



Guide to Regulation of Healthcare Professionals

Nurses

Nursing Midwifery Council (NMC)

The NMC regulates the conduct and/or fitness to practice of UK registered nurses.

Procedure:

- Referral from an employer, a member of the public, the police, other bodies concerned with the Healthcare sector
- Preliminary investigation of the potential allegation. Is there a case to answer? If yes:
 - Allegation put to Nurse and Nurse invited to respond
 - Referred to a preliminary Committee for initial consideration of the allegations, the evidence obtained so far and any response from the nurse. Is there a case to answer? If yes:

- Referral for further investigation
- Formal detailed allegations put to nurse and response invited; thereafter, without response:
 - Referred for full Committee hearing

The Committee can:

- Remove the nurse from the Nursing Register (which means the nurse can no longer practice as a nurse)
- Issue a caution as to the nurse's conduct/fitness to practice
- Issue a restriction on the type of nursing the nurse may engage in, for example prevent the nurse working with the elderly or the young or in intensive care etc
- Issue a direction that the nurse undertake further training
- Take no action

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The Committee:

- Three member panel, one nursing chair + one other nurse (preferably in the field of expertise under investigation eg Mental Health) + one lay member
- The panel is advised on the law by a legal advisor
- Conduct Committee, Fitness to Practice Committee and Health Committee

The Hearing:

- Conducted in public (except Health Committee which are private)
- Evidence is given on oath
- The Patient is anonymous

The Procedure at the Hearing:

- The allegations are put to the nurse
- If the nurse admits misconduct/fitness to practice then the proceedings move to mitigation; If the nurse denies misconduct/fitness to practice then evidence is called by the prosecution to prove misconduct/fitness to practice (eg Witness evidence and documentary evidence, often Nursing records)
- Committee retires to consider whether misconduct/fitness to practice is proved

- Committee gives finding on conduct/fitness to practice; If no misconduct/fitness to practice then proceedings conclude; If finding of misconduct/fitness to practice then
- Committee hears evidence as to any mitigation on the part of the nurse, including references
- Committee retires to consider sanction bearing in mind mitigation
- Committee delivers sanction

Appeal against a decision of the NMC:

- Judicial Review on the grounds the NMC Committee has made a decision no reasonable Committee could make

Other investigations:

- Criminal Investigations by the Police
- POVA/POCA, List 99, Red Alert, Independent Safeguarding Agency (SRA)
- The Commission for Social Care Inspection (CSCI)
- The Commission for Healthcare Audit and Inspection (CHAI)
- The NHS Complaints procedure/The Health Service Ombudsman

Care assistants and nurses*

Protection of Vulnerable Adults (POVA) /Protection of Children Act (POCA) – regulated by the Independent Safeguarding Agency (SRA).

Procedure:

- Referral from an employer, a member of the public, other bodies concerned with the Healthcare sector (eg NHS Trust)
- Documentation is passed to the nurse/care worker for comment
- Decision by the SRA on the paperwork (no public hearing)

The SRA can:

- Prevent the individual from working with vulnerable adults or children for a period of time
- Take no action

The Hearing:

- No hearing

Appeal against a decision of the SRA:

- Care Standards Tribunal by way of public hearing

** Not all nurses/care assistants covered – Government intention is to expand coverage.*

If you or a relative believe you have been treated negligently by a medical professional you could be entitled to compensation. Why not call us now to arrange a free consultation on **0800 195 8464**.

This guide contains information on current legal issues applicable at the time of printing. Note there may have been changes subsequently which have not been incorporated in to the material. This guide is intended for information purposes only and its content should not be applied to any particular set of facts or relied upon without legal or other professional advice. For further information on how we can help you please contact:

Neil Fearn
Partner
Tel: 0844 858 3200
Email: neil.fearn@simpsonmillar.co.uk