

## Documentation provided to the Registrant prior to their Substantive Hearing

This document is to assist the panels by informing them of the documents sent to each nurse or midwife, or highlighted to them as available at [www.nmc-uk.org](http://www.nmc-uk.org) once a case to answer has been found.

All correspondence states that hard copies of the online information can be made available if requested by the registrant.

Case stage	Correspondence	Information provided in the document
Case is referred by the IC to the CCC/HC	Notice of referral letter (to HC or CCC)	<ul style="list-style-type: none"> <li>• A 'Your response' (Standard Directions) form with the allegations, witnesses listed and opportunity to inform of any unavailability.</li> <li>• Hearing/Meetings process explained</li> <li>• Recommendation to seek legal advice/representation and that the NMC would oppose any adjournment requests on this basis</li> <li>• Reminder to inform the NMC of any change of contact details</li> </ul> <p>Online addresses within the letter leading to the following information –</p> <ul style="list-style-type: none"> <li>• <i>Deciding your case: Advice and information about cases considered by the CCC/HC</i> leaflet</li> <li>• Voluntary removal</li> <li>• Consensual panel determination</li> <li>• Indicative sanctions guidance</li> <li>• NMC rules 2004 (as amended)</li> </ul>
Case is referred by the IC to the CCC/HC	Introduction letter	<ul style="list-style-type: none"> <li>• New case officer's name and contact details</li> <li>• Recommendation to seek legal advice/representation and that the NMC would oppose any adjournment requests on this basis</li> <li>• Reminder to inform the NMC of any change of contact details</li> </ul>

Post CCCNOR2 review	Bundle letter	<ul style="list-style-type: none"> <li>• A copy of the hearing bundle index</li> <li>• A copy of the bundle (with any appropriate redactions) that will be put before the panel at the substantive hearing</li> <li>• Charges (if amended)</li> </ul>
Post CCCNOR2 review	Notice of referral decision letter	<ul style="list-style-type: none"> <li>• Informs case is referred to either a hearing or a meeting</li> <li>• Recommendation to seek legal advice/representation and that the NMC would oppose any adjournment requests on this basis</li> <li>• Reminder to inform the NMC of any change of contact details</li> </ul>
Case is scheduled for substantive hearing	Notice of Hearing (CCC or HC)	<ul style="list-style-type: none"> <li>• Notice of hearing date</li> <li>• Travel and accommodation policy</li> <li>• Sanctions the panel may make with online address for Indicative Sanctions Guidance</li> <li>• Recommendation to seek legal advice/representation and that the NMC would oppose any adjournment requests on this basis</li> <li>• Reminder to inform the NMC of any change of contact details</li> </ul> <p>Online addresses within the letter leading to the following information –</p> <ul style="list-style-type: none"> <li>• <i>Unrepresented registrants</i> leaflet</li> <li>• <i>Deciding your case: Advice and information about cases considered by the CCC/HC</i> leaflet</li> </ul>

## Information contained within the online guidance

### *Deciding your case: Advice and information about cases considered by the CCC/HC leaflet*

- Full information on the NMC process including;
  - completing the 'Your response' form
  - stages of the hearing
  - what the sanctions mean
- Recommendation to seek legal advice/representation and that the NMC would oppose any adjournment requests on this basis
- Information on financial assistance for attending hearings
- Hearing room seating plan

### Voluntary removal

- Guidance on the voluntary removal process and what the standards are for granting VR
- Voluntary removal FAQs
- The VR application form

### Consensual panel determination

- Guidance on consensual panel determination, and suitability

### *Unrepresented registrants leaflet*

- Full information on the NMC hearing process including;
  - who will be at the hearing,
  - how many copies of documents to bring to a hearing,
  - stages of the hearing,
  - what the panel consider in making their decision

## Deciding your case: Information about cases considered by the Conduct and Competence Committee

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This leaflet is for nurses and midwives who have been referred to the Nursing and Midwifery Council's (NMC's) Conduct and Competence Committee because an allegation has been made against them and, after initial investigation, the NMC believes there is a case to answer.

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### Introduction

- 1 A panel from this committee will decide whether the allegation against you is proved and if your fitness to practise is impaired. If so, it will also decide which sanction to impose.
- 2 We appreciate that being referred to us may be a worrying experience, and that, if you are given a sanction, it may feel like a punishment. However our fitness to practise proceedings are not intended to punish the nurses and midwives concerned; they are designed to protect patients and the wider public. We believe you will find it easier to deal with the experience of being referred if you have clear information about the process and what might happen.
- 3 This leaflet will help you understand:
  - 3.1 The processes in place to deal with your case.
  - 3.2 What you need to do.
  - 3.3 How the panel reaches a decision.
  - 3.4 The possible outcomes.
  - 3.5 What the decision and sanction mean.
  - 3.6 What happens after the hearing or meeting.
  - 3.7 How you can appeal.
- 4 It does not cover the particular details of your case, such as the reasons for the panel's decision. Your case officer will provide you with all correspondence and information relating to your case.

### Representation

- 5 If you have not already done so, we strongly recommend that you seek advice from your professional organisation, trade union or lawyer as soon as possible. A Citizens Advice Bureau or Law Centre may also be able to advise you.
- 6 You should provide us with the contact details of your lawyer or representative.
- 7 If you would like us to send them copies of all correspondence, please complete and return the consent form provided with your referral letter.

### Referral to the Conduct and Competence Committee

- 8 There are two ways in which a case can reach the Conduct and Competence Committee:
  - 8.1 Referral by the Investigating Committee. The Investigating Committee will refer a case if it considers that there is a case to answer about an allegation that a nurse or midwife's fitness to practise is impaired.
  - 8.2 Direct referral. The NMC may refer a case directly to the Conduct and Competence Committee if it involves a serious allegation that will inevitably have to be determined by that committee.
- 9 When a case is referred to the Conduct and Competence Committee, we have to send you a notice of referral. If you have

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told us that you are represented, we will send a copy to your representative.

- 10 With the notice of referral, we must also send you any documents relating to the allegation that you have not already been given. These may include:

10.1 Evidence that we propose to rely upon.

10.2 Material that we are not proposing to rely upon, but which may undermine our case or support your case. This is called unused material.

