

GOsC Student Fitness to Practise Consultation Analysis and Response

Background

1. The award of a 'Recognised Qualification' (RQ) leading to registration with the GOsC, subject to health and character requirements, means that a student has reached the required standard of proficiency, with a commitment to abide by ethical and other standards stated in the published *Code of Practice*.
2. The GOsC has published a statement that confirms 'if no additional information is available to the General Osteopathic Council, it would not normally expect to refuse registration to a person who has been awarded a RQ.' This means that the award of the RQ will normally lead to registration with the General Osteopathic Council.'
3. This places a duty on Osteopathic Educational Institutions (OEIs) to emphasise both the academic and the professional aspects of practice during undergraduate education and before the award of the RQ.
4. In order to support both students and OEIs in ensuring that students are committed to practising in accordance with the *Code of Practice* at the point of registration, the GOsC has prepared two guidance documents under the auspices of a Student Fitness to Practise Working Group comprising students, osteopaths, OEI staff and lay people:
 - a. *Guidance about Professional Behaviours and Fitness to Practise for Osteopathic Students.*
 - b. *Guidance for Osteopathic Educational Institutions.*
5. Almost all statutory healthcare professional regulators (for example, the General Medical Council, Health Professions Council, General Optical Council) have published, and in many cases subsequently revised and updated, their Student Fitness to Practise Guidance in response to the government White Paper '*Trust, Assurance and Safety*'.
6. The Council for Healthcare Regulatory Excellence (CHRE), which oversees all statutory healthcare regulators, also expects guidance in this area. CHRE published a report in 2010 recommending that healthcare regulators should collect data about student fitness to practise as part of their role to quality assure education. This

report also calls for regulators to work with education providers in the management of student fitness to practise issues.

7. The CHRE report notes that there is some research evidence between particular kinds of behaviour as a student and subsequent propensity to have fitness to practise questioned following registration, including:
 - Unprofessionalism.
 - Unreliability.
 - Lack of initiative.
 - Lack of self-improvement.

8. The CHRE report also sets out the following areas of concern in terms of public protection:
 - Plagiarism.
 - Dishonesty.
 - Drug or alcohol misuse.
 - Criminal convictions or cautions.
 - Unprofessional behaviour such as demonstrating persistent disregard for regulations or requirements of the course; ongoing rudeness or disrespect for patients or colleagues; breaching patient confidentiality; and failure to observe appropriate boundaries with patients.

9. Taken together with findings from our recent Osteopathic Patient Expectations (OPEN) study and Adverse Events research; issues around communications in our fitness to practise procedures and the ways in which complaints escalate; as well as feedback from OEIs, GOsC decided to convene a Student Fitness to Practise working group to develop Student Fitness to Practice Guidance for students and OEIs. This approach also supported requests from the OEIs for guidance in this area.

The guidance

10. The aims of the student fitness to practise guidance are:
 - a. To help Osteopathic Educational Institutions (OEIs) teach students that being a healthcare student in preparation for being an autonomous healthcare practitioner is different from being an ordinary student.
 - b. To help students to learn professional behaviours and to access pastoral support from OEIs when required.
 - c. To assist OEIs in the consistency of management of fitness to practise issues for all osteopathic students.
 - d. To support OEIs in ensuring that only students who meet the standards in the *Osteopathic Practise Standards* are awarded an RQ.

Guidance about Professional Behaviours and Fitness to Practise for Osteopathic Students

11. This guidance introduces students to health professional regulation and its purpose and meaning, and to the core standards of practice – the *Standard of Proficiency* and the *Code of Practice* – and from September 2012, the *Osteopathic Practice Standards*.
12. The guidance explains about notions of public trust and the professional reputation of the profession. It starts to explore some of the behaviours and values inherent in professionals and, ultimately, why healthcare students are different to other students.
13. It also explains what students can expect throughout their undergraduate education: both dedicated teaching and support to learn these professional behaviours effectively and putting them into practice. It is expected that undergraduate education will build on the framework set out in this guidance.
14. As with the new *Osteopathic Practice Standards*, this guidance is not meant to be a prescriptive list of activities that students should not undertake. This is because such lists do not achieve the aim in mind. Invariably, the behaviour that is not desired will not be captured by such a prescriptive list. In any event, professionalism is not about a list of things one should not do, it is about a set of values and behaviours that one should strive towards, both during undergraduate education and onwards throughout practice.

