

School of Nursing & Midwifery
University College Cork

Disciplinary Policy

For Students on Practice Placements

Version 2.8 April 2021



School of
**Nursing and
Midwifery**

This Disciplinary Policy is designed to be followed closely by those involved in Disciplinary procedures relating to the **attendance, work or conduct** of Undergraduate Nursing and Midwifery students when undertaking **practice placements** as part of their programme. It has been jointly agreed by the School of Nursing & Midwifery, UCC and the participating Health Service Providers.

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Introduction

While it is recognised that nursing and midwifery students undertaking supernumerary Clinical Practice Placements are not employees of the Health Service Provider it must also be acknowledged that a high standard of **attendance**, clinical practice **work** and **conduct** remains critical in ensuring the delivery of a quality service. Nursing and midwifery students undertaking practice placements, both in a supernumerary and internship capacity, should base such practice on the principles of professional conduct taking account of:

- Nursing & Midwifery Board of Ireland (NMBI) Code of Professional Conduct and Ethics for registered nurses and registered midwives (2014)
- The Requirements and Standards for Nurse Registration Education Programmes, (NMBI 2016)
- Requirements and Standards for Midwife Registration Education Programmes, (NMBI 2016)
- Guidance to Nurses and Midwives on Social Media and Social Networking (2013)
- The Policies and Procedures of the relevant Health Service Provider (HSP)
- University College Cork Student Rules
- School of Nursing and Midwifery, UCC and participating Health Service Providers' Practice Placement Agreement
- Relevant Legislation.

1.0 Purpose of the Disciplinary Procedure

The delivery of a high quality service requires all students to adhere to high standards of attendance, work and conduct. The purpose of this disciplinary procedure is to ensure that all students meet the required standards by making them aware of any shortcomings and identifying how necessary improvements can be achieved. Student difficulties related to learning on clinical placement should be dealt with through the existing use of additional interviews or Supportive Learning Plans (SLPs).

Every effort will be made by all involved to make students aware of the standards of attendance, work and conduct expected from them and for dealing with placement shortcomings promptly and fairly. In general, the student's immediate preceptor, Clinical Nurse Manager (CNM)/Clinical Midwife Manager (CMM), Clinical Placement Coordinator (CPC), Clinical Development Coordinator (CDC) and Link Lecturer will deal with placement shortcomings on an informal basis through discussion, counselling and appropriate assistance rather than through the formal disciplinary procedure. If the matter is adequately addressed through informal means, no further action will be taken.

If, following the informal counselling stage, the student continues to fail to meet the required standards of their practice placement then the disciplinary procedure will be invoked. The purpose of the disciplinary procedure is to help the student to achieve the necessary improvements and to prevent recurrence of issues.

1.1 Scope of the Procedure

Examples of issues which may lead to disciplinary action under this procedure include:

Note: this list is not exhaustive.

- i. Persistent poor timekeeping;
- ii. Unsatisfactory attendance record;
- iii. Unsafe practice;
- iv. Persistent poor work standards;
- v. Breach of health and safety rules;
- vi. Breach of patient confidentiality outside of clinical setting;
- vii. Breach of policies and procedures (including internet and e-mail);
- viii. Refusal to follow reasonable instructions;
- ix. Negligence;
- x. Violence;
- xi. Forgery or falsification of documentation;
- xii. Verbal abuse or use of inappropriate language to staff and clients/patients;
- xiii. Bullying, and harassment of any nature;
- xiv. Breach of UCC/HSP practice placement agreement.

1.2 Principles

The following principles apply to all stages of the disciplinary procedure:

