



**School of Nursing and Midwifery
Faculty of Health and Social Care**

FITNESS FOR PRACTICE POLICY

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Section 1: Fitness for Practice Policy

1.1 Purpose of the Fitness for Practice Policy

The purpose of this Policy is to make explicit the School of Nursing and Midwifery's intentions, expectations and actions with respect to assuring applicant's and student's fitness to practice and to comply with the Partner's in Practice agreements with placement providers. This Policy therefore applies to all applicants and students, (undergraduate and postgraduate, including Health and Social Care Professionals) during the course of their programme and, where relevant, up to and including the point of confirming eligibility to register with the Nursing and Midwifery Council.

1.2 Aim of the Policy

The overarching aim of the Policy is to provide clear and transparent information to applicants and students regarding expectations and processes associated with fitness for practice as a nurse or midwife. The School of Nursing and Midwifery embraces a positive attitude towards the promotion of equality on the basis of age, disability, ethnic origin, gender, religion or belief, sexual orientation, and will offer guidance to applicants and students when cultural beliefs may create difficulties in meeting programme requirements, for example dress codes, caring for people of any gender. This Policy and associated procedures comply with Robert Gordon University Equity and Diversity Policy and Admissions Policy:
(www.rgu.ac.uk/file/equality-and-diversity-policy-pdf-169kb) (www.rgu.ac.uk/future-students/applicants)

1.3 Nursing and Midwifery Council's (NMC) Requirements for Fitness for Practice

The NMC's primary statutory obligation as regulator of nurse and midwifery education is to protect the public and maintain public confidence in the profession, and as such states that good health and good character are fundamental to fitness to practice as a nurse or midwife. Programme providers have a responsibility for ensuring that applicants meet the NMC requirements for entry to and, as students, continued maintenance on approved programmes leading to registration. **Good health** means that a person must be capable of safe and effective practice without supervision. It does not mean the absence of any disability or health condition. Many disabled people and those with health conditions are able to practice with or without adjustments to support their practice. **Good character** is important in that nurses and midwives must be honest and trustworthy. It is based on an individual's conduct, behaviour and attitude. It also takes account of any criminal convictions, cautions, pending charges or other relevant information contained within a Protection of Vulnerable Group's (PVG) Scheme Record that are likely to be incompatible with professional registration.

1.4 Applicant and Student Responsibilities

All nurses and midwives are required to abide by the NMC Code (2015) (www.nmc.org.uk/standards/code) and students are expected to work towards being able to apply the Code at the point of registration. The Nursing and Midwifery Council also provide guidance for nurses, midwives and students on using social media responsibly and raising concerns of the safety and wellbeing of people in their care (www.nmc.org.uk/standards/guidance/).

Programme providers are responsible for ensuring that applicants are of good health and good character for entry to the programme, while continuing on the programme and at the point of registration with the Nursing and Midwifery Council (www.nmc.org.uk/education/what-we-expect-of-educational-institutions/)

The School of Nursing and Midwifery therefore require that:

- Applicants will be open and honest in relation to health, disability and/or any criminal convictions, cautions, pending charges or other relevant information, at the time of applying to the course;
- When undertaking the course students will be open and honest in relation to any health, disability and/or any criminal convictions, cautions, pending charges or other relevant information that arise during their course;
- Students will abide by all requirements for professional conduct and behaviour as defined by the University and the associated professional, statutory and/or regulatory body;
- Students will adhere to the Robert Gordon University Regulations with respect to student conduct: A3 Section 1 4.2 (www.rgu.ac.uk/about/academic-affairs/quality-assurance-and-regulations)

1.5 Remit of the Fitness for Practice Committee

The School of Nursing and Midwifery Fitness for Practice Committee (Appendix 1) has been approved by School Academic Board as having the lead responsibility for assuring Fitness for Practice of applicants and students. The remit of the committee is to:

- 1) Ensure the Policy and associated procedures are explicit, reviewed annually and developed as required.
- 2) Ensure that staff within the School of Nursing and Midwifery adheres to the Equality Act, Rehabilitation of Offender's Act, Data Protection, and Nursing and Midwifery Directives in relation to good health and good character.
- 3) Consider and make decisions in individual cases where there are concerns about the health of an applicant and/or the implementation of reasonable adjustments for a disabled applicant.
- 4) Consider and make decisions in individual cases where there are concerns about the character suitability of an applicant to enter a course or programme.

