

Florence Nightingale Faculty of Nursing & Midwifery

Cause for Concern and Fitness to Practise Policy

Please note an Administrators handbook accompanies the management of the policy.

1. Preamble

- 1.1. As an Approved Education Institution (AEI) providing pre-registration programmes of nursing and midwifery, the Faculty is regulated by the Nursing and Midwifery Council (NMC) as the relevant professional and statutory body.
- 1.2. This policy applies to programmes of study that on completion of which students are registered with the NMC. Any concerns regarding a student already registered with the NMC will be dealt with under the University's regulations concerning students and the matter will be referred to the employer and/or the NMC as appropriate.
- 1.3. The NMC Code (2018) lays out the professional standards of practice and behaviour for nurses and midwives. This commitment to professional standards is fundamental to being a nurse or midwife and identifies four key priorities for the professions; prioritise people, practise effectively, preserve safety and promote professionalism and trust.
- 1.4. Under these four key priorities, the NMC Code demonstrates the standards of conduct required of nurses and midwives. In doing so, the NMC Code puts the interests of patients and service users first, ensures safe and effective practice, and promotes trust through professionalism.
- 1.5. When graduates join the NMC register, they commit to upholding these standards. The Faculty therefore seeks to ensure that all students studying a pre-registration programme of study abide by the standards of the Code throughout the entirety of their studies and will take steps to ensure that students are of good health and good character when signing graduates on to the NMC register.
- 1.6. AEIs must assess the health and character of students during their programme of study, prior to signing the "declaration of good health and good character" in line with the pre-registration nursing and midwifery standards.

- 1.7. The Faculty will refer to the NMC Code and Health and Character guidance when making our own assessments of students' health and character.
- 1.8. The Faculty is required to monitor the progress of all students and take appropriate action if any issues related to good health or good character arises during their programme.
- 1.9. This policy should be read in conjunction with the King's College London Academic Regulations, with specific attention to fitness for registration and practice regulations.

2. Purpose

- 2.1. Due to the Faculty's obligations under 1) the NMC Code and 2) NMC health and character guidance, the purpose of this policy is to ensure that the Faculty can discharge its duties as a provider of programmes validated by the NMC.
- 2.2. In addition, it should be noted that the Faculty has an obligation to safeguard the health and wellbeing of persons using or needing the use of healthcare services in organisations where the Faculty's students are in clinical practice.
- 2.3. This policy provides a framework for the Faculty to consider any cause for concern or fitness to practise issue regarding a student, which may contravene NMC standards and guidance.
- 2.4. Students should be aware that they are required to abide by the stated standards and guidance throughout their time on the programme. They should be aware that, as students on pre-registration programmes, their behaviours, actions competence and health will be monitored by the Faculty during their programme of study. If there are concerns regarding the student's health, character or competence, these will be investigated and addressed by the Faculty.
- 2.5. This may ultimately lead to the student being found unfit to practise and removed from their programme of study either temporarily or permanently.
- 2.6. When assessing whether students are of the required character, health or competence to be capable of safe and effective practice, the Faculty will endeavour to ensure that decisions are consistent and made with reference to the objective criteria in this policy. The Faculty will ensure that there is fairness and transparency in the decision-making process.
- 2.7. When considering a matter relating to the character, health and competence of an individual student, the Faculty will take in to consideration the NMC's overarching public protection objective, as well as the supporting objectives to:
 - Protect, promote and maintain the health, safety and wellbeing of the public
 - Promote and maintain public confidence in the professions
 - Promote and maintain proper professional standards and conduct for members of those professions.

3. Cause for concern

- 3.1. During their programme of study, a student may become a cause for concern for three reasons:

3.2. Concerns regarding good health

- 3.3. This could relate to a health condition, including mental or physical illness or a disability, which may make it impossible for a student to meet the requirements of the programme and the NMC standards.
- 3.4. Good health means that the applicant is capable of safe and effective practice, either with or without reasonable adjustments. It does not mean the absence of a health condition or disability.
- 3.5. The Faculty will consider whether the student with a health condition or disability is able to manage that condition to be capable of safe and effective practice without restriction.

3.6. Concerns regarding good character

- 3.7. A concern regarding good character covers a range of conduct that could bring in to question whether it is appropriate for the student to be put forward by the Faculty to the NMC as being fit to practise. This includes, but is not limited to, the following:
- Conduct involving dishonesty, fraud or deception
 - Conduct involving serious violence or threats of serious violence
 - Conduct involving doing harm or behaving in such a way that could foreseeably risk harm coming to children or vulnerable adults
 - Conduct involving hostility to others based on their race or ethnicity, religion, sexual orientation, gender identity or disability
 - Conduct involving a breach of trust and/or abuse of position
 - Conduct that involves doing serious harm to others or behaving in such a way that could foreseeably risk harm coming to others
 - Conduct involving a serious departure from professional standards.

