

Policy



AOA
AUSTRALIAN
ORTHOPAEDIC
ASSOCIATION

REVIEW OF CONTINUED PARTICIPATION IN THE TRAINING PROGRAM



AOA



Excellence in Orthopaedic
Surgical Education and Training

Review of Continued Participation in the Training Program

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Purpose and scope

This document refers to Review of Continued Participation in the training program for:

- Continued unsatisfactory clinical performance
- Failure to comply with AOA or RACS direction
- Failure to complete requirements within specified timeframes
- Failure to satisfy medical registration
- Failure to satisfy employment requirements

For investigation and management of trainee misconduct, please refer to the *Trainee Misconduct Policy*.

All decisions made under this policy must be made in accordance with the AOA Guiding Principles of Procedural Fairness in Assessment.

Continued unsatisfactory clinical performance

1. For trainees in the Surgical Education and Training (SET) Program, unsatisfactory performance is defined as an overall rating of:
 - 'Not Competent' on a Quarterly Assessment Report (QAR) or Interim Assessment Report.
 - 'Improvement Required' or 'Not Competent' on a QAR when a trainee has 'Red Flag Status'.
 - 'Improvement Required' or 'Not Competent' on a Probation QAR.
2. For trainees in the AOA 21 Training Program, unsatisfactory performance is defined as an overall rating on a Performance Appraisal Form of:
 - Performance Concern/s
 - Performance Improvement Period extended
 - Continued Performance Concern/s
3. If a trainee has two consecutive unsatisfactory performances, a Training Review Committee may be appointed by the Regional Training Committee (RTC) to review the trainee's progress.
4. If a trainee has three unsatisfactory performances (not necessarily consecutively), a Training Review Committee will be appointed by the RTC to review the trainee's progress.

5. Where a Training Review Committee is appointed, the Trainee will complete a non-assessment period until such time as the matter is resolved.
6. During a non-assessment period, the Trainee may continue to work (at the discretion of the training site) but will not be considered to be in active training. No assessments will be conducted, and training time will not be recognised or accredited.
7. AOA will formally notify the training site where a non-assessment period is triggered and when completed.
8. Appointment of a Training Review Committee
 - 8.1. The Training Review Committee is formed to:
 - Independently review the trainee's progress, including all evidence related to unsatisfactory performance and probation/performance improvement periods.
 - Verify that AOA policy has been followed and documented accordingly.
 - Meet with the trainee and offer the trainee an opportunity to produce any evidence, or provide any information, that may be relevant to the Training Review Committee's recommendation.
 - Make a recommendation to the Federal Training Committee (FTC) Chair (or delegate) on whether the trainee should continue in the training program (with or without specific conditions) or should be dismissed from the training program.
 - 8.2. The Training Review Committee:
 - 8.2.1 Will be Chaired by an RTC Chair (excluding the local RTC Chair) or the Dean of Education (or delegate).
 - 8.2.2 Will include the local RTC Chair (or Deputy).
 - 8.2.3 Will include a further two (2) AOA members, who have not conducted an assessment on the Trainee.
 - 8.2.4 May include an External Representative.
 - 8.2.5 Is a working group of the RTC.
9. Training Review Committee Review Meeting (with the trainee)
 - 9.1. The trainee will be invited, with a minimum 10 working days' notice, to attend a meeting with the Training Review Committee. The trainee will be:
 - Informed that the purpose of the meeting is to review and consider their continued participation in the training program.
 - Provided with a copy of the file summary that the Training Review Committee will use to review the trainee's progress.
 - Advised of the members of the Training Review Committee.
 - Advised that the Training Review Committee will make a recommendation regarding continued participation in the training program to the FTC Chair (or delegate).
 - 9.2. A person who can provide support, but cannot advocate for the trainee, may accompany the trainee. The support person cannot be a practicing lawyer or barrister.
 - 9.3. The trainee may make a written submission to the Training Review Committee (which must be provided 48 hours prior to the meeting) and/or may make a

verbal submission at the meeting.

94. Where a trainee is duly notified of the meeting and declines to attend, the Training Review Committee may make a recommendation to the FTC Chair (or delegate) without trainee input.
95. A copy of the minutes of the meeting is to be provided to the trainee within 10 working days of the meeting.