- 5) Consider and make recommendations to the Course/Programme Leader in individual cases where there are concerns about the health of a student and/or the implementation of reasonable adjustments for a disabled student.
- 6) Consider and make recommendations to the Course/Programme Leader in individual cases where a student has been withdrawn from a practice area **following concern in relation to patient safety/care.**
- 7) Consider and make recommendations to the Course/Programme Leader or Lead Midwife for Education in individual cases where there is a concern about signing the declaration of good health and good character at the point of applying for entry to the NMC register.
- 8) Consult with the Faculty of Health and Social Care Professional Suitability Advisory Group in individual cases where there is a concern about health or character suitability of an applicant or student who is registered with the Health Professions Council.
- 9) Consult with the University Legal Adviser in complex individual situations, for example when a student is also an employee within a health care role.
- 10) In alignment with Robert Gordon University Regulations, consider and make recommendations to the Head of School or nominated person where there is an allegation of student misconduct (Appendix 2).
- 11) Ensure annual monitoring of good health and good character of students occurs within a pre-registration programme.
- 12) Ensure a robust and consistent approach to the provision of employment references is in place.
- 13) Advise Course/Programme Management Teams and the School Academic Board of trends that could have an impact on the planning and delivery of the curriculum.
- 14) Liaise with the Faculty of Health and Social Care Professional Suitability Advisory Group and share best practice across the Schools.

Section 2: Health and Disability

2.1 Assessment of health conditions and/or disabilities

Opportunities for declaring a health condition and /or disability are available within the UCAS and Robert Gordon University course application forms. Additionally personal tutors, academic advisers and placement supervisors associated with the School of Nursing and Midwifery provide a supportive environment to enable students to share health or disability concerns, and all students are provided with information on the Disability and Dyslexia Service during Induction and within the Student Handbook.

Applicants or students who declare health conditions or disabilities will be assessed as appropriate through the Occupational Health Provider and/or University Disability Adviser in relation to the compatibility of the applicant's or student's condition to nursing or midwifery practice. Many people with a health condition and/or disability do not require any adjustments to support their learning however where it applies the assessment will focus upon what reasonable adjustments can be made to support the applicant or student to achieve entry to or, for students who are already NMC registrants, maintenance on the NMC register.

2.2 Reasonable adjustments

All staff within the School of Nursing and Midwifery has a responsibility to ensure that they fulfil their duty to make anticipatory adjustments to teaching, learning and assessment practices and promote positive attitudes towards applicants and students with a disability. In addition to anticipatory adjustments applicants may require individual reasonable adjustments to the interview and selection process, and students may also require individual reasonable adjustments to the academic and/or practice based learning environment. The Nursing and Midwifery Council state that their concern when considering reasonable adjustments is whether the adjustment enables a nurse or midwife to achieve 'safe and effective practice without supervision' (NMC 2010). Other factors to take into account when determining if an adjustment is reasonable are:

- The need to maintain academic and practice competence standards
- The financial cost of making the adjustment and the financial resources available
- The practicality of the adjustment
- The effectiveness of the adjustment
- Health and safety of the individual, patients and clients, fellow students, placement team members.

2.3 Process following assessment of health and /or disability that requires individual reasonable adjustments

Information about health and/or a disability is regarded as confidential and as such staff within the School of Nursing and Midwifery respects the sensitive nature of the information. Agreement with, and consent from the student will be sought on how his/her requirements will be communicated to academic staff, mentors and practice staff.