- i. Every effort will be made by all involved to address the student's shortcomings in attendance, work or conduct through an informal process (see below) without invoking a formal disciplinary procedure.
- ii. While the disciplinary procedure will normally be operated on a progressive basis, the relevant Health Service Provider/manager/lecturer may bypass any of the Stages below should the nature of the student's performance, conduct or attendance warrant such action.
- iii. No decision regarding disciplinary action will be made until a formal disciplinary hearing has been convened and the student has been afforded an opportunity to respond.
- iv. The student will be advised of his or her right to be accompanied to a disciplinary hearing by a colleague, friend, or union representative.
- v. The student will be advised in advance of the disciplinary hearing of the precise nature of the allegation against him or her.
- vi. All documents furnished by the complainant will be provided to the student.
- vii. Additional documentation cannot be furnished for the first time at the hearing by any party and the hearing can only deal with those issues before the hearing.
- viii. The School of Nursing and Midwifery UCC and the relevant Health Service Provider will ensure staff of the appropriate level are involved in all stages of the disciplinary process.
- ix. The student and student representative will be afforded the opportunity to state his or her case and challenge any evidence that may be relied upon in reaching a decision.
- x. The relevant parties will not prejudge the outcome of the hearing and will take into account any mitigating circumstances before deciding on appropriate action.
- xi. The Head of the School of Nursing and Midwifery and the Director of Nursing/Midwifery may, at any stage of the formal proceedings, convene a Joint Disciplinary Committee (comprising appropriate senior representation from UCC and the HSP) to investigate the disciplinary matter.

Interim Suspension from Clinical Practice

A student may be asked to leave the practice placement area pending the outcome of an investigation. Any interim measure such as re-assignment of student, additional supervision of the student or the student being asked to leave the placement area pending the outcome of an investigation are not disciplinary sanctions and are not an indication of guilt (the student will be advised in writing accordingly). The student's views on these measures will be taken into consideration but the final decision rests with the Director of Nursing/Director of Midwifery/ Director of Services and the Head of School of Nursing and Midwifery in partnership.

1.3 Informal Disciplinary Meeting (Phase 1)

Counselling is an informal method by which the Link Lecturer (UCC) and relevant clinical personnel (e.g. CPC) (HSP) will deal with shortcomings in a student's attendance, work or conduct **without** invoking the disciplinary procedure. In the event that the shortcomings relate to learning-related problems, these will be dealt with via the appropriate processes such as additional interviews or a Supportive Learning Plan (SLP), **not via this policy**.

The objective of the counselling interview is to alert the student to his/her shortcomings and to decide what measures should be taken to bring about the required improvements. The following principles apply when conducting counselling interviews:

- i. The student shall be given precise details of the specific aspects of his or her attendance, work or conduct that require improvement.
- ii. The student shall be given an opportunity to respond to complaints and careful consideration shall be given to any explanations given.
- iii. Having made the student aware of shortcomings in his/her attendance, work or conduct, the Link Lecturer (UCC) and relevant clinical personnel (e.g. CPC) (HSP) shall identify any measures that can be taken to assist the student and formulate a written plan of action for achieving the required improvements within a specified timeframe.
- iv. Details of the counselling interview and any follow-up action agreed shall be documented in the UCC student file and signed by all parties involved. The signed document will be retained for the duration of the student's study in UCC, or longer in exceptional circumstances.

1.4 Formal Disciplinary Procedure (Phase 2)

Where a student's attendance, work or conduct does not meet the required standards **despite** informal counselling, the matter will be dealt with under the formal disciplinary procedure. Formal disciplinary procedures may be invoked at any of the Stages 1-4 depending on the severity of the issue. Guidelines on conducting a disciplinary hearing are set out at [Appendix 1](#).

1.5 FORMAL DISCIPLINARY PROCEDURE – Stages 1 to 4

The stages of the disciplinary procedure are as follows:

Stage 1 - Oral Warning

Prior to any *Oral Warning* a student will be required to attend a disciplinary hearing. The purpose of the hearing is to give the student the opportunity to respond to the issues on foot of Phase 1/complaints made against him/her before deciding whether disciplinary action is warranted. A student whose attendance, work or conduct falls below the required standards and/or a student who does not adhere to the agreed Plan as set out in Phase 1 will be advised of same and will be issued with a formal *Oral Warning* by the relevant clinical personnel (e.g. CPC) (HSP) and the relevant Practice Module Leader (UCC) unless extenuating circumstances are put forward by the student. These should be the only people present at this meeting.

The student will be advised of the precise nature of the complaint, the improvements required and the timescale for improvement. In the event that an *Oral Warning* is given, the student will be advised that the warning constitutes Stage 1 of the disciplinary procedure and failure to improve may result in further disciplinary action under Stage 2 of the disciplinary procedure. The Director of Nursing or Midwifery, the Director of Undergraduate Education and Head of School will be advised of the outcome of the Stage 1 meeting and a notation of same will be included on the student's file for the duration of the student's study in UCC.

