



Disciplinary action policy

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Contents

Contents.....	2
1.0 Purpose	3
2.0 Scope.....	3
3.0 Policy statement	3
3.1 General principles	3
3.1.1 The interface between the educator and the employer	3
3.1.2 The pre-eminence of patient safety and protective measures	4
3.1.3 The role of the support person	4
3.2 Events which may lead to the initiation of a disciplinary procedure	4
3.2.1 Examples of Major misconduct under this Policy	4
3.2.2 Examples of Minor misconduct under this Policy	5
3.3 Notification of concerns and trainee meetings.....	5
3.4 Informal approaches.....	5
3.5 Formal approaches	6
3.5.1 Verbal warnings	6
3.5.2 Written warnings	6
3.5.3 Referral to the Disciplinary Action Committee of GP Training	6
3.5.4 Investigation.....	7
3.5.5 Report of investigation.....	7
3.5.6 Disciplinary hearing.....	7
3.5.7 Disciplinary hearing outcomes	8
3.5.8 Appeals.....	8
3.5.9 Pending final decision.....	9
3.5.10 Probation and final warning: monitoring and exit	9
3.5.11 A note regarding progressive discipline.....	9
3.6 Special circumstances	9
3.6.1 Illness and sick leave	9
3.6.2 The Trainee refuses to cooperate	9
3.6.3 The Trainee voluntarily resigns from the programme.....	10
4.0 Definitions	11
5.0 Related and supporting documentation	12
6.0 Contact	12



1.0 Purpose

This Policy applies to all matters relating to progression of a Trainee enrolled in the ICGP national GP training programme (a “Trainee”) in respect of a Trainee’s fitness to participate, academic progression and/or discipline. The ICGP is guided by relevant existing legislation as may be amended from time to time. This policy is subject to the provisions of the Equal Status Act 2000 -2015 and is also guided by codes of conduct from the Irish Medical Council. This Policy should be read in conjunction with the Disciplinary Action Procedure, and the Contract of employment with the HSE/Service Provider.

2.0 Scope

This policy applies to all Trainees enrolled on the national programme of GP training.

3.0 Policy statement

The ICGP requires all Trainees to adhere to their responsibilities, conduct themselves in a professional manner and follow the rules and regulations of the Irish College of General Practitioners and the professional guidance as set down by the Irish Medical Council. Trainees must also follow the directions of their employer in accordance with their employment contract. Where a Trainee falls short of these expectations and/or engages in misconduct, ICGP may initiate a range of disciplinary actions as detailed below.

3.1 General principles

3.1.1 The interface between the educator and the employer

All Trainees have a contract of employment with the Health Service Executive (“HSE”). Where a disciplinary action has been initiated by the HSE under the Trainee contract of employment the Trainee is under an obligation to report to their training scheme director within 14 days of notification of same. The Trainee will be aware that under Schedule 1, part 2 of the Data Sharing Agreement between HSE and ICGP 18 October 2021 the HSE will also advise the ICGP separately. ICGP will defer disciplinary action procedures pending the determination of the HSE but reserves the right to place the Trainee on suspension from the training programme for the protection of the Trainee, service users, and/or fellow employees.

Where a disciplinary action procedure is initiated by the ICGP, this will be notified to the employer in circumstances including but not limited to the following:

- Where there is a concern regarding patient safety
- Where there is a concern regarding staff safety
- Where the Trainee has engaged in alleged gross misconduct
- Where the Trainee has been referred to the Irish Medical Council over concerns regarding their fitness to practice
- Where the Trainee has been formally disciplined

- Where the Trainee has been dismissed from the training programme

3.1.2 The pre-eminence of patient safety and protective measures

Where there is an immediate and significant concern for patient or staff safety, protective measures may be implemented by the employer which will be notified to the ICGP. Protective measures may include reassigning the Trainee to other duties or putting the trainee off clinical duties. Such measures do not constitute a disciplinary action or an indication of guilt but failure on the part of the Trainee to comply with same may give rise to additional steps taken under this Policy.

3.1.3 The role of the support person

Where indicated by the policy below, a Trainee may request the presence of a support person; if not, they should be encouraged to do so. A support person may be a family member, a senior clinical colleague not involved in training, or union a legal representative.