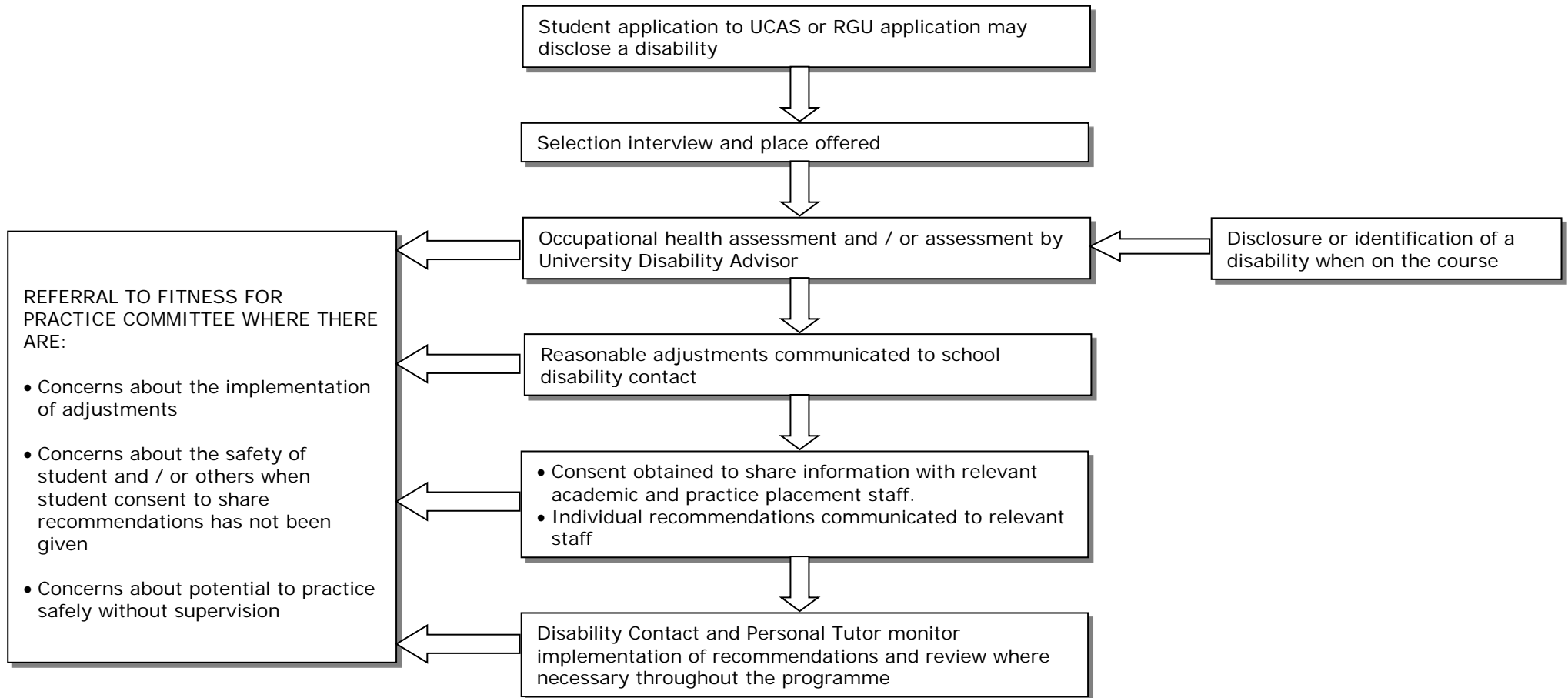
2.4 Referral to the Fitness for Practice Committee

The following situations will be referred to the Fitness for Practice Committee:

- Where there are professional concerns about the implementation of adjustments;
- Where there are professional concerns that a lack of consent to communicate reasonable adjustments to practice staff could compromise the safety of the student, patients/clients and/or practice staff;
- Where there are professional concerns that an applicant or student's health or disability is likely to compromise, or has compromised his/her ability to meet the required competence standards including practicing safely without direct supervision at the point of entry to the nursing or midwifery register.

The following flowchart provides an outline of the process to be followed and the personnel involved:

Supporting a Student with a Disability



Section 3: Evidence of Good character

3.1 Protection of Vulnerable Groups Scheme (PVG)

The PVG Scheme is established by the Protection of Vulnerable Groups (Scotland) Act 2007 and ensures that those who have regular contact with vulnerable groups (Children or Protected Adults) do not have a history of inappropriate behaviour.

Applicants are made aware through marketing literature and the School website that a PVG Scheme Record is required, and that in line with the Rehabilitation of Offender's Act 1974 (Exclusions and Exemptions) (Scotland) Order 2003, applicants are not entitled to withhold information about convictions which for other purposes are 'spent'.

All applicants who accept a place on a nursing or midwifery course that involves placement in a clinical practice area will undergo a criminal record check through the PVG scheme. Once applicants join the PVG scheme their membership records will be automatically updated if any new vetting information arises. This criminal record check must be completed prior to commencing placement in a clinical practice area.

Vetting information is conviction information retrieved from the criminal justice systems and non-conviction information held by the police that are considered relevant.

European and overseas clearance is required from applicants who have stayed out with the UK for 13 weeks duration or longer. It is the applicants' responsibility to provide evidence of good character from another country.

All students who undertake a 6 month or longer break from a course that involves placement within a clinical area will undergo a criminal record check through the PVG scheme record update prior to re-entering the programme.

3.2 Declaration of good health and good character

Students undertaking a pre-registration nursing or midwifery course are required to declare their good health and good character on an annual basis (Appendix 3). Students are also informed, within the Student Handbook and verbally by Course Leaders and Personal Tutors, that it is their responsibility to inform the personal tutor immediately if they have a charge, conviction or caution during the course.

Individual situations which lead to the involvement of police or criminal proceedings, or call into question good character may effect progression on the programme and these situations will be considered in accordance with Section A3 of the Robert Gordon University Regulations (www.rgu.ac.uk/about/academic-affairs/quality-assurance-and-regulations).

3.3 Referral to the Fitness for Practice Committee:

The following list is not exhaustive however indicates situations that will be referred to the Fitness for Practice Committee:

- Traffic offences that have involved substance abuse or loss of human life,
- Offences that are punished by fines, community service, or a term in prison,
- Vetting information recorded by the Police,
- Information that the individual is under consideration for listing,
- Failure to disclose information or lack of openness and/or non-truth telling*
- When, in accordance with Section A3 of the Robert Gordon University misconduct procedures (www.rgu.ac.uk/about/academic-affairs/quality-assurance-and-regulations), advice from the Fitness for Practice Committee is required.

