



## Disciplinary action procedure

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## **1.0 Purpose**

This Procedure must be read in conjunction with the Policy on Disciplinary Action (henceforth “the Policy”). All defined terms in the Policy shall have the same meaning as in this Procedure.

## **2.0 Scope**

This procedure applies to all trainees enrolled on the national programme of GP training.

## **3.0 Procedure statement**

### **3.1 General principles**

For general principles relating to disciplinary action, please refer to section 3.1 of the Policy.

#### *3.1.1 Events which may lead to the initiation of a disciplinary action procedure*

A non-exhaustive list of events which may lead to the initiation of a disciplinary action procedure are detailed in section 3.2 of the accompanying Policy.

#### *3.1.2 How a disciplinary action should be notified to the employer*

The circumstances where notification of disciplinary action to the employer may be considered are set down in section 3.1.2 of the Policy.

Where necessary, the scheme director should notify the employer in writing. This should take the form of a letter or email signed and dated by the scheme director. The notification should be addressed to the trainee’s line manager and copied to the human resources manager for the employing institution.

#### *3.1.3 Support persons*

Trainees may request the presence of a support person where indicated below. The role of the support person is outlined in section 3.1.4 of the Policy.

#### *3.1.4 Notification of concerns*



Concerns regarding a Trainee are notified to the training scheme director in writing using the standard form (see Appendix 1). Concerns can be notified by directing staff, trainers, trainees, workplace colleagues and patients.

#### *3.1.4 Meeting the trainee following a notification of concern*

On receipt of a notification of concern, the SD (as defined in the Policy) shall convene a meeting with the Trainee to discuss the complaint/referral. The Trainee will be given at least seven calendar days' notice of the meeting in writing and will be advised of the reason for the meeting. The meeting will be convened for a time and place confirmed by the SD. Where the Trainee cannot attend at the prearranged time (s)he shall notify the SD immediately on receipt and an alternative date and time will be arranged. Failure to engage may invoke section 3.6.2 of the Policy. The Trainee may, at their discretion, request the presence of a support person at the meeting. A scheme administrator will also be in attendance to take a minute of the meeting which will be circulated for factual inaccuracies only after the meeting.

### **3.2 Formal disciplinary action**

#### *3.2.1 Issuing a verbal warning*

Following the meeting, where appropriate, a verbal warning will be furnished to the Trainee by the SD.

A written record of the verbal warning (if any), including the date, along with minutes and any supporting documentation shall be kept on the Trainee's file until the end of their programme of training.

#### *3.2.2 Issuing a written warning*

Following the meeting, where appropriate, a written warning will be furnished to the Trainee by the SD. A copy of the warning, including the date, minutes and all supporting documentation shall be kept on the Trainee's file until the end of their programme of training.

All written warnings shall comply with the Template set out at Appendix 2.

#### *3.2.3 Making a referral to the Disciplinary Action Committee*

##### *3.2.3.1 Referrals from training schemes*

Subject to section 3. of the Policy, the SD will complete a referral to the DAC using the standard Template set out at Appendix 3.

### *3.2.3.2 Referrals from ICGP Exams and Assessment*

Where trainees have violated MICGP exam regulations (as outlined in 3.13 of said regulations) their case will be referred by the Chair of the Exams Subcommittee directly to the Chair of the Disciplinary Action Committee using the standard template set out at Appendix 4.

### *3.2.4 Investigation*

Upon receipt of a referral, the DAC will appoint an investigation panel to establish the facts of the case by reviewing available documentation relating to the Trainee and/or by interviewing parties relevant to the case and subject to section 3.5.4 of the Policy.

### *3.2.5 Disciplinary action committee hearings, rulings and the right to appeal*

The hearing will occur at an agreed time and place; this will generally be at ICGP or an alternate venue nearby. The meeting takes place in person. The Trainee is given at least fourteen calendar days' notice of the date, time, and place of the hearing in writing. The Trainee may request the presence of a support person at the hearing and will be invited to submit evidence to support their case and identify any potential witnesses on their behalf. It is up to the trainee to ensure that their witnesses are present.