Stage 2 - First Written Warning

If the student fails to make the necessary improvements within the agreed timeframe (Phase 1 and/or Stage 1), or if the poor attendance, work or conduct is more serious, s/he will be invited to attend a further hearing to discuss such infractions/failures under Stage 2 of the Disciplinary Procedure. On foot of that hearing, the student may be issued with a *First Written Warning* by the next level clinical personnel (Practice Development Coordinator or equivalent) (HSP) and the Programme Leader (UCC) which will be copied to the Head of School, relevant Director of Nursing or Midwifery, and the Director of Undergraduate Education. The outcome of the meetings and/or a copy of the *First Written Warning* will be retained on the student's file for the duration of the student's study in UCC.

The written warning will give details of the issue, the improvements required and the timescale for improvement. The student will also be advised that failure to improve may result in the issuing of a *Final Written Warning* under Stage 3 of the disciplinary procedure.

Stage 3 - Second and Final Written Warning

If the student fails to make the necessary improvements within the timeframe (agreed at the meeting and set out in the *First Written Warning*) s/he will be asked to attend a hearing with the Director of Undergraduate Education (UCC) and the Practice Development Coordinator (or equivalent) (HSP), to discuss the failure to make the requisite improvements on time or at all. Following on from such hearing, unless documented reasons as to why a Stage 3 *Final Written Warning* should not be given are agreed upon, the student may be issued with a *Final Written Warning* by the relevant Director of Nursing or Midwifery and Head of School.

The *Final Written Warning* will be copied to the appropriate clinical personnel. The outcome of the hearing and/or the *Final Written Warning* will be active for a maximum period of 12 calendar months (or completion of the programme), but may be extended in exceptional circumstances, for example a

pattern of recurring disciplinary matters. The *Final Written Warning* will give details of the complaint, the improvements required and the timescale for improvement.

The student will be advised that in the event of a failure to improve, or if there are further failures or complaints made about that student within the following 12-month period, or up to completion of the programme (whichever occurs first), this may lead to permanent removal from practice placement under Stage 4 of the disciplinary procedure.

Stage 4 - Dismissal

Failure to meet the required standards of attendance, work or conduct following the issuing of a *Final Written Warning*, or in the event of a serious issue that is escalated straight to Stage 4, may result in a decision by the Director of Nursing or Midwifery and Head of School of Nursing and Midwifery (UCC) to dismiss the student from practice placement.

The student will be invited to attend a disciplinary hearing in accordance with the guidelines in Appendix 1.

On foot of that disciplinary hearing a recommendation would then be made to the UCC College of Medicine and Health, which may include a recommendation to discontinue the student from the BSc Nursing or BSc Midwifery programme.

1.6 Serious Misconduct

Where, in the judgment of the Director of Nursing/Midwifery (HSP), circumstances warrant it, the HSP may withdraw a student from practice placement

- (i) on evocation of the **formal** Disciplinary Procedure (above) or
- (ii) prior to the issuing of a **final warning pending an investigation**.

The withdrawal of a student from a placement is not itself a disciplinary sanction. The Head of School and the Director of Nursing or Midwifery will charge independent investigators to carry out a full investigation. The Vice President for Academic Affairs (The Registrar) will be informed and involved in the process. Any decision to remove a student from placement should be taken only in the most serious situations where there is a patient/client safety issue and should be taken by the most senior person available.

The following are some examples of offences for which the progressive stages of the disciplinary procedure would not apply and which may result in removal from practice placement without notice.

- i. Theft;
- ii. Deliberate and serious damage to property;
- iii. Fraud or deliberate falsification of documents;
- iv. Gross negligence or dereliction of duty;
- v. Gross insubordination;
- vi. Incapacity to perform duties due to being under the influence of alcohol, non-prescription drugs or misuse of prescribed medication;
- vii. Serious breach of health and safety rules;
- viii. Serious abuse of telephone, e-mail and other internet facilities
- ix. Serious breaches of confidentiality;
- x. Serious bullying or harassment of any nature against a member of staff or client;
- xi. Verbal abuse or any inappropriate use of language to staff and clients;
- xii. Violent behaviour towards a member of staff, client or member of the public;
- xiii. Sexual assault; and
- xiv. Embezzlement, extortion and misuse of client or HSP funds or property.

