RCM Workplace Reps Conference

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Thompsons

THOMPSONS
SOLICITORS

Introduction

- Nursing and Midwifery Council (NMC)
- 670,000 nurses and midwives
- Governed by **Nursing and Midwifery Order 2001** and **Fitness to Practise Rules Order**
- Annual Fitness to Practise Report (FtPR) 2010/2011
- Council for Health Care Regulatory Excellence (CHRE) audit of Fitness to Practise

Overview

- Role of the NMC
- Fitness to practise procedure
- Proposals for change

Role of the NMC

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  - “to safeguard the health and well being of the public”
  - “to establish standards of education, training, conduct and performance”
- Fitness to Practise
  - Good health
  - Principles of good practice

Investigatory Process

- Is there a case to answer?
- Test for the IC
  - "*Is there a real prospect that the CCC or HC could find fitness to practise impaired*"
- Interim orders – Article 31
- Test:
  - "*necessary for the protection of, public interest*"

Interim Orders

- Protection of the reputation of the profession – *R (Sheikh) v General Dental Council [2007] EWHC 2972).*
- Extensions – *NMC v Maceda CL 0680/2011* & *NMC v McComish*

Conduct and Competence Committee

- Is fitness to practise impaired:
  - Misconduct, competence, criminal offence etc
- Burden of Proof
- Purpose – not to punish
- Procedure:
  - CHRE audit
  - *Ruscillo v CHRP [2004] EWCA civ 1356*

Sanctions

- Caution; Conditions of practice; Suspension;Strike off
- *Giele v GMC [2005] EWHC 2143*
  - Weakest first
  - Explain why that sanction chosen and others rejected
- Indicative sanctions guidance
- Conditions of practice library

After the Decision?

- Review – Article 30(1)
- Appeal – High Court

Proposed changes

- Rules and standards 2012
- Code – current survey
- Lessons for NMC from recent High Court cases
- Representation from RCM