

# Code of Conduct Breach Policy

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## **1.1 Purpose & Scope**

The Postgraduate Medical Council of Victoria Inc. (PMCV) has delegated responsibility to conduct the Graduate Nurse Midwifery Program (GNMP) Match from the Victorian Department of Health.

This policy provides a framework based on the principles of natural justice and procedural fairness to define the grounds for ascertaining if a breach of the Code of Conduct has occurred and if deemed that it has, what if any will be the consequences. All allegations will undergo a process for its review and resolution in a fair and timely manner.

There is no appeal mechanism as all allegations, if proven, have a documented consequence. All parties can address any allegations, and Health Services can meet with the GNMP Review Panel to present their case.

## **1.2 Context**

The GNMP Match has a Code of Conduct that both candidates and Health Services agree to by their participation in the Matching process. The Match Rules also form part of the Code of Conduct.

The Code of Conduct (Code) sets out the expectations of parties participating in the Allocation and Placement Service (APS). The Code sets out the minimum acceptable level of conduct for both health services and candidates. Such a Code is designed to overcome practices deemed to be unsuitable and to ensure the highest ethical and professional standards by all parties. It deals with matters subject to judgement and interpretation which are difficult to state completely.

## **1.3 Abiding by the Code of Conduct**

To be effective, a Code of Conduct requires both Health Services and candidates to abide by the details in the code. If these parties' step outside the code, there needs to be clear consequences for these actions. Breaches have been categorised into Level 1, Level 2, and Level 3, with Level 1 being the lowest level.

## **1.4 Notification to PMCV**

Possible breaches may be reported by either the Candidates or Health Services GNMP Administrators.

Notification can be submitted through the GNMP Website through the enquiry form, which has the Code of Conduct breach as a selection in the drop-down list or by email.

PMCV will then contact the complainant for further information. Any alleged breach will need to be documented prior to any investigation. The complainant must identify the party who has allegedly breached the code of conduct otherwise an investigation cannot be undertaken.

## 1.5 Severity level of breach types with consequences

The table below details pre-determined breach levels and proposed consequences for any substantiated breach.

Severity level and consequences		
	Health Service	Candidates
Level 1	<p>PMCV to issue an official warning to Health Service Administrator outlining that any repeat offences will be escalated to a Level 3 status.</p>	<ul style="list-style-type: none"> <li>• PMCV to issue official warning.</li> <li>• Any repeat offences will be escalated to serious status.</li> </ul>
Level 2	<p>Escalated to GNMP Governance Committee with Health Service required to be present at meeting.</p> <p>If substantiated, the event will be reported to the CEO and EDONM Chief Nursing Officer.</p>	<ul style="list-style-type: none"> <li>• Behaviour reported to their university.</li> </ul>
Level 3	<p>Escalated to GNMP Governance Committee with Health Service required to be present at meeting.</p> <p>One or more of the following consequences may be issued, if breach substantiated, depending on severity:</p> <ul style="list-style-type: none"> <li>• Reported to CEO and EDONM/Chief Nursing Officer.</li> <li>• Health Service listing in PMCV Health Service Directory stating Health Service has a recorded Code of Conduct breach in 202X.</li> <li>• Reduction in quota allowed, affecting staffing levels and funding. The reduction imposed would be appropriate for the size of the Health Service and not exceed a 10% reduction.</li> </ul>	<ul style="list-style-type: none"> <li>• Behaviour reported to their university.</li> <li>• Candidate removed from the Match process.</li> </ul>

## 1.6 Determining if a breach has occurred.

### 1.6.1 Review process for Health Services

After initial review by PMCV, Health Service breach allegations may need to be reviewed by the GNMP Review Panel.

For details of this panel and the processes involved please refer to the GNMP Review Panel Policy.

## **1.6.2 Review process for candidates**

1. Alleged breach to be documented in writing.
2. PMCV to investigate.
3. Discussion with Candidate and Health Service, where applicable
4. Candidate requested to respond to the allegation in writing. If required, a meeting will be convened. The Candidate may bring a support person.
5. PMCV determines if the breach is substantiated, if it has PMCV will determine the consequences described in the table in section 2.2.
6. PMCV notifies the candidate of outcome and consequences based on PMCV's decision.
7. Candidates will have no right to appeal the decision. There is no appeal mechanism as all allegations, if proven, have a documented consequence. Match time constraints would not allow for an extended process, impacting on Match activities or outcomes.

## **1.7 Code of Conduct – Types of breaches and the associated consequences**

The Code of Conduct document lists behaviours that must be adhered to. The following table contains the key elements from the Code of Conduct, how PMCV might learn of such breaches and steps taken to investigate each type of breach.

Each breach has been allocated a level of severity with 1 being the lowest level. If the breach is substantiated as per the process detailed in Section 2, then the consequences above may be applied.

