

## Policy

**Subject: Trainees in Difficulty Support**  
**Approval Date:** February 2013, February 2014, July 2017, May 2019  
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### Purposes

- To provide an objective, stepwise and supportive process to assist the remediation of a Trainee's difficulty in progressing with training
- To define responsibilities and resources to support trainees experiencing difficulty
- To set out the options for disciplinary measures in exceptional circumstances.

For Trainees in joint RCPA/RACP programs the two Colleges will agree which is the most appropriate College to manage any Trainee in difficulty. Both Colleges will share relevant documentation and correspondence.

### Principles

- Issues of patient and person safety take precedence at all times
- Natural justice, fairness and equitable treatment of Trainees will occur at all times
- Confidentiality will be maintained as far as possible at all stages
- Attempts should initially be made at a local level to resolve Trainee difficulties
- Maintaining and retaining adequate and accurate documentation is critical

### Definitions

A Trainee may experience difficulties relating to:

- Knowledge and/or aptitude
- Practical skills
- Communication, organisation and professional behaviour
- The learning and work environment, including educational opportunities and relationships therein
- Health and personal concerns

For the purpose of this policy, and to enable a stepwise approach, three categories of difficulty are defined. Examples in these categories include, but are not limited to the following:

#### Non-critical difficulty

- \*Ratings of '2' on the Supervisor Report;
- Single failed examination;
- Temporary personal or health problem interfering with work or study;
- Trainee at risk of failure due to suboptimal educational resources in the training environment

\* In some cases, multiple ratings of '2' may signify a major difficulty, particularly if applying to professionalism or areas of critical knowledge and skills. If the supervisor considers such a Trainee to be in major difficulty, this may be indicated as a global rating in the Supervisor Report.

## Major difficulty

- Any rating of '1' on the Supervisor report;
- Multiple ratings of '2' in the Supervisor Report as described above\*;
- Two failures in the same examination, including two failures in the Basic Pathological Sciences examination if attempted whilst a registered Trainee; note: if a trainee who has previously failed an examination and does not enrol in the examination the following year without presenting any extenuation, this will be deemed as a fail. Non-attendance will also constitute a fail.
- Persisting personal or health problem interfering with work or study;
- A Trainee identified by at least two pathologists, of whom one is the supervisor, as being at risk of being unable to complete the program within a reasonable timeframe, or whose professional behaviour or lack of aptitude would make them unsuitable for Fellowship if not remedied;
- A previously non-critical difficulty, including persisting multiple ratings of '2' in the Supervisor Report, that has been unresolved within the workplace over a period of one year or more

## Critical difficulty

- Three or more failures in the same examination, including three failures in the Basic Pathological Sciences Examination if attempted whilst a registered Trainee; note: if a trainee who has previously failed an examination and does not enrol in the examination the following year without presenting any extenuation, this will be deemed as a fail. Non-attendance will also constitute a fail.
- Dismissal by an employer;
- A situation where there is any immediate danger to patients, the Trainee or others;
- Serious professional misconduct involving a breach of the RCPA Code of Ethics or requiring reporting to the Medical Registration Authority;
- Where measures applied to remedy a major difficulty have been unsuccessful over a period of at least one year

## **Roles, responsibilities and resources**

### Employers

- Comply with the RCPA Policy: Laboratory Accreditation for Training Programs
- Deal with employment-related issues and non-compliance with institutional policies
- Offer employee assistance programs when appropriate
- The Management/Administration of the employing body is responsible to take prompt action in the event of a serious issue potentially affecting the trainee, patient or other person safety

### Regional/discipline-based training networks

- Determine and implement policies with respect to re-appointment within the network. These policies are independent of recommendations for exclusion from the RCPA training program.
- Ensure that trainees have opportunities to access all essential learning experiences

### Trainees

- Trainees should seek early assistance if they are aware of a problem. In the first instance, Trainees should speak to their supervisor or employer, or seek professional health advice if needed;
- Trainees may at any time communicate with or seek confidential advice from the Trainees' Committee, the RCPA Education Advisor, State or Regional Councillor or New Zealand Representative, network coordinator, the Registrar/Deputy Registrar of the Board of Education and Assessment, or the RCPA CEO;

- Access the Trainee Handbook: Administrative Requirements and RCPA website for information regarding avenues for raising concerns or seeking assistance
- Professional associations, unions or indemnifiers may also be sources of assistance;
- In the case of a serious unresolved issue, a Trainee may contact the RCPA Ombudsman in accordance with the policy document: Roles and Responsibilities: Ombudsman for Trainees.

