

## **Standards of Conduct: Fitness to Practise for students on post qualifying/ Continuing Professional Development courses**

### **INTRODUCTION**

This document will be referred to throughout as the '**CPD Fitness to Practise**' and refers to the Standards of Conduct of post registration nursing and midwifery students in relation to their practice learning experiences outside of their own place of work.

**N.B. ADDITIONALLY, THE UNIVERSITY HAS A DISCIPLINARY PROCEDURE THAT APPLIES TO ALL UNIVERSITY STUDENTS AND RELATES TO ALLEGED BREACHES OF THE UNIVERSITY'S STUDENT CONDUCT REGULATIONS.**

Throughout this document:

- (a) the placement provider means the health care organisation who is providing the practice education experience (e.g. NHS Trust);
- (b) the employer means the substantive employer, i.e. the organisation who has supported the student onto the course and who has legal responsibility for the registered nurse on the programme. The substantive employer is responsible for determining alleged breaches of Conduct through their organisational Performance and Conduct Policy;
- (c) Investigating Officer means the person with responsibility for investigating alleged breaches of the Fitness to Practise (FTP) as defined in 7.4.
- (d) Disciplinary Officer<sup>1</sup> means the person responsible for investigating and determining alleged breaches of Conduct of their employee (i.e. the line manager of the student). However, any investigation will be supported by the University.

Nursing and midwifery post qualified students who require practice experience outside of their own place of work to achieve the practice learning outcomes for the validated programmes will agree to

- abide by these Standards and the Nursing and Midwifery Council Code (2015).  
<https://www.nmc.org.uk/standards/code/>
- abide by the placement provider policies (presented at placement induction)

Other health care students who require practice experience outside of their own place of work to achieve the practice learning outcomes for the validated programmes will agree to abide by:

- these Standards
- the relevant professional statutory regulatory body Standards, for example:

the Nursing and Midwifery Council Code (NMC) (2015).  
<https://www.nmc.org.uk/standards/code/>

the Health and Care Professions Council (HCPC) (2016)  
<https://www.hcpc-uk.org/standards/standards-of-conduct-performance-and-ethics/>

and

- abide by the placement provider policies (presented at placement induction)

The Faculty ensures that students meet all current Department of Health (DH)'s guidelines for Occupational Health and ISA/CRB checks prior to first placement through the following process in accordance with placement providers.

The admissions process for all CPD students will include the following:

Confirmation of

- CRB enhanced clearance;
- Occupational Health Clearance;
- Mandatory training update normally within 9 months prior to the course commencing;

Form to be used for this confirmation is at Appendix 1 (example). A Copy of this form will be sent to the supporting manager in the Placement area.

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<sup>1</sup> in many NHS Trusts the Disciplinary Officer is terms the Performance & Conduct Officer

## **1 PRACTICE BASED LEARNING AND FITNESS PRACTISE**

- 1.1. Students on programmes in the Faculty of Health and Life Sciences may require experience with patient and service users in order to meet the validated learning outcomes. This experience is gained through jointly approved practice education experiences in an external practice setting.
- 1.2. Students undertaking courses requiring placement outside of their employing organisation must obtain a Fitness to Practise identity badge which allows them to participate in Health and Life Sciences practice learning. Without such authorisation, students will not be entitled to practise or enter practice areas. The responsibility for giving, withholding and withdrawing a student's Fitness to Practise lies with the University, on behalf of the placement provider, and this responsibility is exercised by the Dean (or nominee). The withdrawal is not a disciplinary action; it is simply a means whereby the parties involved have time to investigate the situation further without potential risk to the patient or client, student or others.
- 1.3. Before being issued with their Fitness to Practise card, students are required to sign the Fitness to Practise register (in the Placement Learning Unit) acknowledging that they have read and confirming that they will be bound by these Standards.

## **2 RAISING CONCERN ABOUT FITNESS TO PRACTISE**

If any concerns are raised regarding the student's Fitness to Practise, the manager of the practice area shall initially discuss the situation with the Head of Practice Education within the University.

### **2.1 Time-out from practice**

Please refer to Appendix 2: Time-out from practice

In certain circumstances, before a final decision is taken under either part of paragraph 2.4 and 2.5, it is good practice to allow a period of no more than three working days, during which the student remains away from the placement, during which both staff and student can consider the most appropriate course of action, thus allowing effective decision-making prior to the formal procedure being invoked as required.

- 2.2 If the questions raised are regarding the CPD student's fitness to practise as a registered nurse (and not as an CPD student), their Fitness to Practise will be immediately suspended pending the outcome of any investigation. For example, any CPD student's fitness to practise as a registered nurse can be called into question by information or allegations relating to the student's:

- a. health, emotional state, judgement or character; or
- b. conduct or behaviour, such that the student has breached one or more terms and conditions of the Code (NMC, 2015);
- c. conduct or behaviour is such that the student may disrupt the work environment.

- 2.3 If questions are raised regarding the CPD student's performance as a student then whether or not an allegation should be progressed under the CPD Fitness to Practise should initially be discussed by the manager of the practice area and the Head of Practice Education within the University. Should the Placement manager have serious concerns regarding the student's conduct or competence, he or she should inform the Head of Practice Education promptly. If the concerns are raised outside of University working hours, the placement manager should inform the Employing manager directly, using the contact details supplied on the FTP Information form.

