

GMIT/HSE West	Created : June 2008 Policy: Policy on Discipline for B.Sc.(Hons.) General Nursing /Psychiatric Nursing Students during clinical practice placements. (GMIT Castlebar/ HSE West.	Policy No. Review Date:	Nurs/BSc/Und/07/02 01/09/2012 Page 1 of 13
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Code of Academic Policy No 5

Nursing Clinical Placement

**As approved by the Academic Council in 7 May 2009
and by the Governing Body in 2 July 2009**

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1.0 Policy Statement

- 1.1 It is the policy of GMIT & HSE West that Student Nurses will adhere to high standards of professional conduct, attendance and practice during the clinical component of the B.Sc. (Hons.) General/Psychiatric Nursing Programmes.

2.0 Aims of Policy

- 2.1 To ensure patient/service user and public safety is protected at all times.
- 2.2 To set standards of conduct and to ensure students understand what standards of behaviour are expected from them while on clinical practice placement.
- 2.3 To provide a procedure for the relevant personnel and the student nurse to follow when an alleged breach of discipline arises while the student nurse is on clinical practice placement.

3.0 Scope of Policy

- 3.1 Supernumerary Student Nurses undertaking the B.Sc. (Hons.) General/Psychiatric Nursing programmes in the GMIT/HSE West partnership
- 3.2 Internship Student nurses undertaking the B.Sc. (Hons.) General/Psychiatric Nursing programmes in the GMIT/HSE West partnership
- 3.3 Clinical Nurse Managers (CNM) (General /Psychiatric nursing/ Midwifery)
- 3.4 Registered Nurses/Midwives (RN/M) (General/Psychiatric Nursing)
- 3.5 Link Lecturers in Nursing (LIN's)
- 3.6 Nurse Practice Development Co-ordinators (NPDC) (General/Psychiatric Nursing)
- 3.7 Allocation Liaison Officer (ALO)
- 3.8 Allocation Function Officer (AFO)
- 3.9 Link Clinical Placement Co-ordinators (CPC's)(General/Psychiatric Nursing)
- 3.10 Clinical Nurse/ Midwifery Specialists. (CNS)
- 3.11 Human Resource Manager (Mayo General Hospital/Mayo PCCC)
- 3.12 Director of Nursing (DON) (Mayo General Hospital/Mayo Mental Health Service)

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3.13 Head of Nursing and Health Sciences, GMIT

4.0 Definitions

4.1 *Supervisor:* For the purpose of this document a supervisor is a clinical nurse/midwife manager or designated person in charge of the unit.

4.2 *Stages of disciplinary procedure:*

- Pre procedure-informal counselling
- Formal procedure:
 - Stage 1: oral warning
 - Stage 2: written warning
 - Stage 3: final written warning
 - Stage 4: dismissal or action short of dismissal
- In cases of serious misconduct, the supervisor may bypass stages 1, 2 & 3 of the Disciplinary Procedure.

4.3 *Local Management Committee:*

A joint committee of HSE & GMIT, comprising of following members, the Student's supervisor, Link Clinical Placement Co-ordinator, Link Lecturer in Nursing and non-nursing Lecturer, GMIT. In the event that the disciplinary action is a Nursing Student's attendance issue, the Allocations Liaison Officer will also be a member of the committee. The purpose of this committee is to enact stages one, two and three of the disciplinary procedure. The committee will be chaired by the Link Lecturer in Nursing.

4.4 *Dismissal or Action Short of Dismissal:*

For the purpose of this document Dismissal or Action short of dismissal means a failure to progress on the programme.

5 Responsibilities

5.1 It is the responsibility of Clinical Placement Coordinators and Lecturers in Nursing to be aware of and inform Clinical Nursing /Midwifery staff and student nurses of this policy.

5.2 It is the responsibility of the Clinical Nurse/Midwifery Manager of each unit to ensure all registered nurses/midwives are aware of this policy.

5.3 It is the responsibility of each registered nurse/midwife to ensure he/she is familiar with and adheres to this policy.

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- 5.4 It is the responsibility of the student nurse to be familiar with and adhere to this policy.
- 5.5 It is the student's responsibility to be aware of the standards of conduct, attendance and practice expected from them while they are on clinical practice placements (An Bord Altranais, 2003).
- 5.6 It is the supervisor's responsibility to respond to student nurse shortcomings promptly and fairly.
- 5.7 It is the responsibility of GMIT to maintain a file on the student nurse.

