



POLICY FOR MANAGING REMEDIATION AND THE POORLY PERFORMING PRACTITIONER

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1. PURPOSE AND SCOPE

This policy relates to the Australasian College for Emergency Medicine (ACEM; the College) Continuing Professional Development (CPD) Program and members who have been identified as poorly performing and requiring remedial management. This policy should be read in conjunction with the [CPD Participation Policy](#).

2. PROCEDURE

The College conducts a CPD program in accordance with the requirements for accreditation by the Australian Medical Council (AMC) and the Medical Council of New Zealand (MCNZ), as a specialist medical college. These requirements include a program of remedial management for a member who is identified as performing poorly in their role as an emergency medicine practitioner.

2.1 Purpose

From time to time a member of ACEM may be identified to be performing poorly in their role as an emergency medicine clinician. This procedure exists to provide:

- College support for the poorly performing practitioner;
- Collegiate support for the poorly performing practitioner;
- A process for improving the clinical skills of the member to the standard expected, under an appropriate degree of supervision;

- A process to assess that the required standard has been achieved;
- A process to report on the successful completion or otherwise of this process to appropriate parties, including the practitioner, the referring body, the ACEM CPD Committee and Council of Education (COE).

2.2 The CPD policy for underperformance

- Members with identified issues in practice (or poor performance as defined by the Medical Board of Australia (MBA)) may be required to undertake a program of remediation under the direction of the ACEM CPD Committee.
- The CPD Committee Chair shall consider each application or notification in accordance with this policy, the [CPD Participation Policy](#) and the [Policy on Re-entry to Practice Following a Period of Absence](#).
- Following consideration of the application or notification, the Chair may recommend a program of re-skilling and/or workplace supervision or mentoring.

2.3 Aspects of performance that will be managed

This procedure relates to the performance management of an emergency medicine clinician who is identified to be performing poorly in terms of their practice of emergency medicine. It relates to issues including:

- Skills as a clinician
- Decision making
- Supervision of junior staff
- Teamwork and leadership
- Other aspects of the clinical role of an emergency clinician as identified in the *ACEM Curriculum Framework*.

This procedure does not exist to manage impairments that are not directly related to the clinical practice of emergency medicine. Nor does this procedure exist to manage impairments that are currently governed by regulators or through other mechanisms including, but not limited to:

- Impaired performance due to substance abuse;
- Impaired performance due to physical illness or mental health concerns;
- Workplace-based or interpersonal disagreements or personality conflicts.

2.4 Identification of the poorly performing practitioner

A member of ACEM may be identified as a poorly performing practitioner by:

- Self-referral to the College via the Chair CPD Committee, Censor-in-Chief (CIC), President or Chief Executive Officer.
- Referral to the CPD Committee Chair or other College body or staff member by an appropriate regulatory body. i.e. the Australian Health Practitioner Regulation Agency (AHPRA), MBA, MCNZ and other regulators as identified.

Referral by an employer without the member's consent and direct involvement will not be accepted. Such issues should be referred to the relevant regulatory body for appropriate consideration. The CPD Committee Chair will respond to any such notification suggesting means by which a valid referral can be made and provide support to the member and the employer in achieving a valid referral, where appropriate.

2.5 The process of performance management

- A Performance Management Plan will be developed (see Section 2.6);

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- The member concerned shall be required to identify a colleague to act as a mentor who is not the supervisor or otherwise related to the performance management process; it is recommended that the mentor be an ACEM Fellow who has completed aspects of the College's mentoring resources and/or courses;
 - A supervisor will be identified and appointed;
 - An appropriate time frame for the remediation program (term of supervision) will be determined;
 - The Performance Management Plan will be carried out;
 - An assessment will be undertaken to determine whether the Performance Management Plan has been completed satisfactorily;
 - The outcome of the performance management process will be reported by the supervisor to those entities identified as appropriate, including the member concerned, the referring body and COE.

2.6 Performance Management Plan development

ACEM is committed to providing its members structured support that is consistent, transparent and robust. ACEM acknowledges the importance of the wellbeing of its members and their right to a learning environment of professionalism, collegiality and respect.

An ACEM member may seek College support to:

- engage another College member to supervise procedural skills within a simulated environment, with requests for such support to be made in writing to the ACEM CPD Unit.
- Engage another College member as a mentor or to access professional external coaching or counselling service(s), with requests for such support to be made in writing to the Membership and Culture Unit.

The employer will need to be involved in the development and approval of the Performance Management Plan, which shall be in accordance with applicable human resource principles.

Contribution to the development of the Performance Management Plan will be requested from the member, the regulator (if involved), the employer representative and other parties such as colleagues as appropriate.

- The member will be required to complete a learning needs analysis;
- The member will be required to identify a minimum of two persons from the workplace, such as colleagues, employer representatives or direct line manager to complete peer review reports;
- The employer representatives will be required to provide a completed peer review report;
- If the member was referred by a regulator, the regulator is required to provide a statement of the specific performance issues of concern.

