

<b>Document Type:</b> PROCEDURE		<b>Unique Identifier:</b> CORP/PROC/594
<b>Title:</b> Referral to the NMC and Health Professionals Council		<b>Version Number:</b> 1
		<b>Status:</b> Ratified
<b>Scope:</b> All Clinical and Allied Health Professionals		<b>Classification:</b> Organisational
<b>Author/Originator and title:</b> Angela McKeane, Assistant Director of Nursing and Eleanor Palmer-Rigby HR Business Partner		<b>Responsibility:</b> Human Resources
<b>Replaces:</b> New Procedure	<b>Description of amendments:</b> N/A	
<b>Name Of:</b> <b>Divisional/Directorate/Working Group:</b> Human Resources Policy Group	<b>Date of Meeting:</b> 14/06/2012	<b>Risk Assessment:</b> N/A
		<b>Financial Implications</b> N/A
<b>Validated by:</b> N Grimshaw, Director of HR & OD	<b>Validation Date:</b> 24/07/2012	<b>Which Principles of the NHS Constitution Apply?</b> Principle 3
<b>Ratified by:</b> JNCC	<b>Ratified Date:</b> 24/07/2012	<b>Issue Date:</b> 24/07/2012
<b>Review dates may alter if any significant changes are made</b>		<b>Review Date:</b> 01/06/2015
<b>Does this document meet the requirements of the Equality Act 2010 in relation to Race, Religion and Belief, Age, Disability, Gender, Sexual Orientation, Gender Identity, Pregnancy &amp; Maternity, Marriage and Civil Partnership, Carers, Human Rights and Social Economic Deprivation discrimination?</b> Initial Assessment		

## 1. PURPOSE

The purpose of this Procedure is to provide guidance on what issues require referral to the appropriate professional body, and at what point.

## 2. SCOPE

This policy covers all nurses, midwives and health professionals who are required to register with a statutory body for their role and for them to use a given title. This includes all permanent and temporary staff employed by Blackpool Teaching Hospitals NHS Foundation Trust and honorary contract holders, bank staff, students or agency/locum staff.

## 3. PROCEDURE

### 3.1 Before Making A Referral

Professional organisations are concerned with cases where those holding registration have been involved in a situation or incidents where their fitness to practice is impaired.

Before making a referral a preliminary investigation must be conducted to determine if the situation concerns fitness to practice, or bringing the health profession into disrepute. If the preliminary investigation shows that this is not the case then a full investigation should be commenced, in line with relevant Trust Policy or Procedure (See Section 7).

Where the preliminary case shows that the situation concerns fitness to practice, then the case must be referred to the Director of Nursing immediately. The Director of Nursing will decide if the case needs to be immediately referred to the relevant statutory body or whether the case can proceed to full investigation and consideration given to referral at a later stage.

Where the Director of Nursing is unavailable, then the case must be referred to either the Head of Midwifery, the Assistant Director of Nursing or Associate Nurse Directors who will make the decision on the Director of Nursing's behalf.

### 3.2 Making a Referral

Once it has been decided that a referral is required, then the Investigating Manager will be responsible for contacting the relevant Statutory Body and advising them appropriately. In the case of the Nursing and Midwifery Council, a referral form is attached at Appendix 1.

The Statutory Body will require the following information in order to make a judgement on their next steps:

- Name and Job Title of the person referring
- Name of the professional involved
- Date of the incident(s)
- Where the incident(s) took place
- Detail of the incident(s)
- Witness details
- What action has been taken
- Consent to disclose

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/594
Revision No: 1	Next Review Date: 01/06/2015	Title: Referral to the NMC and Health Professionals Council
<b><i>Do you have the up to date version? See the intranet for the latest version</i></b>		

### 3.3 Situations when a Referral must be made

There are certain situations where a referral must always be made. However in all cases authority must be sought from the Director of Nursing or one of the aforementioned deputies (Section 3.1) prior to a referral being made. The following are cases where referral must always be made:

- There has been a serious risk to patient safety
- Suspension or dismissal is being considered
- Criminal Activity has taken place
- Serious or real harm been caused
- The profession is being brought into disrepute

Full guidance on raising and escalating concerns for nursing and midwifery staff is attached at Appendix 2 (please see attachments).