- 11 If your case has been referred by the Investigating Committee, all the evidence and unused material will have been disclosed to you at least 28 days before the Investigating Committee decided that there was a case to answer.

- 12 The notice of referral must also:

12.1 Set out the allegation that has been referred to the Conduct and Competence Committee.

12.2 Invite you to submit any written representations within 28 days.

12.3 Inform you that any written representations may be shown to the person who referred the allegation to the NMC, in order that the referrer may comment on what you say.

12.4 Require you to tell us within 28 days whether you want the allegation to be dealt with at a hearing.

12.5 Inform you that we may carry out further investigations.

12.6 Inform you about the Conduct and Competence Committee's power to make interim orders. You will have to let us know within 28 days if you wish to appear and be heard on the question of whether an interim order should be made.

## Information you must give the NMC

- 13 Once we start to investigate an allegation, the law states that we must follow this process to its conclusion. Even if you believe the allegation is unwarranted, you have a duty to cooperate with us under *The code: Standards of conduct, performance and ethics for nurses and midwives* so that your case can be resolved.

- 14 You will be required to provide certain information, including details of your employer. We may need to contact them for more information about your fitness to practise.

- 15 You should use the employment form enclosed with your notice of referral letter to provide these details. This should then be returned to your case officer. You can send this information separately, or together with your response to the allegation.

- 16 Whether or not you choose to respond to the allegation, **you must return your employment form by the response deadline** in your notice of referral letter.

- 17 You should also keep us informed of any changes to your contact details, such as if you move house. If you do not do this, you may not receive the information we send you and your case could proceed without your knowledge or ability to respond. It may also mean that we send confidential information about your case to the wrong address.

## Standard directions

- 18 When we send you the notice of referral, we will also send you a form setting out the NMC's standard directions. These require you to provide us with certain information. They apply in all cases. You will be asked to complete the form and return it to us within 28 days. The purpose of this is to make sure that your case

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is scheduled correctly and as quickly as possible.

19 The standard directions are as follows:

19.1 You must tell us whether you admit the facts alleged in the charge.

19.2 You must tell us whether you admit that your fitness to practise is impaired.

19.3 You must tell us whether you want your case to be decided at a hearing or a meeting.

19.4 You must tell us which witness statements, or parts of witness statements, relied on by the NMC, you dispute.

19.5 You must tell us if you want to argue that any of the documents the NMC wants to rely on are not admissible.

19.6 You must tell us whether you intend to raise any points of law.

19.7 You must tell us whether you are going to rely on any expert evidence.

19.8 You must tell us the number and (if possible) names of witnesses you are going to call to give evidence, and at which point in the hearing you intend to call them.

19.9 If you are represented, your representative must give us their estimate of how long they think your whole hearing will take.

19.10 You must tell us if you object to witness statements of the witnesses standing as the witnesses' evidence in chief.

20 Also, the standard directions state that, at any time before the final determination of the case, either you or the NMC can serve a notice to admit facts on the other side. If the other side does not respond within 28 days, the panel considering the

case will deem the facts set out in the notice to be admitted. There is more information about what this means below.

21 The form will also ask other questions about the way in which you want the case to be dealt with. You will be asked whether you want to discuss the possibility of entering into an agreement with the NMC about the proper sanction. Any agreement of this sort would have to be approved by a panel of the Conduct and Competence Committee. For more information, see [www.nmc-uk.org/consensual-panel-determination](http://www.nmc-uk.org/consensual-panel-determination).

### Admitting the facts and/or impairment

22 If, in your response, you admit the facts and/or impairment, these admissions may be put before the panel dealing with your case. This will only happen if it is fair in all the circumstances. If you later change your mind about admitting the facts and/or impairment, you will be able to let the panel know, and to explain why.

### Hearings and meetings

23 Hearings usually take place in public, except when the panel orders that all or part of it should be in private. It receives both oral and written evidence. If there is a hearing, you will be able to give evidence, call witnesses to give evidence on your behalf, and make submissions to the panel.

24 A meeting takes place in private. The panel considers the case on the papers alone and you do not have the right to appear or to speak at the meeting to argue your case. A meeting will only take place if the panel agrees that this is a suitable way of dealing with your case. A meeting will not take place if you request a hearing.

### Disputed witness statements

25 You might dispute a witness statement, or parts of it, for different reasons: you



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might disagree with its accuracy of the statement, or whether it is relevant to your case.

- 26 If you tell us which statements, or parts of statements, you dispute, we can arrange for the right witnesses to attend the hearing to give evidence. If you disagree with what a witness says, you must say so, as you will need to put your case to the witness and give them the opportunity to answer it.
- 27 Sometimes, we may agree with you that part of a witness statement should be edited out.

### Points of law and admissibility

- 28 You may want to argue that certain evidence is not relevant, or it would not be fair for the NMC to rely on it. You should tell us about this, as it will help us to estimate how long the hearing will take.
- 29 For the same reason, you should tell us about any other legal arguments that you want to make.

### Your witnesses

- 30 To enable us to estimate the time needed for your hearing, you should tell us if you are proposing to call any witnesses.
- 31 You should also tell us if you are going to rely on any expert evidence. If you are, you will need to send us a copy of it before the hearing, as we might then need to seek expert evidence of our own.

### Time estimates

- 32 If you are represented, your representative should tell us how long they think whole hearing will take. Don't worry if you and your representative cannot be sure. Your estimate is just one of the factors our schedulers will take into account when deciding how long the hearing should be given.

### Witness statements as evidence in chief

- 33 Even where you dispute what a witness says, in some cases everyone is happy for the written witness statements to be read by the panel. This is quicker than the witnesses being asked questions by the person calling them: a process known as giving "evidence in chief".
- 34 However, sometimes, it is better for the panel to question the witness and hear them answer questions, such as cases where you say that the witness is unreliable.
- 35 The way in which the evidence is given affects how long the hearing will take, so you should tell us if you object to the panel reading the witness statements. If you do not do this, the statements will be read. If you dispute the statement, we will arrange for the witness to attend the hearing so that once the statement has been read, you will have the chance to ask the witness questions (cross-examination). The panel will also be able to ask them questions.

- 36 Even if you do object to the witness statements being read, this does not necessarily mean that they will not be read, as the final decision rests with the panel.

