

NMC criteria substantive meetings

Introduction

Rule 10 of the Fitness to Practise Rules 2004¹ provides that the Conduct and Competence Committee (CCC) or Health Committee (HC) shall decide whether to hold a hearing when it is to:

- Consider an allegation that a registrant's fitness to practise is impaired;
- Review any order previously made by it;
- Consider an application for restoration to the register.

Under Rule 10(2), a hearing must be held where:

- Within 28 days' of service of the notice of referral to the CCC/HC², the registrant asks for a hearing; or
- The CCC/HC considers that a hearing would be desirable

Under Rule 10(3), where a meeting is held the committee "may consider whether to make, vary, replace, revoke or confirm an interim order." Cases that, in the public interest, require consideration of an interim order on the making of substantive order can be dealt with at a meeting in the same way as would be done at a hearing. Accordingly, panels can take the same steps to ensure public protection at a meeting as they can at a hearing.

Cases can usually be scheduled for meetings much quicker than hearings. Meetings do not require the attendance of witnesses, thus removing the stress and inconvenience to them of having to give evidence.

The criteria

1. Has the registrant requested a hearing?

If yes, refer for hearing

If no, continue

2. Is this a case where:

¹ The Nursing and Midwifery Council (Fitness to Practise) Rules Order of Council 2004 (SI:1761/2004)

² Rule 9(2)(b) FtP Rules 2004

- the registrant has admitted the allegations against him/her in full, both in respect of facts and impairment of fitness to practise; or
- the registrant is receiving correspondence from the NMC but has not responded, or has responded stating that he/she does not intend to engage in the NMC process; or
- the registrant is not able to be contacted by the NMC at any known address held by the NMC?

If no, refer for a hearing (in a joint case, refer for a hearing where one or more of the registrants does not fall within one of the criteria set out above)

If yes, continue

3. Is the case a highly complex one that needs a case presenter to explain the facts and evidence, and link the evidence to the charges, and this could not be done by way of a written summary of the case/schedule of evidence prepared in advance by the RLT and served on the registrant before being included in the panel bundle?

If yes, refer for a hearing

If no, continue

4. Does the case raise an issue which in the public interest should be considered at a hearing?

Examples of cases where the public interest may require that the case should be considered in public include:

- Cases involving novel points/new areas of misconduct
- Cases involving systemic failings
- Cases involving patient abuse and other serious allegations

Examples of cases where the public interest may not require that the case should be considered in public include:

- Conviction cases (where the issues have already been aired in public)

- Cases likely to be held in private in any event (e.g: HC cases, or cases where the registrant's interests, or the interests of a third party, outweigh the public interest in a public hearing)

If yes, refer for a hearing

If no, continue

5. Do the interests of the complainant require that a full hearing takes place?

Although the legislation does not expressly require that the complainant be given an opportunity to indicate a preference for a hearing or a meeting, there may be cases in which the interests of the complainant will be relevant to the consideration of whether there should be a hearing or a meeting. Any clearly expressed preference of the complainant can be taken into account, but is not determinative.

If yes, refer to a hearing

If no, continue

6. Are there any other reasons specific to the case why a hearing is desirable?

It is necessary to recognise that there may still be cases which, while they satisfy all of the other criteria as to suitability for a meeting, nevertheless raise an issue that means that a hearing is desirable.

If yes, refer for a hearing

If no, the case is suitable to be considered at a meeting