appeals Committee:

The Appeals Committee will consist of two senior Fellows of the College together with and external assessor for another academic or professional body. It is recommended that one of the Fellows selected should be currently practicing in the appellant’s own specialty, the other being drawn from a different medical or related specialty. No person who has been concerned in any way with the decisions giving rise to the appeal will be eligible to sit on the Appeals Committee. A legal representative of the College may be present as an adviser to the Committee.

#### Appeals Committee Decision:

The date of the Appeal will be set by the Appeals Committee and the appellant will be informed giving at least **21 working days** notice so that he/she can arrange to be present, accompanied if so wished by one other person.

The appellant may withdraw his/her appeal at any time up to and including the date set for the appeal. The appellant will also be informed that the Appeals Committee has the power to consider the case even in the absence of the appellant him/her-self.

The Appeals Committee will consider all the evidence available, and may ask for additional information to be presented. The Committee’s judgement on the appeal will be reported in writing to
the College Executive. If the decision of the Appeals Committee is accepted by the College Executive this fact will be transmitted by the Registrar to the appellant. The decision of the College Executive is final.
SECTION 3 – Grievance and disciplinary matters relating to employment matters

Non Performing Trainee – Service Issue

If the trainee’s performance, conduct and attendance appear to be falling below the expected standards, this should be discussed with the trainee without delay in accordance with Section 1 above. This document outlines the non performing trainee process a trainer should follow if the issue relates to service/employment matters.

Examples of service issues which may lead to disciplinary action under Section 3 are:

- Persistent poor timekeeping
- Poor work standards
- Breach of health and safety rules
- Breach of internet/e-mail policy
- Bullying, harassment or sexual harassment
- Refusal to obey reasonable instructions
- Negligence
- Unsatisfactory attendance record
- Patient Confidentiality
- Theft
- Deliberate damage to property
- Fraud or deliberate falsification of documents
- Gross negligence or dereliction of duties
- Gross insubordination
- Incapacity to perform duties due to being under the influence of alcohol, unprescribed drugs or misuse of prescribed medication.
- Serious breach of health and safety rules
- Assault

Note: This list is not exhaustive.

Where a grievance disciplinary matter arises in relation to service/employment matters the trainer/trainee should refer the matter to the Medical Manpower Manager to be dealt with under the policies and procedures of their employing hospital. Where the matter is an issue from both a training and service/employment viewpoint the RCPI/Training Body and the Employer shall agree their approach to the investigation of the complaint.
CONTACTS:

- Dean of Higher Specialist Training – Prof Anthony O’Regan
  Royal College of Physicians of Ireland
  Tel: 01-8639700

- Head of Postgraduate Education & Training – Ms. Leah O’Toole
  Royal College of Physicians of Ireland
  Tel: 01-8639700

- Medical Training Manager – Ms Louise O’Gogain
  Royal College of Physicians of Ireland
  Tel: 01-8639700
  Email: louiseogogain@rcpi.ie
Appendix 1

Training Grievance and Non-Performance Policy

Record of Meeting

Guidelines for Trainer’s, NSD’s and Programme Director’s when meeting with a trainee who has a grievance issue or is not performing to the acceptable training standards.

- Always keep a written record of any meeting with the trainee
- A record should include details of date; venue; those attending and their roles; purpose of meeting; key issues discussed, actions agreed and decisions made
- Always summarise, clarify, and agree key issues at end of meeting
- Be specific and clear at all times using examples of performance/ non-performance to support and demonstrate point being made
- Pro forma records are attached to assist trainers in conducting this meeting
- A copy of the completed record should be forwarded as private and confidential to the Manager, Medical Training Department, RCPI, Frederick House, 19 South Frederick Street, Dublin 2.
Training Grievance and Non-Performance Policy
Form Ref No:

Record of Meeting

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<th>Name of Trainer:</th>
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Attending

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<th>2.</th>
<th>3.</th>
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<td>e.g. Trainer</td>
<td>e.g. Trainee</td>
<td>e.g. Advocacy/Representative</td>
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Purpose of Meeting

Details of Areas of Grievance/Non-Performance

Key issues discussed

Follow up Actions

Trainers Signature:  Date:
Trainees Signature:  Date:
Appendix 2

Training Grievance & Non Performance Policy

Non-Performing Trainee in Clinical Performance:
Record of Trainees Clinical Skills Assessment

Guidelines for Trainer’s, NSD’s and Programme Director’s when assessing a trainee’s clinical performance, when it falls below the acceptable standards.

Circumstances may arise where the performance of a Trainee in relation to Clinical Performance does not meet the standard expected e.g. history taking, diagnosis etc. In those circumstances a formal assessment of the Trainee’s Clinical skills and competency may be required. Where such an assessment is required the Trainer should undertake the assessment using the general procedures used in the Clinical Examination provided in one of our membership examinations.

Where such an assessment is arranged, the Trainer must ensure that:

- The Trainee clearly understands the purpose of the assessment and the skills and competencies to be assessed
- The Trainer/Examiner has completed the Examiners Skills course and has participated as an examiner in the MRCPI Examination in the last three years
- The patient (where used) understands fully the purpose of the assessment. In this regard details of the Trainee’s performance to date should not be disclosed to the patient
- A record of the assessment as attached must be completed. In certain circumstances the use of additional assessment methods such as, Directly Observed Procedural Skills (DOPS), Mini-CEx and Case Based Discussions (CBD) can be used. If deemed appropriate please refer to the trainee’s logbook for guidance and documentation.
- A copy of the completed record should be forwarded as private and confidential to the Manager, Medical Training Department, RCPI, Frederick House, 19 South Frederick Street, Dublin 2.
Training Grievance and Non Performance Policy

Form Ref No:
Non Performing Trainee in Clinical Performance

Assessment of Clinical Skills

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**KEY**

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<th>2 = Competent with direct supervision</th>
<th>3 = Competent with minimal supervision</th>
<th>4 = Fully competent</th>
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**COMPETENCY EXAMINED**

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**Comments for Feedback:**

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<tbody>
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