

# Cancelling hearings

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A Chair of the Fitness to Practise Committee has the power to decide that a hearing should be cancelled and the matter closed.<sup>1</sup> We use this power only in very limited circumstances.

## When we take the decision to cancel hearings

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We will apply to cancel a hearing if we know that the nurse, midwife or nursing associate has a terminal illness. When this happens, we close the case because we recognise it wouldn't be right for us to continue to pursue a case about a regulatory concern in those circumstances.

We don't apply to cancel hearings just because there are difficulties with our evidence. Then, the right way forward is for us to apply the Fitness to Practise Committee to [offer no evidence](#).

Nurses, midwives and nursing associates are also able to apply for [agreed removal](#), which can bring their registration to an end without their case going to a final adjudication.

These powers are usually more appropriate than us using our power to cancel a hearing.

## What happens when we apply to cancel a hearing?

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Our case presenter will prepare a document, called a 'reasoned opinion' that sets the background to the case, and explains the nurse, midwife or nursing associate's health condition.

The Chair will then decide whether to direct that the case should be closed.

Our rules require the Chair to give the person who made the allegation, a reasonable opportunity to comment on what we propose to do, and to take any comments into account.

Our case presenter will always consider what a reasonable opportunity is in every case that they prepare a reasoned opinion.

Our general position, though, is that because information about a nurse, midwife or nursing associate's terminal illness is sensitive and confidential, it is generally not necessary to our statutory role for us to share this information.

This means that a reasonable opportunity to comment will usually not involve us sharing information about the nurse, midwife or nursing associate's health condition with the person who made the allegation.

## After a hearing is cancelled

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If the Chair directs that the case should be closed, this will mean that the nurse, midwife or nursing associate's

registration will lapse if they haven't paid their fee or completed revalidation, and they won't still be subject to a fitness to practise allegation, which would otherwise have kept their registration active.<sup>2</sup>

A decision to close a case is not a 'final determination', because the panel has not made a fully reasoned decision about the substance of the case, the evidence, or the nurse, midwife or nursing associate's fitness to practise.

This means that any [interim order](#) in place will have to be removed by a panel before the nurse, midwife or nursing associate's registration can lapse. We will usually have arranged this before we consider an application to cancel a hearing. We always review the evidence relevant to interim orders, and if we become aware that a nurse, midwife or nursing associate has a terminal illness, it is extremely unlikely that an interim order to protect the public from any difficulties in their practice will still be needed.

1 Rule 33 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004