



THE UNIVERSITY OF
BUCKINGHAM

MEDICAL SCHOOL

MB ChB

Code of Practice for The Concerns Process 2017

1 Introduction

As a Medical School we are responsible for giving our students opportunities to learn, understand and practise the standards expected of them. We **must** support them and encourage them to follow the outcomes described by the General Medical Council (GMC) in *Achieving Good Medical Practice: Guidance for medical students*, that outlines the standards of professional behaviour expected of them. These proceedings apply to all of our students on the MB ChB programme and it is important to recognise that overseas students will need additional support to understand the cultural differences for studying and practising medicine in the UK.

The Medical School has a responsibility to the public, to employers and to the profession to ensure that only those students who are fit to practise as doctors are allowed to complete the MB ChB programme, and gain provisional registration with a license to practise, as defined by the GMC in its documents *Outcomes for Graduates* and *Professional Behaviour and Fitness to Practise* (2016). The role of the Concerns Group **must** ensure the future safety and care of patients. Our students should become excellent professionals, and professionalism training is therefore part of their ongoing education and training. The Concerns Process is intended to support students who are giving cause for concern, and to manage them through to successful completion of the course if at all possible. Should a student not react positively to support and prove unmanageable or giving cause for severe concern, then the Concerns Group **must** refer the student to the Fitness to Practise committee to review their future on the course.

Membership of the Concerns Group

- Student and Staff Support Lead, (Chair)
- Phase 1 Lead,
- Phase 2 Lead,
- Secondary care consultant and Professionalism Lead,
- General Practitioner,
- Practising Psychiatrist,
- Two Lay members,
- Patient Safety Lead
- Junior doctor
- Administrative support

The Concerns Process **must** manage and maintain comprehensive records about students giving concern for any reason, in order, if possible, to effect remediation and successful transition to clinical practice, or if not to provide robust evidence for course termination decisions based upon academic failure (as evidenced from a student's e-portfolio and Personal Tutor reports) or issues of Fitness to Practise. Pastoral support of students **must** be kept strictly separate from (but, not in ignorance of) the operation of the Concerns Process so that whatever the level of concern and whatever action, disciplinary or otherwise that may need to be taken, the students continue to be supported in a non-judgmental way.

1.1 Operation of the Concerns Group

The Concerns Group **must** be collectively responsible for the management of students giving concern for any reason. Decisions about such students will always be taken collectively and the Group **must** share collective responsibility for them. All members of the Concerns Group **must** be bound by rules of confidentiality. In the event of a member of the Group having a specific link to a student (for example a student attached to their practice) an interest must be declared and the member concerned must step out of the discussion about that student. The Concerns Group **must** be supported by Lay Advisors who are individuals not working for the Medical school or Partner Trusts as well as the Director of Education, as required. The Concerns Group **may** refer to the lay members for advice on general procedures and specific cases where such a perspective can inform appropriate decisions.

The Group **must** maintain a register of all students about whom any concern of any sort has been raised by any route. Each student on the register **must** be reviewed regularly by the Group and decisions taken about their on-going management through a variety of mechanisms. All evidence and decisions **must** be recorded on a database accessible to provide a complete record of concerns and actions to inform any proceedings they may be involved in.

1.2 Raising Concerns

‘Concern’ is a deliberately wide term, encompassing a full range of issues from academic weakness through health issues to issues about attitude and conduct. All concerns are considered initially through the same process, to recognise the often complex interactions between academic progress, health and conduct. ‘Concerns’ may be raised by a student, staff or any individual or organisation that comes into contact with the student.

1.3 Academic concerns

Students will be assessed regularly on the course, as well as through their e-portfolio, and any student whose academic performance in either formative or summative assessments is weak **must** be referred automatically to the Concerns Process by the Assessment Unit. If a student gains a grade of ‘borderline’ or lower in any assessment they **must** be referred. Tutors **may** refer a student earlier if it is apparent that they are struggling academically. Attendance will be monitored rigorously, and students who exceed a (low) threshold of unauthorised absence **must** be referred to the concerns process automatically as erratic attendance is the most common harbinger of academic, health or personal problems.

