

Policy Title	Disciplinary Policy: Postgraduate Training
Approvers	SMG, Executive Board
Author(s)	Training and Faculties Office
Applies to	RCPI Postgraduate Trainees
Policy Number	TFO-002

Purpose

The purpose of this document is to direct the process to be taken during a disciplinary issue relating to Trainees enrolled on a RCPI postgraduate training programmes.

The policy will be reviewed and up-dated periodically, so it is consistent with changed circumstances in the workplace, developments in training and good practice generally.

Scope

This process outlines the procedures that apply where the conduct of an RCPI Trainee is such that it may lead to disciplinary action. The initiation of the Disciplinary Process will not necessarily result in a formal investigation. If possible and appropriate, the trainee may be provided with informal counselling and be given the opportunity to rectify the issues, rather than having the matter dealt with under the formal disciplinary process.

Examples of issues which may lead to disciplinary action by the Training Body include:

- Breach of the Training Agreement;
- Non-adherence by the Trainee to the rules and regulations of the training programme;
- Non-attendance at evaluations/review meetings;
- Breach of Patient Confidentiality
- Unprofessional behaviour
- Violation of the Medical Council *Guide to Professional Conduct and Ethics for Registered Medical Practitioners* as amended from time to time;
- Gross misconduct

Minor Misconduct in training which may lead to a Formal Meeting includes [but is not limited to]:

- Minor breaches of relevant Agreements/Codes;
- Non-adherence by the Trainee to rules and regulations that do not endanger patient safety.
- Failure to comply with an action plan agreed informally in circumstances where patient safety is not endangered.

Gross Misconduct in training which may lead to immediate suspension subject to an investigation includes [but is not limited to]:

- Falsifying documentation
- Forging trainer or other signatures on training documentation
- Gross insubordination
- Intentional breach of patient confidentiality
- Non-adherence by the Trainee to rules and regulations which result in danger to patient safety;
- Unprofessional behaviour;
- Being unfit for duty (other than for a medical reason) - including being under the influence of alcohol or drugs;
- Proven allegations of bullying, harassment (i.e. following outcome of an investigation).

Process

The Training Body may initiate the disciplinary process at its sole discretion.

The disciplinary process normally operates on a progressive basis but the Training Body reserves the right at its sole discretion to commence the process at any stage of this policy depending on the circumstances of a case.

In cases of Gross Misconduct the progressive stages of the process may be bypassed. The Training Body reserves the right to suspend the Trainee from the programme until the disciplinary process is complete.

Informal process

Where possible and appropriate, the Training Body will seek to deal with any issues relating to the conduct or behaviour of a Trainee informally. Every effort should be made by the National Specialty Director/Associate Director of BST GIM as appropriate where possible, to address the issues through the informal procedure without invoking the formal procedure.

In these circumstances, the National Specialty Director/Associate Director of BST GIM will arrange a meeting with the Trainee to identify and discuss the problem. RCPI administration may also attend at this meeting for the purposes of note taking/assisting the National Specialty Director/Associate Director of BST GIM with the application of procedures.

The Trainee shall be given precise details of the specific aspects of their conduct or behaviour that require improvement. The Trainee shall be given the chance to respond to any allegations and highlight any matters of concern to them. Careful consideration shall be given to all matters highlighted by the Trainee.

The National Specialty Director/Associate Director of BST GIM 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 meeting will be kept on file in the RCPI as per the RCPI GDPR Data Retention policy. The Trainee will be informed that if the Trainee's conduct or behaviour does not meet the required standards within the agreed timeframe the matter will be dealt with under the formal procedure.

Stage One: Formal Meeting

In some circumstances, it may not be appropriate to deal with matters of Trainee conduct or behaviour informally. Where this is the case but it is not necessary to investigate an incident (for example, in circumstances where the Trainee does not dispute the facts, or where the allegation relates to matters to Minor Misconduct/Performance matters), the Trainee will be invited to a Formal Meeting.

The Formal Meeting will be held in the RCPI. The National Specialty Director/Regional Programme Director, the Trainer (if appropriate) and a representative from the RCPI administration will attend the meeting with the Trainee. A written record of the meeting will be kept.

The Trainee shall:

- be provided with advance notice of the Formal Meeting;
- be provided with the precise nature of the issues/allegations to be discussed in sufficient detail to allow them to prepare for such a meeting;
- have the right to be accompanied by a work colleague, another Trainer or another person at the Meeting;

- In advance of the meeting, to be provided with any documentary evidence which is to be taken into consideration;
- be afforded the opportunity to state his or her case, raise any mitigating circumstances and challenge any evidence that may be relied upon in reaching a decision.

If necessary, the National Specialty Director/Associate Director of BST GIM may adjourn the Formal Meeting to allow time for the consideration of matters raised by the Trainee.

The National Specialty Director/Regional Programme Director, having considered all matters, may (as appropriate):

- determine that no further action needs to be taken;
- 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;
- issue a formal first written warning, to remain on the Trainee's record for a period of six months; or
- determine that the matter should be investigated in accordance with Stage Two of the Disciplinary Procedure. In such cases the National Specialty Director/Associate Director of BST GIM notifies the Head of the Training Body.

If an action plan is formulated, the Trainee should be given sufficient time to rectify the issue and advised that if the Trainee fails to comply with the action plan, the matter may result in further disciplinary action under Stage Two of the disciplinary procedure. Where appropriate, remediation and support will be provided to the Trainee through the RCPI.