Student Fitness to Practise: Guidance for Osteopathic Educational Institutions

15. This guidance is focussed more on OEIs and aims to provide a clear framework to consider the development of student fitness to practise throughout the undergraduate course.
16. The guidance explains about regulation and the responsibilities on OEIs only to award RQs to students who are capable of practise in accordance with the *Code of Practice* and *Standard of Proficiency* (from September 2012, the *Osteopathic Practice Standards*).
17. The guidance emphasises:

- The purpose of student fitness to practise – it is about matters that may affect patient safety or the trust that the public places in the profession, rather than a 'punishment' for a student who has misbehaved.
- The responsibilities of OEIs to teach and enable students to learn about professional behaviours in accordance with the *Code of Practice* as well as the *Standard of Proficiency*.
- The importance of providing pastoral care and support to students to enable them to seek advice and help in a non-threatening way, before issues become fitness to practise matters.
- The relationship between health and fitness to practise – further guidance is also being developed on this to support the student fitness to practise guidance.
- A framework for a formal fitness to practise process across all OEIs for enabling appropriate consideration of events, behaviours and criminal convictions or cautions.

Consultation Methods

18. The two pieces of guidance: *Guidance about Professional Behaviours and Fitness to Practise for Osteopathic Students* and *Student Fitness to Practise: Guidance for Osteopathic Educational Institutions* and a cover Consultation document were published electronically for consultation from 1 May 2011 to 1 September 2011. A slightly longer time period for consultation was determined to be appropriate to take account of the holiday period.
19. The Guidance was electronically circulated to the following interested parties before 1 May 2011 and also about two weeks before the conclusion of the consultation:
- Consumer bodies and patient organisations including the CHRE patient list of organisations
 - Our own patient representative who responded to one of the flyers placed in the OEI clinics.
 - British Osteopathic Association
 - Specialist Osteopathic Societies
 - Osteopathic Regional Communications Network
 - International osteopathic health regulators
 - All OEIs – and they have confirmed that many of them have circulated the document onwards to their faculty, student (and patient groups where relevant).
 - Other healthcare regulators via the Education Inter-regulatory group.
 - GOsC Fitness to practise panelists
 - QAA
 - GOsC/ QAA Visitors