Note: this list is not exhaustive. Where appropriate the Garda Síochána will be contacted.

In all cases of alleged serious misconduct, a full investigation will be carried out by an Investigating Team.

1.7 Guidance for Investigating a Claim of Serious Misconduct

In order to investigate a claim of serious misconduct, an Investigating Team should be convened. The investigating team will have a minimum of 2 members (one drawn from the Health Services and one from the School of Nursing and Midwifery). The individuals on the Investigating Team will not be part of any Joint Disciplinary Committee that may have been convened, and will not be part of any potential future appeals committee. Any investigation conducted under the auspices of the disciplinary procedure will be in accordance with the following principles:

- i. The investigation will be conducted thoroughly and objectively and with due respect for the rights of the student to natural justice, and in accordance with due process;
- ii. The investigation will be governed by clear terms of reference;
- iii. Every effort will be made to carry out the investigation without undue delay and to adhere to the agreed timescales. However, the timescales may be extended in exceptional circumstances e.g. due to unavailability of key witnesses;
- iv. Written statements will be sought from the student and others (as deemed appropriate by the Investigating Team);
- v. If a verbal statement is required from the student, the student will be advised of his/her right to be accompanied by a colleague or union representative;
- vi. It will be considered a disciplinary offence to intimidate or exert pressure on any person who may be required to attend as a witness;
- vii. The student may be suspended from practice placement by the Director of Nursing or Midwifery and Head of School pending the outcome of the investigation. Suspension is a precautionary measure and not a disciplinary sanction. Suspension will only be imposed after careful consideration and alternative measures, such as reassigning the student to suitable alternative duties pending the outcome of the investigation, will be considered.

On completion of the investigation, the investigator(s) will submit a written report of their findings and recommendations to the Director of Nursing/Midwifery (HSP) and Head of School (UCC) and the student.

If the outcome of the investigation is that there is a reasonable belief that the student is guilty of the alleged misconduct, a disciplinary hearing may be convened under Stage 2, 3 or 4 of the disciplinary procedure to determine the appropriate disciplinary sanction.

1.8 Appeals Procedure

A student who wishes to appeal against the final disciplinary decision, or any aspect of the disciplinary proceedings, may do so within **seven working days** of notification of the decision to apply disciplinary sanctions. The appeal must be in writing to the Head of School of Nursing and Midwifery and state the ground(s) on which the appeal is being made.

The Head of the School of Nursing & Midwifery and the Director of Nursing/Midwifery will decide whether an Appeals Committee is required or not to hear an appeal. An appeal hearing, where one is held, is not intended to repeat the investigation process but to address specific issues which the student feels have received insufficient consideration such as:

- i. Mitigating circumstances;
- ii. Procedural deficiencies; and
- iii. Severity of the sanction imposed.

The decision of the Head of the School of Nursing & Midwifery and the Director of Nursing/Midwifery, or the Appeals Committee, will normally be communicated to the student in writing within twenty working days of the appeal being lodged. The appeals procedure will recognize the position of the health service partner in respect to its position as having ultimate responsibility for patient care.

Where an Appeals Committee is deemed necessary, membership of an Appeals Committee shall be drawn from the membership of the Steering Group (i.e. the local joint working group) and shall comprise 4 members (2 from the HSP and 2 from the School of Nursing and Midwifery, UCC).

No member of the original Joint Disciplinary Committee shall be a member of the Appeals Committee. Where an appeal is made, the implementation of the decision which was made under the disciplinary procedure shall be deferred until the appeal is determined.

On receipt of the appeal, the Head of School of Nursing and Midwifery shall send notice of the appeal to the UCC/HSP staff who were involved in the disciplinary procedure (including the Joint Disciplinary Committee, where convened), and request them to furnish the Appeals Committee with an accurate summary of the evidence, a copy of all materials relating to the disciplinary procedure, and details of any sanctions imposed on the student.

The UCC/HSP staff who were involved in the disciplinary procedure, including the Joint Disciplinary Committee (where convened), in so far as is practical, within 5 working days of being requested to do so, will furnish all details to the Appeals Committee. The Appeals Committee shall not be obliged to hear or accept further submissions from the student or others. However, the Appeals Committee can choose to seek further submissions orally or in writing from the student or others in relation to the matters considered by the UCC/HSP staff who were involved in the disciplinary procedure.