*for an applicant, failure to reveal information could lead to withdrawal of an offer of a place on the course.

The Fitness for Practice committee will review the information and undertake a risk assessment based on guidance from the Nursing and Midwifery Council (Appendix 4).

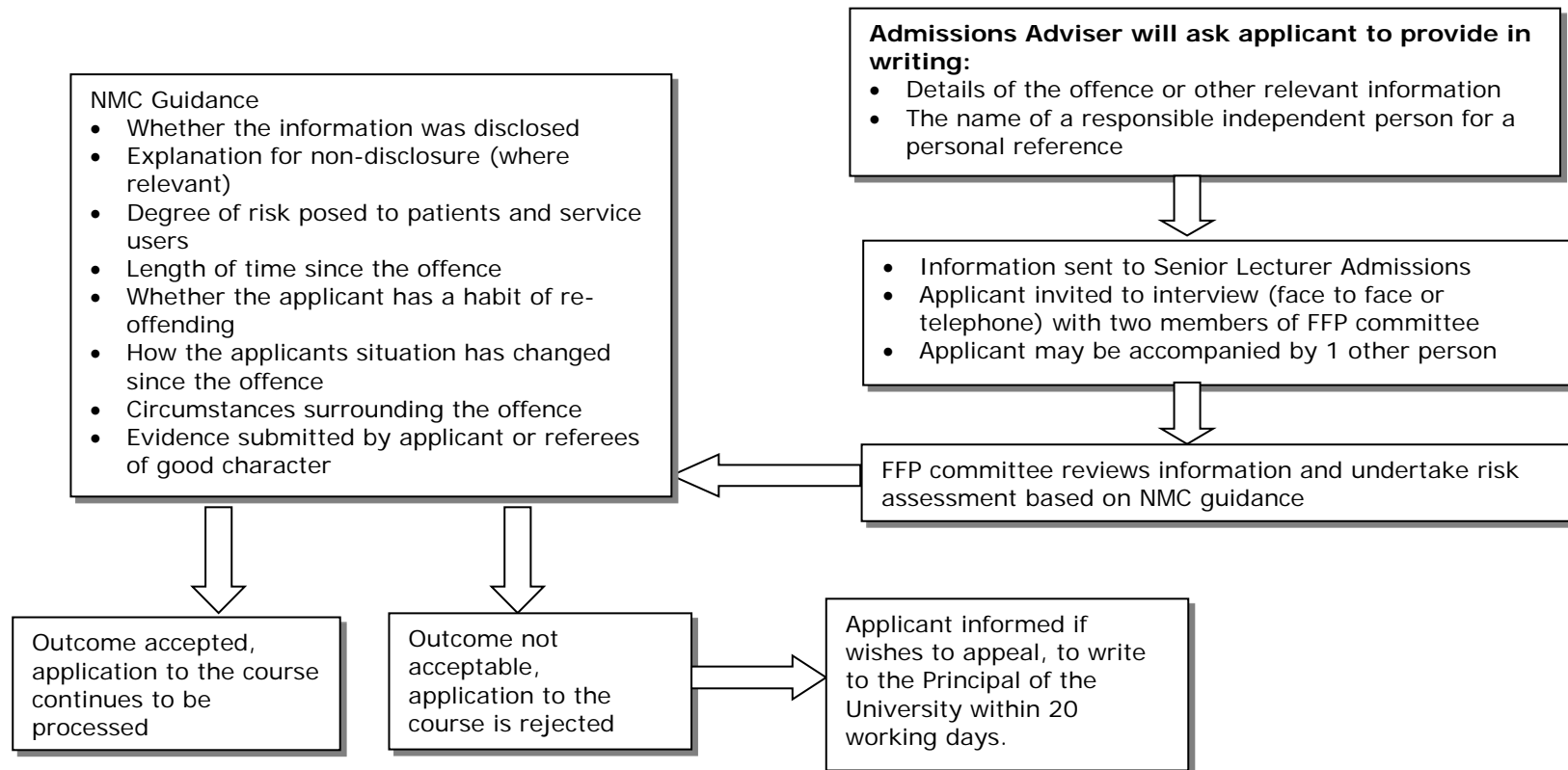
Offences which involve physical, mental and/or sexual harm to another person are not considered as ever being eligible for nurse or midwifery education.