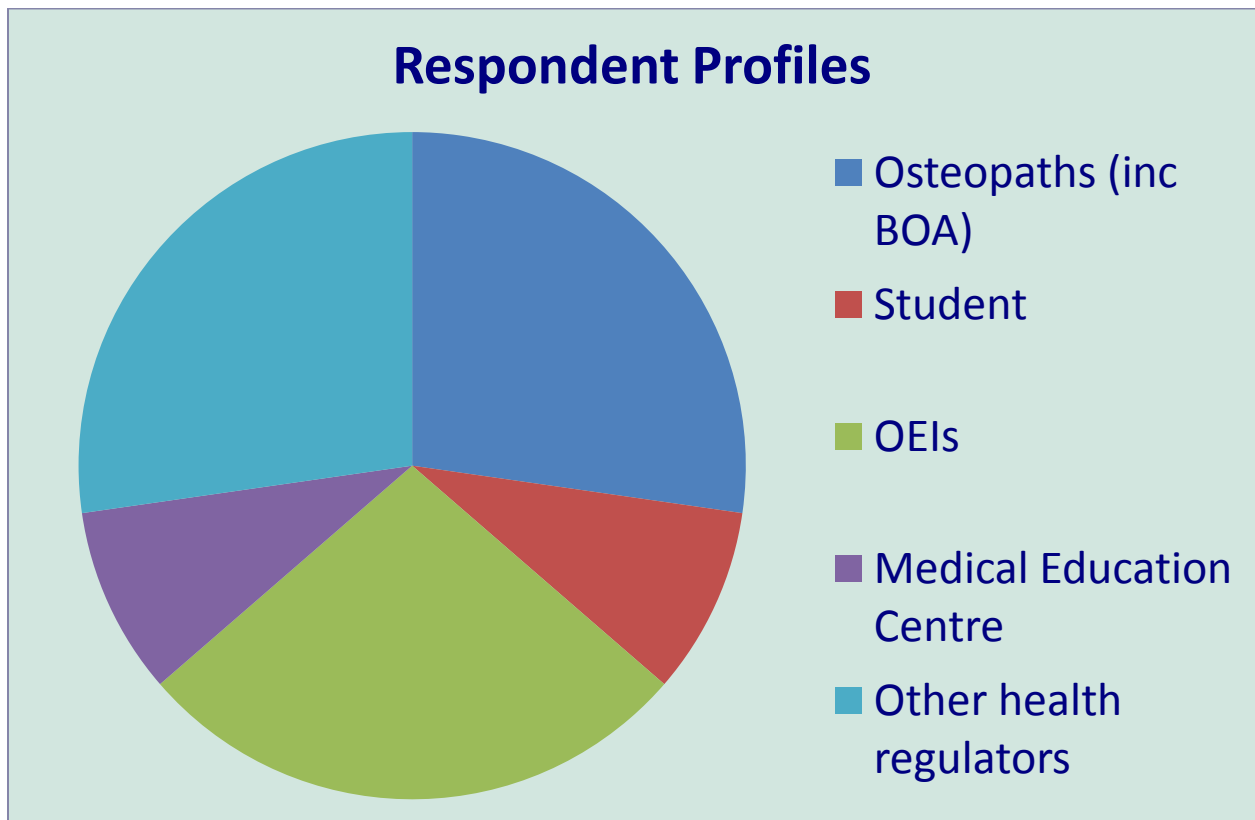
20. The Guidance was also advertised on the GOsC public website, the o zone (the registrant website) and on the Higher Education Academy website.

21. During the consultation period, meetings, seminars and presentations took place with the following:

- Regional Communications Network representative Osteopaths across the UK on 17 June 2011.
- Student seminars were held at Oxford Brookes University and the British School of Osteopathy.
- Sue Roff, a medical educationalist from the University of Dundee and former member of the Postgraduate Medical Education and Training Board who was interested in the area of Student Fitness to Practise.

Consultation Responses

22. Responses were received from six organisations and four individuals broadly representing our key stakeholders. Whilst no patient responses were received we did receive responses from a medical educationalist who has not previously been involved with osteopathy and therefore in this respect is lay.



Equality and diversity

23. Due to the low numbers of individual responses, it is not possible to meaningfully analyse the representativeness of the population who responded compared to the population as a whole. However, we did receive some feedback specifically in response to our question about equality and diversity impact. Our specific guidance about the Management of Health and Disability will also go some way to addressing some points made. Further detail about this is set out below.
24. We will also take steps to update our Equality Impact Assessment as we look at implementation of the Guidance. This will include exploring the data we collect from Osteopathic Educational Institutions with a view to exploring equality and diversity issues arising in student fitness to practise.

Summary of consultation responses

25. On the whole both pieces of guidance have been welcomed and we therefore propose to publish slightly amended version to take into account the constructive feedback received from all who responded to the consultation.
26. The main feedback and actions to be taken are as follows:
- Consistency about the purpose of the Student fitness to practise processes in the Student and OEI guidance – emphasise that they are not a punitive process.
 - Ensure appropriate references to reasonable adjustments throughout the guidance, cross reference the *Student with a Disability or Health Impairment: Guidance for Osteopathic Educational Institutions* and *Osteopathic Education and Training: Guidance for Applicants and Students with a Disability or Health Impairment*.
 - Ensure appropriate references to the *Osteopathic Practice Standards*.
 - Where there are references to patients being put at risk, also consider reference to colleagues and staff where appropriate supplementing the footnote about this in the guidance.
 - Clarify whether there is a two stage process of investigation – can complaints be closed at this at this stage?
 - Clarify when fitness to practise findings and sanctions should be reported to GOsC by the OEI and by the student.
 - Expand on the meaning of 'insight' into behaviour and understanding of the impact of conduct.