The Appeals Committee shall have the power, should it deem fit, to hold a fresh hearing into the matter. The Appeals Committee shall determine the appeal, and make whatever decision it considers appropriate in the circumstances on the balance of probabilities. The Appeals Committee shall have the power to revoke or amend the decision of the UCC/HSP staff who were involved in the disciplinary procedure, including the Joint Disciplinary Committee (where convened), in full or part, or issue a revised penalty as it sees fit. The Appeals Committee may direct the UCC/HSP staff who were involved in the disciplinary procedure, including the Joint Disciplinary Committee (where convened), to reconsider the position further.

The decision of the Appeals Committee shall be final and binding and shall be reported to the Head of the College of Medicine & Health and the Senior Vice President Academic & Registrar, as secretary of Academic Council.

Appendix 1

2.1 Guidelines for Health Service Executive staff and School of Nursing and Midwifery UCC staff on the operation of the Disciplinary Procedure

Decisions regarding disciplinary action will only be taken following a disciplinary hearing at which the student is afforded an opportunity to respond to the complaints and make representations. The following guidelines apply to disciplinary hearings under the:

- i. oral warning stage
- ii. first written warning stage
- iii. second and final written warning stage
- iv. dismissal stage.

2.2 Notification Requirements

The student should be notified in writing (to the student's last known place of address according to the School of Nursing and Midwifery/UCC records and to the student's UCC email account) that s/he is required to attend a disciplinary hearing under the formal disciplinary procedure. When the notice has been posted, the student will be deemed to have received the notice on the date on which it would be delivered in the ordinary course of the post. The student should be advised of:

- i. The reason for the hearing
- ii. The right to representation - the student should be given sufficient notice of the hearing to enable him/her to arrange for representation and prepare a response
- iii. The time and place of the hearing
- iv. Under which stage of the procedure the meeting relates
- v. The precise nature of the complaint
- vi. Copies of any documentation that will be relied upon at the hearing (e.g. attendance/ timekeeping record) must be provided to the student in advance of the hearing.

2.3 Role of the Student Representative

The student representative (colleague or union representative) has an important role to play in supporting the student and is entitled to assist the student in presenting his/her case and make representations on his or her behalf. The student may confer privately with his/her representative if requested.

2.4 Conducting a Disciplinary Meeting or Hearing

The purpose of the disciplinary hearing is to allow the student the opportunity to respond to the complaints before deciding whether disciplinary action is warranted. The clinical personnel/lecturer must not pre-judge the outcome of the hearing and is required to assess each case on its merits prior to reaching a decision regarding disciplinary action. The disciplinary hearing should follow a structured format as follows:

- i. Introduce those present and confirm that this is a hearing under the formal disciplinary procedure, and precisely which stage of the procedure.
- ii. Outline the nature of the complaint and refer to any supporting evidence.
- iii. Allow the student to respond to the complaint and give any explanation for his/her unsatisfactory work standards, conduct or attendance.

- iv. Invite representations on the student's behalf.
- v. Close the hearing by summarising the key points emerging from the hearing and allow the student and his/her representative to have a final say.
- vi. Adjourn the meeting to allow for careful consideration of the facts and any explanations put forward by the student or his/her representative.
- vii. Re-convene the hearing and advise the student of the decision which may include the following:
 - 1. A formal warning (and other disciplinary sanction where appropriate)
 - 2. No further action on the grounds that the student has given a satisfactory explanation of events or there were strong mitigating circumstances
 - 3. Non-disciplinary action, e.g. arrange for the student to receive coaching/training and set targets for improvement
 - 4. The outcome of the hearing will be confirmed to the student in writing
 - 5. A record of the hearing and the outcome will be retained on the student's HSP/UCC file.

Note: Unless the BSc Nursing/BSc Midwifery and HSP Joint Disciplinary Committee has agreed otherwise, should the student fail without a good reason to appear before the Disciplinary Committee on the day of the hearing, the BSc Nursing/BSc Midwifery and HSP Joint Disciplinary Committee, provided it is satisfied that every effort was made to serve notice upon the student, may proceed to deal with the matter in their absence.

