

Addressing Sexual Misconduct in Healthcare Education





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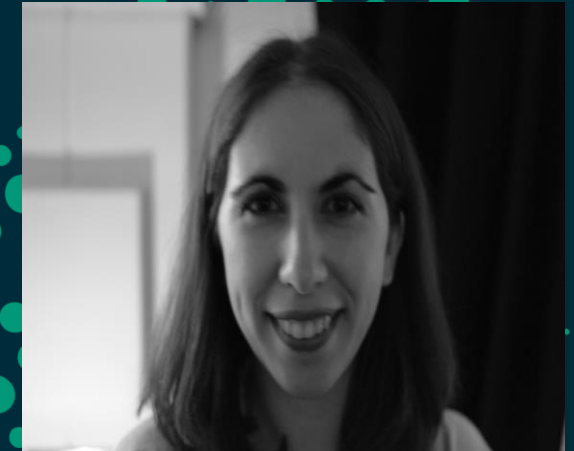
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Acronyms explained

HEI: Higher Education Institutions	NMC: Nursing and Midwifery Council
FtP: Fitness to Practise	HCPC: Health and Care Professions Council
OIA: Office of the Independent Adjudicator	GMC: General Medical Council
AVA: Against Violence and Abuse	MSC: Medical Schools Council

Why is this relevant?

Endemic societal issue

More than **a third of UK medical students** do not receive sexual misconduct training

Nearly one in three female surgeons working in the NHS had been sexually assaulted in the past five years.

Serious **shortcomings** within the health sector in preventing and addressing sexual misconduct, with costs in damages to address sexual misconduct in the **NHS exceeding £4m** in the last five years.

Why is this relevant?



The UK university system lacks a governmental or industry-agreed set of standards & procedures concerning student sexual misconduct reports.



This gap has left individual campuses and staff on their own, despite these difficult cases requiring special skills and knowledge to properly investigate and conduct hearings.



University staff across the UK are asking for understandable and detailed guidance and support to improve their sexual misconduct complaint practices and procedures.

What is Fitness to Practise?

Meeting professional standards: concerned with character, professional competence and health

To determine if someone is fit to practise, they must demonstrate they have "the skills, knowledge, character and health to practise their profession safely and effectively" (HCPC definition)

It's about patient safety and protecting the public – not about punitive action or punishment

Equality Act and professional behaviour ie. colleague-colleague as well as patient-provider

What is Fitness to Practise?

- General overview of Fitness to Practise procedures

There is variability between healthcare professions:

- GMC
- HCPC
- NMC

How do complaints of sexual misconduct relate to general guidelines on fitness for the different professions?

What is Fitness to Practise?

HE providers have a duty to:

- to ensure that students on a professional course are fit to practise in that profession, or will be when they complete the course;
- to protect present or future patients, clients, service users and members of the public;
- to safeguard public confidence in the profession;
- to comply with the requirements of professional/regulatory bodies; and
- to ensure that students are not awarded a qualification that permits them to practise a profession if they are not fit to do so.

OIAHE.org.uk

- Good Medical Practice 2024 (published August 2023):
 - Clearer definitions of sexual harassment
 - Expectations of doctors who witness these behaviours
 - Sexual harassment of colleagues explicitly covered: doctors *'must not act in a sexual way towards colleagues with the effect or purpose of causing offence, embarrassment, humiliation or distress'*.
- Builds on existing guidance in relation to behaviours towards patients: doctors must not *'pursue a sexual or improper emotional relationship'*.
- Links to related guidance on respect for patients and colleagues, acting with integrity, maintaining boundaries and responding to risks of safety.
- Outcomes for Graduates (2018)- Professional and Ethical Responsibilities

- Students should be aware that the standards of conduct, performance and ethics apply both to registrants and prospective registrants
- Applications to the register are considered on a case by case basis

- Guidance on conduct and ethics for students (2016)
 - Be honest and trustworthy – reflects standards of conduct, performance and ethics for registrants, section 9.
 - You must make sure that your conduct justifies the public's trust and confidence in you and your profession.
 - You should be aware that your conduct and behaviour outside of your programme may affect whether or not you are allowed to complete your programme or register with the HCPC

