



**GUIDELINE FOR THE MANAGEMENT OF THE
PERFORMANCE AND CONDUCT OF SUPERVISORS OF
MIDWIVES AND THE PROCESS FOR MANAGING
IMPAIRED FITNESS TO PRACTISE AS A
SUPERVISOR OF MIDWIVES
(INCLUDING REMOVAL FROM THE ROLE)**

Guideline produced by: LSAMO Forum UK

Guideline production date: January 2010

Consultation process: LSAMO Forum (UK)

Draft produced by: Yvonne Bronsky LSAMO

Draft reviewed by: LSAMO Forum UK

Guideline approval date: April 2010

Guideline Implementation date: April 2010

Guideline review Date: April 2013

LSAMO identified for archiving guideline: Joy Kirby

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LSAMO Forum UK

Guidelines for the statutory supervision of midwives

Introduction

It is the Local Supervising Authority's (LSA) responsibility to manage the performance and conduct of all Supervisors of Midwives (SoMs) appointed to carry out the role in the LSA area. SoMs are accountable to the LSA for all supervisory activities. When in the role supervisors are required to develop their competence and update their knowledge and skills (NMC 2004 & 2006).

The objective of this guideline is to encourage all SoMs to achieve and maintain standards of performance and to ensure that the LSA has fair and effective arrangements in place for dealing with competence and conduct matters (including removal from the role). This guideline has been developed to help supervisors recognise their own development needs and to also support others in raising concerns to the LSA and to clearly outline the process for the investigation of concerns and the removal from appointment where indicated (NMC 2004).

This guideline will ensure that:

- Cases of inadequate/poor performance are handled fairly and consistently with any underlying reasons and mitigating circumstances taken into account
- SoMs are offered appropriate support and training within a framework
- All SoMs are aware of the performance and standards of conduct expected of them
- SoMs will be given the opportunity to state their case and be represented at all formal stages of the investigation process, by their own named supervisor of midwives, a union representative or work colleague of their choice
- A record of discussions and agreed actions will be retained and a copy will be provided to the SoM at all stages of the procedure
- SoMs will have a right of appeal against any recommendations made
- Timescales for meetings, appeals etc, may be varied by mutual agreement. The intention is to avoid unreasonable delay but to allow for reasonable flexibility
- In exceptional cases it may be necessary to refer the supervisor to the Fitness to Practise department at the NMC if the matter relates to her fitness to practise as a midwife.

Maintaining standards of competence

The LSAMOs are committed to ensuring that all SoMs have the appropriate skills, knowledge, competence and aptitude to undertake their role effectively.

Where SoMs are performing below expectations, the role of the LSAMO will be to bring this to the attention of the individual and to work closely with them to support them to improve performance to an acceptable level. The objective will always be to set out a constructive approach to achieving improved supervisory performance through effective supervision, mentoring, support and training, appraisal and development.

SoMs are encouraged to benchmark their performance against the competencies set within the *Standards for the preparation and practice of supervisors of midwives* (NMC 2006). It is the responsibility of the supervisor to discuss his/her development needs with the Local Supervising Authority Midwifery Officer (LSAMO) on a regular basis. Appendix attached.

Definition of SoM competence

For the purposes of this guideline competence is assessed with reference to skill, aptitude, attitude, behaviours, knowledge and ability to carry out the role of SoM.

Identifying impaired fitness to practise as a SoM

In the case of impaired fitness to practise as a SoM, competence in the role will be benchmarked against the *Standards for the preparation and practice of a supervisor of midwives* NMC (2006). In the case of misconduct, removal from appointment may be indicated. Removal from appointment of a supervisor of midwives should never be undertaken lightly, but may need to be implemented in the best interests of the individual supervisor, mothers, babies and midwives.

SoMs should develop, as part of their local philosophy and framework for statutory supervision, a mechanism for the reporting of instances of poor or inappropriate supervision.