3.8. Concerns regarding clinical competence

- 3.9. A concern regarding clinical competence relates primarily to incidents in clinical practice which demonstrate that the student has potentially conducted themselves in a way that is unsafe or unprofessional. This includes, but is not limited to, the following:
- Unprofessional behaviour, as defined by the Faculty or the provider of the clinical placement
 - Professional misconduct, as defined by the Faculty or the provider of the clinical placement
 - Breach of confidentiality
 - Sexual, racial or other forms of harassment whilst on clinical placement
 - Poor timekeeping whilst on clinical placement
 - Poor or inappropriate dress or appearance whilst on clinical placement

- Unprofessional attitude
- Inappropriate behaviour such as rudeness or aggression
- Not taking instructions when appropriate.

3.10.Academic progress

Matters relating to a student's progression on the programme (e.g. engagement with the programme, mandatory requirements and attendance record) will be dealt with outside of this policy, under the College's B4 Academic Progress regulations.

4. Process

- 4.1. All students will first be considered as 'a cause for concern'.
- 4.2. A cause for concern can be raised by academic staff, professional services staff, or placement provider staff.
- 4.3. Depending on the nature of the concern, a student may be suspended from placement pending the outcome of the process (see 5. Suspension from practice).
- 4.4. Once a concern is known by a member of the Faculty, a Cause for Concern form should be completed.
- 4.5. The member of the Faculty completing the Cause for Concern form will be the investigating officer.
- 4.6. The completion of a Cause of Concern form requires the investigating officer to:
 - Record the dates of meetings with the student and any other parties involved in the incident
 - Record notes (not verbatim) of the information provided during these meetings
 - Gather evidence such as written statements and emails relating to the incident.
- 4.7. It is advised that a minimum of two members of Faculty are involved in the decision-making process, once the investigation has been concluded.
- 4.8. The Faculty would normally expect the investigation to be completed within 10 working days of the concern first being known to the Faculty.
- 4.9. There are three possible outcomes at this stage:
 - 4.9.1. Management within the programme of study, e.g. a time-limited action plan or referral to occupational health and agreed ongoing monitoring
 - 4.9.2. Referral to College under misconduct regulations, e.g. failing to maintain good conduct at all times whilst on College premises or engaged in any College activity
 - 4.9.3. Referral to a Faculty Fitness to Practise hearing for formal consideration of the student's fitness to practise.

5. Suspension from practice/attendance at University

- 5.1. As programmes leading to registration with the NMC require students to attend clinical placements where they are in contact with service users, the Faculty has a duty of care to all parties. To protect the student and service users, it may be necessary for the student subject to the concerns to be removed from the placement environment with immediate effect, pending the outcome of the process outlined in this policy.
- 5.2. During a period of suspension from practice, students are still able to attend their programme of study, subject to the provision of 5.6 below.
- 5.3. In some cases, the Faculty may decide that the student is able to remain in the clinical environment but be excluded from one or more specific, identified activity, relevant to the referral e.g. medicine administration.
- 5.4. Examples of a serious concern would include, but are not limited to situations where:
 - Service users, clinical staff or other students may be placed at risk
 - The profession might be brought into disrepute by the public knowing that the student remained in a clinical environment
 - The student's conduct was deemed to be disruptive, or have the potential to be disruptive, to the delivery of clinical care in the placement environment.
- 5.5. The Faculty has the authority to remove a student from an external environment under Academic Policy G28.2 regarding the removal of a student from an external environment.
- 5.6. The Faculty will ensure that all students receive written confirmation of suspension from practice. Confirmation of the issue of the suspension letter is required between Programme Lead/ Education Manager and Chair of Fitness to Practice Committee
- 5.7. In exceptional circumstances where students, in the view of the Faculty, represent a risk to Faculty staff or other students of the College, the Faculty will seek to have the student suspended from College. These powers of suspension are held only by the President & Principal.

6. Holding proceedings in abeyance

- 6.1. If at any point during any stage of a Cause for Concern or Fitness to Practise there is evidence that the student has claimed bullying or harassment or similar treatment or has attempted to raise concerns about the placement provider, then the process should be considered for holding in abeyance whilst the student's concerns are investigated.

7. Faculty Fitness to Practise hearing

- 7.1. If, on completion of a Cause for Concern investigation, the outcome is that a referral should be made to the Faculty Fitness to Practise panel, the investigating officer will submit the relevant paperwork to the Fitness to Practise administrator (see Appendix-form).
- 7.2. A Faculty Fitness to Practise panel will then be convened to consider the case outlined by the investigating officer.
- 7.3. The panel will consist of three people: a chair, a student representative and a representative of a Faculty clinical placement provider.
- 7.4. A clerk will be present to take notes. The meeting will be recorded for the purposes of ensuring accurate notes are produced. A full transcript will only be provided if required by a College hearing.
- 7.5. The chair will be allocated on a rotational basis from a pool of Faculty staff.
- 7.6. No member of staff on the panel can have prior knowledge of the case to be considered. Nor can any member of the panel have knowledge of, or prior contact with, the student which might cause them to be biased for or against the student.
- 7.7. A presenting officer, normally the investigating officer, will be designated to present the case to the panel on behalf of the Faculty.
- 7.8. The student will be provided with the opportunity to provide a written statement in advance of the hearing and the opportunity to present their case verbally to the panel.
- 7.9. The panel will make its deliberations in private. The decision will, normally, be communicated verbally to the student on the day of the hearing. This decision will then be formally communicated in writing after the hearing.
- 7.10. There are three possible outcomes from a Fitness to Practise hearing:
 - No case to answer
 - Outcome determined by the panel, e.g. an action plan with agreed improvement and date for review
 - Unfit to practise; student referred to College Fitness to Practise with recommendation that they be removed from the programme.