#### *3.2.5.1 Preparatory phase*

In preparation for the hearing, the DAC Secretary is responsible for collating and providing all available documentation to all members of the DAC and the Trainee in advance of the Hearing Date and no less than [5] calendar days prior to the Hearing Date.

The Secretary then prepares an agenda for the hearing which will include the following:

- Declaration of conflicts of interest
- Quorum
- Review of the terms of reference of the Committee
- The reason or reasons why the disciplinary hearing has been convened, including the trainee's initial reply
- Review of documentary evidence
- Witness statements
- Trainee statement
- Retirement for deliberation
- Provisional ruling
- Notification of the right to appeal

### *3.2.5.2 The Disciplinary Hearing*

On the day of the hearing, the Committee assembles according to its terms of reference. The agenda for the hearing is agreed.

At the commencement of the hearing, the Chair will commence by outlining the reason or reasons why the disciplinary hearing has been convened. The Chair will confirm the adherence to Section 3.2.5.1 of the Procedure and will confirm the format of the hearing.

The format of the meeting shall be determined by the Chair and shall, where appropriate, follow Section 3.2.5.1 above. Where any witness is called, all questions shall, unless otherwise confirmed by the Chair, be through the Chair.

The Trainee may, at their discretion, then give a statement. The Trainee should be given the opportunity to set out their case, answer any question put to them by the Chair and, where relevant, respond to any information given by a witness. They may also confer with a support person.

The DAC will, at the instigation of the Chair, retire to deliberate on all information before it. Following deliberation, the Committee issues a provisional ruling through the Chair.

### *3.2.5.3 Adjournment*

The Chair can adjourn a DAC Hearing where:

- Additional evidence is required,
- It becomes obvious that the hearing will last unreasonably longer than scheduled.
- There is disruption to proceedings by one or other party, including the trainee and any support person in attendance.

### *3.2.5.4 Provisional rulings*

Following its deliberations the DAC, through the Chair, will issue 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 the DAC finds, on the balance of probabilities that there has been Trainee misconduct or underperformance falling short of grounds for dismissal, the Trainee may be placed on probation
  - The DAC will have wide discretion to determine the terms and duration of the probation

- Dismissal
  - The Committee may dismiss the trainee from the Training Programme

Provisional rulings are issued in writing to the trainee by the Chair within 7 days of the hearing using the standard template (see Appendix 5 below).

#### *3.2.5.5 Notification of the right to appeal*

In addition to the provisional ruling, the Chair notifies the Trainee of their right to appeal within 7 days of the hearing (see Appendix 5 below).

Appeals must be submitted by the trainee in writing to the Secretary to the Appeals Committee within fourteen (14) calendar days of the receipt of the provisional ruling. All communications shall be in accordance with the Training Agreement notification obligations.

#### *3.2.5.6 Finalisation of rulings*

Subject to the putting in place of preventative non sanction measures which may include some or all of the DAC outcomes, the ruling of the DAC may not be finalised and/or its findings implemented until:

- The Appeals process is exhausted in accordance with the Policy on appeals relating to disciplinary action and educational grievances (the “Appeals Policy”), or
- The Trainee has withdrawn their appeal, or
- The Trainee resigns from the training programme.

In cases where the appeals process has been completed and the Trainee’s appeal has not been upheld, the case is returned to the DAC by the Appeals Committee and the ruling from the initial hearing may then be finalised and findings implemented. Any preventative measures in place remain until such time as the DAC has finalised its ruling.

Upon the finalisation of a ruling, the Trainee and SD are notified in writing by the Chair of the DAC and the finding forms part of the Trainee file.

#### *3.2.5.7 Trainees on probation*

The Trainee may exit probation in one of three ways:

- By successfully appealing the preliminary finding of the DAC; or
- By successful remediation of their misconduct to the satisfaction of the DAC; or



- By violating the terms of their probation such that they may be dismissed from the training programme

In this latter case, the Trainee is invited to attend a DAC hearing in accordance with Sections 3.2.5.1 - 3.2.5.6 above.

### **3.3 Special circumstances**

Special circumstances as outlined in 3.6 of the Policy apply at all stages of this Procedure.