Evidence of impaired fitness to practise as a supervisor of midwives may emerge from sources such as failure to:

- undertake annual reviews,
- undertake an investigation of suspected poor practice
- meet the LSA standards for supervision
- meet the NMC *Standards for the preparation and practice of SoMs*

- undertake the required continuing professional development for PREP specific to the role of SoM (6hours per annum)
- provide adequate support for midwives

The LSA may receive evidence of impaired fitness to practise on the part of a SoM from various sources including, SoM colleagues, midwives, women and their families or the SoM employer.

Investigating impaired fitness to practise as a SoM

The LSA will ensure that all action taken as a result of alleged impaired fitness to practise as a SoM is done so in a fair and consistent manner.

The LSAMO will ensure the allegations are investigated robustly.

The LSA will notify the SoM concerned that her supervisory practice has been questioned and enable her to prepare her evidence and details of any mitigating circumstances. The investigation would usually adhere to the principles of the LSAMO UK Forum Guideline L (2009) Investigation of a midwife's fitness to practise by a midwife on behalf of the LSA.

The LSAMO should ensure that the SoM under investigation has appropriate support during this challenging time and may support the SoM in negotiating with her colleagues in relation to her supervisory duties

Impaired fitness to practise as a SoM evidenced

Possible outcomes following the investigation:

- No case to answer – events documented, no further action to be taken other than additional support if the SoM confidence has been affected by the allegations
- A period of retraining/updating with agreed outcomes and regular review
- Removal from appointment as a SoM
- Referral to the NMC where grossly unacceptable supervisory performance or misconduct is proven

If a period of education/updating is decided upon an appropriate mentor supervisor will be identified to support the SoM. The education/updating must be structured and include objectives and agreed learning outcomes that are individual to the SoM concerned and are based on the NMC standards for a SoM. A timescale for achievement will be agreed and regular dates for review of progress will be set.

If achievement of the objectives is evident, the SoM will continue in the role with appropriate support and no further action is required.

If however the SoM consistently fails to meet the agreed objectives the LSA may take the decision to remove the SoM from appointment. The concerns of the LSA will be discussed with the NMC in accordance with Rule 14 (NMC 2004).

Removal from appointment of a SoM

Removal from appointment may need to be considered:

- when the safety of mothers and babies has been compromised
- following the investigation of complaints – which have been substantiated
- where there has been a breach in confidentiality
- where there is evidence of failure to fulfil Rule 11 (6) of Midwives rules and standards (2004)
- where there is evidence of failure to meet the NMC *standards for the preparation and practice of supervisors of midwives* (2006)

It is recommended that removal from appointment of a SoM occurs when:

- the standard of supervision falls below that which is deemed acceptable by the LSA as measured against the LSA standards for supervision
- there is evidence of consistent failure by the SoM to fulfil their duties
- the SoM fails to achieve agreed objectives following proven allegations of impaired fitness to practise

The appointment of a SoM is to a particular LSA, i.e. a Strategic Health Authority (SHA)/Health Board/Healthcare Inspectorate/Public Health Agency. If a SoM is removed from appointment, the responsibility for the statutory supervision of midwives is relinquished and her/his name will automatically be removed from the database of SoMs both at the LSA and the NMC

The LSAMO will notify the following that the SoM is to be removed from the LSA Database as a practising SoM:

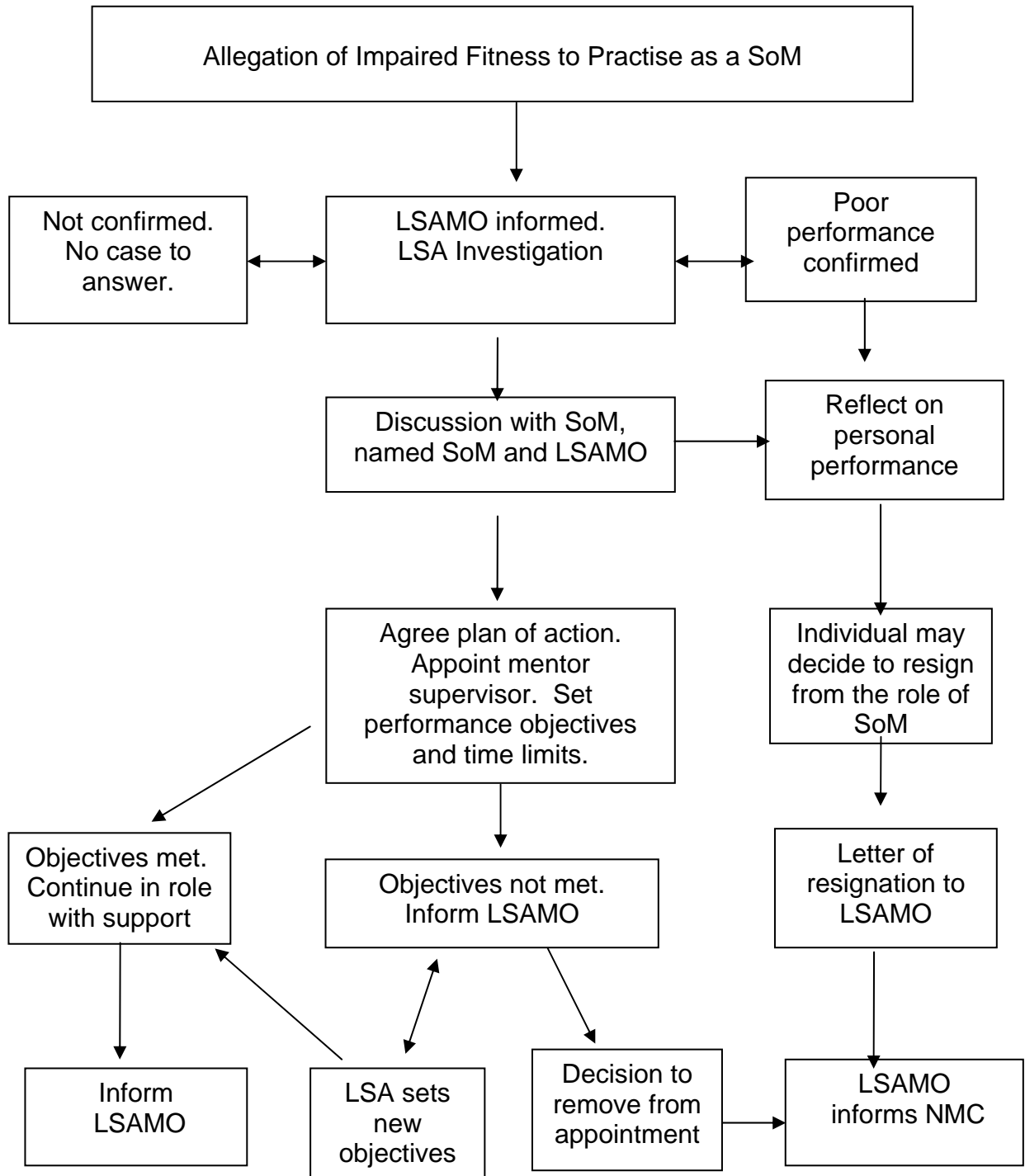
- SoM
- NMC
- The SoM's named SoM
- The SoM's professional manager
- The relevant LSA
- LSA Database administrator

Reinstatement of supervisory status is only possible by re-application.

Appeal process

The SoM concerned has the right of appeal against the decision made by the LSAMO. In the event of an appeal, the case will be reviewed by another LSAMO and an experienced SoM. The appeal should be received within ten working days of the date of letter informing the SoM of the decision taken.

Flow Chart for Impaired Fitness to Practise as a SoM



References

LSAMO UK Forum Guideline L (2009) Investigation of a midwife's fitness to practise. www.midwife.org.uk

Nursing and Midwifery Council (2004) *Midwives rules and standards*. London; NMC

Nursing and Midwifery Council (2006) *Standards for the preparation and practice of supervisors of midwives*. London NMC

Bibliography

LSAMO UK Forum Guideline G (2007) Process for the notification and management of complaints against a supervisor of midwives or an LSA Midwifery Officer including appeals. www.midwife.org.uk