### Notice to admit facts

- 37 Sometimes you and the NMC may agree that some things did or did not happen. In these cases, there is no point calling evidence about them. Instead, we can tell the panel what has been agreed.
- 38 To see if we can reach an agreement, the NMC may send you a list of facts and ask you to say whether you disagree with any of them. If you do not respond within 28 days, we will assume that you agree with those facts, and will not arrange to call evidence about them. You can also send the NMC your own list of facts, and if we

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do not respond in 28 days, you can assume that we agree with these.

- 39 If you later change your mind, you must tell us immediately, so that we can arrange to call evidence.

### Your availability

- 40 The form will also ask you to give us any dates over the next nine months when you, your representative or your witnesses will not be available to attend a hearing.

### Failure to respond to the directions

- 41 You should do your best to answer the questions. If there is anything stopping you from answering the questions within the time limit, you should let us know. We may be able to extend the period if there is a good reason, or we may agree that you do not have to answer a particular question.
- 42 If you do not comply with the directions, and do not have any reasonable excuse for this, it may result in a panel making a decision against you. For instance, a panel may decide that an NMC witness does not need to attend the hearing to give evidence because you had not previously said that you dispute their evidence.
- 43 At all times, the panel must do what is fair to you and to the NMC. So if you cannot reply to the directions, and it would not be fair to hold this against you, the panel will not do so.

### NMC review

- 44 As soon as you have returned the completed form, or after the 28-day period has passed, we will review the case to decide how it should proceed. In particular:
- 44.1 We will consider whether the case is suitable to be resolved by consent. If it is, we will let you know. For more

information about this, see [www.nmc-uk.org/consensual-panel-determination](http://www.nmc-uk.org/consensual-panel-determination).

- 44.2 A panel of the Conduct and Competence Committee will decide whether the case should be decided at a hearing or a meeting.

### Preliminary meetings

- 45 Sometimes the parties find it helpful to discuss issues before the final hearing in the presence of a chair of the Conduct and Competence Committee. The chair can then make directions about the way your case will proceed. This will be the case where:
- 45.1 There are particular issues that can only be resolved by directions from a panel chair.
- 45.2 The case is large or complex enough to require specific directions.

### Scheduling

- 46 The NMC schedulers will schedule the case for its final hearing or meeting using all of the information that you have provided. They will arrange for all NMC witnesses who need to give evidence in person to attend the hearing.
- 47 If you are planning to call witnesses in support of your case, you will have to arrange for them to attend the hearing. The NMC cannot do this for you.

### Notice of hearing/meeting

- 48 If your case is being dealt with at a hearing, you will be sent a notice setting out the arrangements, including the date and location, at least 28 days before the first day of the hearing. You will be asked to respond saying whether or not you will be attending the hearing, and whether you admit any of the charges.



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49 If your case is being dealt with at a meeting, you will not be able to attend. However, you will be sent a notice telling you that a meeting will take place. You will be given a further 28 days to send us any other material that you want the panel to take into account.

### Change of circumstance

50 If there are any changes of circumstance, at any time, you should tell us immediately, as this may affect the arrangements for dealing with your case. If you delay telling us, your case could take longer to finish.

### At the hearing

51 The process that leads to a hearing can take some time, so you may find it helpful to know how a hearing will work, and what decisions a panel of the Conduct and Competence Committee might reach. We will send you further information when your case reaches this point, and you should keep this leaflet in a safe place until then.

52 We aim to get cases to hearing within six months of referral to the Conduct and Competence Committee.

### How a hearing works

53 If your case reaches a hearing, the following people will be present in the hearing room.

#### The panel

54 This is made up of the chair of the committee, who is responsible for the proceedings, plus at least two other members. At least one member of the panel will be a nurse or midwife from the same part of the register as you. There will also be at least one lay member on the panel, meaning that they are from outside the profession and not on the NMC register.

#### Legal assessor

55 A legal assessor will be present to advise the panel on matters of law. The legal assessor also helps the panel draft their reasons for their decision. However, the legal assessor does not play any part in the decision-making process.

#### Panel secretary

56 The panel secretary is a member of staff from the NMC who has not been involved in the investigation or presentation of the allegation against you. The panel secretary will assist the panel with the correct procedure during the hearing, and will also retire with the panel to take a note of their discussions and help them draft their decision and reasons.

#### Case presenter

57 The case presenter sits apart from the panel. They put forward the case on behalf of the NMC, and call the witnesses.

#### Shorthand writer or logger

58 The shorthand writer or logger is present throughout the hearing to record the proceedings. Please speak as clearly and loudly as possible so that they can hear you.

#### NMC staff

59 Other NMC staff members will help make sure that the hearing goes smoothly. They will also be able to answer your questions about the progress of the case during the day.

#### Observers

60 There may be observers in the hearing room, including members of the press and the public.

61 See page 15 for a diagram of a hearing room layout.

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**Papers**

- 62 The panel will not have read any of the evidence in your case before the hearing, unless this has been agreed with you in advance.
- 63 If you want to put any additional papers before the panel at the hearing, you should let the NMC have them in advance. We will tell you whether or not we agree to those papers being put before the panel.
- 64 You will need to bring eight copies of your additional papers to the hearing.

**Financial assistance for attending a hearing**

- 65 We will not normally pay for your expenses for attending your hearing. However, we may make an exception in cases of hardship to cover the cost of travel, meals and overnight accommodation when necessary. If you have a disability and need a companion to travel with you, we can pay that person's travel expenses. You should raise this with your case officer as soon as possible.
- 66 If you think you might qualify for financial assistance, please read the Criteria for ex gratia payments of expenses we have sent you and return the application form. We will tell you whether your claim is successful.

**Stages of a hearing**

- 67 Hearings consist of three parts: presenting the case, reaching a decision and deciding on a sanction.

**Presenting the case**

- 68 The chair will open the hearing by confirming the name of the case to be considered. All those taking part in the hearing will introduce themselves.
- 69 If you choose not to attend, the panel will ask for evidence from the case presenter that you have been properly notified of

the hearing. If so, it can proceed in your absence.

- 70 If you decide to attend, you will be asked to confirm your name and NMC registration Pin.