3.4 Process following disclosure of information in relation to a conviction, caution, pending charges or other relevant information

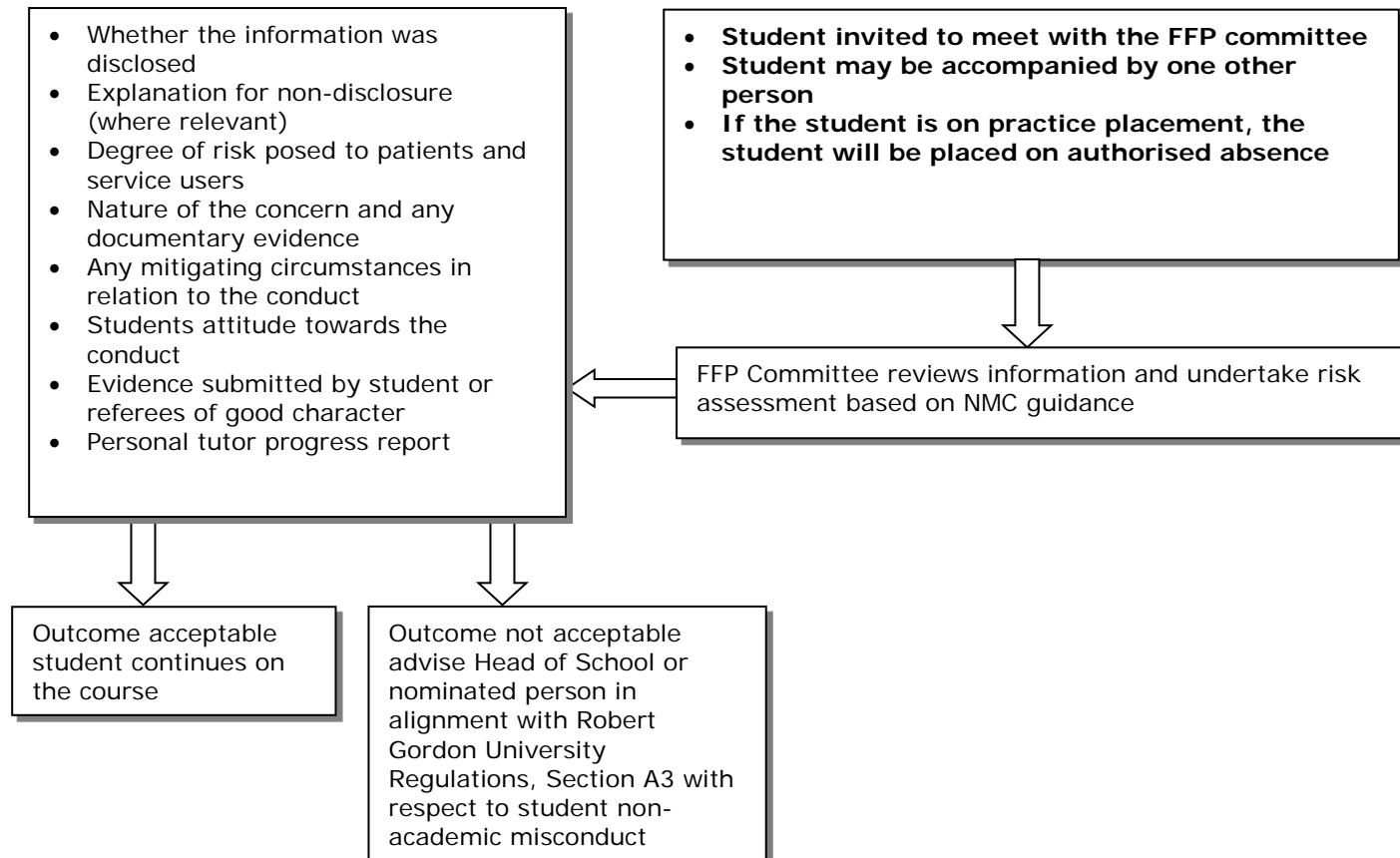
In line with Part V of the Police Act (1997) the School of Nursing and Midwifery complies fully with the Code of Practice for the correct handling, holding and destruction of Disclosure Scotland information (Appendix 5)

The following flowcharts depict the process to be followed following the disclosure of information:

Process for reviewing information of a conviction, caution, pending charges or other relevant information obtained during the admissions process



Process for reviewing information of a conviction, caution, pending charges or other relevant information, including concern about student conduct which may pose a risk to the public, patients or service users, including student returning to the course following suspension of studies



Appendix 1 Fitness for Practice Committee

Faculty of Health and Social Care
School of Nursing and Midwifery
Fitness for Practice Committee

Membership

Associate Head of School or nominee (chair)
Senior Lecturer Recruitment Admissions and Selection (co-chair)
Head of Practice Learning
Senior Lecturer Practice Learning
Lead Midwife for Education
Course leader MSc Advanced District Nursing
Course Leader BSc Occupational Health Practice
Course Leader BSc (Hons) Public Health Nursing
Programme Leader B Nursing/B Nursing (Hons)
Course Leader B Midwifery
Midwifery Clinical Representative
Adult Nursing Clinical Representative
Mental Health Nursing Clinical Representative
Children and Young People's Clinical Nursing Representative
Specialist Community Public Health Clinical Representative
Human Resources Representative, NHS Grampian.