8. Factors for consideration

- 8.1. The following factors will assist Faculty staff in making decisions at both the cause for concern stage and during a Faculty fitness to practise hearing.
- 8.2. In specific circumstances, a student may be considered under more than one category depending on the nature of the concerns, e.g. a student may be considered under both good health and clinical competence.

8.3. Assessment of good health

- 8.4. When considering whether a student is of good health, the following will be taken into consideration:
 - Whether the student has a recurring or relapsing condition
 - Whether the health condition or disability is one which could affect the student's judgement or performance
 - Whether the health condition or disability is one which could pose a risk to the public
 - The level of insight the student has into the condition and/or disability
 - Reflection and insight about the health condition or disability, and obligations under the NMC Code.
 - Evidence that the student has proactively disclosed the condition and/or disability and sought support/treatment
 - Recent evidence from the student regarding the effective management of the condition
 - A report from the Faculty's Occupational Health provider regarding the diagnosis and/or management of the condition, as it relates to the capability of the student for safe and effective practice
 - Whether the health condition or disability has led to conduct falling below the standard expected of a nursing or midwifery student.

8.5. Assessment of good character and/or clinical competence

- 8.6. When considering a student's character or clinical competence, the following will be taken into consideration:
 - The student's part in the conduct
 - Whether it was an isolated incident
 - Whether there has been more than one incident
 - Whether the incident or incidents were linked to clinical practice
 - Whether the conduct was disclosed by the student
 - Whether the student attempted to mislead the Faculty
 - Reflection and insight about the conduct and obligations under the NMC Code
 - Personal circumstance and mitigation
 - Any explanation offered for the conduct having occurred.

9. Procedure for making a referral to Fitness to Practise

- 9.1. Cause for concern is raised. There are a number of people from whom you can seek guidance. They are, Associate Dean of Practice Learning, Programme Lead, Cohort Lead, Chair of Fitness to Practise.
- 9.2. If this involves a clinical practise concern the Trust Account manager must be notified. This will enable appropriate advice being given to the Trust where student is hosted for clinical learning.
- 9.3. Student is invited to meet with their Cohort or Programme lead or appropriate member of staff available to investigate in order to clarify concerns. It may be helpful to include the Personal Tutor in this meeting.
- 9.4. Meeting is documented and note is made on student file on SharePoint.
- 9.5. Contact Chair of Committee and Administrator to inform of the recommendation of referral to Fitness to Practise.
- 9.6. If the Chair agrees that the concerns cannot be managed without the student attending Fitness to Practise an FtP Referral Form needs to be completed by the Referrer. This needs to be sent to the FtP Administrator and the Chair with evidence or indicate a time in which the evidence will be available.
- 9.7. Student must be advised to contact KCLSU for support to enable effective representation at Committee. A student may choose to engage alternative support for their presentation at the committee.
- 9.8. If referral relates to clinical practise a decision must be made whether to suspend student from practice. In order for the student to be removed from practice, the FtP Administrator will inform the Senior Placements Officer.
- 9.9. The Senior Placements officer will provide suspension letter to the Dean of Faculty's EA to obtain a signature which is then sent to the student. They will also notify the trust that the student will not be attending from the date on the letter.
- 9.10. If referral relates to conduct outside of the clinical practice environment. Guidance needs to be sought from Programme Lead, Cohort Lead, Education Manager and Chair of Fitness to Practise.
- 9.11. Date of attendance at Fitness to Practise will be confirmed in an Invitation letter compiled by the chair and sent by the Administrator. The evidence to support the referral must be obtained ten days prior to the students attendance to FTP.

- 9.12.If statements are provided by staff at the Trust, they should be advised that they may be required to attend the Fitness to Practise hearing to support their written statement.

10. Guidance for completing the Referral Form

- 10.1 The Referral Form is an interactive PDF which you can download here:
<https://emckclac.sharepoint.com/teams/FNFM/ALLSTAFF/Shared%20Documents1/Fitness%20to%20Practise%20Referral%20form%20-%20Interactive.pdf>
- 10.2 If the default setting on your PC is to open in a web browser such as Chrome, Microsoft Edge, Safari etc. you will not be able to save the changes.
- 10.2 To avoid this, download and save the document with an appropriate name on your computer.
- 10.3 Open the document in Adobe Fine Reader or Abby FineReader by right clicking and selecting “Open with >” and selecting a FineReader or Adobe software.
- 10.5. Abby FineReader is available to download for staff in Software Centre on your KCL PC.

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