1.4 Health Concerns

All students **must** be actively encouraged to discuss health issues openly with their tutors or another member of staff and to disclose those issues to the Concerns Process with a reassurance of confidentiality and full support from the Medical School unless there is an over-riding duty of care to the public. Health concerns **must** be raised as a result of incomplete Occupational Health clearance. The Concerns Process will aim to identify appropriate support for such students to maximise their chances of completing the course. Students **must** be encouraged to support one another and to

raise concerns in confidence with a member of staff if they feel that a colleague is unwell and needs support. These concerns will be dealt with by the Concerns Group as sensitively as possible.

1.5 Concerns about conduct and attitude

These **may** be raised by anyone who comes into contact with the medical student.

The concern will be reported using the 'Concerns Reporting Form' which will be widely available and published on the Medical School VLE. It contains guidance on the nature of the concern being raised and judgement of their severity. Any member of staff, student, patient or member of the public **may** raise a concern using this form.

1.6 In Clinical Practice

In the clinical environment it is likely that concerns will be raised by staff associated with the Medical School. All staff **must** be encouraged to complete the form on behalf of the person concerned. Every effort will be made to ensure that as many staff and others as possible know of the existence of the form. There is no requirement that the person completing the form will discuss the issue with the student before or after the form is completed. The Concerns Process **must** inform the student of the concern and maintain confidentiality about the person reporting if necessary.

1.7 Management of Concerns

The overriding objective is to attempt to manage concerns by remediation and support and to refer onto Fitness to Practise procedures only if such remediation fails or if the severity of the concern is such as to pose a potential risk to patients at that time or in the future. The Concerns Group **must** consider all concerns however raised and make individual judgements about actions to take within the general guidance below. Unless the concern is regarded as trivial or malicious in origin, students **must** enter the concerns register with a Red, Amber or Green rating indicating the level of concern and appropriate actions will be triggered.

The levels of concern are:

Green: Where a concern has been raised, but has been managed successfully so that no further concerns have arisen for an appropriate period of time and the issues underlying the concern have been alleviated. These students remain on the register, in case of further future concerns, but no further action is taken.

Amber: For students with on-going light to moderate concerns being actively managed. Any student with an on-going academic concern, health issues sufficient to compromise progress on the course, or with concerns about conduct or attitude will normally enter the register on 'Amber' (unless it is very serious in which case they may enter at 'Red' – see below). They will remain on 'Amber' until there is sustained evidence that the concern has been alleviated.

Red: For students where there is a high level of concern because of multiple concerns raised, or refractoriness to attempts to manage existing concerns. Occasionally a single concern may be judged

sufficiently severe to justify direct entry at 'Red'. For matters of health, conduct or attitude a 'Red' concern is the level immediately below referral to Fitness to Practise and in effect a final warning that any further concern or failure to respond to management will lead to FTP referral. Students on 'Red' **must** be managed and monitored intensively until the situation either alleviates, in which case they may reduce to 'Amber' and possibly 'Green', or it escalates to formal action.

1.8 Guidance for handling specific concerns

Every student in the Concerns Process is considered as an individual and appropriate action taken using the following guidance.

Poor academic performance

All students who obtain a grade of 'borderline' or lower in any combination of assessment **must** be referred automatically to the Concerns Process and will enter at 'Amber'. The Concerns Group **must** write to the student notifying them of their 'Amber' status requiring that:

- They meet their personal tutor for a review of progress.
- They prepare an 'action plan' for improvement in a standard format and submit it for consideration by a senior member of staff.
- They seek screening for specific learning disabilities and receive appropriate adjustments if any are detected.
- They disclose in confidence any mitigating circumstances affecting their performance.
- They attend specific teaching sessions targeted at students whose performance is weak.
- They discuss their action plan with their Personal Tutor or member of Student Support and commit to a strategy for improvement.

These recommendations **must** be monitored and recorded in the Medical School database. Failure to comply with these requirements will lead to immediate elevation to 'Red' concern, which will be notified to the student and will be taken into account at any subsequent academic appeal.