## **4.0 Related and supporting documentation**

- Disciplinary action policy
- Appeals policy

## **5.0 Contact**

ICGP Training Quality Assurance and Enhancement

[qae.training@icgp.ie](mailto:qae.training@icgp.ie)



## Appendix 1

### Notification of a concern regarding the conduct of a GP Trainee

(Please refer to sections 3.2 and 3.3 of the Disciplinary Action Policy prior to completing this form.)

Trainee name	
Trainee date of birth	
Year of enrolment	
Training scheme	
Date(s) of event(s) leading to concern	
The nature of the concern	
Signature and role of reporter	Signed: _____ Role: _____ Date: _____

## Appendix 2

### Template for written warnings

(Please refer to section 3.5.2 of the Disciplinary Action Policy and section 3.2.2 of the Disciplinary Action Procedure prior to completing this form.)

This document is to act as a formal warning for your misconduct on the date(s) outlined below. Such behaviour goes against your expected behaviour in training and is in breach of ICGP training policy. A copy of this document will be placed on your file.

Trainee name	
Trainee date of birth	
Year of enrolment	
Training scheme	
Scheme director	
Date upon which the warning was issued	
Date(s) of infraction(s)	
The nature of the infraction or infractions	
The nature of the corrective action imposed	



Scheme director signature

I am satisfied that this 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.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 3

### Disciplinary Action Committee referral form – Training Schemes

(Please refer to section 3.5.3.1 of the Disciplinary Action Policy and section 3.2.3.1 of the Disciplinary Action Procedure prior to completing this form.)

Trainee name	
Trainee date of birth	
Year of enrolment	
Training scheme	
Scheme director	
Date of referral	
Date(s) of infraction(s)	
<b>A detailed description of the misconduct which prompted the referral</b>	
Scheme director signature	Signed: _____ Date: _____

## Appendix 4

### Disciplinary Action Committee referral form – ICGP Examinations and Assessment

(Please refer to section 3.5.3.2 of the Disciplinary Action Policy and section 3.2.3.2 of the Disciplinary Action Procedure prior to completing this form.)

Trainee name	
Trainee date of birth	
Year of enrolment	
Training scheme	
Scheme director	
Date of referral	
Date(s) of infraction(s)	
<b>A detailed description of the misconduct which prompted the referral</b>	
Signature of ICGP Examinations Committee Chair	Signed: _____ Date: _____

## Appendix 5

### Notification of Disciplinary Action Committee rulings to the trainee

(Please refer to section 3.5.7 of the Disciplinary Action Policy and section 3.2.5.4 of the Disciplinary Action Procedure prior to completing this notification)

Trainee name	
Trainee date of birth	
Year of enrolment	
Training scheme	
Scheme director	
Date of Disciplinary Action Committee Hearing	
<b>Provisional ruling</b>  (Please select as appropriate)	A: No case to answer  B: Probation and final warning  C: Dismissal from the training programme
<b>Terms and duration of probation (if applicable)</b>	

<b>Notification of the right to appeal</b>	<p>This is a provisional ruling. You have the right to appeal this ruling. To appeal, you must submit an appeal to ICGP Training (<a href="mailto:gptraining@icgp.ie">gptraining@icgp.ie</a>) within fourteen (14) calendar days of your receipt of this ruling.</p>
<b>Finalisation of rulings</b>	<p>The ruling may not be finalised and/or its findings implemented until:</p> <ul style="list-style-type: none"> <li>• The Appeals process is exhausted in accordance with the Appeals Policy, or</li> <li>• The Trainee has withdrawn their appeal, or</li> <li>• The Trainee resigns from the training programme.</li> </ul> <p>In cases where the Appeals process has been completed and the Trainee's appeal has not been upheld, the case is returned to the DAC by the Appeals Committee and the ruling from the initial hearing may then be finalised and findings implemented. Any preventative measures in place remain until such time as the DAC has finalised its ruling.</p>
<b>Signature of Chair of Disciplinary Action Committee</b>	<p>Signed: _____</p> <p>Date: _____</p>