- Emphasise the purpose and meaning of suspension and how this relates to return to practice as a student.

27. A number of excellent suggestions were made with regards to implementation. It is proposed that these suggestions are considered in more detail as part of a more detailed implementation plan by the Student Fitness to Practice Working Group when the options have been worked up more fully in due course.

The consultation issues

This section sets out the consultation issues, the summaries

A. The Balance between learning professional behaviours and taking responsibility for fitness to practise

Question 1: Is the emphasis right on the importance of teaching and learning professional behaviours and the responsibility of the individual for their own fitness to practise?

Seven respondents thought that the emphasis and balance was right. Comments included:

'Yes. CHRE considers it essential for students to learn professional behaviours to enable them to deliver high quality care....continuing emphasis on professionalism throughout pre-registration training will allow students to 'internalise appropriate behavior and make virtue a habit'. CHRE

'We welcome recognition of that students need to develop professionalism as part of their learning and that this is an ongoing process.... It is made clear that the process should be supportive and developmental, however, there is an appropriate emphasis on the need for students to reflect and be self-critical of their own responsibilities and actions.' BSO

However, there were also suggestions for improvement here:

'I think the emphasis is balanced between the two, however, I feel that it is quite difficult to pull out the information from the student guide but felt it was easier in the guide for educational institutes'. James Miller, student

'The NMC do not see fitness to practise to guidance as a tool for punishing students but as positive guidance to ensure that they understand their professional responsibilities throughout their career.... Paragraph 21 says 'Student fitness to practise is not only a punitive subject'. In paragraph 55 it says 'The outcomes of a fitness to practise hearing...should not be a punishment. We would agree with the statement at paragraph 55 and suggest that you delete the first sentence from paragraph 21. NMC

Recommendations:

- **Clarify the purpose of the purpose of the student fitness to practise process in the Student Guidance and also the role of the OEI.**
- **Delete references to 'not only a punitive subject' in the OEI Guidance.**

B. Guidance about Admissions

Question 2: Is the Guidance about admissions appropriate?

Seven respondents answered this question. Five thought that the guidance was appropriate. Both respondents who felt the guidance may not be appropriate were not aware of the text of the Guidance about the Management of Health and Disability which is to be published alongside this Student Fitness to Practise Guidance.

Recommendation:

- **Ensure a closer cross-referencing between the text of the Guidance about the Management of Health and Disability and the Student Fitness to practise Guidance.**

C. The Student Fitness to Practise Investigation Process

Question 3: In considering whether to investigate, we have suggested a number of questions at paragraph 48 of the Student Fitness to Practise Guidance for Osteopathic Educational Institutions. Are these the right questions?

Seven respondents answered this question. Five thought no further guidance beyond that already planned in relation to the management of health and disability was necessary.

The NMC asked whether the GOsC had legislative powers to set admissions criteria like the NMC. The GOsC does not have such legislative power.

One respondent suggested that GOsC '*Place more emphasis / cross reference on the Standard of Proficiency / Code of Practice*'. Nick Woodhead, Osteopath

One respondent suggested: ' I think it would be useful for members of the public to understand the process a student has to pass through in order to study osteopathy. I don't think it would have to be detailed, just guidance that each student has to prove fitness to practise that they pass through background (CRB) checks and have to log a certain amount of hour before they are granted an RQ [and registration].' James Miller, student

Recommendation:

- **Review guidance to ensure that there is appropriate reference to the Osteopathic Practice Standards.**
- **Review website information and patient leaflets to ensure that they are clear the checks that students go through before the award of an RQ and registration.**

D. The student fitness to practise investigation process

Question 4: In considering whether to investigate, we have suggested a number of questions at paragraph 48 of the Student Fitness to Practise Guidance for Osteopathic Educational Institutions. Are these the right questions?