Poor attendance

Any student who fails to attend more than four teaching sessions in any term without good reason, or who displays a repeated pattern of poor attendance, **must** be reported automatically to the Concerns Process and will enter at 'Amber' concern. Students **must** be required to self-certificate brief absences through illness and any evidence of suspicious patterns of self-certification will also lead to referral to the Concerns Process. The student will be notified of the concern about attendance and called to meet a senior member of staff. Further attendance will be monitored and any subsequent unauthorised absence will lead to the students being:

- Elevated to 'Red' and given a formal written warning.
- Referred to Occupational Health to assess any health issues impacting on their chances of succeeding in the course and practising safely as a doctor.

Concerns about health

A student with a health problem likely to impact upon academic performance, conduct or Fitness to Practise will be placed on 'Amber' status unless serious, when an immediate 'Red' grading may be appropriate. The student **must** be informed with a supportive letter or in person requiring them to:

- Meet with their Personal Tutor or another member of pastoral staff to:
 - Ensure that they are seeking appropriate professional help for their condition and to encourage them strongly if they are not.
 - Investigate any adjustment that may need to be made to their course or assessments as a result of the illness.
- Attend an appointment which will be made for them with Occupational Health for a formal assessment of any actions that need to be taken to support the student and if necessary to protect patients.

Concerns about conduct

Unless judged by the Concerns Group as trivial or vexatious, any concern raised about conduct **must** normally lead to at least 'Amber' rating. If the concern is a second or further report, or if the issue is especially serious, then the student **must** be raised to 'Red'. In the case of a particularly serious concern (for example a report of violence or sexual misconduct, or a significant probity issue) then the Concerns Group **must** refer immediately to Fitness to Practise proceedings. Unless a Fitness to Practise referral occurs immediately:

- The student **must** be notified of the concern
- The student will be required to attend an interview with a senior member of staff to:
 - Allow the student to respond to the concern by giving their side of the story, which will be recorded. The Concerns Group will not adjudicate in the case of disagreement between the student and the person raising the concern. Both the concern and the student response **must** remain on record. The student **must** not be allowed to challenge the person raising the concern directly and should they attempt to do so then that action would itself be considered a concern.
 - Warn the student that they need to avoid further concerns being raised.
- The student will normally be asked to undertake some task requiring reflection upon professional attitudes. This may be the completion of a short reflective piece of work, consideration of appropriate GMC guidance, or analysis of relevant case studies with the aim of changing attitudes and reducing the chances of a repeat concern. If this work is not completed satisfactorily and on time, then a further concern will be noted and with possible elevation to 'Red' concern.
- Concerns must be held on record throughout the student's time on the course and for 10 years thereafter and may be provided to appropriate authorities such as the GMC if serious issues arise later.

Role of the 'Lay Advisors'

- The Concerns Group will consult its Lay advisors regularly and take advice on appropriate action in cases that are not straightforward. This will be especially relevant in decisions to refer to Fitness to Practise proceedings where they may be debate about the significance of an event, or the accumulation of a series of events.

Decisions of the Concerns Group

- The Concerns Group is not a disciplinary body and does not adjudicate. Its purpose is to coordinate appropriate actions for students who are giving concern for any reason. The only

'sanction' that it may operate is referral to other bodies. There will therefore be no appeal mechanism against actions of the Concerns Group, as each of the other bodies that the Concerns Group **may** advise or refer to will have an appeal process of its own.

Referral to Fitness to Practise

- The Concerns Groups is the route by which students are referred to Fitness to Practise proceedings, though that is by no means its primary purpose, which is supportive and intended to manage students back to success. This support will be conducted in accordance with the General Medical Schools guidelines for *Medical Schools and Fitness to Practise* 2016. In the event of a serious concern about health, conduct or attitude being raised, or repeated lower level concerns being raised without a positive student response to management, the student **must** be referred to the Fitness to Practise procedures together with a complete record of their concerns to date.
- The Fitness to Practise proceedings are independent of the Concerns Process and a complete re-investigation by an independent Investigating Officer (albeit considering the evidence from the Concerns Process) **must** occur prior to a Fitness to Practise hearing. On occasion (for example following a criminal act or conviction) the Concerns Process will function as a rapid channel direct to Fitness to Practise. Where there is doubt whether Fitness to Practise referrals should occur the Concerns Group **must** consult the Lay Advisors.

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