The role of a support person may include but is not limited to:

- Assisting the Trainee in understanding the disciplinary process
- Assisting the Trainee in understanding their rights and responsibilities
- Helping the Trainee to prepare for meetings or hearings
- Providing emotional support to the Trainee

The role of a support person is subject to clear limits:

- Support persons cannot interfere with or disrupt proceedings in any way and cannot speak on behalf of a Trainee, though the Trainee may confer with them
- Support persons must maintain confidentiality and respect the privacy of the individual

3.2 Events which may lead to the initiation of a disciplinary procedure

The following is a non-exhaustive list of events which may lead to the initiation of a disciplinary action procedure under this Policy.

3.2.1 Examples of Major misconduct under this Policy

- Professional misconduct or poor professional performance as defined in the Irish Medical Council's Guide to Professional Conduct and Ethics as amended from time to time;
- A major breach or breaches of the Trainee's training agreement with ICGP;
- A repeated pattern of minor misconduct that persists despite verbal warnings in accordance with this Policy;
- A violation of MICGP examination regulations ;
- Breaches of academic integrity, including violation of exam regulations;
- Repeated unexplained absences from planned teaching activities (e.g. day release);

- Gross misconduct, including but not limited to:
 - Falsification of documentation;
 - Forging trainer or other signatures;
 - Intentional breach of patient confidentiality;
 - Gross insubordination;
 - Misconduct resulting in a danger to patient safety;
 - Attending for clinical duty or educational activities under the influence of alcohol or recreational drugs;
 - Assault;
 - Proven allegations of bullying or harassment;
 - Sexual harassment or assault; and
 - Theft or fraud.

3.2.2 Examples of Minor misconduct under this Policy

- Repeated lateness
- Isolated absence from planned teaching activities without adequate explanation or certification;
- Unintentional breaches of patient confidentiality;
- Inappropriate use of social media in clinical or training environments;
- Using inappropriate language; and
- Disrupting other Trainees or colleagues.

3.3 Notification of concerns and trainee meetings

Concerns regarding a Trainee are notified to the training scheme director in writing using the standard form. Concerns can be notified by directing staff, trainers, trainees, workplace colleagues and patients.

On receipt of a complaint/concern a meeting will be convened between the SD, the Trainee and an Administrator. At all times during this process, the Trainee may request the presence of a support person. Following on from the meeting the SD may issue a verbal warning or issue a written warning depending on the nature of the infraction.

3.4 Informal approaches

It is the ICGP's experience that the majority of behaviour which gives rise to a complaint under this Policy may be regarded as a minor infractions of the ICGP policies, procedures and under the Trainee Agreements (with ICGP and the HSE) such as an isolated and unexplained nonattendance at a planned educational activity, minor breaches of ICGP rules and regulations which cannot endanger patient safety or care or minor breaches of the terms set down in the training agreement.

In general, such incidents are managed by the relevant Training Scheme Director ("SD") in an informal way. Trainees may be offered advice and mentoring.

3.5 Formal approaches

3.5.1 Verbal warnings

The warning should be clear, unambiguous, and fair and should relate to a specific infraction. The SD should be satisfied that the trainee is aware of the relevant policies and expectations, the specific aspects of their conduct or behaviour that require improvement and the timeframe over which improvement is expected. A written record of the warning, including the date, the content of the discussion, and the context in which the issue arose, will be kept on the Trainee's file until the end of their programme of training.

3.5.2 Written warnings

If the nature of the infraction is more serious but does not meet the criteria for referral to the Disciplinary Action Committee, the SD may issue a written warning to the trainee using a standard template. The warning should be clear, unambiguous and relate to a specific infraction. A written warning may also be issued where the trainee has received a series of verbal warnings but has not demonstrated improvement and/or has continued to engage in minor misconduct. Where there is a dispute between the Trainee and the SD as to the nature of the complaint and/or written warning, the case will be referred to the disciplinary action committee.

The written warning is then emailed to the trainee by the SD. The SD should be satisfied that the trainee is aware of relevant policies and expectations, the specific aspects of their conduct or behaviour that require improvement and the timeframe over which improvement is expected. A copy of the warning, including the date and the context in which the issue arose, is kept on the trainee's file.

