



## Sanctions Policy

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### 1. Policy purpose

The Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) Code of Ethical Practice establishes the importance of Fellows maintaining the highest standards of professional behaviour. This policy outlines the sanctions available to RANZCOG where a Fellow has failed to adhere to the standards outlined in the Code of Ethical Practice or is found to be in breach of the Code of Ethical Practice.

### 2. Body of Policy

Complaints about a Fellow's conduct may come from colleagues, other medical practitioners, allied health staff, regulatory authorities, jurisdictions, patients or members of the public. If a complaint involves an allegation of misconduct, sufficient to jeopardise patient safety, the matter may be immediately referred to the Medical Board of Australia (MBA) via the Australian Health Practitioners Regulatory Agency (AHPRA) or the Medical Council of New Zealand (MCNZ). This decision is made by the CEO in consultation with the Board and RANZCOG's legal advisor.

In the case of complaints of discrimination, bullying or sexual harassment the CEO may, with the consent of the complainant, refer the complaint to an external statutory body (e.g. Anti-discrimination or human rights body, Work Safe/Work Cover authority, etc.) in either Australia or New Zealand.

All complaints must be submitted in writing to the CEO or delegate. A Fellow's behaviour may also be subject to review if they are alleged to be in breach of the Code of Ethical Practice for failing to adhere to College policy (e.g. failure to comply with the CPD requirements).

This policy outlines four levels of sanctions that may be applied to a Fellow by RANZCOG:

Level	Sanction	Decision/Recommendation	Conditions/Restrictions
Level 1	Deed	CEO/PEAC Chair	N/A
Level 2	Reprimand	CEO/PEAC Chair	May involve remediation and/or loss of privileges
Level 3	Censure	Board	Loss of privileges
Level 4	Termination	Board	Loss of Fellowship

#### 2.1 Assessment of Conduct (CEO/PEAC) – Levels 1 and 2

The CEO, Chair of the Professionalism and Ethics Advisory Committee (PEAC) and RANZCOG's legal advisor will review the complaint against the relevant section of the Code of Ethical Practice to determine if there are sufficient grounds to proceed further.

If there is insufficient evidence to support a complaint, the CEO and PEAC Chair, with advice from

the legal advisor, may dismiss the complaint and inform the complainant of the outcome.

If the CEO and PEAC Chair, with advice from the legal advisor, determine that there are sufficient grounds to support a complaint, the Fellow will be forwarded the complaint and informed that the College is considering it, and asked to respond in writing to the allegation and/or explain their conduct. After reviewing the Fellow's response, the CEO and PEAC Chair with advice from the legal advisor, can make a decision to proceed in accordance with either clause 3.1.1 or 3.1.2, or refer to the Board, or take no action and close the complaint:

### **2.1.1 Level 1 – Deed**

After evaluation of the complaint and response, where it appears that the Fellow may have breached the Code of Ethical Practice, the Fellow will be requested to sign a Deed of Undertaking to comply with the Code of Ethical Practice ('the Deed'). No further investigation into the complaint will be undertaken. By signing the Deed, the Fellow is confirming:

- a) That the Code of Ethical Practice is the standard of behaviour required for all Fellows
- b) That they undertake to comply with the Code of Ethical Practice
- c) That failure to comply may result in the application of a censure or termination of Fellowship
- d) If a Fellow does not sign the Deed when requested to do so, the complaint will be referred to the Professionalism and Ethics Advisory Committee for further consideration (PEAC) (See 3.2).

### **2.1.2 Level 2 – Reprimand**

A reprimand is a written notification informing a Fellow, with disapproval, that they have been found to have breached the Code of Ethical Practice. This will be handled by the CEO, PEAC Chair and the legal advisor.

A reprimand may be given once the complaint and response have been evaluated; any further investigation carried out if necessary and; a finding of breach has been made. A Fellow receiving a reprimand will be required to sign the Deed of Undertaking, and may be required to undertake remediation activities including attendance at certain nominated courses (at their own expense), and/or review after a period of time.