6.0 Procedure

- 6.1 Student conduct during clinical practice placement which may lead to disciplinary action under this policy include:
- Persistent poor time keeping.
 - Unsatisfactory attendance.
 - Unsafe Practice.
 - Poor work standards.
 - Breach of Health and Safety rules.
 - Bullying, harassment or sexual harassment following a complaint being upheld under the Dignity at Work policy (HSE, 2005).
 - Breach of internet/e-mail policy and other electronic communications policy.
 - Refusal to obey reasonable instructions.
 - Negligence. This is separate from claims of negligence associated with personal injury claim.
 - Abuse of patient/service user following a complaint being upheld under the Trust in Care policy (HSE, 2005).
 - Violent behaviour or use of inappropriate language to staff, members of the public or patients/service users.
 - Verbal abuse or use of inappropriate language to staff, members of the public or patients/service users.
 - Forgery or falsification of documentation or other similar criminal offences.
 - Breach of GMIT/HSE West policies, procedures and guidelines for B.Sc. (Hons.) General /Psychiatric Nursing Programmes.
 - Breach of patient/service user confidentiality

Note: The above list is not exhaustive

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The student nurse's clinical placement assessment and the disciplinary procedure are two separate processes that can proceed concurrently. The assessment process maybe suspended while the disciplinary procedure is being enacted.

The disciplinary process may have to be suspended on the directions of the Garda Authorities pending the completion by them of any criminal enquiries in the case.

6.2 Pre Procedure – Informal Counselling

6.2.1 Every effort will be made by the student's immediate supervisor to address shortcomings in practice standards, conduct and attendance through informal counselling without invoking the disciplinary procedure.

6.2.2 The purpose of counselling is to ensure the student understands what is expected and to provide an opportunity to discuss any aspects of the clinical practice placement which may be causing difficulties for the student, in achieving the required standard.

The counselling interview should be conducted as follows:

6.2.2.1 The student will be given precise details of the specific aspects of his or her attendance, practice or conduct that require improvement

6.2.2.2 The student will be given an opportunity to respond to shortcomings and careful consideration shall be given to any explanations given.

6.2.2.3 Having made the student aware of deficiencies in his /her attendance, practice or conduct, the supervisor in consultation with the student shall identify appropriate measures that can be taken to assist the student and formulate a plan for achieving the required improvements.

6.2.2.4. Details of the counselling interview and any follow-up action agreed shall be documented and signed by both parties.

6.2.3. The formal disciplinary procedure is normally invoked where this fails to bring about the required improvements.

7.0 Formal Procedure

7.1 Where a student's conduct, attendance or practice does not meet the required standards despite informal counselling, the matter will be dealt with under the formal disciplinary procedure. (Appendix 1)

7.2 While the disciplinary procedure will normally be operated on a progressive basis, in cases of serious misconduct the supervisor may bypass stages 1, 2 and 3 of the disciplinary procedure.

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- 7.3 The student's supervisor will discuss with the link CPC and the link LIN for the clinical practice placement and consider if the formal disciplinary procedure is to be enacted. Relevant personnel will be consulted as necessary.
- 7.4 The Link CPC and Link LIN will inform their relevant line managers that the disciplinary procedure is to be enacted.

The stages of the disciplinary procedure are as follows:

7.5 Stage One: Oral Warning

This is dealt with by the Local Management Committee.

- 7.5.1 A student whose practice, conduct or attendance falls below the required standards will be issued with a formal oral warning by the Local Management Committee for a period of time to be determined on a case by case basis.
- 7.5.2 The warning will give details of the precise nature of the complaint, the improvements required, the timescale for improvement and identify the personnel that an appeal can be made to.
- 7.5.3 The student will be advised that the first oral warning constitutes the first stage of the disciplinary procedure and failure to improve within the agreed timescale may result in further disciplinary action under stage 2 of the disciplinary procedure.
- 7.5.4 The Local Management Committee will inform the Director of Nursing and the Head of Nursing and Health Sciences that an oral warning has been issued.
- 7.5.5 A record of the warning will be kept on the student nurses file maintained by GMIT.
- 7.5.6 The student will have the right to appeal the oral warning to the next level of management higher than the original decision-maker. Appeals must be made in writing setting out the grounds for appeal within 7 days of the student being notified of the decision.
- 7.5.7 The warning will be removed from the student nurses file maintained by GMIT after the specified period, subject to satisfactory improvement during this period. The Local Management Committee will write to the student and advise that the record of the warning has been removed from the student's file.
- 7.5.8 It is not considered a breach of privacy to inform relevant personnel on subsequent clinical practice placements that a disciplinary procedure has been invoked. In such circumstances the information communicated is described as strictly confidential.
- 7.5.9 When a student is on subsequent clinical practice placements and the disciplinary procedure is still active, the supervisor (the CNM), the link CPC and the link LIN for the subsequent placement will become the

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Local Management Committee. All relevant information will be made available to the subsequent Local Management Committee.