2.5 Issuing Warnings under the Disciplinary Procedure

The primary purpose of a warning under the disciplinary procedure is to give the student an opportunity to make the required improvements whilst making clear the consequences of failing to do so. A warning (oral or written) should convey the following information:

- i. The stage of the disciplinary procedure which has been invoked
- ii. Details of the unsatisfactory attendance, conduct or work standards
- iii. Details of the improvements required and timescale for improvement
- iv. Measures to assist the student (e.g. training or coaching)
- v. Duration of the warning (i.e. what duration the sanction shall be recorded on the student's official record and/or on any transcript in relation to the student). For sanctions under stage 2, 3 and 4 the Chair of the BSc Nursing/BSc Midwifery and HSP Joint Disciplinary Committee shall inform the Head of the College of Medicine & Health, the Senior Vice President Academic & Registrar and Director of Nursing/Director of Midwifery accordingly.
- vi. What further action will be taken if the student does not make the necessary improvements or if there are further instances of unsatisfactory attendance/work/ conduct during this period.

A record will be kept on the student's UCC/HSP file of all warnings – both oral and written – issued under the disciplinary procedure. Nothing (outlined in section 2.5 above) shall prevent the School of Nursing and Midwifery from disclosing the imposition of a sanction which may in the meantime have been expunged from the official student record by the University, particularly in relation to admission to a professional body and that body requires such information as part of the registration/qualification process.

2.6 Sanctions available to the BSc Nursing/BSc Midwifery and HSP Joint Disciplinary Committee

The BSc Nursing/BSc Midwifery and HSP Joint Disciplinary Committee shall have available to them, in proportion and relevant to the nature of the breach of the Rules, one or more of the following penalties:

- Requiring the student to repeat specified clinical learning domains and associated indicators/skills/outcomes. Attaining these repeat specified clinical learning domains and associated indicators/skills/outcomes will form part of the assessment of pass/progression for the relevant clinical module within the academic year in which the disciplinary issue occurred.
- Requiring the student to complete additional clinical placement time in specified clinical areas which can, if the committee specifies be part of the assessment of pass/progression for the relevant clinical module within the academic year in which the disciplinary issue occurred.
- Recommend that the student repeat and retake the clinical module requirements for a specified academic year as outlined in the clinical module descriptor and clinical learning outcomes/competency book (including the required number of Clinical Learning Outcomes/competencies/skills and the required scheduled clinical hours).
- Suspension from the BSc Nursing or BSc Midwifery programme for such a period of time as the BSc Nursing/BSc Midwifery and HSP Joint Disciplinary Committee shall determine.
- Recommend that the student be removed from the BSc Nursing or BSc Midwifery programme.
- Oral or written warnings.
- Other forms of penalty as the Committee considers fit, considering all the circumstances.

Revision History

Date of this revision: 2/03/21	Date of next review: As required
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Version Number	Date	Summary of Changes
1.0		Earlier drafts worked on by former Director of Undergraduate Education
1.0	Aug 2013	Legal advice sought
2.0	03/02/15	Draft received from Programme Administrator & Prof J. Hegarty
2.1	04/02/15	Updated to reflect changes and advice (AF)
2.2	02/06/15	Editorial changes to include all HSPs; "Line manager" changed to "clinical personnel"
2.3	11/07/16	Updates to policy following OCLA input
2.4	12/05/17	Updated by OCLA and Marianne Lonergan

Consultation History

Revision Number	Consultation Date	Names of Parties in Consultation	Summary of Changes
1.0	Aug. 2013	Ronan Daly Jermyn Solicitors	Suggestions made re hearings and appeals procedure. Changes made as per advice
2.3	21 Apr 2016	OCLA & Clinical Colleagues in joint session	Substantial reconstruction
2.4	2 nd March 2021	Clinical Practice Committee and Allocations Committee	No changes made

Approval

This document requires the following approvals:

Name	Title	Date
Prof Josephine Hegarty	Head of School	
	Director of Nursing BSH	
	Director of Nursing COPE	
	Director of Nursing CUH	
	Director of Nursing Mental Health Services	
	Directory of Midwifery CUMH	
	Director of Nursing MUH	
	Director of Nursing SIVUH	
Clinical Prac Committee		
Steering Group		

This policy shall be reviewed and updated on an annual basis.