



**TITLE: BREACH OF PROFESSIONAL CONDUCT (PROFESSIONAL SOCIAL CARE)
POLICY**

Effective Date	06 March 2019	Version	02
Approved By	Academic Council	Date Approved	06 March 2019
		Review Date	06 March 2022 <i>or as required</i>
Superseded or Obsolete Policy / Procedure(s)		Owner	
01 – <i>Policy on Breach of Professional Conduct and Termination of Training (for Learners undertaking Professional Training programmes)</i> (2013)		Office of the Registrar	

1. Purpose

All learners of Carlow College, St. Patrick's (hereafter Carlow College) must comply with College regulations regarding conduct. Learners enrolled on the B.A. in Applied Social Studies (Professional Social Care) Programme where a practical professional placement is required have additional responsibilities not only in terms of their conduct but also their professional accountability and suitability as reflected in the College's *Fitness to Practice Policy* and to the *CORU Social Care Workers Code of Professional Conduct and Ethics*.

The purpose of the *Breach of Professional Conduct (Professional Social Care) Policy* is to establish and uphold acceptable standards of professional behaviour and to inform and assist learners to understand how they must deliver their professional services to the people they serve. The procedure is principles-based and considers the challenging issues which may arise in the undertaking of any practice placement.

The College's *Learner Code of Conduct and Disciplinary Policy* outlines the expectations of the College regarding learner conduct and behaviour generally.

2. Scope of Policy

It is rarely the case that codes of conduct and breaches of professional conduct procedures on professional courses need to be invoked on a formal basis. In virtually all instances where there is a concern about a learner's behaviour, informal approaches, premised on a desire to help a learner through difficulties are seen as the most appropriate to the situation. It is only as a last resort that formal procedures would be invoked. This *Breach of Professional Conduct (Social Care) Policy* applies to all Social Care learners of Carlow College both within the College and

on other occasions when they are representing the College and are identifiable as learners of the College.

3. Policy Statement

This Policy is intended to outline expectations and be used to respond to allegations of breach of professional conduct. A profession-specific code of conduct applies to all Social Care Workers as outlined in the *Social Care Workers Code of Professional Conduct and Ethics* (draft CORU, 2018). This CORU document is available in Appendix 2.

Learners are assessed in relation to professional values (as outlined by the Health and Social Care Professionals Council - CORU) as part of their practice. However, learners need to demonstrate their value base consistently and not just in face-to-face contact with service users / carers.

A range of actions or omissions may be deemed to constitute a breach of professional standards. These may include but are not limited to the following:

- any actions that are deemed harmful to service users, members of the public generally or service providers;
- actions that are deemed to constitute an unacceptable risk to the learner or others;
- a learner's failure to disclose information about previous matters relating to their professional suitability prior to enrolment on the programme, including previous criminal convictions;
- a learner's failure to complete or disclose information about previous matters relating to their professional suitability when completing the mandatory Garda Vetting procedure prior to commencement Practice Placement;
- any contravention of the relevant Professional Code of Conduct (see IASCE Statement of Principles (2004) and *Social Care Workers Code of Professional Conduct and Ethics* (draft CORU, 2018)); and
- any action or behavior which is deemed to be prejudicial to the development or standing of professional practice.

Allegations of professional misconduct or professional unsuitability must be made in writing by Practice Placement Co-ordinator to the Programme Director of the B.A. and B.A. (Hons) Applied Social Studies (Professional Social Care).

Recognition must be given to the fact that an allegation of professional misconduct or professional unsuitability is a serious and potentially defamatory one. Protection of the individual's confidentiality is paramount at this stage.

In the event of an allegation of misconduct or professional unsuitability, the College will take every reasonable effort to advise the learner against whom the allegation is made with regard to impartial help, guidance and support.

4. Roles and Responsibilities

In order to implement the provisions of this Policy in an appropriate manner, specific roles and responsibilities are assigned.

4.1 Practice Placement Co-ordinator

The Practice Placement Co-ordinator will work in consultation with the Programme Director and the Office of the Registrar. On receipt of an allegation of professional misconduct, the Practice Placement Co-ordinator must convey the allegation in writing to the Programme Director of the B.A. and B.A. (Hons) Applied Social Studies (Professional Social Care).

4.2 Programme Director

The Programme Director will work in consultation with the Practice Placement Co-ordinator and the Office of the Registrar.

On receipt of a written, dated and signed allegation, the Programme Director, in consultation with the Office of the Registrar and Practice Placement Co-ordinator, should:

- take immediate action, as deemed appropriate, including the suspension of practice placement activity, to safeguard all relevant parties but without prejudice to the enquiry. The learner should be informed in writing by the Programme Director of the nature of the allegation(s) made and the procedures that will be followed by the College.

4.3 The Office of the Registrar

The Office of the Registrar will have overall responsibility for the management of this Policy. The Office of the Registrar has overall responsibility for decisions related to Breach of Professional Conduct (Social Care) concerns and the appropriate procedure to be utilised.

On receipt of an allegation of professional misconduct, the Office of the Registrar in consultation with the Programme Director may appoint an Investigating Officer.

4.4 Investigating Officer

The Investigating Officer will have appropriate professional expertise and will not have been involved in the matter previously. Having reviewed all relevant documentation and interviewed all relevant parties, will prepare an evidence-based written report for the Office of the Registrar. This report should not indicate or pass judgement and should not recommend a particular course of action.