7.6 Stage Two: Written Warning

This is dealt with by the Local Management Committee

- 7.6.1 If the student fails to make the necessary improvements or if the nature of the unsatisfactory performance/conduct is more serious, s/he will be issued with a formal written warning by the Local Management Committee for a period of clinical placement time determined on a case by case basis.
- 7.6.2 The written warning will give details of the complaint, the improvements required and the timescale for improvement.
- 7.6.3 A record of the warning will be kept on the student nurses file maintained by GMIT.
- 7.6.4 The student will also be advised that failure to improve within the agreed timescale may result in the issuing of a final written warning under stage 3 of the disciplinary procedure.
- 7.6.5 The student will have a right to appeal the written warning to a level of management higher than the original decision-maker. Appeals must be made in writing setting out the grounds for appeal within 7 days of the student being notified of the decision.
- 7.6.6 The warning will be removed from the student nurses file maintained by GMIT after the specified period, subject to satisfactory improvement during this period. The Local Management Committee will write to the student and advise that the record of the warning has been removed from the student's file.

7.7 Stage Three: Final Written Warning

This is dealt with by the Local Management Committee

- 7.7.1 If the student fails to make the necessary improvements, s/he will normally be issued with a final written warning by the Local Management Committee for a period of clinical placement time determined on a case by case basis. This period may be extended in exceptional circumstances.
- 7.7.2 The warning will give details of the complaint, the improvements required and the timescale for improvement.
- 7.7.3 A record of the warning will be kept on the student nurses file maintained by GMIT
- 7.7.4 The student will be advised that failure to improve within the agreed timescale may lead to progression to Stage 4 of the disciplinary policy.

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7.7.5 The student will have a right to appeal the final written warning to a level of management higher than the original decision-maker. Appeals must be made in writing setting out the grounds for appeal within 7 days of the student being notified of the decision.

7.7.6 The warning will be removed from the student nurses file maintained by GMIT after the specified period, subject to satisfactory improvement during this period. The Local Management Committee will write to the student and advise that the record of the warning has been removed from the student's file.

7.8 **Stage Four: Dismissal or Action Short of Dismissal**

7.8.1 Failure to meet the required standards of practice, conduct or attendance following the issuing of a final written warning by the disciplinary management group will lead to a disciplinary hearing under Stage 4.

7.8.2 The decision-makers will be the Director of Nursing and Head of Department Nursing and Health Sciences, GMIT.

7.8.3 The outcome of the disciplinary hearing could be Dismissal or Action Short of Dismissal.

7.8.4 The student may appeal against dismissal decisions or actions short of dismissal. See 8.6 of this policy.

8.0. Serious Misconduct

8.1. While the disciplinary procedure will normally be operated on a progressive basis, in cases of serious misconduct the supervisor may bypass stages 1, 2 and 3 of the disciplinary procedure. The following are examples of serious misconduct which will be dealt with from the outset under Stage 4:

- Theft
- Deliberate damage to property
- Fraud or deliberate falsification of documents
- Gross negligence or dereliction of duties. This is separate from claims of negligence associated with personal injury claims.
- Gross insubordination
- Incapacity to perform duties due to being under the influence of alcohol, unprescribed drugs or misuse of prescribed medication
- Serious breach of Health and Safety rules
- Serious abuse of electronic communication policy.
- Downloading/disseminating pornographic material from the internet
- Serious breaches of confidentiality
- Serious bullying, sexual harassment or harassment

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- Serious abuse of a patient/service user following a complaint being upheld under the Trust in Care Policy
- Violent behaviour displayed by the Student Nurse during the clinical practice placement.
- Breach of the HSE Media Relations Protocol.
- Sexual assault
- Circulation of offensive, obscene or indecent text /phone messages
- Serious Breach of GMIT/HSE West policies, procedures and guidelines for BSc (Hons.) General /Psychiatric programmes for undergraduate nurses

Note: *The above list is not exhaustive.*

Allegations of serious misconduct will be dealt with as follows:

8.2. Notifying the Student of the Allegation

- 8.2.1. Upon receiving an allegation of serious misconduct, local senior management will arrange for the gathering of preliminary facts relating to the allegation in order for the precise allegation to be formulated.
- 8.2.2. The student against whom the allegation is made will be requested to attend a meeting to hear the precise details of the allegation at the earliest juncture and without undue delay.
- 8.2.3. The student will be advised of his/her right to be accompanied at this meeting by a union representative or colleague
- 8.2.4. When dealing with the allegation, management will ensure, insofar as possible, that confidentiality is maintained and the student against whom the allegation is made is fully protected throughout the process.