## Supervisors

- Undertake educational activities provided by the RCPA to assist with the identification and management of Trainees in difficulty;
- Identify signs and risk factors relating to Trainees in difficulty;
- Initiate early dialogue to assess the nature and severity of the problem, explore the Trainee's insight and alert the Trainee to any concerns;
- Engage at least one other pathologist in these processes. For trainees in Major or Critical difficulty a second supervisor should be appointed if the trainee does not currently have two supervisors.
- Record any concerns on the Supervisor Report;
- Develop a plan of action agreed with the Trainee and give a brief description in the Supervisor Report;
- Review previous Supervisor Reports, portfolios, log books and examination reports, and use these to develop the remediation plan;
- Monitor the Trainee's progress with the agreed plan, meeting formally at least 3-monthly
- Provide information about available avenues for raising concerns or seeking assistance when needed
- Escalate non-critical issues to major status if unresolved or irresolvable in the workplace environment after one year. In the first instance this should be at the state/regional or training network level;
- Maintain confidential records, either written or audio (with permission), of relevant incidents or conversations with the Trainee;
- Communicate with the Head of Department or employer regarding any employment related or departmental resource issues;
- Supervisors who become aware of serious mental health or other issues potentially affecting the safety of the trainee, patients or others should notify the senior management of the employing institution immediately they become aware of the problem
- Mandatory reporting where necessary in accordance with Medical Registration Authority and other legal requirements. Notify and/or receive advice from the RCPA CEO regarding mandatory reports.

At any stage, supervisors may communicate directly and confidentially with the State or Regional Councillor or New Zealand Representative, the Registrar/Deputy Registrar of the Board of Education and Assessment, the RCPA CEO or Education Advisor. Supervisors may not communicate directly with the Chief Examiner with respect to a Trainee in difficulty.

## Registrar/Deputy Registrar of the Board of Education and Assessment

- Review Supervisor Reports where there is a rating of less than '3' or where concerns have been identified by the Operations Manager, Education and Training;
- The Registrar/Deputy Registrar may communicate with the Trainee, Supervisor, Chief Examiner or relevant Councillor in accordance the policy: Review of Supervisor reports

## Chief Examiners

- Provide sufficient feedback to failed examination candidates to enable them to act on comments;
- May at his/her discretion decline accreditation of training time;
- Ensure compliance of laboratories with RCPA Policy: Laboratory Accreditation for Training Programs

- The Chief Examiner may appoint a member of the panel of examiners to assist the Chair of the Board of Education and Assessment with review of documentation relating to Trainees in difficulty and liaising with the relevant Councillor or network coordinator.

State or Regional Councillor or New Zealand Representative or training network coordinator

In the case of a major difficulty:

- Advise the Trainee and the supervisor if necessary;
- Develop/review a plan of action in consultation with the Trainee and supervisor;
- Monitor the Trainee's progress with the plan, communicating at least 3-monthly;
- If required, act as or appoint a mentor in accordance with the RCPA Guideline: Mentoring for Trainees;
- Recommend external professional support if needed;
- Maintain confidential records, either written or audio (with permission), of relevant incidents or conversations with the Trainee and supervisor;
- Advise the College if they are aware of any significant contributing factors in the training environment
- Escalate the matter to critical status if there is any immediate danger to patients, the Trainee or others or where measures have been unsuccessful for a period of over one year;
- Ensure that any serious mental health or other issues potentially affecting the safety of the Trainee, patients or others are brought promptly to the attention of the senior management of the employing institution and the RCPA CEO or DCEO
- Mandatory reporting where necessary in accordance with Medical Registration Authority and other legal requirements. Notify and/or receive advice from the RCPA CEO regarding mandatory reports.

In the case of critical difficulty:

Undertake the steps described for major difficulty if appropriate, and:

- Notify the Registrar of the Board of Education and Assessment of escalation to critical status
- If necessary, recommend to the Chair of the Board of Education and Assessment to consider referral to a review panel

Mentor

- Provide professional and personal guidance in accordance with the Guideline: Mentoring for Trainees;
- If inexperienced, undertake face-to-face or online professional development relating to mentoring processes
- Mandatory reporting where necessary in accordance with Medical Registration Authority and other legal requirements. Notify and/or receive advice from the RCPA CEO regarding mandatory reports.

