

CCC Chair's Guidance Note

Administrative Issues

CCC- Private meeting or Public Hearing?

- 1 When case examiners have found there is a case to answer and referred allegations to the CCC, a decision must then be made by a practice Committee as to whether the allegations should be heard at a private meeting or at a public hearing.
- 2 Meetings are held in private and are determined on the 'papers' which include all the statements and exhibits and any responses to the allegations from the registrant. There is no opportunity to question witnesses or to hear submissions for parties.
- 3 As these are relatively straightforward decisions, they are usually considered prior to the start of the main hearing/event of the day, and are considered under "other administrative issues" on the agenda.
- 4 When making such decisions, the following points should be noted:
- 5 The case has already been subject to a comprehensive investigation and a series of reviews. Case examiners have found a case to answer and referred the matters to a CCC.
- 6 It follows that on the face of it there is sufficient evidence on the papers in respect of each fact alleged.
- 7 Under the statutory framework¹ the options open to the CCC are limited to:
 - 7.1 Where a registrant has engaged and has asked for a hearing then a hearing must take place;
 - 7.2 Where a registrant has engaged and requested a meeting the CCC must assess the case against the registrant and determine whether it is suitable for a hearing or for a meeting;
 - 7.3 Where a registrant has not engaged or is silent on the disposal of the case, the CCC must determine whether it is suitable for a hearing or for a meeting.
- 8 A lawyer will have conducted a comprehensive review of the case and prepared a note for the CCC to consider (RLT: Second review following CCC referral). The note will include a recommendation on whether the case is suitable for a hearing or a meeting, which the CCC will be invited to consider and confirm. In making the recommendation the lawyer will have considered the following:

¹ Rule 10 Nursing and Midwifery Council (Fitness to Practise) Rules Order of Council 2004

- 8.1 The extent to which the registrant has made admissions to facts and/or impairment;
 - 8.2 The extent to which the registrant has engaged with the proceedings;
 - 8.3 Whether or not the registrant has been contactable;
 - 8.4 The complexity of the case including the nature of the allegations/evidence and the size of the bundle of papers;
 - 8.5 Whether or not the assistance of a case presenter is required in light of its complexity;
 - 8.6 Whether or not the case raises a public interest issue that requires a hearing
 - 8.7 Whether the interests of the registrant require the matter to be dealt with by way of a hearing.
- 9 In recommending a meeting, therefore, the lawyer will have considered that the matter is suitable for dealing with on the papers. Where a case requires a hearing because there is a need to question witnesses or the case is sufficiently complex or demanding to benefit from the input of a case presenter, a lawyer would not be in a position to recommend a meeting.
- 10 Once the decision - private meeting or public hearing - has been made it should be recorded and signed as such by the Chair on the RLT advice form.