- 2.4 The Head of Practice Education will decide with the manager of the practice area whether or not recommend to the student's substantive employer a disciplinary investigation is required. In the event of a recommendation for disciplinary investigation, the Fitness to Practise Badge will be withdrawn or suspended by the University. The placement provider will instigate retrieval of the identity badge and access.

### 3 INVESTIGATING AND DETERMINING FITNESS TO PRACTISE

- 3.1 The student's substantive employer will be responsible for deciding whether to undertake a Fitness to Practise investigation. For example, they may appoint a Disciplinary Officer. In some instances, the substantive employer or placement provider may deem it to be appropriate that the investigating officer is appointed from the placement provider.
- 3.2 The placement provider for the CPD student will contribute to any investigation process but will not be responsible for undertaking the investigation of the student's alleged breach of the CPD Fitness to Practise. For example, placement providers may be requested to provide written statements for the investigation.
- 3.3 The placement provider is also at liberty to undertake its own investigation into any incidents which occur during the practice education experience, through its own mechanisms (e.g. Clinical Governance processes), but responsibility for disciplinary action will remain with the CPD student's substantive employer.
- 3.4 In order to meet the stringent requirements of the Nursing and Midwifery Council (NMC), the Disciplinary Officer will follow their Trust Performance and Conduct policy (or equivalent). The outcome of the disciplinary hearing will determine whether or not to refer the case to the NMC. The NMC has guidance concerning this on their link – <https://www.nmc.org.uk/concerns-nurses-midwives/dealing-concerns/services-employers/>
- 3.5 The decision as to whether or not an allegation should be progressed under the employing Trusts Performance and Conduct Policy is solely for the Disciplinary Officer to decide.
- 3.6 The student has the right to seek advice from their substantive employer at any reasonable point in this procedure. They have the right to be accompanied or represented at any interview or hearing under this procedure by an individual acting as a 'friend', e.g. fellow student, professional union or student union representative. This person may not be a lawyer acting in a professional capacity. Students may wish to contact
  - the Students' Union Advice Centre (<http://www.thesu.com/>),
  - UNISON (<http://www.unison.org.uk/>)
  - the RCN (<http://www.rcn.org.uk/>)as appropriate for help, advice and representation.

## Appendix 1: Learning Beyond Registration Students: Fitness to Practise Information Form

This form confirms that the appropriate checks have been carried out by the student's employer prior to them undertaking a placement as part of a Oxford Brookes University course/programme. NB. This information will be shared with the manager within the Practice area where the student is placed.

<b>Section 1 - Details of Student:</b> <i>To be completed by the Student</i>		
<b>Surname:</b>	<b>Title:</b> Prof / Dr / Mr / Mrs	
<b>Forename(s)</b>	Miss / Ms / Other .....	
<b>NHS Employer's name and address:</b>		
<b>Post or status held:</b>		
Work address:		
Work Tel:	Mobile:	Bleep:
E-mail Address:		
<b>Course/Programme/Module Title:</b>		
Practice experience required: (e.g. placement area)		
Placement Start Date:	Placement End Date:	
<b>Section 2 – Pre-engagement checks:</b> <i>To be completed by the line manager of the CPD student's in their substantive employment</i>		
Can you confirm that a clear enhanced criminal record disclosure has been obtained within the last 3 years for the above-named individual, with no subsequent reports from the individual of changes to the record?	Yes	No
If yes, please give details of the clear disclosure:		
Date of disclosure:		
Organisation that requested the disclosure:		

Have the following employment checks been carried out with regard to the above-named individual?		
Substantive Employment Screening	Date of screening	
ID with photograph:	Yes / No	
Two references:	Yes/No	
Verification of permission to work/study in the UK:	Yes / No / NA	
Exploration of any gaps in employment:	Yes / No / NA	
Evidence of current professional registration:	Yes / No / NA	
Evidence of qualifications:	Yes / No	
Occupational Health Screening:	Yes / No	
Cleared for Exposure Prone Procedures(EPP)	Yes / No / NA	
Signed:	Date:	
Name:	Job Title:	
Organisation:	Dept:	
Address:		
Line manager contact details		
E-mail Address:		

*Please return the completed form to:  
 OBU Admissions team -*

<i>For office use only</i>		
Date received in admissions	Letter agreed (signature)	Date issued

## Appendix 2: Time-out from practice

### Guidance

A 'time-out' period allows for reflection by all upon the situation and facilitates planning of any remedial action or evidence gathering which may be required. This 'cooling off' period would normally be for no longer than 3 working days.

### Key actions to consider include:

- the practise assessor, link lecturer and student to discuss and agree action/objectives for the student, and to have these in place prior to the student returning into the practice area after the time-out of practice.
- Making reference to guidance available on the PLU webpages on <http://www.hls.brookes.ac.uk/peu/resources-for-supporting-students>

including:

- Guidance notes for Discontinuation of Placements for pre-qualifying students
- Failing competency statement
- Guidance for supporting a student who may be failing in practice