

Division:	Fellowship Engagement	Ref. No.	REG-3042
Department:	Professional Standards		
Title:	Restriction of College Activity		

1. PURPOSE AND SCOPE

The College's Code of Conduct establishes the importance of Fellows maintaining the highest standards in their professional behaviour. A complaint, disciplinary action or restrictions placed on practice could compromise the integrity of a Fellow's appointment or position with the College. Under these circumstances a Fellow may be required to stand down from this appointment or position.

This policy outlines the actions that the College may take when a Fellow is or has been subject to an active ongoing investigation/review, either internal or external (including by any medical board/council or other statutory or regulatory authority), which could include being:

- Subject to a serious notification, complaint or investigation
- Suspended by a medical registration authority or by the College
- Removed from a register of medical practitioners or from Fellowship of the College
- Subject to conditions imposed on their registration by a medical registration authority and/or subject to a reprimand by a medical registration authority
- Found to be in breach of the College's Code of Conduct

In the circumstances outlined above the College has the power to impose restrictions on the College related activities that a Fellow may engage in or privileges they may possess.

For the purposes of this policy, College related activity includes but is not limited to:

- Holding a position on College Council, a College Board or Committee
- Teaching on College sponsored courses
- Acting as a supervisor for a Trainee of the College
- Acting as an examiner for a College examination
- Acting as a convenor at a College event

The College is conscious of according each Fellow natural justice in all circumstances where they are subject to a complaint or investigation. Any action the College takes in standing down a Fellow from College activity will be (if relevant) in consultation with medical registration authorities or in the case of the College Code of Conduct, the Executive Director for Surgical Affairs (EDSA) and any relevant boards of the College. Until exonerated, such 'stand downs' will not be construed in any way to be indicative of guilt and in no way should prejudice the relevant investigation/review.

2. KEYWORDS

AHPRA Notification (Complaint), stand down, suspension.

3. BODY OF POLICY

3.1. Investigations, suspension and removal of medical registration

3.1.1. Surgeons subject to notification, complaint or investigation

A Fellow, acting in a College appointment or position, who is made aware that they are subject to a serious notification, complaint or investigation lodged with the Australian Health Practitioner Registration Authority (AHPRA) or Medical Council of New Zealand (MCNZ) or any other medical

Approved By:	Director, Fellowship and Standards	Original Issue:	February 2015
Document Owner:	Manager, Professional Standards	Version:	1
		Approval Date:	February 2015
		Review Date:	February 2018

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board, medical body or specialty society, should discuss this with the Executive Director for Surgical Affairs in the relevant country.

The Fellow should provide details of the complaint/notification and whether there has been any finding, determination or condition imposed on their registration. Any disclosure by the Fellow must be made in a manner that does not prejudice any investigation or contravene any relevant regulations or legislation.

The College must stand down a Fellow who is subject to a complaint or investigation where the College is satisfied that the continuation of the Fellow in that appointment or position will substantially adversely affect the College's dealings with others or substantially adversely affect the College appointment or position.

3.1.2. Fellows suspended by a medical registration authority

A Fellow who is suspended from practice must immediately cease all forms of medical activity when notified of their suspension from the register of medical practitioners. A Fellow must immediately cease participation in any College activity when notified of their suspension from the register of medical practitioners.

Any suspension from a register of medical practitioners by a medical registration authority may result in immediate termination of Fellowship. Termination of Fellowship due to suspension from a register of medical practitioners by a medical registration authority, subject to section 3.2.1 of the College Constitution, is approved by the EDSA.

3.1.3. Removal from a register by a medical registration authority

Fellows of the College who are removed from a register of medical practitioners by a medical registration authority on grounds of malpractice, misconduct, ethical or other similar grounds will have their Fellowship terminated. Termination of Fellowship as the result of removal from a medical register, subject to section 3.1.1 (c) of the College Constitution, is approved by the EDSA.

The College is notified by medical registration authorities of permanent removal from a register of medical practitioners in writing to the EDSA. The correspondence will normally state the effective date and the grounds for the removal.

A Fellow must immediately cease participation in any College activity when notified of removal from the register of medical practitioners.

3.2. **Fellows with conditions imposed on their registration or subject to an undertaking**

The AHPRA or MCNZ can impose a condition or undertaking on the registration of a Fellow, or on an endorsement of registration. A condition or undertaking aims to restrict a practitioner's practice in some way, to protect the public.

Current conditions which restrict a practitioner's practice of the profession are published on the register of practitioners. When AHPRA or the MCNZ decide conditions are no longer required to ensure safe practice, they are removed and no longer published.

The broad nature of conditions that may be imposed on Fellows requires that a determination is made by the College in each individual case, as to whether the

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continuation of the Fellow in that appointment or position will substantially adversely affect the College's dealings with others or substantially adversely affect the College appointment or position.

A Fellow with a condition or undertaking on their registration should seek written approval from the College before engaging in any College activity.

3.3. Suspension and Termination of College Fellowship

3.3.1. Termination of College Fellowship

The College considers suspension and removal of Fellowship to be a serious matter that requires careful review and natural justice. Fellows will cease to be a Fellow of the College when their Fellowship is terminated or suspended under sections 3.1 and 3.2 of the College Constitution.

A Fellow must immediately cease participation in any College activity when suspended or terminated from Fellowship.

3.4. Breaches of the College Code of Conduct

3.4.1. A Fellow who is found to have breached the College Code of Conduct may be required to stand down from participation in College activities. A determination is made based on whether the College is satisfied that the continuation of the Fellow in that appointment or position will substantially adversely affect the College's dealings with others or substantially adversely affect the College appointment or position. See also: **Code of Conduct Handling Potential Breaches Policy**.

3.5. Returning to College activity following completion of an undertaking, removal of a condition or readmission to Fellowship following suspension or termination

3.5.1. Returning following removal of a condition or undertaking

A Fellow who is subject to a condition on their registration or an undertaking that has been determined by the College to limit their College activities (See 3.1.4), may return to participation in those activities when the condition or undertaking is removed or a determination is made that the restriction should no longer apply. Approval to participate in College activities is subject to consideration of whether their previous condition or undertaking will substantially adversely affect the College's dealings with others or substantially adversely affect the College appointment or position.

In this case Fellows returning to College activity should seek written approval from the Executive Director for Surgical Affairs in the relevant country.

3.5.2. Returning to College activity following end of suspension or readmission to medical registration and/or Fellowship following termination

A Fellow who is successfully readmitted to registration following suspension or termination is eligible to apply for Fellowship of the College once again. If a surgeon is readmitted to Fellowship of the College s/he may participate in College activities again. Approval to participate in College activities is subject to consideration of whether their previous suspension or termination will substantially adversely affect the College's dealings with others or substantially adversely affect the College appointment or position.

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In this case Fellows returning to College activity should seek written approval from the College.

4. ASSOCIATED DOCUMENTS

Termination, suspension and readmission to Fellowship Policy

Code of Conduct Handling Potential Breaches

Appeals Mechanism

Approver Professional Development and Standards Board
Authoriser Council