

The Regulation of Nurses, Midwives and Health Visitors

4.53 Other competences and qualifications would be determined and accredited outside the regulatory arrangements, although the regulatory body would, as a minimum, have an important part to play in advising on, and facilitating consistency of, these accreditation frameworks.

Conduct & discipline

4.54 Conduct and discipline is one of the two main regulatory processes (the other is registration). It takes about 30% of UKCC's budget.

4.55 Council invests considerable time, effort and resources in trying to ensure that the system is fair, equitable, conforms to the principles of natural justice and protects the public. However, some of the strongest criticisms we have heard have been levelled at the conduct and discipline procedures of the Council. They are seen to be too punitive, secretive, inflexible, inconsistent and not sufficiently protective of the public.

What is misconduct

4.56 A major problem is the definition of misconduct - currently, "conduct unworthy of a nurse, midwife or health visitor". This makes it very difficult for potential complainants to exercise judgement on the basis of the definition; and for practitioners to understand what is required of them. We suggest that it would be helpful for misconduct to be understood in terms of the level of conduct expected of an ordinary practitioner - and it could be defined with reference to the code of conduct.

4.57 The code of conduct would need to be sufficiently flexible to cover any case where an individual's conduct has affected public safety and is sufficiently serious to call into question the individual's registration.

4.58 Guidance on conduct and practice is currently provided in the Code of Conduct and other documents including the Scope of Professional Practice, Administration of Medicines, Guidelines for Professional Practice etc. The 'code' and 'scope' were innovative and flexible, and we, along with many others, support their approach and style. Having said this, they have not been updated (and need to be, to reflect latest thinking and issues arising from professional conduct); some practitioners find them difficult to understand (and need more support to do so); and they do not appear to be part of a coherent strategy or framework of standards. Standards should be set out in a 'manual of conduct and practice' (perhaps along the lines adopted by the GMC); regularly updated; and form a framework for accountability that is current, understandable and coherent.

4.59 Employers find it difficult to understand when it is appropriate to bring cases to the UKCC, despite UKCC's attempts to inform them. There is evidence that many complainants do not exercise any judgement or recognise that some issues should be dealt with locally, by other means; and if Council receives a complaint, however trivial it may appear, it has a duty to investigate.

4.60 Council's Directorate of Professional Conduct has worked hard to try to ensure that registrants and employers understand the nature of cases which should be reported to