Head of School for Nursing and midwifery (ex-officio)

Administrative Support – School of Nursing and Midwifery Administration Manager
Secretary/PA to the Head of School

Future involvement of a member of the public representative will be addressed through the School Public Involvement Strategy.

Quorum for individual cases relating to good health and/or good character

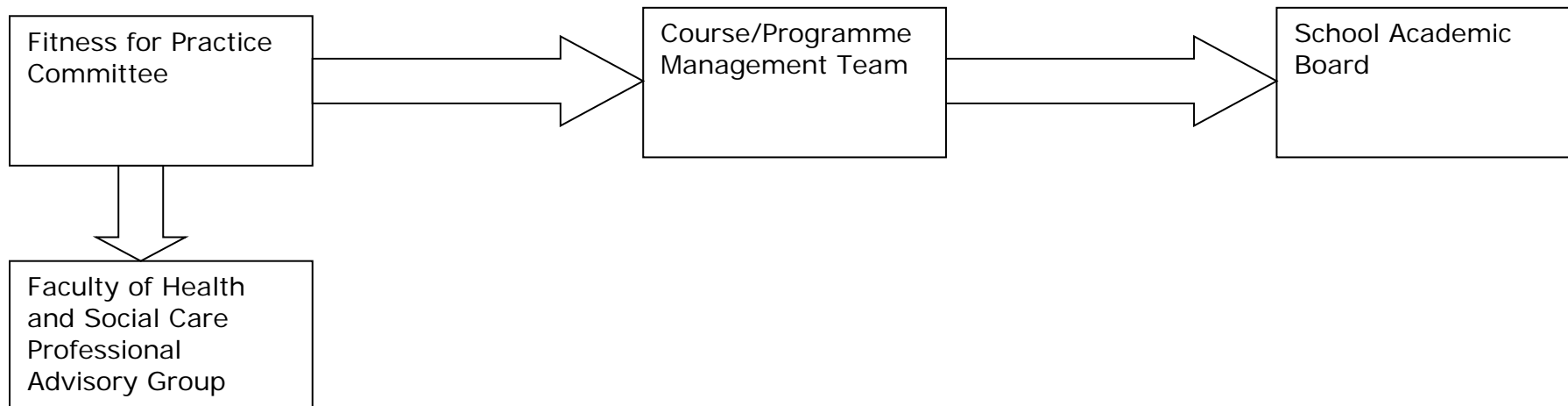
For the committee to be quorum at least 3 members of School of Nursing and Midwifery staff and a minimum of one clinical representative are required to be present. If the case is in relation to a midwifery applicant or student the Lead Midwife for Education and/or the Midwifery Clinical representative must be present.

Frequency/Agenda/Note taking

There will be 3 meetings per year and as required to consider individual cases. Each meeting will have an agenda, a record of members in attendance and a note taken of the proceedings and outcome. Meetings in relation to individual cases are regarded as confidential business and therefore the note of the outcome will be stored within the Head of School Office.

Governance

The School of Nursing and Midwifery Fitness for Practice Committee is responsible to the Head of School and will report on a quarterly basis to Programme Management Teams and School Academic Boards. The School of Nursing and Midwifery Committee will also liaise with the Faculty of Health and Social Care Professional Suitability Advisory Group and share best practice across the Schools.



Appendix 2 A3 Section 2: Student Misconduct Procedure

6.2 Non-Academic Misconduct

6.2.1 An allegation of *non-academic misconduct* concerning a student's conduct as an enrolled student of the University, may refer to any actions or activities engaged in, or services and facilities enjoyed, as a student of the University, or in the vicinity of any premises owned, leased or managed by the University. *Non-academic misconduct* may involve conduct relating to (though not limited to) the following:

(i) Conduct involving breaches of stated instructions or regulations issued by the University, associated professional, statutory and/or regulatory bodies, or by authorised members of the University, that prejudice the orderly working of the University and/or contravene the requirements of associated professional, statutory and/or regulatory bodies.

(ii) Conduct involving harmful or inappropriate acts that may require referral as defined by the Protecting Vulnerable Groups Scheme (www.disclosurescotland.co.uk/pvg_index.html). These are acts that have:

(a) harmed a child or protected adult;

(b) placed a child or protected adult at risk of harm;

(c) engaged in inappropriate conduct involving pornography;

(d) engaged in inappropriate conduct of a sexual nature involving a child or protected adult;

(e) given inappropriate medical treatment to a child or protected adult.