3.5.3 Referral to the Disciplinary Action Committee of GP Training

The SD may refer a concern or report for formal disciplinary action under this Policy in the following circumstances:

- Major misconduct, which may include a repeated pattern of minor misconduct which persists despite repeated verbal warnings and/or a written warning and/or failure to act on any such prior warnings

3.5.3.1 Referrals from GP Training Schemes

When a SD is considering a referral under this Section 3.4.4 they will first seek the advice of and consult with their Regional Programme Director (RPD).

The Disciplinary Action Committee ("DAC") standard template is to be used for the purpose of a referral to the DAC (See Disciplinary Action Procedure).

The Trainee should be provided with the referral and any accompanying documentation relevant to the report. The Trainee must be provided with a copy of exactly that which the DAC has for their consideration.

3.5.3.2 Referrals from ICGP Exams and Assessment

Where trainees have violated MICGP exam regulations (as outlined in 3.13 of said regulations) their case may be referred by the Chair of the Exams Subcommittee to the DAC using the standard template (see Disciplinary Action Procedure).

3.5.4 Investigation

Upon receipt of a referral, the Chair of the Disciplinary Action Committee will appoint an investigation panel to carry out an investigation and report to the DAC with their findings. The panel will comprise of two members of ICGP not associated with the trainee and an ICGP staff member to provide administrative support.

Investigations 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. The purpose of the investigation is to establish facts if they are unclear and to determine whether the trainee has a case to answer and, if so, whether a disciplinary hearing should proceed.

3.5.5 Report of investigation

Once all documentation has been reviewed and the relevant parties interviewed, the investigation panel will produce a draft report. The report will detail:

- The sequence of events that led to the incident(s) occurring;
- Noted patterns of behaviour (if relevant);
- The panel's assessment of the severity of the infraction;
- Other people affected and how; and
- Other findings of fact by the Panel
- A recommendation on whether a disciplinary hearing should proceed.

The Trainee will be provided with the draft report for comment. Having considered the Trainee's comments, the report is then finalised and submitted to the Chair of the DAC. The trainee is provided with a copy of the final report.

3.5.6 Disciplinary hearing

Disciplinary hearings will take place at ICGP, or an alternate venue nearby. The trainee is given notification in writing of the place, date and time of the case and is provided with details explaining why the disciplinary hearing has been convened, including copies of all documentation relating to their case. The trainee may request the presence of a support person and may also submit evidence to support their case.

At the commencement of the hearing, the Chair outlines the reason or reasons why the disciplinary hearing has been convened. The trainee has a right to make an initial reply, which may include accepting or denying the reasons outlined.

The Committee is then presented with all relevant information relating to the case. The Committee may call both witnesses to the fact and expert witnesses where necessary. The trainee is then afforded the opportunity to respond to the evidence presented. The Committee then deliberates on the case and issues its recommendation.

Hearings can be adjourned where additional evidence is required, where there are mitigating circumstances affecting the hearing, or where it becomes obvious that the hearing will last unreasonably longer than the estimate. Hearings may also be adjourned where there is disruption to proceedings by one or other party, including the trainee and any support person in attendance.

A written record of the hearing is kept by the Secretary to the Committee.

3.5.7 Disciplinary hearing outcomes

Upon completion of the disciplinary hearing, the Committee, through the Chair, issues one of the following provisional rulings:

- No case to answer
 - In such cases, there are insufficient grounds or evidence upon which to issue a sanction
- Probation and final warning
 - Where there is proven Trainee misconduct or underperformance falling short of grounds for dismissal, the Trainee may be placed on probation
 - The committee will have wide discretion to determine the terms and duration of the probation
 - The Committee may also issue a final written warning to the Trainee, reserving the right to dismiss the trainee should they violate the terms of their probation
- Dismissal
 - The Committee may dismiss the Trainee from the Training Programme

The ruling may not be finalised, or its recommendations implemented until:

- The Appeals process is completed, or
- The Trainee's appeal rights have expired, or
- The Trainee has withdrawn an appeal.

3.5.8 Appeals

Trainees have a right to appeal. Possible grounds for appeal and the time limits for the submission of an appeal are detailed in the Appeals Policy, which is provided to the Trainee at the outset of formal disciplinary action.