*Note: Variations may occur depending on the circumstance of each case.*

## Breach consequences table

1.7.1 Health Service Breaches				
Item	Code of Conduct Breach	Notification	Investigation	If substantiated, level of breach with associated consequences. Additional items, if mentioned
HS1	<p>No attempt, direct or indirect, should be made by the Health Service to discover the preference rankings of the candidate or proposed ranking by the Health Service before or after Matching takes place.</p> <ul style="list-style-type: none"> <li>Under no circumstances can a candidate or hospital/health service representative request information about their intended ranking.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>A candidate is pressured by a hospital/health service representative to reveal the ranking of the hospital/health service in the Candidate's Priority List.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Must not make any statement, oral or written, which signifies a commitment to an offer or advise to change a ranking.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>Health service representative may not state or indicate that a candidate will be ranked within their quota.</li> </ul>	<p>Report of request from Health Service for information about candidates intended ranking or influence to change their ranking.</p> <p>Candidate did not perceive pressure.</p>	<p>Statement from candidate required written or verbal.</p> <p>GNMP Lead to request written response from Health Service.</p>	<p>Level 1</p>
		<p>Report of request for information about candidates intended ranking or influence to change their ranking.</p> <p>Candidate perceived pressured.</p>	<p>Reported by candidate, statement required written or verbal.</p> <p>GNMP Lead to request written response from Health Service.</p>	<p>Level 2</p>
		<p>Multiple reports of requests for information about candidates intended ranking or influence to change their rankings.</p> <p>With or without perceived pressure.</p>	<p>Reported by multiple candidates, statement required written or verbal.</p> <p>GNMP Lead to request written response from Health Service.</p>	<p>Level 3</p>
HS2	<p>A candidate is coerced to sign an offer/contract prior to the Match.</p>	<p>This is a clear breach of the Match process and undermines the integrity of the process.</p> <p>Any pressure on candidates is treated seriously.</p>	<p>Written statement from candidate required.</p> <p>GNMP Lead to request written response from Health Service.</p>	<p>Level 3</p>

Item	Code of Conduct Breach	Notification	Investigation	If substantiated, level of breach with associated consequences. Additional items, if mentioned
HS3	Any health service which at any previous time has failed for any reason to appoint a candidate with whom the health service was matched by the Service. OR which has dismissed an appointee matched by the Service without reasonable cause.	PMCV are informed of candidates not being able to commence with their Matched Health Service.	Single instance, without reasonable cause.	Level 1
			Repeated instances, without reasonable cause.	Level 3
HS4	Health service representatives and candidates should not be in communication with each other after the informal/formal selection process.  Non-PMCV related advertising/recruitment or seeking of feedback from participants for following year positions is not permitted during the time period between Match key dates: From when the Match - Opens to candidates, through to when the Late Vacancy Management process - Opens to Health Services.  If a hospital/health service is in the practice of sending out letters or surveys for the purposes of gathering feedback following an interview, such letters/surveys shall not contain any promises or implied statements, which suggest a particular ranking (including any indication that a candidate will not be ranked) or that an offer will be made. This communication would occur once Late Vacancy Management process is open to Health Services.	Candidates can interpret these interactions as either a promise of an outcome or as coercion. Therefore, direct contact is not appropriate.  The Match needs to be fair and transparent with the same process applicable to all Health Services.  In any correspondence, the information should be clear that this is generic information and does not indicate a candidate being highly ranked or promised an offer.	Single instance.  Advertisements to be removed.	Level 1
			Repeated instances.  Candidate reports perceived pressure.	Level 3

Item	Code of Conduct Breach	Notification	Investigation	If substantiated, level of breach with associated consequences. Additional items, if mentioned
HS5	Health Services cannot consider an application to a match position by a candidate who has been matched to another hospital/health service in the Match unless they have received a copy of the candidate's release.	<p>Health Services have access to the Matched candidates list which must be checked before commencing any discussions with a candidate.</p> <p>A copy of the release must also be forwarded to the PMCV Workforce Team.</p>		<p><b>Level 2</b></p> <p>Appointment of the candidate must not occur.</p>
HS6	A health service makes an offer to a matched candidate on condition that the candidate obtains a release from their matched hospital.	A deliberate attempt to encourage a candidate to not abide by the Match outcomes is viewed seriously.		<p><b>Level 3</b></p> <p>Appointment of the candidate must not occur.</p>

**If the Health Service fails to engage with PMCV to provide a response, then the matter will be considered a Level 3 breach, which may impact on future staffing levels and funding.**

