Multiple allegations

Reference: PRE-2h Last Updated: 12/10/2018

There are times when we might need to allege that a nurse, midwife or nursing associate's fitness to practise is impaired for more than one of the reasons set out in our legislation. For example a nurse or midwife's fitness to practise could be impaired because of misconduct and a conviction or caution.

The panel is only allowed to know about the conviction or caution once it has made a decision about the misconduct allegation.

When this happens, we'll list the allegations on separate pages and any documents about the conviction or caution will clearly state that the panel can't see them until it has decided on the facts about the alleged misconduct.

Sample document:

> *"That you, a registered nurse:*
>
> *On 6 January 2018 failed to administer insulin to Patient A as prescribed.*
>
> *Your actions as set out at charge 1 contributed to the death of Patient A. And in light of the above, your fitness to practise is impaired by reason of your misconduct.*
>
> *CONVICTION CHARGE – NOT TO BE SEEN BY PANEL UNTIL AFTER DECISION ON CHARGES 1 AND 2*
>
> *That you, a registered nurse:*
>
> *On the 7 July 2018 at the Oxford Crown Court were convicted of one count of assault occasioning actual bodily harm contrary to s47 of the Offences Against the Person Act 1861.*
>
> *And in light of the above your fitness to practise is impaired by reason of your conviction."*

We will make an exception to this approach if the misconduct has an obvious and close link with the conviction.

An example is the nurse or midwife has a criminal conviction or caution, and has deliberately concealed this from their employer, or from us. For example:

> *"That you, a registered nurse:*
>
> *1. On the 1 January 2016 at the Oxford Crown Court were convicted of one count of assault occasioning actual bodily harm contrary to s47 of the Offences Against the Person Act 1861.*
> *2. Failed to disclose the conviction set out in charge 1 to your employer.*
> *3. Failed to disclose the conviction set out in charge 1 to the NMC.*
> *And in light of the above your fitness to practise is impaired by reason of your conviction as set out in charge 1 above, and your misconduct as set out in charges 2-3 above."*

Sometimes, there may be cases made up some concerns about lack of competence, and some about misconduct, such as dishonesty. When this happens, we'll make sure the charge document is clear about which charges show a lack of competence and which charges show misconduct:

> *"…and your fitness to practise is impaired by reason of your lack of competence as set out in charges 1- 6 above, and your misconduct as set out in charges 7-8 above."*

Generally a panel will only consider one or two kinds of allegation, such as lack of competence or misconduct, but there's no formal limit to the number or combination of multiple allegations that a panel can consider.