### 3.4 Lack of Competence

In the case of lack of competence, then matters should only be referred to the Statutory Body if attempts to address competence via the Local Capability Policy (See Section 7) have failed.

### 3.5 Health Related Concerns

In the case of ill health of the health professional, then matters should only be referred to the Statutory Body if the condition is affecting performance and is not being addressed via the local Sickness Absence or Capability Policies (See Section 7). Where ill health is being managed locally, then no referral is necessary.

### 3.6 Alert Notices

Where cases are referred to the NMC and following an appropriate investigation by them, employee's may be subject to Alert Notices. An alert notice is a way of notifying NHS bodies, or other organisations providing services to NHS bodies, about registered health professionals whose performance or conduct could pose a significant risk of harm to patients, staff or the public. It is the responsibility of Recruiting Officers, to comply fully with the Trusts Recruitment Policies and to ensure Alert Notice records are checked prior to appointments being made. A detailed list of Codes applicable to Alert Notices, is attached at Appendix 3.

4. ATTACHMENTS	
Appendix Number	Title
1	NMC Referral Form
2	Raising and Escalating Concerning – Guidance for Nurses and Midwives
3	Classification of Reasons for Suspension / Issuing an Alert Notice
4	Equality Impact Assessment Tool

### 5. ELECTRONIC AND MANUAL RECORDING OF INFORMATION

Electronic Database for Procedural Documents

Held by Policy Co-ordinators/Archive Office

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/594
Revision No: 1	Next Review Date: 01/06/2015	Title: Referral to the NMC and Health Professionals Council
<b><i>Do you have the up to date version? See the intranet for the latest version</i></b>		

<b>6. LOCATIONS THIS DOCUMENT ISSUED TO</b>		
<b>Copy No</b>	<b>Location</b>	<b>Date Issued</b>
1	Intranet	24/07/2012
2	Wards and Departments	24/07/2012

<b>7. OTHER RELEVANT/ASSOCIATED DOCUMENTS</b>	
<b>Unique Identifier</b>	<b>Title and web links from the document library</b>
Corp/Pol/011	Management of Sickness Absence Policy <a href="http://fcsharepoint/trustdocuments/Documents/CORP-POL-011.doc">http://fcsharepoint/trustdocuments/Documents/CORP-POL-011.doc</a>
Corp/Proc/204	Capability Procedure <a href="http://fcsharepoint/trustdocuments/Documents/corp-proc-204.doc">http://fcsharepoint/trustdocuments/Documents/corp-proc-204.doc</a>
Corp/Proc/203	Disciplinary Procedure and Rules <a href="http://fcsharepoint/trustdocuments/Documents/CORP-PROC-203.doc">http://fcsharepoint/trustdocuments/Documents/CORP-PROC-203.doc</a>

<b>8. SUPPORTING REFERENCES/EVIDENCE BASED DOCUMENTS</b>	
<b>References In Full</b>	

<b>9. CONSULTATION WITH STAFF AND PATIENTS</b>	
<b>Name</b>	<b>Designation</b>

<b>10. DEFINITIONS/GLOSSARY OF TERMS</b>	

<b>11. AUTHOR/DIVISIONAL/DIRECTORATE MANAGER APPROVAL</b>			
<b>Issued By</b>	Angela McKeane	<b>Checked By</b>	Marie Thompson
<b>Job Title</b>	Assistant Director of Nursing	<b>Job Title</b>	Director of Nursing
<b>Date</b>	July 2012	<b>Date</b>	July 2012

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/594
Revision No: 1	Next Review Date: 01/06/2015	Title: Referral to the NMC and Health Professionals Council
<b><i>Do you have the up to date version? See the intranet for the latest version</i></b>		

## Appendix 1: Link to NMC Referral Form

[http://www.nmc-uk.org/Documents/FtP\\_Information/Referral-form-employers.doc](http://www.nmc-uk.org/Documents/FtP_Information/Referral-form-employers.doc)