8.3. Protective Measures

- 8.3.1. Pending the outcome of the investigation, management may take whatever protective measures are necessary to ensure that no patient/client or employee is exposed to unacceptable risk.
- 8.3.2. ***These protective measures are neither disciplinary measures nor an indication of guilt and may include:***
 - 8.3.2.1 Increased level of supervision of the student nurse
 - 8.3.2.2 Temporary withdrawal of the student nurse from clinical placement pending investigation.
- 8.3.3. The views of the student will be taken into consideration when determining the appropriate protective measures to take in the circumstances but the final decision rests with management.

8.4 Investigation

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- 8.4.1. An investigation will be conducted by person(s) who are acceptable to both parties. Any objections by the student to a proposed investigator must be based on reasonable cause and no student is permitted to unreasonably withhold agreement or to otherwise obstruct the process or attempt to impose a veto over management's right to carry out the investigation fairly, promptly and efficaciously.
- 8.4.2. The principles governing the conduct of the investigation and the steps in conducting the investigation are set out in Appendix 2.
- 8.4.3. If the findings of the investigation uphold the allegation of serious misconduct, a disciplinary hearing will be held as follows

8.5 Disciplinary Hearing

- 8.5.1. The student will be informed of the following in writing in advance of the disciplinary hearing:
 - 8.5.1.1 The status of the meeting, i.e. that it is a formal disciplinary hearing under Stage 4 (Dismissal or Action Short of Dismissal) of the disciplinary procedure.
 - 8.5.1.2 The purpose of the hearing is to consider representations on the student's behalf and to decide if disciplinary action is appropriate in all the circumstances and the nature of the sanction if any.
 - 8.5.1.3 The possible outcome of the hearing, i.e. it may result in a decision to dismiss the student from the programme.
 - 8.5.1.4 A copy of the investigation team's report in advance of the hearing and all relevant documentation.
 - 8.5.1.5 The Student has the opportunity to respond in advance of the hearing.
 - 8.5.1.6 The Student has the right to be accompanied by a union representative or colleague.
- 8.5.2. The disciplinary hearing will be conducted as follows:
 - 8.5.2.1 The student will be informed of the purpose of the disciplinary hearing, the nature of the allegation and the findings of the investigation.
 - 8.5.2.2 The student and his/her representative will have the opportunity to present his/her case in response to the findings of the investigation.
 - 8.5.2.3 The disciplinary hearing is not intended to repeat the investigation but the student will be able to raise any concerns regarding the investigation process if s/he feels that these concerns were not given due consideration by the investigation team.

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8.5.2.4 The hearing will be adjourned to allow the decision-makers to carefully consider the representations made on the student's behalf.

8.5.2.5 The hearing will be reconvened and the student will be advised of the decision which may include:

8.5.2.5.1 Decision to dismiss from the programme.

8.5.2.5.2 Disciplinary action short of dismissal.

8.5.2.5.3 No further action on the grounds that there were strong mitigating circumstances

8.5.2.5.4 Non-disciplinary action (e.g. where there were strong mitigating circumstances but the student's continued opportunity of clinical placements is conditional on him/her agreeing to seek specialist treatment or other appropriate course of action).

8.5.3. The student will be advised of his/her right to appeal the decision.

Appeals under Stage 4

8.6 Appeals against Dismissal or Actions short of Dismissal (Stage 4)

8.6.1. The student may appeal the decision to dismiss from the programme or action short of dismissal

8.6.2. The student will be required to write to the GMIT Registrar and submit the grounds for the appeal in writing within 14 days of being notified of the original dismissal decision or action short of dismissal.

8.6.3. The GMIT Registrar will convene an Appeals Body to deal with the appeal. The Appeals body will consist of the following:

- GMIT Governing Body nominee
- **A member of the Academic Council who has no involvement with nursing**
- A HSE nominee
- An independent person external to both organisations.

8.6.4. The Appeals body will decide whether to confirm or vary the original dismissal decision. If the original decision is confirmed, the student will be dismissed or action short of dismissal will proceed.

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