**Reading the charge**

- 71 The charge is then read out. If the case presenter wants to amend the charge, they may apply to do so at this stage. The panel will ask if you have any objections, and will listen to the advice of the legal assessor, before deciding whether to grant the application.

- 72 Once the charge has been read, the chair will ask you whether you admit or deny the charge. You then have the opportunity to admit or deny all or part of the charge.

- 73 If you have chosen not to attend, the case presenter may put forward any formal admissions written by you before the hearing started.

- 74 Anything that you admit to formally will be considered proved by the panel.

**Facts**

- 75 As soon as any admissions have been recorded, the case presenter opens the case. The case presenter will set out the factual background to the allegation and call witnesses to give evidence in support of the facts alleged. Witnesses must give their evidence under a religious oath or a declaration that their evidence is true. You or your representative will have an opportunity to question any witnesses who attend, and to challenge the evidence presented.

- 76 After we have called all our witnesses, you can put forward your evidence. Evidence may be given in person at the hearing. It also includes written records, such as statements from you or a witness, giving an account of what happened.

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- 77 Evidence can only be presented if it is relevant and fair. If your evidence includes written statements from witnesses who are not attending the hearing, you must submit these in advance. This will give us time to decide whether or not we object to any of your evidence and allow any issues to be resolved before the hearing.
- 78 You or representative may use your evidence to make arguments to the panel supporting your case. You may also call witnesses to support your case.
- 79 The NMC case presenter and panel can also question your witnesses.
- 80 You do not have to give evidence at any stage, even if you are present at the hearing. If you choose to give evidence, you will be asked to do this under a religious oath or a declaration that your evidence is true. If you give evidence, the NMC case presenter and panel can also question you.
- 81 The panel will then retire to consider whether the facts are proved.

### Reaching a decision

- 82 If it is agreed that some or all of the facts are proved, the panel will then consider these facts to decide whether your fitness to practise is impaired.
- 83 The panel has to decide if your current fitness to practise is impaired as a result of what happened when the event took place. To help them make this decision, the panel may consider evidence regarding what has happened since the event occurred, such as whether you have been practising, or whether you have undergone any training.

### Deciding on a sanction

- 84 If the panel decides your fitness to practise is impaired, a range of sanctions will be considered. The panel may hear further evidence about your history and personal circumstances at this

stage. If you are a midwife, the panel may ask your local supervising authority midwifery officer about any supervisory arrangements available for you. It will make its decision based on the indicative sanctions guidance, which we have sent you.

- 85 The sanctions are not intended as a punishment. Their purpose is to protect members of the public. When considering which sanctions (if any) to apply, the panel must take the public interest into account as well as your own.
- 86 Public interest includes the protection of members of the public, the maintenance of public confidence in the nursing and midwifery professions and the NMC, and declaring and upholding proper standards of conduct and performance.
- 87 The Conduct and Competence Committee panel may choose any of the following sanctions:
- 87.1 Take no action.
  - 87.2 Caution order.
  - 87.3 Conditions of practice order.
  - 87.4 Suspension order.
  - 87.5 Striking-off order.

### Publishing outcomes

- 88 If the panel has found that your fitness to practise is impaired, the outcome of the hearing will be published on our website at [www.nmc-uk.org/hearings](http://www.nmc-uk.org/hearings).
- 89 If the panel has decided that your fitness to practise is not impaired, we will not publish any information about your case unless you give us permission to do so.
- 90 In either case, you should be aware that, because the hearing is held in public, details of your case may be reported in the media. These details could include

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your name, the allegations against you and anything that was said during the hearing.

- 91 If you want to find out more about how a hearing works visit [www.nmc-uk.org/hearings](http://www.nmc-uk.org/hearings).

### What the sanctions mean

- 92 Panels of the Conduct and Competence Committee may decide on any of the following sanctions.

#### Take no action

- 93 No action will be taken against you, your case will be closed and we will not record any details of the case on your registration entry.
- 94 If you have allowed your registration with the NMC to lapse during these proceedings, you will need to renew it before you can continue to work as a nurse or midwife in the UK.
- 95 If you have been the subject of an interim order, it will be automatically lifted.
- 96 Even if no action is taken, some people find it difficult to settle back into their careers after being referred to the NMC. If you are having difficulties regaining your confidence at work, you may wish to seek support from your professional organisation or trade union. You should also consider discussing these issues with your manager. If your employer offers a confidential counselling service, you should consider using this source of support.

#### Caution order

- 97 This is a formal record to show that the panel has concerns about your fitness to practise. The panel will not take any action against you, but the caution will stay on the register for the period specified by the panel. This will be explained in the letter we will send you after the hearing.

98 The caution order will be visible against your entry in the register. Anyone who enquires about your registration, a potential employer for example, will be told about the caution. When the caution expires it will be removed from your entry.

99 If you have been the subject of an interim order, it will be automatically lifted.

100 We will keep a record of your case. If we receive any more allegations about you, we will tell the committee dealing with those allegations about it.

#### Conditions of practice order

- 101 This restricts your practice for the period specified by the panel. The restrictions will differ depending on your case. For example, you may be prevented from working in a particular setting, or from carrying out some aspects of your job without supervision. If you are a midwife, you may be required to work under supervised practice agreed by your local supervising authority midwifery officer.
- 102 Your decision letter will explain the exact details of your restrictions and when they expire.
- 103 You must follow these conditions of practice. If you do not, we may take further action against you.
- 104 A panel will review your order before it expires. It will decide if it is still appropriate given the particular facts of the case. It may then decide to allow the order to expire, extend the period of the order or make a new order. We will write to you when your order is due for review to give you more information, explain your rights relating to this review and advise you on the next steps.
- 105 The order will show against your entry in the register. Anyone who enquires about your registration, including current and potential employers, will be told about the order.

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### Suspension order

- 106 This prevents you from practising for the period specified by the panel. The register will show that you have been suspended.
- 107 If you try to practise during your suspension, for example by falsely representing yourself as a registered nurse or midwife, you may face criminal charges.
- 108 A panel will review your order before it expires. It will decide what action, if any, to take when your suspension expires. It may decide to allow the order to expire, to extend the period of the order or make a new order.
- 109 We will write to you when your order is due for review to give you more information.

