

## Guidance for Panels when a form R indicates a finding of misconduct during the year

### Introduction

Each year small numbers of trainees will face employer disciplinary proceedings or be subject to a GMC fitness to practise hearing. This brief paper is intended to give guidance to ARCP panels to enable a consistent approach to issuing outcomes in these circumstances, it should be read alongside the document “Guidance for ARCPs at Completion of Training when the Trainee has GMC Conditions or Undertakings”.

Trainees who are subject to disciplinary or GMC FtP proceedings where the outcome has not yet been determined:

- A senior member of HENW must be present or advise the panel.
- Trainee reflections and past behaviour should inform the panel
- An (unproven) allegation of misconduct should not normally prevent progression to the next stage of training.

Trainees not approaching CCT where there is a finding of misconduct short of dismissal or suspension from the register:

- A senior member of HENW should be present or advise the panel.
- Trainee reflections and past behaviour should inform the panel
- The finding of misconduct should not normally prevent progression provided the trainee has reflected and the supervisor's report has specifically addressed the behaviour which led to the finding of misconduct.
- An outcome 2 for speciality training will ensure the matter is kept under review.
- For foundation trainees a note on the free text of the ARCP form will ensure continued follow up.
- For General Practice it should be recorded on the outstanding issues part of the outcome form on the e portfolio
- For all it should also be recorded on the form R.
- Subsequent panels during the duration of the warning (employer or GMC) should ensure that the behaviour is kept under review.

Trainees approaching CCT with outstanding GMC or Conduct investigations:

- A senior member of HENW must be present or advise the panel.
- Trainee reflections and past behaviour should inform the panel.
- If there is an isolated incident and no known other concerns an outcome 6 can be issued if all other objectives have been achieved and revalidation deferred pending the outcome of the investigation.

- If the area under investigation is clinical at the level of concern of fitness to practice and if the solution lies potentially within training, an outcome 3 may be appropriate with targeted training.
- If the decision is unclear it may be appropriate to collect the information, award an outcome 5 and consult a panel of senior HENW staff virtually and then issue an outcome.

In all cases the issue should be noted on the form R.

#### Trainees who are suspended from the register

- Under paragraph 6.37e of the Gold Guide suspension from the Register will result in removal from training and a statement of competences achieved for the period of training prior to the suspension or an outcome 4 issued.
- Trainees who are appealing a suspension from the register should be issued an outcome 4 or statement of competence pending the outcome of the appeal

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