(iii) Conduct that brings or could bring, the reputation of the University, or associated professional, statutory and/or regulatory bodies, into disrepute.

(iv) Conduct including (though not limited to):

(a) assault of or threatening behaviour towards any student(s) or member(s) of staff of the University;

(b) unauthorised damage to the property of the University, student(s) or member(s) of staff of the University;

(c) harassment, bullying and/or discrimination on the grounds of gender, sexuality, disability, age, race or religion;

(d) misappropriation or misuse of University funds or assets;

(e) unauthorised occupation of University land or premises;

(f) behaviour which interferes with the legitimate freedom of speech, ideas, actions or enquiry of a student(s) or member(s) of staff or which disrupts or interferes with University processes or procedures;

(g) attempts to subvert University processes or procedures by means of false claims or fraudulent documents;

(h) actions in contravention of applicable legislation;

(i) unauthorised appropriation and/or dissemination of offensive materials and publications, whether in printed or electronic format.

(v) Conduct that endangers the safety or well-being of others.

6.2.2 Any student who assists a fellow student, or student(s), to commit misconduct shall be deemed to have committed misconduct and will be dealt with in accordance with the *Student Misconduct Procedure*.

Appendix 3 Annual Declaration of Good Health and Good Character

STUDENT NAME & MATRICULATION NUMBER:.....

As a developing professional nurse you must be ready to engage with the concept of professional regulation. The issue of fitness for practise is one which you are required to understand and embrace. Your health status and your standard of conduct within and out with your nursing programme are of key concern in ensuring you meet the requirements for entry to the professional register. The Nursing and Midwifery Council requires that an annual declaration must be made by students that confirms their good health and good character or identifies areas that need to be addressed. Please note that it is expected that you will complete this declaration honestly. Please sign the requirements that you meet and for those you believe you do not, please explain your situation overleaf. (NB. having areas to address does not necessarily mean your studies will be affected).

I can confirm that my health status;	Signature
Is good and there is no new current health issues that are likely to impact on my performance, health and safety or the health and safety of others	
Continues as before and has not altered since my last health or disability assessment/screening	
I can confirm that my conduct in relation to self and others, within and out with the nursing programme;	Signature
Has reflected the values set out within the NMC Code (2008)	
Has not required the implementation of University disciplinary procedures, and/or there have been no cautions or criminal proceedings involving the police since the last time Disclosure clearance was confirmed	

You are required to complete this document and submit it to your Personal Tutor

Your personal tutor may want discuss your declaration with you and add their comments to the document. In addition, there may be areas that need to be addressed to enable you to continue with your studies. **Thereafter your declaration will be retained within your student file and may be referred to if any issues regarding your fitness for practise arise. In addition,** please sign to confirm that you meet the University's expectations with respect to your studies. If there are areas you cannot sign, please provide an explanation overleaf.

I can confirm that I have engaged with the nursing programme in the following areas;	Signature
I have attended and participated in all timetabled classes, including tutorials, only missing classes for genuine reasons which have been reported and recorded using the correct procedures for the programme.	
I have actively engaged in learning opportunities by participating in group work, completing directed learning activities and accessing academic support particularly when preparing for summative assessments.	
I have attended practice placements as required, only missing shifts for genuine reasons which have been reported and recorded using the correct procedures for the programme.	

Areas requiring explanation and discussion: Health Status

Areas requiring explanation and discussion: Conduct

Areas requiring explanation and discussion: Engagement with the Programme

Personal Tutor Comments

Date:.....

Appendix 4 Risk Assessment

ROBERT GORDON UNIVERSITY
 SCHOOL OF NURSING AND MIDWIFERY
 FITNESS FOR PRACTICE COMMITTEE
 RISK ASSESSMENT FOR APPLICANTS WITH A CONVICTION, CAUTION, PENDING CHARGES OR OTHER RELEVANT INFORMATION

Name of applicant:
UCAS number:
Course applied for: Proposed year and stage of entry:

		Additional Notes		Risk Assessment
Did the applicant disclose past convictions/cautions on the application form? And/or Did the applicant contact the University regarding convictions, cautions, pending charges or other relevant information?	Yes	No		<p>If No, question applicant about why:</p> <ul style="list-style-type: none"> • If mitigating circumstances then complete assessment. • If no mitigating circumstances, end application process if appropriate. <p>If Yes, complete this assessment.</p>