Seven respondents responded to this question and all agreed that the questions were appropriate. Two respondents suggested additional questions for consideration:

'We would also like to see under g. a further question asking whether the student has considered appropriate actions or developmental behavior to address issues raised. It may also be helpful here for the investigator to consider any mitigating circumstantial factors which may have contributed to the fitness to practise issue.' BSO

'We would like to suggest that..reference is also made to colleagues and staff.' BCOM

'The question appears reasonable. We note that you include a question about a student's health or impairment compromising patient safety. We advise caution

in including impairment of health in a list of bad behaviours... we suggest separating out questions about health and asking if the student had declared the impairment and whether reasonable adjustments had failed. The NMC have guidance on good health and good character which includes guidance on when reasonable adjustments need to be made emphasising the safety of the public must always take priority.' NMC

Recommendation:

- **Consider adding additional questions in the section about whether to investigate as detailed above in particular, mitigating circumstantial factors.**
- **Clarify language to include mention of reasonable adjustments failing and also include explicit reference to the Guidance on the Management of Health and Disability.**
- **Ensure that colleagues and staff safety is considered as part of patient and safety.**

E. Sanctions that can be given by a student fitness to practise panel

Question 5: How appropriate is the guidance about when to issue a warning contained in paragraph 59 of the Student Fitness to Practise Guidance for Osteopathic Educational Institutions?

Seven respondents responded to this question and six thought that the guidance was appropriate. However, many respondents had additional comments to improve the guidance as follows:

'...the GOsC should be clearer about why a student should disclose this information to the regulator at registration, when no impairment of fitness to practise has been found'. CHRE

'Section a gives appropriate advice to decision makes but subsequent sections are less clear as to whether a warning is or is not appropriate... in addition we would like to see recognition that there is the possibility of investigation outcome being considered by a course leader or equivalent and their recommendation being taken into account as to whether a case goes to a full panel or not. It may be appropriate and more proportionate for the institution and student if warnings can be given at this stage...' BSO

'The guidance is very appropriate, I would also like to see implicitly when a warning would be issued over suspension or removal from the course.' James Miller, Student

'The guidance is appropriate ... however, further expansion of student insight to behaviour and the impact that deleterious conduct may have could be required for both clarification to student bodies and institutional fitness to practise panels'
Swansea University

Recommendation:

- **Make clear that a warning is not a fitness to practise sanction, and therefore that there is more freedom for the OEIs to deal with this in a way that suits locally. This may impact on whether these issues should be reported. The issue is to ensure that patients are safe and that appropriate matters are reported to GOsC at the point of registration.**
- **Expand the meaning of student insight into behaviour and understanding of the impact of conduct.**

Question 6: How appropriate is the guidance about when to issue an undertaking contained in paragraphs 63 and 64 of the Student Fitness to Practice Guidance for Osteopathic Educational Institutions?

Seven respondents answered this question and all thought that the Guidance was appropriate. However, some also has some constructive suggestions for improvement as follows:

'There is not guidance provided to the education providers or to students about whether undertakings, which indicate evidence of impaired fitness to practise, would need to be declared at registration. It would be helpful if the guidance could provide some clarity about this issue.' CHRE

'The guidance is clear, but we were confused by the implication in paragraph 65 of a further 'full fitness to practise panel'. BSO

'The guidance contained in these paragraphs is appropriate. However, the inclusion of more explicit delineation of what constitutes 'genuine insight' may circumnavigate ambiguity or the accusation of 'personality clashes' or tutor student bullying should there be a need for this guidance to be implemented in OEIs.' Swansea University

Recommendations:

- **Clarify information sharing obligations between students and OEIs.**
- **Clarify further detail about insight.**

- **Clarify meaning of full fitness to practise panel in paragraph 65.**

Question 7: How appropriate is the guidance about conditions contained in paragraphs 72 to 74 of the Student Fitness to Practise Guidance for Osteopathic Educational Institutions?