### Striking-off order

- 110 This means that your name is removed from the NMC register and you are no longer allowed to work as a nurse or midwife in the UK.
- 111 If you try to practise, for example by falsely representing yourself as a registered nurse or midwife, you may face criminal charges.
- 112 The panel cannot apply this sanction in lack of competence cases unless the nurse or midwife concerned has been continuously suspended or subject to conditions of practice order for the previous two years.
- 113 You can apply to be restored to the register after five years.

### When does the sanction come into effect?

- 114 You will be notified of the panel's decision in writing. The sanction will not take effect until 28 days after the date shown on your decision letter. This gives you time to appeal the decision.

115 However, the panel may consider that you are not fit to practise during these 28 days, or that there should be immediate restrictions on your practice. It may then make an interim order to restrict your practice or suspend you until your sanction comes into effect.

116 If the panel makes an interim order, the details and reasons for this will be included in your decision letter. There are two types of interim order:

116.1 Interim conditions of practice order. You may continue to practise as a nurse or midwife, subject to the conditions stated in your decision letter.

116.2 Interim suspension order. You have been suspended from the register. You are not permitted to practise as a nurse or midwife.

117 If you have not appealed against the decision after 28 days, the interim order will lapse and be replaced by your final sanction. If you do appeal, the interim order will continue to run until the end of the appeal process.

118 Any sanction or order imposed by the panel will be published on the hearings' page of the NMC website and will be displayed against your name on our 'search the register' facility.

### While your case is ongoing

119 This section gives you some general information about what you need to do while your case is ongoing.

### Continuing to practise

120 Unless a panel has made an interim order to suspend you or restrict your practice, you can continue to practise as normal while your case is ongoing.



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### Telling your employer

121 You must tell your employer, and anyone else you work for, that you are under investigation by the NMC. This is set out in *The code: Standards of conduct, performance and ethics for nurses and midwives*. We may have to contact your employer during the course of your case to ask for information about your fitness to practise.

### Practising overseas

122 If you decide to practise overseas while you are being investigated, the investigation will continue. The regulator in the country where you are seeking work will ask us for your registration details and we will let them know of the status of your investigation.

123 If you are overseas, it is particularly important that you give us an email address, as well as your postal address, so that we can get in touch with you quickly.

### Staying registered with the NMC

124 You should stay registered with us while your case is being investigated. If your registration is due for renewal during this period, you should renew as usual.

125 Your registration will not lapse while your case is still open but, if you stop paying your fees or do not renew your registration, the register will show that your registration has passed its expiry date. Many employers will not allow you to work while your registration is in this position.

126 Even if your employer does allow you to work after your registration has expired, your registration will lapse as soon as your case has finished. You will then have to stop working and will need to apply to be readmitted. You will also have to pay the readmission fee.

### Change of address or contact details

127 You must remember to let us know if you change your address or contact details, such as your mobile, phone or email. If we are unable to contact you, the investigation will continue, but you may miss the chance to defend yourself against the allegations.

### After the case

128 This section tells you what might happen after your case has finished.

129 If you are considering an appeal or returning to practice either in the UK or abroad, or if you are rethinking your future, you might find the following information useful.

### Appealing the decision

130 You have the right to appeal against any decisions. You must make your appeal to the High Court of Justice in England and Wales, the High Court of Justice in Northern Ireland, or the Court of Session in Scotland (depending on where your case was heard).

131 It is important that you discuss your appeal with your representative after the panel reaches a decision, and also when it is confirmed in writing.

132 You will have an appeal hearing, after which the court will decide whether or not the decision should stand. These are public hearings and anyone can attend.

133 If you want to appeal, you must do so within 28 days. We cannot help you with your appeal. If you want help with your application to the court, you should consult your solicitor, trade union or professional organisation. You can also ask for help from your local Citizens Advice Bureau or Law Centre.



## Information about cases considered by the Conduct and Competence Committee

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### Professional Standards Authority

134 We send all our decisions to the Professional Standards Authority (PSA) for review. The PSA has the power to appeal a decision if it considers that the NMC has been too lenient. This could mean the case against you is reopened.

135 The PSA has 40 days following the end of the period in which you can appeal your decision, to decide if it will appeal. If the PSA chooses to appeal, it will refer the matter to the High Court. The PSA will write to you to inform you about the referral.

136 Should this happen, it is important that you seek advice from your representative if you have one. We strongly recommend that you seek representation at this point if you have not been represented before.

137 If the courts find in favour of the PSA, the case can be referred back to us and we will have to consider it again.

### Continuing to practise

138 If the panel decides not to take action against you, to issue a caution or to impose conditions on your practice, you can continue to work as a nurse or midwife in the UK (subject to any conditions).

139 If you have not renewed your NMC registration during these proceedings, and it has now lapsed, you will need to renew it before you can take up any employment as a nurse or midwife.

### Telling your employer

140 You should tell your employer about the sanction that has been imposed. This is set out in The code: Standards of conduct, performance and ethics for nurses and midwives. If you do not do so, your employer may find out anyway, for example if they check our register. They are more likely to respond favourably if

you come to them with this information first.

### Practising overseas

141 If you go overseas to practise, the regulator in the country where you are seeking work will ask us for your registration details. We will inform them of any decisions and sanctions made against you.

### Returning to practice after a suspension

142 If you are suspended, you may not be able to complete your post-registration education and practice (Prep) requirements. If you wish to return to work as a nurse or midwife when your suspension expires, you will need to complete a return to practice course. For more information about this, visit [www.nmc-uk.org/registration](http://www.nmc-uk.org/registration).

### Returning to practice after a striking-off order

143 If you receive a striking-off order, you can apply to be restored to the register five years after the order was made.

144 Restoration to the register does not take place automatically. You will have to apply to start the process. A panel of the Conduct and Competence Committee will decide at a hearing whether or not to allow you to be readmitted to the register. It will take into consideration the initial allegation, your understanding and insight into your past behaviour, and any action you have taken since being struck-off.

145 You will need to demonstrate that you are fit to return to practice. If you apply for restoration several times, and are repeatedly turned down, the panel may rule that you cannot apply again.

146 If your application to be restored to the register is successful, you will need to complete a return to practice course.

