

## Serious misconduct - case study

**Stephanie is a fifth year medical student. She successfully completed the previous years of her course and was excited about graduating and becoming a Foundation doctor.**

On a Friday night halfway through her final year, Stephanie was out at a bar in town with other fifth years. After quite a few drinks, her friend Shay suddenly slumped to the floor. Stephanie tried to pick her up, but Shay was unable to stand and seemed to lose consciousness. The emergency services were called.

When the paramedics arrived, they tried to attend to Shay, but Stephanie pushed them away. She shouted she was a doctor and they shouldn't interfere. The paramedics saw that Stephanie was drunk and not in a fit state to treat a patient. They weren't sure that she was a qualified doctor.

The paramedics tried to question Stephanie about Shay and what had happened, but Stephanie was uncooperative and became aggressive. The bar security ended up holding her back so the paramedics could look after Shay.

The paramedics were then able to do their job and Shay was taken to hospital. After finding out who Stephanie was and reflecting on the situation, the paramedics decided to call the medical school. They told the school about Stephanie's aggressive behaviour and how she had endangered the patient by obstructing them.

### What happened next?

Once the medical school found out about the incident, they decided the student fitness to practise (SFTP) threshold had potentially been crossed. The school started an investigation. The school wrote to Stephanie to let her know about the investigation, outlining the allegations against her and the relevant parts of the guidance. They also sent her a copy of their SFTP procedures.

The investigator checked Stephanie's record and asked her personal tutor whether this was typical behaviour. Stephanie's personal tutor was surprised to hear of the incident, as it wasn't characteristic of her. But in this instance, Stephanie:

- Misrepresented her qualifications when she claimed to be a doctor<sup>[1]</sup>;
- Acted outside her competence by trying to treat someone when she was unqualified and intoxicated; and
- Endangered patient safety<sup>[2]</sup> by hindering the qualified medical professional<sup>[3]</sup>.

Stephanie was asked to submit a statement and in it she claimed she had not tried to get in the way of Shay's treatment.

Because of the severity of Stephanie's misconduct<sup>[12]</sup>, the investigation committee referred the case to an SFTP panel<sup>[10]</sup>. The committee prepared a report explaining their decision, which was also shared with Stephanie.

## What support did Stephanie receive?

The medical school invited Stephanie to attend the panel meeting, taking place several weeks later. They gave her a copy of all the documents made available to the panel and encouraged her to submit evidence. She was also told she could bring representatives, legal support, and any witness she wanted on the day.

Stephanie was distressed about the investigation and arranged to speak to her personal tutor. At this meeting Stephanie admitted the accusations against her were true. She said she denied them in panic because of the impact the investigation might have on her career<sup>[5]</sup>.

Her tutor asked if she understood why she had been referred to the SFTP panel, which Stephanie did. The tutor also explained it could be a supportive process if Stephanie was open, honest and cooperative<sup>[6]</sup> with the medical school throughout.

Following from her tutor's guidance, Stephanie contacted her students' services advisers. With their recommendation, she collected testimonies from her peers and some lecturers about her academic performance and good character. She also wrote an apology letter to the paramedics.

## What happened on the day of the panel?

On the day of the panel, Stephanie attended with her adviser. She apologised to the panel for her conduct and explained it was not in keeping with her usual behaviour. The panel had seen the evidence, including a testimony from Shay saying Stephanie was a good friend who was sorry for her actions on the night. Stephanie's testimonies also said she did not drink excessively and the night was a one-off incident.

The panel took all the facts into consideration:

- Stephanie's initial dishonesty during the investigation.
- Her year of study, meaning she was nearing graduation so there was not much time for Stephanie to show remediation.

- Her good academic record and positive testimonies.
- Her eventual engagement with the SFTP process.
- Her remorse and the remediation efforts she had shown already by apologising to the paramedics.
- Stephanie's excessive drinking on the night was considered an aggravating factor.

The panel agreed Stephanie's behaviour was not fundamentally incompatible with being a doctor, but they wanted to emphasise the seriousness of her actions. Her conduct on the night had strayed far from what is expected of medical students in *Achieving good medical practice*.

The panel sanctioned Stephanie with a nine-month suspension<sup>[11][13]</sup>. This suspension meant she was not fit to practise at the point of graduation, so the school could not let her graduate. Stephanie had to repeat her final year, and was required to attend a follow up meeting with the SFTP panel before graduating the next year.

Stephanie had to complete work set by the medical school to ensure she remained up to date with her studies. Once she returned to the course, Stephanie was required to have regular meetings with her personal tutor on professionalism and write a reflective essay on her behaviour. As long as Stephanie complied with these conditions, the medical school would allow her to graduate.

## What to take away

- Attitudes to the SFTP process are crucial. Honesty about actions, insight into why behaviour was unprofessional, and taking steps to show remediation are key to the investigation outcome. If Stephanie hadn't shown remorse and tried to remediate her behaviour, her sanctions may have been even more severe. This is also taken into account by the GMC when applying for provisional registration<sup>[8]</sup>.
- Recognising your limits. Medical students must recognise the limits of their competence and not misrepresent their qualifications. On placements, it is important to make clear to patients they are a student rather than a doctor, or speak out if asked to perform a procedure they are inexperienced with<sup>[1]</sup>.
- Fitness to practise can be beneficial. Even though SFTP can be a stressful process, it is also a form of support. In this example, it has allowed Stephanie to access help and what she learns from the experience may help her to become a good doctor.

## References to the guidance

### ***Achieving good medical practice: guidance for medical students***

#### **Domain 1: Knowledge, skills and performance**

1. [Apply knowledge and experience to practice](#) (paragraphs 6-7)

#### **Domain 2: Safety and quality**

2. [Protect patients and colleagues from any risks posed by your health](#) (paragraphs 29-36)

#### **Domain 3: Communication, partnership and teamwork**

3. [Work collaboratively with colleagues to maintain or improve patient care](#) (paragraphs 45-48)

#### **Domain 4: Maintaining trust**

4. [Show respect for patients](#) (paragraphs 63-67)
5. [Act with honesty and integrity](#) (paragraphs 72-73)
6. [Openness and legal or disciplinary proceedings](#) (paragraphs 74-80)
7. [Professionalism - key areas of concern](#) (paragraph 81)
8. [Annex: Professionalism and fitness to practise processes in medical schools and universities](#)

### ***Professional behaviour and fitness to practise: guidance for medical schools and their students***

9. [The threshold of student fitness to practise](#) (paragraphs 79-80)
10. [Referring a student to fitness to practise procedures](#) (paragraphs 86-88)
11. [What are the outcomes of a fitness to practise committee or panel?](#)
12. [Table 1 - Reasons for impaired fitness to practise in medical students](#)
13. [Table 2 - Outcomes of an investigation or fitness to practise committee or panel](#)