Seven respondents responded to this question. Three respondents thought that the guidance was 'very appropriate and clear'. The other respondents made the following points:

'There is no mention of the costs of supervision – it would be advisable to spell this out' – Nick Woodhead, Osteopath

Clarity about 'reasonable adjustments' and ensuring that the 'behaviour rather than the health itself falls under [the] fitness to practise policy' itself needed to be clarified. This point was made in the NMC and the BSO response.

The point was made again by CHRE about being clear about when the conditions would be disclosed and to whom.

'The guide on 'conditions' is appropriate. We would like to suggest that reference is also made to 'colleagues' and 'staff...' BCOM

Recommendations

- **Clarify when conditions may be disclosed and to whom.**
- **Include appropriate references to colleagues and staff.**
- **Ensure that it is clear that the conditions relate to behavior rather than health.**

Question 8: Is a period of suspension an appropriate outcome for a fitness to practise panel to impose? What does this achieve for the student? What sort of evidence would help to demonstrate that the student was safe to return to the course? See paragraphs 75 to 78 of the Student Fitness to Practise Guidance for Osteopathic Educational Institutions.

Seven respondents responded to this question. Six respondents supported the need for suspension to be a sanction of student fitness to practise procedures.

The NMC advised that if suspension was necessary, it should be framed as a condition with a clear and measurable outcome. Suspension could be clarified to have a clear purpose and a clear and measurable outcome.

Recommendation:

- **Clarify the sanction of suspension to ensure that it has a clear purpose, and a clear and measurable outcome. Regular review for sanctions should also be made clear.**

Question 9: How appropriate is the guidance about expulsion contained in paragraph 80 in the Student Fitness to Practise Guidance for Osteopathic Educational Institutions?

Six respondents responded to this question and all thought that the guidance was appropriate.

The NMC also added that *'There is no mention of discontinuation on health grounds where reasonable adjustments cannot be made. For expulsion, this criteria appears appropriate and appears swift and fair.'*

Recommendation:

- **Add terminology to reflect the need for discontinuation on health grounds where reasonable adjustments cannot be made.**

Student Fitness to Practise Guidance for Osteopathic Educational Institutions

Question 10: How appropriate is the Student Fitness to Practise Guidance for Osteopathic Educational Institutions?

Question 11: Can you offer any suggestions for improvement?

Seven respondents answered the above questions and six thought that overall the guidance was appropriate and helpful. Comments included:

'A welcome step forward...' BSO

'The guidance is appropriately detailed and comprehensive whilst also being concise enough to effectively distribute to numerous members of faculty in Higher Education departments.' Swansea University

'The guidance is very appropriate, it allows a clear structure that can be applied and followed by all institutions leaving the students and educational institutions in no doubt of their responsibilities and care in practise.' James Miller, Student

'This is generally good and appropriate, but the force / credibility of the document is diminished by several references to GOsC publishing further guidance at some point in the future... the Council should put all if this in place....' Nick Woodhead, Osteopath

'Overall it is appropriate...' NMC

A number of suggestions were made to improve the guidance. These included:

- The need for clarity about when findings and sanctions should be reported to the regulator by the OEI and by the student.
- Consistency in reporting the non-punitive intention of student fitness to practise procedures.
- The possibility of a staged process and further scope for resolution of issues prior to a full fitness to practise hearing.
- Publishing the guidance about the Management of Health and Disability in practice, more explicit linking of the guidance and more emphasis on approaching health in a non-discriminatory way.
- Perhaps further information about membership of fitness to practise panels (in particular numbers and lay or osteopathic membership).
- Clarity about the threshold of fitness to practise in relation to year-dependent behavior.
- The addition of flow charts demonstrating the process.
- Further guidance about admissions.

Guidance about Professional Behaviours and Fitness to Practise for Osteopathic Students

Question 12: How appropriate is the student booklet Guidance about Professional Behaviours and Fitness to Practise for Osteopathic Students?

Question 13: Can you offer any suggestions for improvement?