## Information about cases considered by the Conduct and Competence Committee

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For more information about this visit [www.nmc-uk.org/registration/joining-the-register](http://www.nmc-uk.org/registration/joining-the-register).

your case has been sent for further investigation or referred to the Conduct and Competence Committee or Health Committee.

### Seeking support

- 147 Some people may find it difficult to settle back into their careers after being referred to the NMC. If you are having difficulties regaining your confidence at work, you may wish to seek support from your professional organisation or trade union. You should also consider discussing these issues with your manager. If your employer offers a confidential counselling service, you should consider using this source of support.

### Typical case progression

- 148 The following steps in case progression give you an overview of our fitness to practise process for a typical case. For more information, visit [www.nmc-uk.org/hearings](http://www.nmc-uk.org/hearings).

### Steps in case progression: Investigations

#### Step 1: Referral to the NMC

- 149 We receive a new referral.
- 150 We assess whether the allegation suggests that fitness to practise may be impaired and, if so, a case is opened.
- 151 We send you a notice of referral to the Investigation Committee.

#### Step 2: Investigating the allegation

- 152 We undertake the required investigation.
- 153 We send 28 days' notice of an Investigating Committee meeting.
- 154 Investigating Committee meeting.

#### Step 3: Investigation outcomes

- 155 We send you the decision of the Investigating Committee, and whether

### Steps in case progression: Hearings and meetings

#### Step 4: Deciding your case

- 156 Our standard directions require you to provide certain information so that we can make appropriate arrangements.
- 157 We schedule a hearing or meeting, and prepare the case.
- 158 We send 28 days' notice of the hearing or meeting.
- 159 We hold the hearing or meeting.

#### Step 5: Final outcomes and sanctions

- 160 We send you the final decision of the Conduct and Competence Committee, Health Committee or Investigating Committee.

#### Step 6: Appeals

- 161 You have 28 days to appeal the decision.

### Voluntary removal

- 162 While your case is being investigated, you will not be able to remove yourself from the register unless you go through our voluntary removal process. You will only be allowed to remove yourself from the register if you meet our criteria. For more information about the process of voluntary removal, and to find out if you might be eligible, please go to our website at [www.nmc-uk.org/voluntary-removal](http://www.nmc-uk.org/voluntary-removal).

### Contacts and further help

- 163 If you have any more queries about your case, you should contact your case officer. You will find their details on your

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Information about cases considered by the Conduct and Competence Committee

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notification letter. Our office hours are Monday to Friday from 9.00am to 5.00pm.

social welfare law to help individuals and communities. [www.lawcentres.org.uk](http://www.lawcentres.org.uk)

**What to do if you have concerns about how your case is being handled**

164 You should let your case officer know if you are concerned about the way your case is being handled. If you are unhappy with their response, ask them for their manager's name so you can contact that person directly.

**Trade unions and professional organisations**

165 If you are already a member of a trade union or professional organisation, you should approach them for advice and help with your case.

166 The Royal College of Nursing (RCN) is a trade union for nurses. [www.rcn.org.uk](http://www.rcn.org.uk)

167 The Royal College of Midwifery (RCM) is a trade union for midwives. [www.rcm.org.uk](http://www.rcm.org.uk)

168 UNISON is a public sector trade union, representing the public services, private contractors providing public services and essential utilities. [www.unison.org.uk](http://www.unison.org.uk)

169 The Community Practitioners' and Health Visitors' Association (CPHVA) represents registered nurses, health visitors, school nurses, nursery nurses and community nurses who work in a primary care or community health setting. [www.unitetheunion.org/cphva](http://www.unitetheunion.org/cphva)

**Other sources of advice**

170 Citizens Advice Bureau and Citizens Advice Scotland offer free, confidential and independent advice, face to face and over the phone. You can find your local advice service through their website. [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

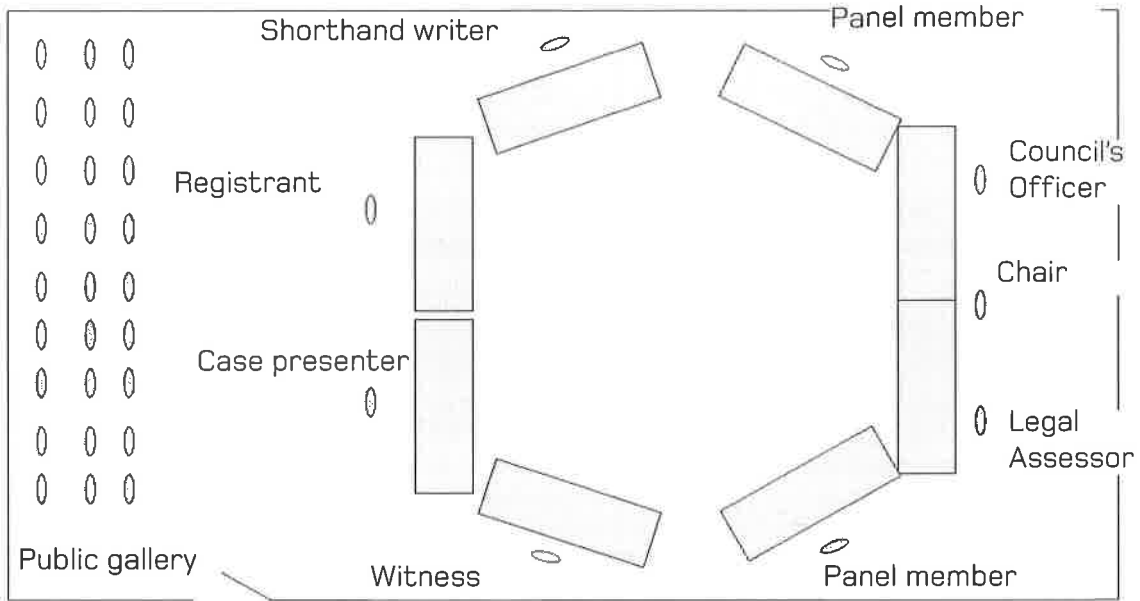
171 Law Centres provide an independent legal advice and representation service. They employ solicitors and specialists in

**About this leaflet**

172 This leaflet has been written as a helpful and simplified guide to our fitness to practise processes. It is based on our rules, but does not cover every situation that may arise. You can find our full fitness to practise rules on our website at [www.nmc-uk.org](http://www.nmc-uk.org) and you should seek trade union or independent legal advice before acting on the contents of this leaflet.