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/594
Revision No: 1	Next Review Date: 01/06/2015	Title: Referral to the NMC and Health Professionals Council
<b><i>Do you have the up to date version? See the intranet for the latest version</i></b>		

## Appendix 2: Raising and Escalating Concerns – Guidance for Nurses and Midwives

See attachment

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/594
Revision No: 1	Next Review Date: 01/06/2015	Title: Referral to the NMC and Health Professionals Council
<b><i>Do you have the up to date version? See the intranet for the latest version</i></b>		

## Appendix 3: Classification of Reasons for Suspension / Issuing an Alert Notice

<u>CLASSIFICATION OF REASONS FOR SUSPENSION/ ISSUING AN ALERT NOTICE</u>	<u>CODES</u>
<b>Sub Standard Clinical Practice</b>	<b>SS</b>
<b>Dishonesty/Criminality</b>	D
• Fraud	D1
• Harassment (not sexual/breaching a restraining order)	D2
• Alleged euthanasia	D3
• Kidnap/common assault	D4
• Attempted murder	D5
• Working when suspended	D6
• Forged GMC/NMC etc documentation	D7
• Arrested for Possession of Drugs (not for personal use)	D8
<b>Problems with Drugs or Alcohol</b>	<b>A</b>
• Recognised drug addiction/alcoholism	A1
• Alleged drug addiction/alcoholism (include stealing from workplace for personal use)	A2
• Misappropriation of prescriptions for personal use	A3
<b>Health Concerns</b>	<b>H</b>
• Other than those involving problems with drugs or alcohol	H1
• Mental illness (including attempted suicide)	H2
• Dementia	H3
• 'Bizarre' behaviour but undiagnosed condition	H4
• Infected with contagious disease/other condition which means contact with patients at risk (e.g. Elevated Hep B viral load)	H5
<b>Sexual Assault / Indecency</b>	<b>SB</b>
• Alleged or proved sexual assault of a patient	SB1
• Alleged or proved sexual assault of someone other than a patient	SB2
• Possession of child pornography	SB3
• Sexual harassment of patients/colleagues or others	SB4
<b>Other</b>	<b>O</b>
• Poor management of clinical unit impacting on patient safety	O1
• Allowing an unqualified colleague to prescribe controlled drugs	O2
• Prescribing for patients not registered with the practice/ as a patient	O3
• Bogus professional/ no registration	O4
<b>Unknown</b>	<b>U</b>
• Incomplete paperwork	U1
• Missing file	U2
<b><u>CLASSIFICATION OF REASONS FOR NOT ISSUING AN ALERT NOTICE</u></b>	
• The Regulatory Body has already imposed conditions or a period of suspension (or the individual no longer hold professional registration)	<b>RB</b>
• Not demonstrated a sufficient risk or potential risk to patient safety	<b>ND</b>
• Voluntary undertakings agreed	<b>VU</b>
• Not registered	<b>NR</b>
• Not going to refer individual to their Regulatory Body	<b>NRF</b>
<b><u>CLASSIFICATION OF REASONS FOR SUSPENSION ENDING/ ALERT NOTICES BEING CANCELLED</u></b>	
<b>Fit to Practice (without restrictions)</b>	<b>F</b>
• As declared by Professional Registration Body following an investigation	F1
• By employment tribunal	F2
• Cleared of criminal charges (including on appeal)	F3
• Period of suspension or conditions expired or lifted by Regulatory Body	F4
• Period of medical treatment successfully completed and individual declared fit to work again	F5
• Other instances of "no further action"	F6
<b>Placed under medical supervision by Professional Regulatory Body</b>	<b>MS</b>
<b>Undertakings agreed with Professional Regulatory Body</b>	<b>U</b>
<b>Conditions imposed by Professional Regulatory Body</b>	<b>C</b>
• Including on an interim order	
<b>Suspended by Professional Regulatory Body</b>	<b>S</b>
• Including on an interim order	
<b>No longer registered as a Health Professional</b>	<b>NR</b>
• Erased or struck off by a Professional Regulatory Body following an investigation	NR1
• Administratively "struck off" by Professional Regulatory Body	NR2
• Voluntary removal of name from Professional Register	NR3
• Other instances where the individual no longer holds registration	NR4
<b>Deceased</b>	<b>D</b>
<b>Imprisoned</b>	<b>I</b>
<b>Left the country/ no further action possible at this time</b>	<b>LC</b>