10. Recommendation of the Training Review Committee

101. Immediately following the meeting with the trainee, Training Review Committee members will discuss the trainee's progress, taking into consideration any relevant additional evidence or information gained from the meeting.
102. The Training Review Committee will then make a recommendation in writing to the FTC Chair (or delegate).
103. The recommendation will be either:
 - Continuation in the training program with a further period of probation/ performance improvement and/or specific conditions (e.g. attendance at a specific course or counselling); or
 - Dismissal from the training program due to unsatisfactory performance.

11. Consideration of the Training Review Committee's Recommendation by the FTC Chair (or delegate)

- 11.1. The FTC Chair (or delegate) will:
 - Review the file summary and any relevant documentation that has been provided to the Training Review Committee (including any documentations and written submissions provided by, or on behalf of, the trainee);
 - Review the minutes of the meeting between the Training Review Committee and the trainee;
 - Decide whether they affirm or reject the Training Review Committee's recommendation.
- 11.2. If the Training Review Committee recommends dismissal from the training program, the FTC Chair (or delegate) will consider the recommendation within approximately two (2) weeks. The supporting documentation must demonstrate that the trainee had:
 - Been notified of any probation/performance improvement period.
 - Participated (or had the opportunity to participate) in probation/feedback meetings.
 - Received and contributed to a remedial/performance improvement plan/s.
 - The opportunity to correct deficiencies detailed in the QARs/performance appraisals during the probation/performance improvement period.

Dismissal decision

12. Where a decision is made to reject a recommendation for dismissal, the FTC Chair (or delegate) will notify the trainee within five (5) working days of the decision and any further requirements and/or specific conditions accompanying their continuation in the training program.
13. Where a decision is made to dismiss the trainee from the training program, the trainee will be

issued with a dismissal letter from the FTC Chair (or Delegate) within five (5) working days of the decision.

Failure to comply with AOA or RACS direction

14. Where a trainee does not comply with a reasonable direction of AOA or RACS (represented by any Board or Committee) the trainee may be notified in writing.
15. The trainee will be informed that the letter represents an official warning, and that three warnings will result in a recommendation for dismissal being made to the FTC.
16. The trainee will be given an opportunity to make written submissions to the FTC in relation to a recommendation for dismissal before a decision is made by the FTC about whether the trainee is to be dismissed.

Failure to complete requirements within specified timeframes

17. Where a trainee does not complete requirements of the training program within the specified timeframes, the trainee will be notified in writing.
18. The trainee will be informed that the FTC may make one of the following decisions:
 - Continuation in the training program with a period of probation/performance improvement and/or specific conditions; or
 - Dismissal from the training program.
19. The trainee will be given an opportunity to make written submissions to the FTC in relation to a recommendation for dismissal before a decision is made by the FTC about whether the trainee is to be dismissed.

Failure to satisfy employment requirements

20. Where a training site refuses to employ a trainee they have been allocated by AOA (as notified by the CEO or HR Director or equivalent), and the trainee does not obtain employment in an alternate accredited training post, the trainee will be required to enter a period of interrupted training.
21. On each occasion where employment is refused, the trainee will be informed in writing and provided with copies of the employer's correspondence. This may include refusal of employment by more than one training site for one rotation.
22. Where a trainee is refused employment by two or more training sites to which the trainee has been allocated, the trainee will be notified in writing that a recommendation for dismissal will be made to the FTC.
23. The trainee will be given an opportunity to make written submissions to the FTC in relation to any recommendation for dismissal under the preceding provision before a decision is made by the FTC about whether the trainee is to be dismissed.

24. Where a trainee does not maintain general medical registration in Australia, the trainee will be notified in writing that they are dismissed from the training program.

Reconsideration, review and appeal

25. Decisions relating to dismissal from the training program may be reconsidered, reviewed or appealed in accordance with AOA's *Reconsideration, Review and Appeal of Training Decisions policy*.
26. RACS decisions made regarding dismissal may also be appealed in accordance with RACS *Reconsideration, Review and Appeal Regulation*.