## 1.7.2 Candidate Breaches

Item	Code of Conduct Breach	Notification	Investigation	If substantiated, level of breach with associated consequences. Additional items, if mentioned
C1	Candidate displaying unprofessional behaviour to referees regarding the feedback provided within the referee report and/or Health Services during interview or ongoing interactions.	Report from referee or Health Services, where the interaction was felt to be unprofessional.	Statement from Referee or Health Service required written or verbal.  GNMP Lead to request written response from Candidate.	<div data-bbox="1832 437 2011 507" style="background-color: #90EE90; border-radius: 10px; padding: 5px; display: inline-block;">Level 1</div>  The candidate's Health Service preferences may be notified regarding candidate's lack of professionalism.
C2	No attempt, direct or indirect, should be made by either party to discover the preference rankings of the other before or after Matching takes place. <ul style="list-style-type: none"> <li>• Under no circumstances can a candidate or hospital/health service representative request information about their intended ranking.</li> </ul>	Report of request from candidate for information about Health Services intended ranking.  No perceived pressure from the candidate.	Statement from Health Service required written or verbal.  GNMP Lead to request written response from Candidate.	<div data-bbox="1832 746 2011 817" style="background-color: #90EE90; border-radius: 10px; padding: 5px; display: inline-block;">Level 1</div>
	OR <ul style="list-style-type: none"> <li>• A candidate is pressured by a hospital/health service representative to reveal the ranking of the hospital/health service in the Candidate's Priority List.</li> </ul>	Report of request from candidate for information about Health Services intended ranking.  Perceived pressure by candidate.	Reported by Health Service, statement required written or verbal.  GNMP Lead to request written response from Candidate.	<div data-bbox="1832 944 2011 1015" style="background-color: #800080; border-radius: 10px; padding: 5px; display: inline-block;">Level 2</div>
		Multiple reports of requests for information about candidates intended ranking. With or without perceived pressure.	Reported by Health Service, statement required written or verbal. GNMP Lead to request written response from Candidate.	<div data-bbox="1832 1225 2011 1295" style="background-color: #DC143C; border-radius: 10px; padding: 5px; display: inline-block;">Level 3</div>



C3	A matched candidate applying for an unmatched position/vacant position at a health service.	Match results are considered binding.		<div data-bbox="1832 118 2013 185" style="background-color: #6a3d9a; color: white; border-radius: 10px; padding: 5px; display: inline-block;">Level 2</div>
C4	Any candidate who at any previous time has failed for any reason to accept an appointment to a hospital/health service with which the candidate was matched by the Service or who resigned from his or her employment with the hospital/health service or who has been lawfully dismissed by the hospital/health service from his or her appointment with or without notice for serious misconduct or for failure to comply with the terms of the employment contract.	The PMCV shall notify all candidates of this decision and give them the opportunity to respond.	The PMCV may remove any candidate from a Match if their qualifications or other supporting documents do not substantiate the selected eligibility criteria.	<div data-bbox="1832 277 2013 344" style="background-color: #c0392b; color: white; border-radius: 10px; padding: 5px; display: inline-block;">Level 3</div> Candidates may be removed from the Match.

**If the candidate fails to engage with PMCV in relation to matters above, this will be considered a Level 3 breach and the candidate will be removed from the Match.**

## 2.0 Definitions

**Allegation:** An allegation is a claim or an assertion that someone has acted contrary to the rules of the Code of Conduct but is yet to be proven.

**Code of Conduct:** The Code of Conduct outlines the expectations of both candidates and health service administrators when participating in the PMCV Allocation and Placement Service process.

**Consequences:** The result or action that will be taken if a breach is substantiated.

**Review Panel:** The panel convened will comprise the PMCV CEO, GNMP Workforce Lead and at least two members of the GNMP Governance Committee. The GNMP Governance Committee representatives will be decided at the time to ensure there is no conflict of interest with the named party.

**GNMP:** Graduate Nurse Midwifery Program

**GNMP Governance Committee:** The function of the Graduate Nurse Midwifery Program (GNMP) Governance Committee is to represent Nurses, Midwives and other specialty Nurses across the Victorian public health sector providing expert advice to shape the relevant policies and processes of the Postgraduate Medical Council of Victoria (PMCV) which contribute toward the development of initiatives to streamline recruitment of a graduate Nursing and Midwifery Workforce in the Victoria.

**Health Service:** The facility (usually a hospital but can also be in another community setting) or clinical setting (e.g., unit or department) where Junior Doctors work. All locations of the Health Service where Junior Doctors work must meet PMCV Accreditation requirements for prevocational medical training.

**Party/Parties:** Either a Health Service Administrator or a candidate of the GNMP Match.

**Appeal:** There is no appeal process following the Review Panel Meeting for Health Services or decisions made re: candidates due to the timeliness of action required, needing to happen during the Match. There is no higher body for decision making powers.

**Review Panel Decision:** This follows the investigation and meeting stage when a determination is made. The decision will be if a breach was committed or not and if so, what the specified consequences will be. The consequences may vary from those listed depending on the circumstances. This will be a decision by the Review Panel.

## 3.0 Related documents

GNMP Review Panel Process

## 4.0 Version Control

*Version approved along with date of next review.*

Version	Amendments by	Change	Date
V1.0		First publication	06.11.2023
V2.0	Governance Committee	Addition of clauses relating to seeking feedback from candidates and removal of Round 1 wording.	09.02.2024

**Approved by:** Draft approved by EDON Group.

Final approval by GNMP Governance Committee Meeting held 1 November 2023.

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**Next review:** November 2024

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