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/594
Revision No: 1	Next Review Date: 01/06/2015	Title: Referral to the NMC and Health Professionals Council
<b>Do you have the up to date version? See the intranet for the latest version</b>		

**Equality Impact Assessment Tool**

To be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

Would the relevant Equality groups be affected by the document? (If Yes please explain why you believe this to be discriminatory in Comment box)

**Title & Identification Number of the Document: Referral to the NMC and Health Professionals Council Corp/Proc/594**

	Questionnaire	Yes/No Double click and select answer	Comments
1	Grounds of race, ethnicity, colour, nationality or national origins e.g. people of different ethnic backgrounds including minorities: gypsy travellers and refugees / asylum seekers.	No	
2	Grounds of Gender including Transsexual, Transgender people	No	
3	Grounds of Religion or belief e.g. religious /faith or other groups with recognised belief systems	No	
4	Grounds of Sexual orientation including lesbian, gay and bisexual people	No	
5	Grounds of Age older people, children and young people	No	
6	Grounds of Disability: Disabled people, groups of physical or sensory impairment or mental disability	No	
7	Is there any evidence that some groups are affected differently?	No	
8	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	No	
9	Is the impact of the document/guidance likely to be having an adverse/negative affect on the person (s)?	No	
10	If so can the negative impact be avoided?	N/A	

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/594
Revision No: 1	Next Review Date: 01/06/2015	Title: Referral to the NMC and Health Professionals Council
<b><i>Do you have the up to date version? See the intranet for the latest version</i></b>		



11	What alternatives are there to avoid the adverse/negative impact?	<b>Please Comment</b>	
12	Can we reduce the adverse/negative impact by taking different action?	N/A	<b>Please Identify How</b>
<b>13 Q1 (a) Is the document directly discriminatory?</b> <b>No</b> (under any discrimination legislation) <ul style="list-style-type: none"> <li>• Racial Discrimination</li> <li>• Age Discrimination</li> <li>• Disability Discrimination</li> <li>• Gender Equality</li> <li>• Sexual Discrimination</li> </ul>	<b>Q2 (b) (i)</b> Is the document indirectly discriminatory? No <b>b (ii)</b> If you said yes , is this justifiable in meeting a legitimate aim N/A	<b>Q3 (c)</b> Is the document intended to increase equality of opportunity by positive action or action to redress disadvantage N/A Please give details To safeguard vulnerable adults	
<p><b>14</b> If you have answered <b>no</b> to all the above questions <b>1-13</b> and the document does not discriminate any Equality Groups please go to <b>section 15</b></p> <p>If you answered <b>yes</b> to Q1 (a) and <b>no</b> to Q3 (b) this is unlawful discrimination.</p> <p>If you answered <b>yes</b> to Q2 (b) (i) <b>no</b> to Q2 (b) (ii) and <b>no</b> to Q3 (c), this is unlawful discrimination</p> <p><b>If the content of the document is not directly or indirectly discriminatory, does it still have an adverse impact?</b>  <b>No</b></p> <p><b>Please give details</b></p> <p><b>If the content document is unlawfully discriminatory, you must decide how to ensure the organisation acts lawfully and amend the document accordingly to avoid or reduce this impact</b></p>			
<p><b>15</b> Name of the Author completing the Equality Impact Assessment Tool.</p> <p>Name Angela McKeane</p> <p>Signature</p> <p>Designation Assistant Director of Nursing</p> <p>Date July 2012</p>			

Blackpool Teaching Hospitals NHS Foundation Trust		ID No. Corp/Proc/594
Revision No: 1	Next Review Date: 01/06/2015	Title: Referral to the NMC and Health Professionals Council
<b>Do you have the up to date version? See the intranet for the latest version</b>		