Until the required remediation is undertaken the Fellow may be unable to, as specified in the reprimand:

- a) Participate in a RANZCOG committee, or as an examiner, or supervise Trainees or Specialist International Medical Graduates (SIMGs)
- b) Teach on a RANZCOG course
- c) Apply for a RANZCOG scholarship
- d) Be eligible to receive a RANZCOG award
- e) Be eligible to be elected to College Council, Board or Committee

## **2.2 Professionalism and Ethics Advisory Committee – Levels 3 and 4**

The Professionalism and Ethics Advisory Committee will be convened to consider a complaint referred to it by the CEO or PEAC Chair or to review circumstances when any of the following has occurred including (but not limited to):

- a) Fellow has been asked to sign the Deed and refused
- b) Where there has been an alleged further breach of the Code after a reprimand has been given;
- c) Where a condition or restriction has been imposed on a Fellow's right to practice (i.e. registration) by a regulatory authority.

- d) On direct referral from the CEO and/or PEAC Chair

A Fellow whose conduct is referred to the PEAC will be given 7 business days to make a written submission to the PEAC, who will consider the submission and all relevant information relating to the matter.

The PEAC may make a recommendation to the Board that a Level 3 or Level 4 sanction be applied to a Fellow when it is determined that a breach of the Code of Ethical Practice has occurred, as set out in clauses 3.2.1 and 3.2.2 below. Alternatively the PEAC may find that no breach occurred and that any complaint be dismissed.

### **2.2.1 Level 3 - Censure with loss of privileges**

A censure is a serious rebuke of a Fellow's behaviour when they have been found to have breached the Code of Ethical Practice. A censure is accompanied by a loss of privileges for up to 12 months or until required remediation activities have been met.

During this period, the Fellow may incur a loss of privileges including (but not limited to):

- a) Participation in a RANZCOG committee or as an examiner, or supervision of Trainees or Specialist International Medical Graduates (SIMGs)
- b) Teaching on a RANZCOG course
- c) Application for a RANZCOG scholarship
- d) Eligibility to receive a RANZCOG award
- e) Eligibility to be elected to College Council, Board or Committee

A Fellow subject to a censure with loss of privileges will not be considered to be in good standing with the College until all conditions imposed have been met.

The PEAC may also recommend that a reinstatement of privileges be subject to a Fellow undertaking certain actions which may include (but is not limited to) further remediation, counselling, participation in course(s) within a specific period of time and review of performance at work. If a Fellow fails to comply with the condition within the specified period of time, the matter will be referred back to the PEAC. The Fellow may provide a written submission to the PEAC who may grant an extension.

### **2.2.2 Level 4 – Termination of Fellowship**

Where a Fellow is found to have repeatedly breached the Code of Ethical Practice or if a very serious breach of the Code of Ethical Practice has been found to have occurred, the PEAC may recommend to Council that their Fellowship be terminated under clause XX of the College Constitution (see Termination and Readmission to Fellowship Policy).

A Fellow who is the subject of a recommendation to Council by the PEAC for a Level 3 or 4 sanctions will receive notification of the PEAC's decision within 7 business days. The Fellow will be given 10 business days to make a written submission to Council outlining why the recommendation should not be accepted.

## **2.3 Board**

2.3.1 The Board will consider a recommendation of the PEAC and may accept, reject or accept the recommendation with modifications in favor of the Fellow.

2.3.2 A Fellow will be notified of the Council's decision within 7 business days.

## **2.4 Appeals**

A Fellow may appeal a decision to recommend or impose a sanction in accordance with the Appeals Mechanism policy.

## 2.5 Associated Policies

This policy should be read with reference to other applicable RANZCOG policies.

Policy Owner	Office of the President and CEO
Policy Approved By	RANZCOG Board, November 2018
Review of Policy	As required or no later than November 2021
Review History	n/a