Review Panel

The Chair of the Board of Education and Assessment will decide, after presentation of evidence to the Board, if it is necessary to convene a meeting of the Review Panel with the Trainee. The Chair of the Board of Education and Assessment may act as or nominate a Chair for the Review Panel

The panel will include the following:

- Discipline Chief Examiner or delegate
- Registrar/Deputy Registrar of the Board of Education and Assessment
- State/regional Councillor or network coordinator

- CEO, DCEO or General Manager - Operations

The panel will:

- Assess all available and relevant evidence;
- Determine a course of action that may involve probation or exit from the program

The Trainee:

- Will attend the interview when required in person or via teleconference
- May elect to be accompanied to the interview by a support person
- Has the right to appeal any decisions of the Review Panel in accordance with the By Laws listed in the references at the end of this document

Ombudsman

At the request of, or with permission of the Trainee, the Ombudsman will:

- Informally conduct fact-finding to ensure that the Trainee is fairly treated;
- Recommend solutions to parties involved in any dispute concerning the Trainee;
- Keep the Trainee informed and explain reasons for any decisions

RCPA Management/Education Team

- Provide educational support to network coordinators, supervisors and mentors via written, online and face-to-face modalities, offering practical guidance for identification and management of Trainees in difficulty
- Provide information about available avenues for raising concerns or seeking assistance when needed
- Provide Councillors and network coordinators with relevant lists of failed candidates following each examination cycle
- Report on the status of Trainees in difficulty to the Board of Education and Assessment, ensuring that Trainees' identities are not disclosed
- Allocate an alternative candidate number if there is risk of compromise of confidentiality for a Trainee
- RCPA staff members who become aware of serious mental health or other issues potentially affecting the Trainee, safety of patients or others are to notify the RCPA CEO or DCEO immediately they become aware of the problem

## Procedures following identification of a Trainee in difficulty

Category	Responsibility	Actions	Outcome
<b>Non-critical</b>	Trainee	Seek early assistance at a local level	
	Supervisor	Engage assistance from another pathologist Provide feedback. Develop and monitor a plan with the Trainee Document problems and a brief remediation plan in the Supervisor Report If possible, address any deficiencies in educational opportunities and resources Maintain records of relevant incidents or conversations with Trainee	Review at 3-monthly intervals. If a significant issue is unresolved after one year, escalate to major status
	BEA Registrar/Deputy	Review Supervisor Report. Discuss or refer if necessary	
	Chief Examiner	Provide examination feedback in the case of a failed examination	
<b>Major</b>	Supervisor/s	Maintain communication with the network coordinator and/or Councillor Monitor progress and maintain records of relevant incidents or conversations with the Trainee	
	BEA Registrar/Deputy	Discuss with Supervisor and/or Trainee and refer to the network coordinator, Councillor or possibly the Chair of the BEA as necessary	
	Councillor or network coordinator	Counsel the Trainee and/or supervisor Develop a remediation plan in consultation with the Trainee and supervisor May act as or appoint a mentor Recommend external professional support if needed Advise the College of any contributing workplace factors Maintain records of relevant incidents or conversations with the Trainee	Monitor progress, communicating at least 3-monthly  If a major issue is unresolved after one year, escalate to critical status
	Mentor	Provide professional and personal guidance to the Trainee	
	Chief Examiner	Provide detailed feedback on examination failures May at his/her discretion decline accreditation of training time	
<b>Critical</b>	Councillor or network coordinator	May develop and monitor a remediation plan if appropriate Notify the BEA Registrar If necessary, recommend that the Chair of the BEA consider referral to a review panel	
	Chair, BEA	Convene review panel meeting if required	
	Review Panel	Assess all available and relevant evidence	Recommend probation or exit
	Ombudsman	Ensure that the Trainee is fairly treated and recommend solutions to disputes Keep the Trainee informed and explain reasons for any decisions	
	Trainee	Attend Review Panel interview when required	

## **Timeframes**

Supervisors should meet with trainees at least three-monthly and implement remedial measures as soon as any difficulties are identified.

Non-critical difficulties, if significant, should be escalated to 'major' status if unresolved after one year.

Major difficulties should be escalated to 'critical' status if unresolved after one year.

Trainees in critical difficulty will be reviewed as soon as possible, ordinarily within three months. The panel will inform the trainee of their decision within one month.

## **References**

Policy: Supervision of Training

Policy: Review of Supervisors' Reports

Terms of Reference: Board of Education and Assessment

Roles and Responsibilities: Responsibilities of State and Regional Councillors, Corresponding Fellows and New Zealand Representative to Board of Education and Assessment

Guideline: Mentoring for Trainees

Policy: Laboratory Accreditation for Training Programs

Roles and Responsibilities: Ombudsman for Trainees

RCPA Code of Ethics

Supervisor Resource Manual

Regulations Governing Review of Directors' Decisions on Admission to Fellowship and Termination of Membership of a Fellow under Rules 14.9 and 17.8