Information about cases considered by the Conduct and Competence Committee

Hearing room seating plan





## Unrepresented registrants

Guidance for unrepresented  
registrants at NMC hearings



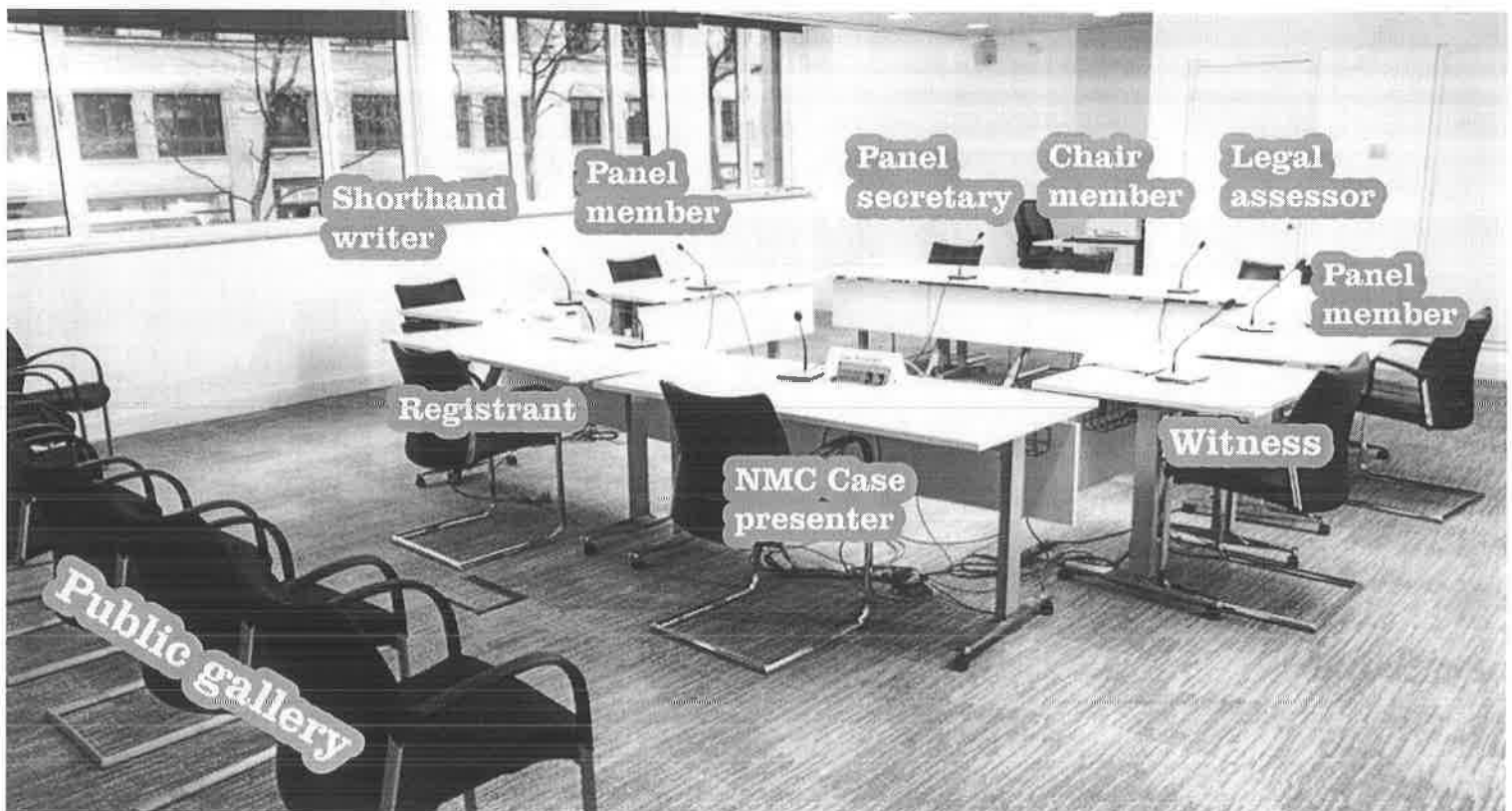
## Introduction

This leaflet is for nurses and midwives who attend hearings without representation. It explains the hearing process and covers some of the things you should expect to happen.

## Who will be at the hearing?

<b>You</b>	We recommend you attend your hearing so you can put forward your position on the case. If you do not intend to attend your hearing you should make your case in writing so it can be considered fully in your absence. This should be sent to your case officer at least two days before the hearing to give us time to make sufficient copies so that the Panel can consider it on the day of the hearing. If delivered on the day of the hearing this may slow down the progress of the case.
<b>Panel members</b>	This includes the Chair, who is responsible for the proceedings, and two other members. One will be on the register, and if it is your final hearing, that person will be on the same part of the register as you.
<b>Legal assessor</b>	Advises the panel on the law. The legal assessor will speak with you on the morning of the hearing to explain procedures. They are not involved in making the decision.
<b>NMC case presenter</b>	They put forward the case on behalf of the NMC and call witnesses.
<b>Panel secretary</b>	Will liaise with you on the morning of the hearing. The panel secretary assists the panel with the drafting of their decision, but is not involved in making the decision.
<b>Observers and journalists</b>	May attend the hearing, but not if the matter is health related.
<b>Witnesses</b>	The NMC may decide to call witnesses in support of our case. If you decide to bring witnesses then you should let your case officer know in advance of the hearing.
<b>Other NMC staff</b>	They ensure the smooth running of the hearing.

