
The Royal Australasian College of Surgeons and the Australian Society of Plastic Surgeons collaborate in the delivery of the Surgical Education and Training Program in Plastic and Reconstructive Surgery.

Training Regulation: Dismissal from SET

I. PURPOSE AND SCOPE

This document outlines the Australian Board of Plastic and Reconstructive Surgery (“**the Board**”) regulations for the purpose of considering trainee dismissal from the Surgical Education and Training (“**SET**”) Program in Plastic and Reconstructive Surgery (“**PRS**”).

2. CIRCUMSTANCES THAT MAY LEAD TO SUSPENSION OR DISMISSAL FROM THE PRS SET PROGRAM

The following matters may result in an unsatisfactory term, suspension or dismissal from the SET Program. The Board in its discretion may consult with RACS on these matters for consideration of dismissal.

2.1. Multiple unsatisfactory terms

- 2.1.1. Two consecutive unsatisfactory summative assessments; or
- 2.1.2. Three non-consecutive unsatisfactory summative assessments.

Refer to Training Regulation: Assessment of Clinical Training.

2.2. Non-completion of training requirements

- 2.2.1. Failure to complete training program requirements within the required timeframes.

Refer to Training Regulation: Training Requirements and Progression.

- 2.2.2. Failure to complete the P&RS SET program within the maximum duration of training.

Refer to Training Regulation: Variations to Training.

2.3. Misconduct

- 2.3.1. Where a recommendation for dismissal is made following an official investigation of allegations of misconduct.

Refer to Training Regulation: Trainee Misconduct.

2.4. Failure to comply with RACS or ASPS Direction, including failure to pay

outstanding fees

- 2.4.1.** As the accredited training authority, trainees are required to comply with any policy direction of RACS or the ASPS pertaining to training activities.
- 2.4.2.** Breaches of RACS Code of Conduct or ASPS Code of Practice that are not misconduct are considered to be a failure to comply with RACS or ASPS direction.
- 2.4.3.** A trainee's repeated failure to comply with directions during the training program may result in dismissal.
- 2.4.4.** Trainees will receive written warnings, the second of which will advise that any further breach during the training program may result in dismissal.

2.5. Failure to satisfy medical registration

- 2.5.1.** Trainees who fail to maintain registration as specified in the Medical Registration for the Surgical Education and Training Policy may be dismissed.

2.6. Failure to meet employment obligations

- 2.6.1.** Trainees who fail to be employed by, or are dismissed from, the institution in which their allocated training position is located (as notified by the CEO, HR Director or equivalent) may be automatically suspended from the training program. If required, the trainee may be investigated under the misconduct process.
- 2.6.2.** Where a trainee is refused employment, the Board is not obliged to reallocate the trainee or other trainees for that training year.
- 2.6.3.** The trainee must inform the Board within ten working days of their failure to meet employment obligations and provide with copies of the employer's correspondence to the Board.
- 2.6.4.** If the trainee is refused employment, or dismissed from the employing institution, for a second instance, the Board may commence dismissal proceedings against the trainee. These dismissal proceedings must commence within thirty (30) days of the trainee providing notification to the Board.

3. PROCESS FOR DISMISSAL FROM SET PROGRAM

3.1. Recommendation for Dismissal

The Board may refer a trainee to the Hearing Panel to be considered for dismissal from the PRS SET Program if it is satisfied that the relevant circumstances set out in clause 2 apply. The decision to refer must be in writing and include the grounds for the referral.

The trainee will be notified in writing within ten (10) working days of the Board's referral. In addition, the trainee will be provided with copies of any supporting documentation.

3.2. Hearing Panel Meeting

A Hearing Panel to consider the dismissal of the trainee from the SET program will be convened, no later than forty (40) working days after the Board has accepted the recommendation. The Panel will consist of two (2) PRS consultants and one (1) non-PRS surgical consultant. Members of the hearing panel will have had no prior close personal or professional involvement with the trainee. The trainee will be given adequate notice (at least ten (10) working days, unless agreed otherwise by the trainee), of the date, time, location and composition of the hearing panel. The trainee may attend the hearing in person and/or make written submissions. Written submissions must be provided to ASPS staff no later than two (2) working days prior to the Hearing Panel.

A support person may accompany a trainee. The support person may not advocate for the trainee and cannot be a practising lawyer. All documented evidence on the matter will be made available to the Hearing Panel members and the trainee.

3.2.1. The Hearing Panel will consider the documented evidence and any oral submissions from the trainee. Within two working days, the Hearing Panel will advise the Board in writing that either:

3.2.1.1. The panel recommends that the Board dismiss the trainee from the SET program, including reasons for their recommendation, OR

3.2.1.2. The panel recommends that the trainee be permitted to remain on the SET program, with or without provisional conditions, including reasons for their recommendation.

3.2.2. The trainee will be provided with a copy of the Hearing Panel's recommendation, along with written reasons for the recommendation and a copy of the minutes from the Panel.

3.3. Board Meeting

Within twenty (20) working days of the Hearing Panel, the Board will hold a meeting (either in person or by teleconference) to consider the recommendation(s) made by the Hearing Panel.

The trainee will be given adequate notice (at least ten (10) working days, unless agreed otherwise by the trainee), of the date, time and location of the Board meeting. The trainee may attend the hearing in person and/or make written submissions. Written submissions must be provided to ASPS staff no later than two (2) working days prior to the meeting.

A support person may accompany a trainee. The support person may not advocate for the trainee and cannot be a practising lawyer. All documented evidence on the matter will be made available to Board members and the trainee.

The Board will consider the documented evidence and any oral submissions from the trainee in determining whether to dismiss the trainee from the PRS SET Program

If the Board decides to not dismiss the trainee, the trainee will be notified of this decision within five (5) working days of the Board meeting. The trainee will also be notified of any additional conditions placed on their training, such as continued probation, additional training, and/or continuation of the Remedial Action Plan. Other conditions may also be stipulated by the Board, including temporary suspension from SET.

If the Board decides to dismiss the trainee, a final dismissal letter is issued to the trainee within five (5) working days of the Board meeting, which includes the reasons for the decision. The trainee will be provided with a copy of the documentation relied on in approving the recommendation for dismissal. In addition, the Board will notify the Chair of the RACS Committee of Surgical Education & Training (“CSET”) within five (5) working days of their decision to dismiss the trainee.

3.4. The employing authority should be kept informed throughout the process and be provided with the opportunity to contribute where necessary.

4. RECONSIDERATION, REVIEW AND APPEAL

Trainees have options available to them to challenge all decisions regarding their training. Challenges are governed by the RACS Regulation “Reconsideration Review and Appeal”, available to download from www.surgeons.org.

5. ASSOCIATED DOCUMENTS

RACS Position Paper: Natural Justice – Information for Decision Makers (ETA-SET-027)
RACS Regulation: Dismissal from Surgical Training (ETA-SET-007)
RACS Regulation: Reconsideration, Review and Appeal (ETA-SET-061)
Training Regulation: Assessment of Clinical Training
Training Regulation: Training Requirements and Progression
Training Regulation: Trainee Misconduct
Training Regulation: Variation to Training