

1. Fit & Proper Fellow Policy

- 1.1 Policy number: CO-E-007.0
- 1.2 Category: Council
- 1.3 Approval date: August 2015
- 1.4 Revision date: August 2018
- 1.5 Unit responsible Office of the President and CEO

2. Policy declaration

RACGP Fellowship is a highly esteemed and respected institution, and the RACGP itself an organisation with a significant reputation for quality.

To this extent, the RACGP must ensure only those persons worthy of Fellowship commence on the RACGP Fellowship pathway or hold Fellowship, and must actively police these mandatory standards among its members.

This policy is approved by Council and authorised by the CEO.

3. Background

3.1 Context and scope

The RACGP considers it should have some control over those entering and pursuing general practice, and those holding themselves out as its Fellows. These rights are enshrined in the Constitution.

Part 4.1 of the Constitution permits Council to censure, suspend or expel members who are guilty of conduct which in Council's opinion is prejudicial to the RACGP's interests.

Part 4.2 of the Constitution automatically terminates membership when the member resigns or dies, where they are suspended from practice or where they have their name removed from the Register (except in cases of resignation). To enforce this, the RACGP has developed the Readmission Policy.

This Policy complements the Readmission Policy by providing objective criteria against which members may be assessed under Part 4.1, to assist in ensuring the quality and calibre of RACGP members and general practitioners remain high.

3.2 Objectives

This Policy outlines the considerations against which members should be assessed in connection with Council action under clause 27 of the Constitution.

3.3 Scope

This Policy applies to practitioners who are:

- A. applying for enrolment into any pathway leading to RACGP Fellowship; and
- B. RACGP members, whether or not they have been awarded Fellowship.

4. Definitions

For the purposes of this Policy:

Fellowship means the satisfaction of the prescribed training or experience requirements to become an RACGP Fellow.

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Policy means this Fit & Proper Fellow Policy.

Provider means a vocational training provider accredited under the RACGP Vocational Training Standards program.

Register means the register of any medical or professional authority recognised by the Council, including that of the Australian Health Practitioner Regulation Agency.

Review Panel means a panel convened by each Faculty Board Executive.

Readmission Policy means the RACGP's Readmission to Membership Policy.

Other terms used in these Regulations have the meaning given to them in Part 11.9 of the Constitution.

All references in this Policy are to the Policy itself, unless otherwise indicated. In the event of any inconsistency between this Policy and the Constitution, the Constitution prevails.

5. Policy considerations

5.1 Policy basis

- A. The RACGP acknowledges a range of practitioners wish to become specialist general practitioners and Fellows, and for a range of reasons.
- B. The RACGP, as an education institution, imposes certain standards on these people, by assessing clinical competency through various examination processes.
- C. The RACGP, as a member based organisation, wishes to impose standards on these people for reputation and collegiality purposes.
- D. The RACGP considers there is a very small number of practitioners who should not be granted Fellowship.
- E. The RACGP wishes to be fair, prompt and transparent in its assessment of whether practitioners will be permitted to receive Fellowship.
- F. The RACGP recognises Council's sovereignty in its discretion in protecting the RACGP's interests and reputation and those of its Fellows, especially in connection with maintaining Fellowship standards.

5.2 General considerations

In making any recommendation or determination impacting on the enrolment or continuation of individuals on RACGP Fellowship pathways under this Policy, decision makers should have regard to the following:

- A. whether the practitioner was subject to any disciplinary action and subject to an adverse finding, and if so, the reason;
- B. whether the practitioner was ever deregistered from the Register, and if so, the reason;
- C. whether the practitioner has been convicted of an offence against any Australian law:
 - i. with a maximum term of imprisonment greater than 2 years, or
 - ii. involving fraud or deceit of any kind,and if so, the nature of the offence and how long ago it was committed,
- D. whether the practitioner is or has been bankrupt,
- E. whether the person is inherently unable to satisfactorily carry out the requirements of medical practice as a General Practitioner; and
- F. any other considerations the RACGP deems relevant.

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5.3 Risk assessment

Decision makers must assess the RACGP's risk in maintaining the membership of practitioners subject to this Policy, by having regard to the extent and magnitude of:

A. the risk the RACGP will have its reputation affected or tarnished by its members or publically; and

B. the views and reaction of the Fellows as a whole,

by the making of a determination on the practitioner, or the failure to do so.

6. Attestations

6.1 Attestation as to fit and proper requirements

All RACGP application materials for membership or Fellowship Pathways must include an attestation as to a practitioner's good character reflecting those general policy considerations in clause 5.1, to be signed by the practitioner.

6.2 Failure to attest

The RACGP must not accept a practitioner's application if it is not accompanied by a signed attestation as to good character.

6.3 Breach of attestation

A practitioner who fails to disclose materially relevant considerations in their attestation will have that fact considered in an assessment under this Policy.

These practitioners may also be subject to sanction under the RACGP's Educational Misconduct Policy if applicable.

7. RACGP review

In addition to investigating incidents under clause 6, the RACGP may of its own accord investigate a member it considers assessable under this Policy, and may make such determinations about these members as it sees fit.

8. Council determinations

Pursuant to clause 27 of the Constitution, Council may by ordinary resolution:

A. censure the practitioner; or

B. suspend or terminate their membership.

Pursuant to section 70(b)(v) of the Constitution, Council may in addition impose such conditions on the practitioner's membership (if retained) as Council deems appropriate.

9. Administration

9.1 Exercise of discretion

All RACGP determinations, assessments or evaluations made under this Policy are done so in the RACGP's sole and unfettered discretion.

In making any determination affecting practitioners under this Policy, Council may inform itself as it deems fit.

9.2 Appeal

Practitioners have those appeal rights granted under Part 4.1 or the Constitution.

10. Related policies, documents and legislation

The Royal Australian College of General Practitioners Constitution, available at <http://www.racgp.org.au/yourracgp/organisation/management/constitution/>

11. Administration of this Policy

11.1 Access to published Policy

This Policy will be available on the RACGP internet.

11.2 Promulgation of published policy

Relevant staff members will be provided communications explaining the function and role of this policy and will be involved in the development and maintenance of the accompanying procedure document.

11.3 Notice to Providers

The RACGP recognises Providers are responsible for the training and administration of general practice registrars, including those enrolled in the RACGP Vocational Training Pathway.

The RACGP should provide ensure Providers have access to this Policy. Providers should be encouraged to distribute a copy to each of their GP Registrars.

11.4 Review of this Policy

This Policy will have a review cycle of three years.