3.5.9 Pending final decision

Pending a final decision, the training programme and the employer may continue to institute protective measures, particularly in cases of concern for patient safety, as outlined in 3.1.3 above.

3.5.10 Probation and final warning: monitoring and exit

Where a Trainee has been placed on probation, the DAC will provide the relevant SD with a report detailing the terms of that probation. Such cases are kept under review by the DAC in liaison with the SD.

The Trainee may exit probation in one of three ways:

- By successfully appealing the disciplinary action ruling leading to their probation; or
- By successful remediation of their misconduct or underperformance to the satisfaction of the DAC; or
- By violating the terms of their probation such that they may be dismissed from the training programme

3.5.11 A note regarding progressive discipline

Disciplinary measures do not need to be implemented in a stepwise fashion but should be applied as appropriate to the seriousness of the infraction. For example, if a minor infraction and/or issue is identified, an informal approach can be adopted. If the infraction and/or concern raised is of a more serious nature such behaviour can be referred to the Disciplinary Action Committee.

3.6 Special circumstances

3.6.1 Illness and sick leave

Where a Trainee is certified as unfit to work and/or unfit to participate, the Trainee must provide documentary proof of same to the SD immediately on receipt. The DAC and/or SD will then adjourn the progress of the complaint or referral under this Policy until such time as the Trainee is certified as fit to resume work and/or fit to participate in the process. The SD and DAC reserve the right under this Policy to require a Trainee to assessment where there is a concern in respect of the Trainee's fitness to participate in this process and may be placed on temporary suspension pending receipt of such confirmation. Any period of time regarded as unfit to work and/or participate will be advised to the Employer under the ICGP agreement with the HSE.

3.6.2 The Trainee refuses to cooperate

Where the Trainee refuses to attend meetings or hearings or does not otherwise cooperate with the process set down in this document, ICGP reserves the right to proceed with disciplinary action hearings *in absentia* and to issue rulings based on available evidence and witness statements.



3.6.3 The Trainee voluntarily resigns from the programme

This policy applies only to Trainees enrolled on the national GP Training Programme. As such, the process is discontinued in cases where the Trainee voluntarily resigns from the programme in writing. The Trainee will be provided with documentation validating their training up the point of resignation.

If the Trainee resigns from the programme prior a DAC hearing, the hearing will not proceed and no outcome arises. The fact of the behaviour of the Trainee was referred under this Policy will be recorded and retained on their file.

If the Trainee resigns from the programme following the issuing of a provisional ruling, they forfeit their right to appeal in so doing and a finalised ruling may then be issued by the DAC.

4.0 Definitions

Disciplinary action

A reprimand or corrective action in response to trainee misconduct, rule violation, or poor performance.

Progressive discipline

The process of using increasingly severe measures when a trainee fails to correct a problem having been given ample opportunity to do so.

Protective measures

Any precautionary procedure or action undertaken to protect people against harm.

Verbal warning

A disciplinary measure where an educational supervisor speaks to a trainee about an issue relating to their behaviour, conduct, or performance, and the potential consequences if the trainee does not remedy their behaviour.

Written warning

A disciplinary measure where an educational supervisor warns a trainee in writing about an issue relating to their behaviour, conduct, or performance, and the potential consequences if the trainee does not remedy their behaviour.

Major misconduct

Conduct which doctors of experience, competence and good repute consider disgraceful or dishonourable and/or conduct connected with their profession in which the doctor has seriously fallen short by omission or commission of expected standards of conduct.

Minor misconduct

Acts of indiscipline or behaviour by a trainee that causes minimal harm or damage.

Probation

A period during which a trainee's performance is monitored because of a recognised failure to adhere to professional or academic standards.

Final written warning

A formal notice issued by the DAC to a trainee, usually following a series of disciplinary actions or performance issues. It serves as a final notice before potential termination of training, indicating that further misconduct or failure to meet performance standards may result in dismissal.

Mitigating circumstances

Factors or conditions that may lessen the severity or culpability of a particular action, decision, or situation.



5.0 Related and supporting documentation

- Disciplinary action procedure
- Disciplinary action committee terms of reference
- Appeals policy and procedure

6.0 Contact

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