Seven respondents answered this question and all thought that the Guidance was helpful and appropriate.

'The GOsC Guidance is a helpful contribution to this process' BSO

'The guide is clear, concise and very appropriate.' BCOM

'This is very appropriate... it gives the student a good understanding of what is expected from them and how they should behave in practice.' James Miller, Student

'Ticked' Nick Woodhead, Osteopath

'The booklet is a useful introduction to professional behaviours for pre-registration osteopathic students.' CHRE

'The student booklet appears appropriate' NMC

The respondents offered the following suggestions for improvement:

- Clarify the link to the common values for healthcare professionals
- Consider making more explicit that the fitness to practise policies are the responsibility of the OEIs. GOsC scrutinises but is not a source of appeal.
- Clarify matters of health more.
- Emphasise ongoing assessment and that students with a disability must be assessed and any reasonable adjustments made as long as the safety of patients and carers is not compromised.

Recommendation:

- **Incorporate the suggestions for improvement outlined above.**

Implementation

Question 14: What should the GOsC do to support the effective implementation of the guidance both for the Osteopathic Educational Institutions and for students?

Eight respondents answered this question. Respondents had a variety of ideas for implementation including:

- Encouraging sharing of good practice between OEIs through annual seminars or in other ways.
- Developing case studies
- Developing specimen conditions for education providers to draw upon.
- Reviewing and evaluating the guidance and its effectiveness with students (particularly how it has improved their understanding of being a healthcare professional and regulation)
- Explore the effectiveness of the guidance as part of the QA processes – including discussion with students about the awareness of procedures and policies.
- GOsC representative on FtP panels.
- GOsC discussion for students and clinical faculty at OEIs.

A detailed proposal for a form of e-learning was also submitted which could be used as a stand alone teaching tool. The tool will enable the monitoring of the student's understanding of professionalism as they progress through the course. This is currently being piloted in 7 UK medical schools and internationally. The costs of trialling the programme are minimal (less than £1000).

Recommendation:

- **Consider all methods of implementation outlined above and develop into a detailed implementation strategy.**
- **Consider piloting the e-learning tool ahead to see what can be learned as the GOsC e-learning strategy is developed.**

Question 15: Do you consider that the guidelines or their implementation will adversely impact any students or others in relation to gender, race, disability, age, religion or belief, sexual orientation or any other aspects of equality?

Five respondents answered this question. Responses included:

'I am pleased the GOsC is taking steps to provide guidance, it can only enhance the transparency and profession of Osteopathy.' James Miller, student.

However, the NMC made the point that and thought there would be no adverse impact. The NMC made a point about further reference being made to 'reasonable adjustments' and the equality legislation in the four countries of the UK.

Recommendation:

- **Monitor the equality impact assessment as part of the implementation and evaluation of the guidance.**
- **Ensure explicit cross-referencing to the equality legislation and the Guidance about the Management of Health and Disability.**

Question 16: Are there any other comments that you would like to make?

A number of respondents answered this question only as follows:

'We would like to thank the GOsC for producing these clear and concise Guides for OEIs.' BCOM

'We are happy with the documents as we feel that they appropriately reflect our current policy' Swansea University

'I have had a concern about.... Students, whilst they are training, often see fit to 'treat' friends and family using osteopathic techniques of all kinds...Treatment is the application of osteopathic technique with therapeutic ambition, and with no tutor to support them there can be no diagnosis and treatment without diagnosis is the worst example of bad practice....they must be told it is completely forbidden unless the treatment is supervised by someone who is qualified....'
Stephen Sandler, Osteopath

'We have no concerns regarding the proposed student fitness to practise guidelines other than the issue brought up by Stephen Sandler which we endorse.' BOA

'Good physical and mental health' in paragraph 33. Delete the paragraph which states 'Congratulations! We wish you every success in your future studies and career as an osteopath 'it comes across as being insincere'. Nick Woodhead, Osteopath.

Recommendation:

- **Clarify the importance of working within ones competence and not treating friends and family unless under supervision.**