





NMC Fitness to Practise STAGES and NHS Lothian ACTIONS/RESPONSES



STAGE	ACTIONS by 	ACTIONS by 
<p>Referral Link to NMC referral process</p>	<p>Where a member of the public or the Registrant makes a referral directly to the NMC, the NMC will approach the Board via the Nurse Director (Corporate Nursing) if the nurse is identified as having employment within the Board.</p> <p>Contact from the NMC to any other manager in this situation must be referred to the Nurse Director (Corporate Nursing).</p> <p>The Board will usually be contacted to provide an EMPLOYER REFERENCE. Examples of the information requested for a nurse/midwife (NM) include:</p> <ul style="list-style-type: none"> • NM's PIN • How long has the Registrant been employed, and in what roles? • Are you aware of the allegations that the Registrant has against them? • If you are aware, what action have you taken? If you have investigated this matter, please provide all documentation and the outcome report. • How did you address these concerns with the Registrant? What was the Registrant 's response? • Has the Registrant completed any additional training or a reflective piece? • Have you had any similar concerns raised about the Registrant's conduct? • Have you had any other concerns about the Registrant's clinical practice? Has any patient harm resulted? • Has the Registrant been subject to any disciplinary proceedings? <p>The responses should be returned to loth.nmcreferrals@nhs.scot for onward transmission to the NMC via the EGRESS secure email system.</p>	<p>The Executive Nurse Director or Nurse Director (Corporate Nursing) must be consulted on all referrals made on behalf of NHS Lothian and must be aware of ALL Employer referrals sent to the NMC.</p> <p>The process to make a referral on behalf of the organisation MUST follow the steps in the SOP NHS Lothian NMC referral process.</p> <p>All referrals made on behalf of the Board MUST have approval to proceed from the Associate Nurse Director/Chief Nurse/Midwife of service. All referrals are to go through the Director of Corporate Nursing's office.</p> <p>The preferred option is to submit a referral proforma together with ALL SUPPORTING DOCUMENTATION to loth.nmcreferrals@nhs.scot for onward transmission to the NMC via the EGRESS secure email system.</p> <p>All referrals MUST have Fiona Ireland (Director of Corporate Nursing) as the FIRST REFERRER and the local manager (the key contact) as the SECOND REFERRER. This ensures that all correspondence is co-ordinated centrally via the EGRESS secure email system.</p>



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<p>Screening Process Link to screening Process</p>	<p>We have two clear aims for fitness to practise:</p> <ol style="list-style-type: none"> 1. A professional culture that values equality, diversity and inclusion, and prioritises openness and learning in the interest of patient safety. 2. Nurses and midwives who are fit to practise safely and professionally. <p>May ask for preliminary information, e.g. an employer’s reference or evidence of reflective practice.</p> <p>Once the screening team is satisfied that there are grounds for a case, they will pass details onto our investigations team, who prepare the case for presentation to the case examiners.</p>	<p>Be prepared to provide preliminary information, e.g.</p> <ul style="list-style-type: none"> • an employer’s reference • evidence of any reflective practice • any correspondence with the Registrant <p>if this has not been provided at the referral stage.</p>
<p>Interim Order Hearings</p>	<p>The NMC may hold interim hearings, and the Registrants may have sanctions imposed if the allegations are considered as posing a serious risk to the public.</p> <p>The interim hearing may recommend:</p> <ul style="list-style-type: none"> • Interim Conditions of Practice Order (ICOPO) • Interim Suspension Order (ISO) <p>The outcome and duration of the sanction from an interim order hearing will be notified to the Board and made available on the NMC website.</p> <p>Full details of any ICOPO will be provided to the Registrant in writing.</p>	<p>Details of any ICOPO must be shared by the Registrant with their supervisor, as per the terms of the ICOPO, to allow support to be put in place.</p> <p>Corporate Nursing will provide a proforma for reporting to the NMC on the application of the ICOPO and can support SCN / Team Leaders in managing the ICOPO.</p> <p>Where registration is suspended and the Registrant cannot work as a registered nurse, there may be an option to work as a non-registered nurse while the NMC investigation is ongoing. This is subject to local managers being able to support the individual. HR support can be obtained.</p>



