

Guidance on the notice of hearing in resuming hearings

- 1 Prior to a substantive hearing taking place a nurse or midwife will be notified of the hearing in accordance with Rule 11 of the Fitness to Practise Rules 2004 (the Rules).
- 2 Rule 11(3) sets out an exhaustive list of situations when a 'notice of hearing' is to be sent out. This does not include a resuming hearing.
- 3 Therefore, if a case is not concluded in the time allocated to it and has to be adjourned after the charges have been read and the panel is seized of the case, Rule 32 of the Rules applies.
- 4 Rule 32 (3) states:

Where the proceedings have been adjourned, the Practice Committee shall, as soon as practicable, notify the parties of the date, time and venue of the resumed hearing.
- 5 In order to be compliant with Rule 32(3);
 - 5.1 There must be 'notification'. This does not have to be in writing where the notification can be given orally i.e. when the nurse or midwife is present at the adjourning hearing
 - 5.2 The notification must cover the date, time and venue of the resuming hearing.
- 6 Rule 32 does not, unlike Rule 11, require 28 days' notice to be given.
- 7 Therefore, if a substantive hearing is adjourned part heard the Chair of the hearing should liaise with the panel and scheduling team to secure dates for the matter to resume. These dates should be canvassed with all parties present at the hearing and then announced just before the matter is formally adjourned. The date, time and venue of the resuming hearing should be part of this announcement.
- 8 Despite there being no requirement to send written notification the NMC will send correspondence to the nurse or midwife and their representative (if applicable) of the date, time and venue of the resuming hearing.
- 9 At the resuming hearing when considering whether to proceed in a nurse or midwife's absence, the panel should consider and apply Rule 32(4) not Rule 11.