



## 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
- Independent Safeguarding Authority
- Care Quality Commission
- The NHS Complaints procedure/The Health Service Ombudsman

## Care assistants and nurses\*

Safeguarding Vulnerable Groups Act  
Regulated by the Independent Safeguarding  
Authority (ISA).

### Procedure:

- Referral from an employer, a member of the public, other bodies concerned with the Healthcare sector
- Documentation is passed to the nurse/care worker for comment
- Decision by the ISA on the paperwork

### The ISA 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 ISA:

- Care Standards Tribunal

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 **0808 129 3320**.

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