RISK LEVEL IN RELATION TO QUESTIONS:	Additional notes	HIGH	MEDIUM	LOW
What was the sentence?		Custodial	Suspended, community, conditional discharge	Warning, caution, reprimand, fine, absolute discharge
When was the offence committed?	Date:	In the past 3 years	Between 3 and 10 years	More than 10 years before
Is the type/nature of the offence relevant to the safety of patients and service users? If yes, in what way?		Yes	Some link	No
Is there a pattern of specific offences? If yes, state that pattern:		Yes	Some instances	No pattern
Has the applicant supplied additional references?	Yes / No			
How do the referees rate the applicant's suitability for a nurse or midwifery course?		Referees declare applicant unsuitable	Referees share some reservations	Referees declare applicant suitable
Does the applicant offer any mitigating circumstances concerning past offence/s?	Yes / No	High No	Medium Some mitigating circumstances	Low Yes

Any concerning factors to be taken into account (e.g. intent of harm/exploitation/breach of trust:	What has changed since offence occurred? Applicant's attitude towards offence/s?
Where relevant who else has been consulted about this disclosure?	

FITNESS FOR PRACTICE COMMITTEE

DECISION

On consideration of the risk assessment form and information submitted by the applicant the Fitness for Practice Committee believes that the applicant should / should not proceed with the admissions process for the following reasons:

.....

.....

.....

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Signed:..... **Date:**.....

Appendix 5 The Secure Handling, Use, Storage and Retention of Disclosure Scotland Information

1. General Principles

The Robert Gordon University, School of Nursing and Midwifery complies fully with the Code of Practice, issued by Scottish Ministers regarding the correct handling, holding and destroying Disclosure information provided by Disclosure Scotland under Part V of the Police act 1997, for the purposes of assessing applicants' suitability for positions of trust. It also complies fully with the Data Protection Act 1998 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters. This policy is available to anyone who wishes to see it on request.

2. Usage

We use Disclosure information only for the purpose for which it has been provided. The information provided by an individual for a position within The Robert Gordon University, School of Nursing and Midwifery is not used or disclosed in a manner incompatible with the purpose. We process personal data only with the express consent of the individual. We notify the individual of any non-obvious use of the data; including further disclosure to a third party, identify the Data Controller, the purpose for the processing and any further relevant information.

3. Handling

The Robert Gordon University, School of Nursing and Midwifery recognise that under section 124 of the Police Act 1997, it is a criminal offence to disclose Disclosure information to any unauthorised person. We therefore only pass Disclosure information to those who are authorised to see it in the course of their duties. The Robert Gordon University, School of Nursing and Midwifery will not disclose information provided under section 113(B)(5) of the Act, namely information that is not included in the Disclosure to the applicant.

4. Access and Storage

We do not keep Disclosure information in an individual's personnel file. It is kept securely, in lockable, non-portable storage containers. Access to storage units is strictly controlled to authorised and named individuals who are entitled to see such information in the course of their duties.

5. Retention

We do not keep Disclosures or Disclosure information for any longer than is required after recruitment (or any other relevant) decision has been taken. In general, this is no longer than 90 days. This is to allow for the resolution of any disputes or complaints. Disclosure information will only be retained for longer than this period in exceptional circumstances and in consultation with Disclosure Scotland. The same conditions relating to secure storage and access will apply during any such period.

6. Disposal

Once the retention period has elapsed, we will ensure that Disclosure information is immediately destroyed in a secure manner i.e. by shredding, pulping or burning. The Robert Gordon University, School of Nursing and Midwifery will not keep Disclosure information which is awaiting destruction in any insecure receptacle (e.g. waste bin or confidential waste sack.) We will not retain any image or photocopy or any other form of the Disclosure information. We will, however, keep a record of the date of issue of the Disclosure, the name of the subject, the Disclosure type the position for which the Disclosure was requested, the unique reference number of the Disclosure and details of the recruitment decision taken.

References

Equality Act (2010); www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf

Nursing and Midwifery Council Good Health and Good Character (2010); www.nmc.org.uk/education/what-we-expect-of-educational-institutions

Nursing and Midwifery Council The Code (2015); www.nmc.org.uk/standards/code

Nursing and Midwifery Council (2015) Raising Concerns: Guidance for nurses and midwives; www.nmc.org.uk/standards/guidance/

Nursing and Midwifery Council (2015) Guidance on using social media responsibly; www.nmc.org.uk/standards/guidance/

Nursing and Midwifery Order (2001); www.legislation.gov.uk/uksi/2002/253/contents/made

Police Act (1997); www.legislation.gov.uk/ukpga/1997/50/contents

Protection of Vulnerable Groups (Scotland) Act 2007; www.legislation.gov.uk/ssi/2011/157/introduction/made

Rehabilitation of Offenders (1974) Scotland Order (2003); www.legislation.gov.uk/ssi/2003/231/contents/made

Robert Gordon University Equity and Diversity Policy; www.rgu.ac.uk/file/equality-and-diversity-pilocy-pdf-169kb

Robert Gordon University Admissions Policy; www.rgu.ac.uk/future-students/applicants