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<p>Investigation Link to NMC investigation process</p>	<p>NMC will inform the Registrant, the Health Board and the witnesses that there is a case to answer.</p> <p>The investigation team will then gather evidence, such as documents, witness statements and information from employers. They'll continually assess all the information they receive to decide what the next steps in the investigation should be.</p> <p>They'll also assess if there's a change to the level of risk, and whether an interim order is needed.</p> <p>At the end of the investigation the team will put together a report for the case examiners to look at.</p>	<p>Be prepared to provide witness statement to the NMC Lawyer.</p> <p>Ensure witness statements are sent to you and returned to NMC signed by you.</p> <p>Make sure there is no patient identifiable information in your statement. If there is, please send via Nurse Director Corporate Nursing Office for safe transmission via secure route.</p> <p>Some investigations may be put on hold while Police investigations are ongoing.</p> <p>Please see resources below about giving Police a statement.</p>
<p>Witnesses</p>	<p>NMC will contact the referrer and any witnesses with the hearing date, time and place.</p> <p>NMC Witness Information</p> <p>Being a witness</p> <p>Virtual tour of hearing centre</p>	<p>You will be expected to attend any hearings requested by NMC.</p> <p>Inform your line manager to allow arrangement to be made (you can be requested to make yourself available for 5 days, however you will be allowed to leave once you have given evidence).</p> <p>Request for support from NHS Lothian at a hearing is available and can be requested via email: loth.nmcreferrals@nhs.scot.</p>
<p>Case Examiners' Decision (CED)</p>	<p>There are two case examiners per case, one of whom will be a nurse or midwife.</p> <p>It's their job to consider the evidence and decide if there's a case to answer.</p>	

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NO CASE TO ANSWER	<p>If the case examiners decide that there isn't a case to answer, they can:</p> <ul style="list-style-type: none"> • give advice (this is private and won't be put on the public register) • give a warning (this is public, put onto our register, and lasts for 12 months), or • take no action. 	<p>Registrant returns to work with no sanctions.</p> <p>Support will be offered to Registrant.</p>
CASE TO ANSWER	<p>Undertakings – these are things the nurse must do, e.g. training. These are public and are looked at by the case examiners to ensure the nurse or midwife has done what they said they would.</p> <p>Case to Answer – this will be looked at by a Fitness to Practise Panel at either a hearing or a meeting.</p>	<p>Registrant returns to work with undertakings set by NMC. Registrant will be supported by service to meet NMC undertakings. Advice and support for the manager of the Registrant can be offered via the Nurse Director Corporate nursing Office.</p> <p>Support will be available to Registrant from service while awaiting Hearing or meeting.</p>
Hearing	<p>The Fitness to Practise Committee holds meetings and hearings to consider fitness to practise cases.</p> <p>The committee is a panel made up of three people, including:</p> <ul style="list-style-type: none"> • a nurse or midwife • a member of the public who isn't a registered nurse or midwife • the Chair of the panel – this person can be a member of the public or a registered nurse/midwife. 	
	<p>Anyone that gives evidence to the fitness to practise panel at a hearing can also be asked questions.</p> <p>Nurses and midwives can attend hearings with or without a representative, or they can send one on their behalf.</p> <p>A case presenter will attend all hearings to represent the NMC.</p>	<p>You must engage with the NMC if requested to attend hearings. Keep any information that you have safe in relation to the case and be willing to share this with NMC.</p> <p>Support can be offered to any members of staff who have been called as a witness. Please email: loth.nmcreferrals@nhs.scot.</p>



Information and Resources

Giving statements to Police Scotland - [Guidance for Health Professionals Providing Statements for Police Scotland, February 2021](#)

Speak Up: <http://intranet.lothian.scot.nhs.uk/HR/Speak%20Up/Pages/default.aspx>

Staff support and counselling service: <http://intranet.lothian.scot.nhs.uk/Directory/OccupationalHealthAndSafety/StaffSupportAndCounselling>

[The Nursing & Midwifery Council](#)

[Contact the NMC \(Nursing and Midwifery Council\)](#)