If a formal first written warning is issued, the Trainee will be informed that if their performance or conduct does not meet the required standards within six months, the matter may result in further disciplinary action under Stage Two of the disciplinary procedure.

Stage Two: Investigation Panel

A Trainee whose professional behaviour continues to fall below the required standards within the agreed timeframe after Stage One, or where the matter in question is of such significance to warrant bypassing the Informal stage and Stage One (e.g. serious misconduct) an Investigation Panel will be convened by the Dean/Chair of the Training Body.

The Investigation Panel will normally comprise three persons:

- Two Members¹ of the Training Body;

The members of the investigation panel must not be associated with the Trainee, ie currently working in the same hospital or current trainer.

An RCPI staff member will provide administration support.

Investigation Panel Review

The Investigation Panel will be constituted in accordance with the above. All conflict of interest must be declared.

The role of the Investigation Panel will be to consider the matter in detail and produce a Report outlining findings of fact. Any such investigation may involve the gathering of detailed information, the review of manual or electronic files, as well as the carrying out of interviews and the taking of written statements.

In particular, the Panel will:

- review all relevant documentation gathered to date, including documentation gathered in previous stages of the process;
- request further relevant documentation from the Trainee, Trainers, Employer etc;
- meet with the Trainee to determine what has occurred from the perspective of the Trainee. The Trainee will be informed of the reason for the meeting and 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.
- meet with any other relevant stakeholders and ask a series of questions to determine what has occurred from their point of view. This could include Trainers (previous or

¹ Member here denotes a Member/Fellow of the Training Body in good standing.

current), other Trainees/NCHDs, employers. A written record of any such meetings must be kept.

- Provide the Trainee with the statements of other relevant stakeholders

The intimidation or exertion of pressure on any person either directly or through indirect means such as social/electronic media, who may be required to attend as a witness will be considered gross misconduct which may result in disciplinary action being taken against persons undertaking such actions.

Report

Once all the documentation has been reviewed and the relevant stakeholders have been interviewed the panel will analyse the responses, consider their findings and prepare a Draft Report.

The panel will include in the Draft Report:

- the sequence of events that led to the incident occurring
- if, in the opinion of the Panel, a disciplinary infraction has occurred;
- noted patterns of behaviour (if relevant);
- mitigating circumstances, if any;
- their assessment of the severity of the infraction;
- other people affected and how;
- other Findings of fact by the Panel;

The Trainee shall be provided with the Draft Report for comment or observation. Having considered such observations, the Report may then be finalised and submitted to the Dean/Chair of the Training Body.

The Trainee shall be provided with a copy of the final report.

Disciplinary Hearing

The investigation report will be reviewed by the Dean/Chair of the Training Body via the Training Body Board. If the facts support an allegation or allegations against a Trainee a disciplinary hearing will be convened.

The Dean/Chair of the Training Body will convene the Disciplinary Panel.

The Disciplinary Panel will normally comprise three persons:

- Two Members² of the Training Body;
- One External member from another Training Body

The members of the disciplinary panel must not be associated with the Trainee, ie currently working in the same department or current trainer. All conflict of interest must be declared at the Disciplinary Hearing.

In the event that a Disciplinary Hearing is convened, the trainee will receive a request to attend with at least 1 week's notice of same. The Trainee will be informed of the reason for the meeting and 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 by a work colleague. A written record of the meeting shall be kept by an RCPI staff member.

At the Hearing the Disciplinary Panel shall review the findings of the Investigation Committee. The Disciplinary Panel, following a full consideration of the Investigation Report, a meeting with the Trainee, any other witnesses it wishes to call and any written submissions made to it, may confirm or amend the findings the Investigation Panel. The Disciplinary Panel will consider recommendations as to the appropriate Range of Sanctions that the Training Body may wish to consider.

Possible sanctions that may be imposed include, [but are not limited to]:

- The Trainee may be given a set period of time to address the issue[s];
- The Trainee may be required to attend appropriate courses to support the Trainee/Trainer in addressing identified issues;
- The Trainee may be required to attend regular review meetings to monitor progress;
- The Trainee may be referred to the RCPI Professional Support and Development department;
- Written Warning: to remain on the Trainee's record for a period of six months;
- Final Written Warning: to remain on the Trainee's record for a period of twelve months;
- The Trainee may be suspended from the training programme or training programme duties

² Member here denotes a Member/Fellow of the Training Body in good standing. External Member denotes an individual external to the RCPI with appropriate legal, governance or procedural skills

- The Trainee may be referred to the Medical Council Health Committee
- The Trainee may be removed from the training programme or training programme duties

The decision and recommendations of the Disciplinary Panel will be conveyed to the Dean/Chair of the Training Body. The Training Body shall have the full discretion as to the imposition and/or severity of any sanction on the Trainee. The final decision in this regard will be made by the Board of the Training Body.

The decision of the Training Body will be conveyed in writing to the Trainee/Trainer within **14 working days** of the date of the Disciplinary Hearing.

If the Trainee is moving training posts during this period of time, the Trainer at the following site shall be notified about the training issues and the implementation of recommendations. The Trainee will be made aware of the communication to the new Trainer.

The Trainee may appeal against the Disciplinary Panel's decision.

Appeals Process

The Trainee has a right to appeal the Disciplinary Panel's decision following the decision of the Disciplinary Panel. Please refer to the *RCPI Appeals* process.

Review

This Policy shall be subject to review every three years from the date of approval of this document by the Executive Board

Approved By:	Date
Senior Management Group	12/06/19
Executive Board	14/06/19
Review	
Review by Executive Board	March, 2022



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