

## How a charge becomes final

Reference: PRE-2c    Last Updated: 23/06/2021

Once our case examiners have considered an allegation, they decide whether there is a case to answer, based on the statement of regulatory concern which we prepare during our investigation, drawn from the evidence we've gathered.

If they decide there's a case to answer, they will refer the case to the Fitness to Practise Committee.

Once the case has been referred to the Fitness to Practise Committee, we'll identify which category (or categories) of fitness to practise allegation the case involves:

- misconduct,
- lack of competence
- criminal offences
- health
- not having the necessary knowledge of English
- or decisions by other health or social care organisations.

We'll then draft a charge explaining this and set out all the relevant facts on which the allegation is based.

When does the charge become the final version?

When we send the nurse, midwife or nursing associate the notice of hearing, it will contain the charge.

We must send this to the nurse, midwife or nursing associate no later than 28 days before the date fixed for the hearing.

If we've sent a notice of hearing more than 28 days before the date fixed for the hearing, we're allowed to change the charge that's contained within the earlier notice. We're allowed to do this, as long as we send a further notice containing the revised charge no later than 28 days before the date of the hearing.

If we do this, we'll always make it clear that the second notice is meant to replace the first notice.

Can the charge be changed less than 28 days before the hearing?

If we want to amend the charge in the notice of hearing, and the hearing is less than 28 days away, we'll have to make an application to the panel once the hearing begins.

The panel, at any stage before making its findings, can allow an amendment to the charge or the facts set out within the charge. When considering whether to amend a charge, the panel will consider fairness and the overarching objective to protect the public.

If we don't want to proceed with our case on all or part of the charge, we have to offer no evidence.