On receipt of the report from the Investigating Officer, the Office of the Registrar may:

- deem that no *prima facie* case has been made against the learner, this will be communicated to the learner in writing by the Office of the Registrar; or
- deem that a *prima facie* case has been made, the Office of the Registrar should refer the case as quickly as possible to a Professional Practice and Conduct Committee.

4.5 Professional Practice and Conduct Committee (PPCC)

The PPCC will be appointed by the Office of the Registrar and the Programme Director when required. The PPCC may comprise the following and conform, as far as possible, to the requirements of the relevant professional and/or regulatory body:

- a staff member of the College from a programme other than the programme concerned;
- two staff members of the College from the learner's programme who have had no previous involvement in the case;
- an external practicing member of the relevant profession who has not been associated with the teaching or professional supervision of the learner; and
- the Practice Placement Co-ordinator

The Chair of the PPCC will be chosen by the Office of the Registrar and will be responsible for overseeing the process and will work closely with the Office of the Registrar to ensure that the procedure is run smoothly and effectively.

A member of the College's administrative staff will attend meetings of the PPCC for the purpose of taking notes and recording decisions made. This person is not a member of the PPCC and will not be involved in the decision-making process.

Neither the learner's Academic Adviser / Field Practice Educator nor the Investigating Officer should be members of the PPCC. For the *Disciplinary Procedures for Breach of Professional Conduct (Professional Social Care)*, see Appendix 1.

4.6 Proxy (By Appointment)

If an office holder post is vacant at the time that this policy is being invoked, then the Vice-President for Academic Affairs and Registrar or delegate shall appoint a person to carry out the designated functions under this Policy. Furthermore, where power or authority or functions are to be performed by a particular office holder of a post referred to in this policy such power or authority may be exercised by a person acting or deputising in such a role from time to time. Where this Policy contains reference to a particular office holder as described in this Policy and where the name or title of such office or post is changed then for the purpose of exercising the powers or functions any reference to the old name shall be deemed reference to the new name.

5. Associated Documentation

- Appendix 1: Disciplinary Procedures for Breach of Professional Conduct (Professional Social Care)
- Appendix 2: [*Social Care Workers Code of Professional Conduct and Ethics \(CORU, 2019\)*](#)

6. Referenced Policies

- *Learner Code of Conduct and Disciplinary Policy*
- *Fitness to Practice Policy*

7. Monitoring and Review

The Policy shall be monitored annually by the Practice Placement Advisory Committee (Professional Social Care) and reviewed formally every three years.

Appendix 1: Disciplinary Procedures for Breach of Professional Conduct (Professional Social Care)



Disciplinary Procedures for Breach of Professional Conduct (Professional Social Care)

Role of the Professional Practice and Conduct Committee (PPCC)

- The PPCC shall review all evidence, including the report of the Investigating Officer, as deemed appropriate by the Office of the Registrar. The Secretary should send copies of all evidence to members of the PPCC and to the learner and ensure a meeting is convened as soon as possible.
- The PPCC should proceed in judicial fashion. In particular, the learner against whom allegations have been made should be allowed to present their case in person and, if the learner wishes, to be accompanied by a learner peer or a member of the Students' Union.
- The PPCC will consider the written evidence submitted by all parties and will have the power to seek other evidence deemed necessary.

Authority of the PPCC

- Permit the learner to recommence their professional training.
- Discontinue the placement and arrange for an alternative placement through the Placement Co-ordinator.
- Preclude the learner from further advancement on the programme through the termination of Practice Placement and not approving an alternative placement.
- Impose any other penalty considered appropriate and in keeping with the regulations governing the award of degrees and professional practice qualifications.

Decisions of the PPCC

- The decision of the Committee shall be communicated by the Office of the Registrar, in writing, to the Programme Director, Practice Placement Coordinator and the Learner. The learner shall be informed of their right to appeal.
- If the case of professional misconduct or professional unsuitability against the learner is found proven, the Programme Director and the Office of the Registrar shall decide whether a report should be made to the relevant professional or statutory body.

Appeals

A learner may appeal the decision of the Practice Placement and Conduct Committee by writing to the Office of the Registrar within 5 working days from the date of the communication of the PPCC's decision notification.

A learner may appeal the decision on the grounds that:

- the College failed to follow the process set out in the Policy and this had a material effect on the decision;
- the decision taken by the PPCC was inconsistent or disproportionate to the evidence provided; and / or
- the evidence reviewed by the PPCC was factually incorrect or the learner has new and material information or evidence which was not previously available and would have a material effect on the decision.

The learner must specify the ground(s) on which the appeal is made.

Two members of the Office of the Registrar not previously involved in considering the case, will review the learner's appeal within 15 working days of the receipt of the appeal and may make one of the following decisions:

- dismiss the appeal (in whole or in part);
- uphold the appeal (in whole or in part);
- direct that the PPCC undertake a further meeting with the learner on the basis of new evidence; or
- impose an alternative decision.

The decision will be communicated to the learner normally within 15 working days of the determination of the appeal. This decision is final and may not be appealed.

In accordance with the *Instrument of Governance 2017*, Section 6.1(d), appeals concerning the expulsion of a learner in accordance with regulations of the College will be heard by the Governing Body.