# Other fitness to practise charges

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## Lack of competence

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Where we're alleging that the nurse, midwife or nursing associate's fitness to practise is impaired because of a lack of competence, we'll state that they failed to demonstrate the standards of knowledge, skill and judgment required of them over a period of time.

There are a number of ways we can do this.

For example, the preamble could read:

> *"That you, between 1 January 2015 and 1 January 2017 failed to demonstrate the standards of knowledge, skill, and judgement required to practise without supervision as a band 6 midwife."*

We'll then set out a series of incidents, in date order, which demonstrate a pattern of failings over that period of time.

These may describe an initial error or set of errors, and where it's relevant, we'll set out any further errors or incidents that might have happened when the nurse, midwife or nursing associate was being supervised, either formally or informally.

In some cases we might need to explain that the nurse, midwife or nursing associate has failed to demonstrate the skills needed when they were under formal supervision by their employer.

The charge might then read:

> *"That you failed to demonstrate the standards of knowledge, skill, and judgement required to practise without supervision as a band 6 midwife in that:*
>
> *While subject to a Stage 1 formal capability process at St Paul's Hospital Trust you:*
>
> *On 1 February 2017, failed to recognise and/or escalate to a doctor abnormal decelerations in Patient A's cardiotocograph (CTG).*
> *On 1 March 2017, failed to give the correct dose of syntocinon to Patient B.*
> *On 1 April 2017, failed to recognise and/or escalate to a doctor abnormal decelerations in Patient C's CTG.*
>
> *While subject to a Stage 2 Formal Capability process at St Paul's Hospital Trust you…"*

Sometimes, we'll explain why we are alleging a lack of competence by showing in the charge that the nurse, midwife or nursing associate failed to meet objectives or pass assessments.

For example:

> *"That you failed to demonstrate the standards of knowledge, skill, and judgement required to practise without supervision as a band 6 nurse as follows:*
>
> *You failed to meet your medicines administration objective, in that you:*
>
> *On 1 January 2017, while under supervision at St Thomas's Hospital Trust, attempted to administer twice the prescribed dose of co-codamol to Patient A.*
> *On 4 February 2017, could not explain what tramadol was used for.*

*On 16 February 2017, while under supervision, poured out the wrong dose of lactulose for Patient B."*

We'll finish the charge with the statement that the nurse, midwife or nursing associate's fitness to practise is impaired by reason of their lack of competence.

## Conviction and cautions

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If we're alleging that the nurse, midwife or nursing associate's fitness to practise is impaired because of a caution or conviction, the preamble simply needs to state,

> *"That you, a registered nurse…"*

After this, we'll include the court of conviction, the date of conviction, and the offence. This information will be found in the certified memorandum or certificate of conviction or caution which we'll be using as evidence.

Because we are saying that it's the conviction or caution itself that affects the nurse, midwife or nursing associate's fitness to practise, we don't need to include details of the sentence in the charge.

Any comments the court might have made during sentencing, or details of what the sentence might mean, can be referred to in evidence, if these are relevant to the panel's decision about the nurse, midwife or nursing associate's fitness to practise.

We'll end the charge with a statement that the nurse, midwife or nursing associate's fitness to practise is impaired by reason of their conviction or caution.

## Not having the necessary knowledge of English

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In a case about a nurse, midwife or nursing associate not having the necessary knowledge of English, the charge will generally read:

> *"That you, a registered nurse, do not have the necessary knowledge of English to practise safely and effectively and in light of the above, your fitness to practise is impaired by reason of your lack of knowledge of English."*

Unlike the other fitness to practise charges above, we won't need to identify specific incidents that led to the charge. This is because we will generally rely on the results of an English language assessment, or the nurse, midwife or nursing associate's failure to follow our direction to take a test, as evidence.

## Decisions by of another health or social care professional regulator or licensing body overseas

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In some cases the allegation will be about the decision of another organisation responsible for the regulation of a health or social care profession in the UK (or a licensing body elsewhere), to the effect that the nurse, midwife or nursing associate's fitness to practise is impaired.

For example if the nurse, midwife or nursing associate is also registered to practice in another country and as a result of a fitness to practise investigation in that country, they were issued conditions on their practice.

When this happens, we won't usually need to describe the circumstances that led the other organisation to decide that the nurse, midwife or nursing associate's fitness to practise was impaired.

We only need to explain in the charge that this is what the organisation decided.

The charge could read:

> *"That you, a registered nurse on 1 January 2016 were reprimanded and made the subject of conditions by the Nursing and Midwifery Board of Australia and in light of the above, your fitness to practise is impaired by reason of the findings of another body responsible for the regulation of nurses."*