Based on the material provided, the CPD Committee Chair in conjunction with the member and the appointed supervisor will develop a plan that addresses:

- The specific aims of the remediation program including:
 - Courses to be undertaken, if any;
 - Specific upskilling activities to be undertaken;
 - Required and desired outcomes.
- The duration of the remediation program:
 - A minimum period of three months is recommended with the maximum period for completion to be agreed by all parties.
- The supervision arrangements including:

- The degree and nature of the supervision whether that be direct supervision, case and practice review on regular basis or practice with colleague support on site;
- The distribution and frequency of the supervision;
- The timetable for progress meetings between the member and the supervisor which will occur at least monthly.
- The nature and frequency of formal progress reporting:
 - By the member in the form of a reflective review of progress in achieving aims;
 - By the supervisor in the form of a structured report addressing progress against aims and criteria.
- The plan will be presented in writing and will address the specific items identified above.
- A copy of the plan shall be submitted to the ACEM CPD Unit and formal progress reports shall be submitted to the CPD Unit for registration then forwarded to the CPD Committee Chair for consideration.

2.7 The role and selection of a supervisor for remediation

- The role of the supervisor is to provide both feedback and support to the poorly performing member and to report on the progress being made toward completion of the Performance Management Plan.
- The supervisor shall have sufficient seniority as a FACEM (at least five years post-Fellowship is recommended) to be able to assess the performance of the member.
- The supervisor needs to be located in the same workplace as the member under supervision.
- The member will be invited to nominate up to three FACEMs they would be comfortable with being appointed as a supervisor.
- The CPD Committee Chair may request the assistance of the relevant Regional Censor or regional faculty board to identify other suitable supervisors, if required.
- The CPD Committee Chair will approach each supervisor candidate to determine their suitability, availability and willingness to act as supervisor.
- If, for whatever reason, a proposed supervisor is an individual other than a supervisor candidate put forward by the member in question, the member shall have the opportunity to review the proposed supervisor and identify any proposed supervisor with whom they would be unable to work; a candidate so identified would be excluded from consideration as a supervisor.
- Supervisor candidates will be required to declare any conflict of interest; conflicts of interest will generally preclude a FACEM acting as a supervisor.
- Once a supervisor has been selected and has agreed to undertake the role, both the member and the supervisor will be required to indicate their agreement to the Performance Management Plan in writing.
- The supervisor will be provided with full information pertaining to the situation and the member will agree to this being provided.

2.8 The process of assessment of completion of remediation program

- At any defined assessment/progress point and at completion of the term of supervision, the member will provide a report detailing the extent to which they believe the desired outcomes and goals have been achieved. This report will provide details of any actions or outcomes relating to any parallel processes of the employer.
- The supervisor will provide a corresponding report at the identified times. This report will address all aspects of the Performance Management Plan, including compliance with plan elements and the degree to which the objectives have been met.

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- A certificate of completion is to be provided for any formal course or program that the member has undertaken as part of the Performance Management Plan.
 - All reports and other documentation must be received by the CPD Unit within one month of the completion of the period of supervision. This information will then be forwarded to the CPD Committee Chair for review against the Performance Management Plan objectives.
 - The CPD Committee Chair (or delegate) will review the collated reports, and if considered necessary obtain other evidence. Based on the review of these reports and comparison to the Performance Management Plan, the CPD Committee Chair will assess whether all criteria have been achieved and will prepare a summary report.
 - The CPD Committee Chair's report shall include a recommendation(s) in relation to the outcome of the program:
 - At the completion of a first period of supervision:
 - The remediation has been completed satisfactorily; the member is practicing at the expected level. The process is complete.
 - The outcomes have not been achieved and a further period of supervision is recommended.
 - At the completion of a second or subsequent period of supervision:
 - The remediation has been completed satisfactorily; the member is practicing at the expected level. The process is complete.
 - The outcomes have not been achieved and a further period of supervision is recommended.
 - The outcomes are not able to be achieved, and the case is to be referred to COE for the development of a plan of action.
 - The CPD Committee Chair's report will be forwarded to the College Censor-in-Chief (CIC) and to COE for consideration. The report recommendations shall be accepted, or a revision requested.
 - Following decision by COE the report and the recommendations will be provided to the member and the supervisor.
 - Once sign-off has occurred a report will be provided to all parties involved, indicating completion of the process, or other outcomes.

2.9 Financial Implications

- All costs associated with completion of courses, external or additional supervised employment, counselling or other processes to achieve the outcomes required will be the responsibility of the member identified as poorly performing. ACEM will not be considered liable for costs incurred under any circumstances.

3. DOCUMENT REVIEW

Timeframe for review: every two (2) years, or earlier if required.

3.1 Responsibilities

Document authorisation: Council of Education
Document implementation: CPD Committee
Document maintenance: General Manager, Governance and Standards

3.2 Revision History

Version	Date of Version	Pages revised / Brief Explanation of Revision
v1	Oct-2013	Approved
v2	Oct-2017	Updated to align to: <ul style="list-style-type: none">• revised governance arrangements• additional College membership categories
v3	Dec-2020	Inclusion of College support process for poorly performing practitioners