## What will the hearing room look like?





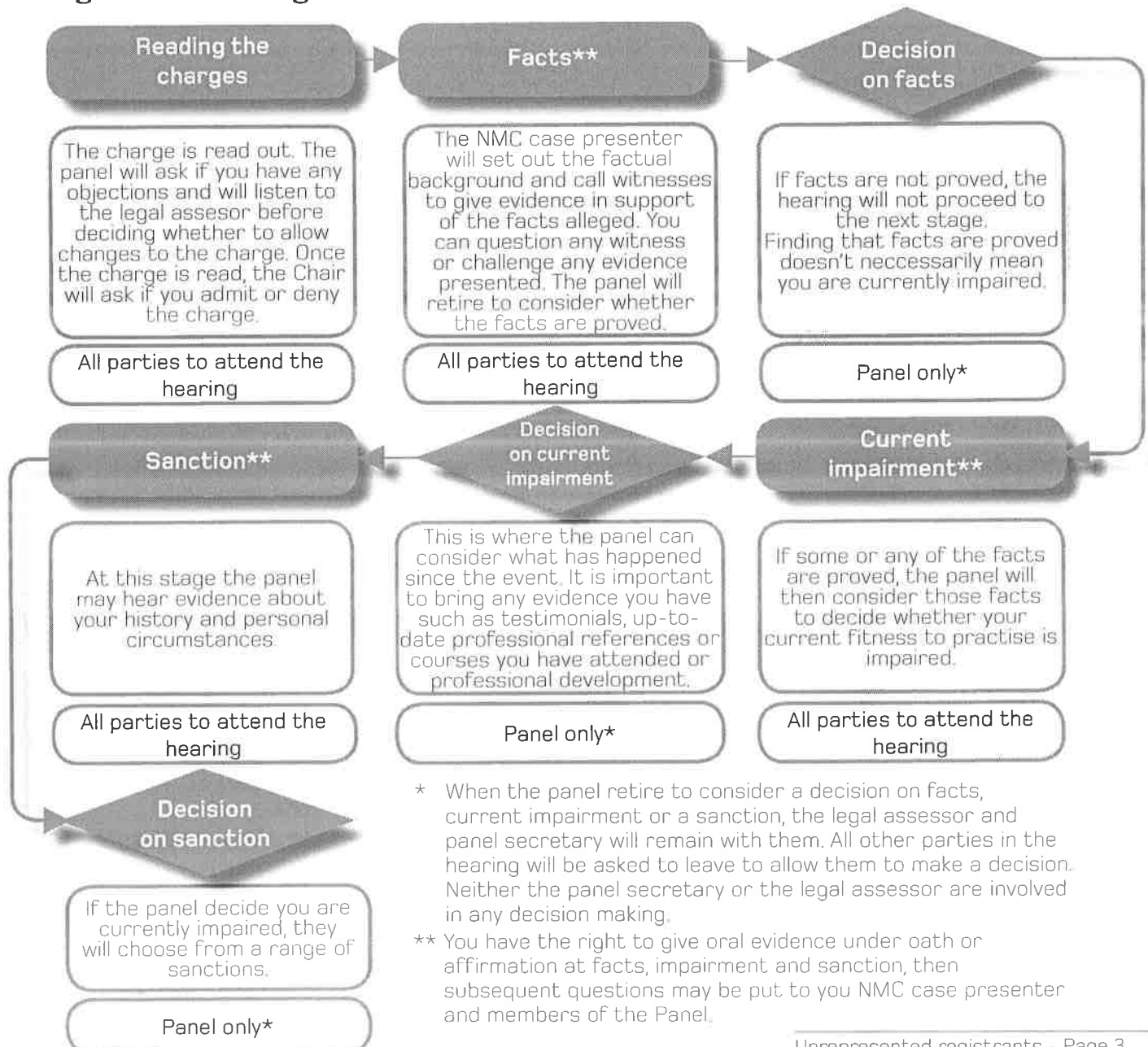
## What should you bring to the hearing?

**Questions** Decide the questions you want to ask NMC witnesses about their statements. If you disagree with anything, explain why you disagree and ask them to comment. You may also want to raise any issues that support your case but which are not in their statements. It could be detrimental to your case if you raise fresh matters afterwards that were not put to the witnesses during their evidence.

**Current practice** If you have any written submissions you wish to make then you should provide them ahead of the hearing. Submissions may take the form of testimonials, documentary evidence of professional development/attempts to improve your practice, or upto date professional references. If you are unable to provide submissions ahead of the hearing then please bring them on the day so that the panel have access to them during their decision making.

**Copies** Many delays occur at hearings because individuals do not bring enough copies of the material they want to give the panel. We recommend you bring nine copies of your documents, so these can be handed out to the various people in the room. We cannot always guarantee we can make copies of your documents, particularly if we are at an external venue, such as a hotel.

## Stages of a hearing



## **Interim orders**

If the panel decide to impose a conditions of practice order, a suspension order or a striking-off order, they will need to consider whether to impose an interim order. This is because the main sanction won't take effect before 28 days. If in those 28 days you decide to exercise your right of appeal, the main sanction won't take effect until the appeal process is determined.

## **What to do during the hearing**

If you do not agree with the evidence of a witness called by the NMC, you must question them. You must ask them questions, rather than make statements. Try to keep your questions short, simple and easy to understand.

## **If the facts are proved, and the panel find me currently impaired, what will they consider?**

They will consider:

- evidence of your insight and understanding of the problem, and your attempts to address it. This may include early admission of the facts, apologies to the complainant or the person(s) affected, any efforts to prevent reoccurrence or any efforts to correct the difficulties
- evidence that you follow the principles of good practice. This evidence could show that you are keeping up to date with your area of practice, or show previous good character or history
- personal mitigation, such as periods of stress or illness, personal and financial hardship, level of experience at the time in question or level of support in the work place, and/or
- any written documentation you provide, such as testimonials or references.

## **What to consider before you attend a consensual panel determination (CPD) hearing**

In some cases we can seek to agree facts and a provisional sanction with you.

If we are able to reach agreement, we will put it before a panel for consideration. To be eligible for this you must admit all the charges against you and that your fitness to practise is impaired, and provisionally agree a sanction with us.

The agreement will then be put before a Conduct and Competence or Health Committee panel, who will decide whether to agree or reject it. The panel can also vary the provisional agreement with the consent of both parties. If rejected, the case will be put before a fresh panel, which will conduct a full hearing to decide an appropriate outcome.

If we can agree a sanction with you, it reduces the need for witnesses to attend hearings and reduces the length of the hearings. Generally, a hearing can be reduced to one day if a sanction is agreed.

## **Who should I contact if I have any questions?**

Please contact your case officer whose details are on correspondence we have sent you.