- You should tell your education provider, as soon as possible, if you are charged with, convicted of, or accept a caution for, any offence.
- Students should be aware that in very serious circumstances, their conduct may affect their ability to:
 - Complete their programme;
 - Gain the final qualification; or
 - Register with the HCPC

- Firstly NMC has no specific student related fitness to practise guidance.
- Within NMC Code – no specific references to sexual misconduct.
- Actions or inactions are implied as opposed to identified.
- Published NMC (2019) Guidance of health and character does refer to "serious sexual misconduct", but is suggestive of police/criminal investigation.
- Fitness to practise guidance online does contain sub-section on 'cases involving sexual misconduct', but remains non-specific and cites the Professional Standards Authority - "Council for Healthcare Regulatory Excellence (CHRE) (2008) Clear sexual boundaries between healthcare professionals and patients" document as only FtP guidance.

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- Within all NMC guidance only the term **sexual misconduct** is used, some reference is made to colleagues, but main focus relates to patient safety, and there are sadly currently no references to any **harassment behaviours**. Although there is the ability to consider within the broad points of the Code.

Questions to the panel

1. Which processes are involved when an allegation of sexual misconduct is raised?

2. Who should adjudicate/investigate sexual misconduct complaints in 'Fitness to Practise' proceedings?

3. Who should sit on the Fitness to Practise panels?

Who are the decision makers?

4. When should HEIs notify professional bodies about sexual misconduct allegations against students?

5. What are the challenges when the responding party brings a solicitor to the hearing?

6. How should complaints involving neuro-divergent students be handled?

7. What are the challenges in managing students across clinical placements? What about data-sharing with placements?

8. Where are the gaps within the policies and the processes across HEIs and the OIA?

Questions and Discussion



Feedback

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<https://forms.office.com/r/cTtShcwwtX>



- Professional behaviour and fitness to practise: guidance for medical schools and their students. GMC & MSC 2016.
- Good Medical Practice. GMC. 2024 (draft)
- Identifying and tackling sexual misconduct. GMC. 2023.
- Guidance on conduct and ethics for students. HCPC. 2016
- Considering sanctions for serious cases. NMC. 2023.
- The Code: Professional standards of practice and behaviour for nurses, midwives and nursing associates- NMC. 2018 (nmc.org.uk)
- What is fitness to practise- NMC. 2022 (nmc.org.uk)

Additional resources



- AVA have a toolkit but also a very good resource hub, where they have compiled lots of useful information for HEI: <https://avaproject.org.uk/combatisconduct/>
- BMA Pledge to End Sexism in Medicine- relevant in relation to actions Medical Schools are taking to improve the current issues. <https://www.bma.org.uk/advice-and-support/equality-and-diversity-guidance/gender-equality-in-medicine/a-joint-pledge-to-end-sexism-in-medicine>
- BMA Sexism in Medicine Report- Useful description of cultural factors that underpin sexism in Medicine and links with harassment/assault <https://www.bma.org.uk/media/4488/sexism-in-medicine-bma-report-august-2021.pdf>
- Article in British Journal of Surgery- Medical student respondent numbers very low but this highlights issues of barriers to reporting and lack of psychological safety for more junior staff and students. <https://academic.oup.com/bjs/article/110/11/1518/7264733>

Recent articles

HE Professional article: [7 Tips for Enhancing the Quality of Sexual Misconduct Investigations in Universities](https://heprofessional.co.uk/7-tips-for-enhancing-the-quality-of-sexual-misconduct-investigations-in-universities/) (heprofessional.co.uk)

Times Higher Education article: [Sexual misconduct in universities: improving institutional responses | THE Campus Learn, Share, Connect](https://www.timeshighereducation.com/news/sexual-misconduct-in-universities-improving-institutional-responses-the-campus-learn-share-connect) (timeshighereducation.com)

Contact Us



University of Surrey Sexual Misconduct Case Toolkit

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