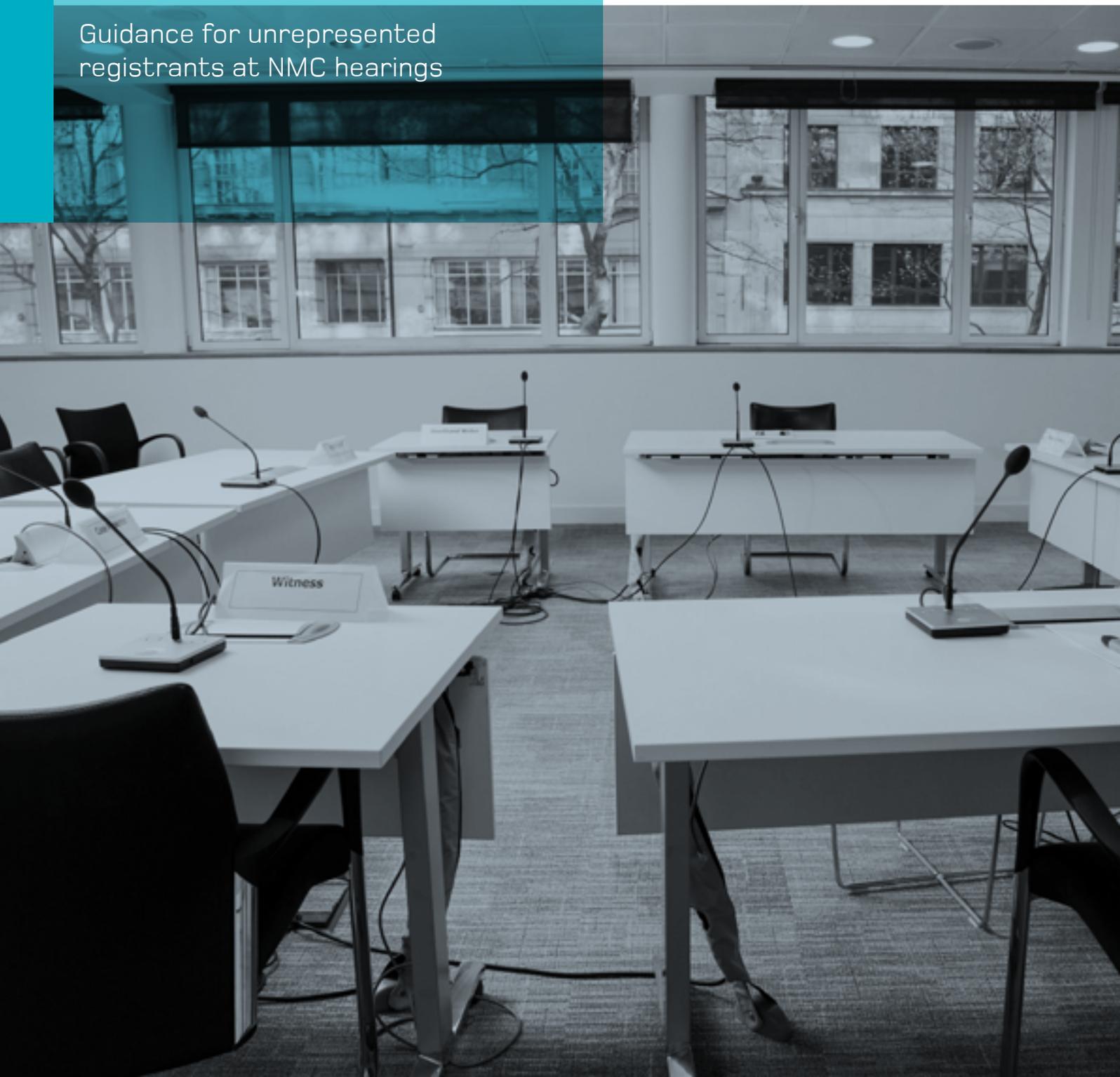


# Unrepresented registrants

Guidance for unrepresented  
registrants at NMC hearings



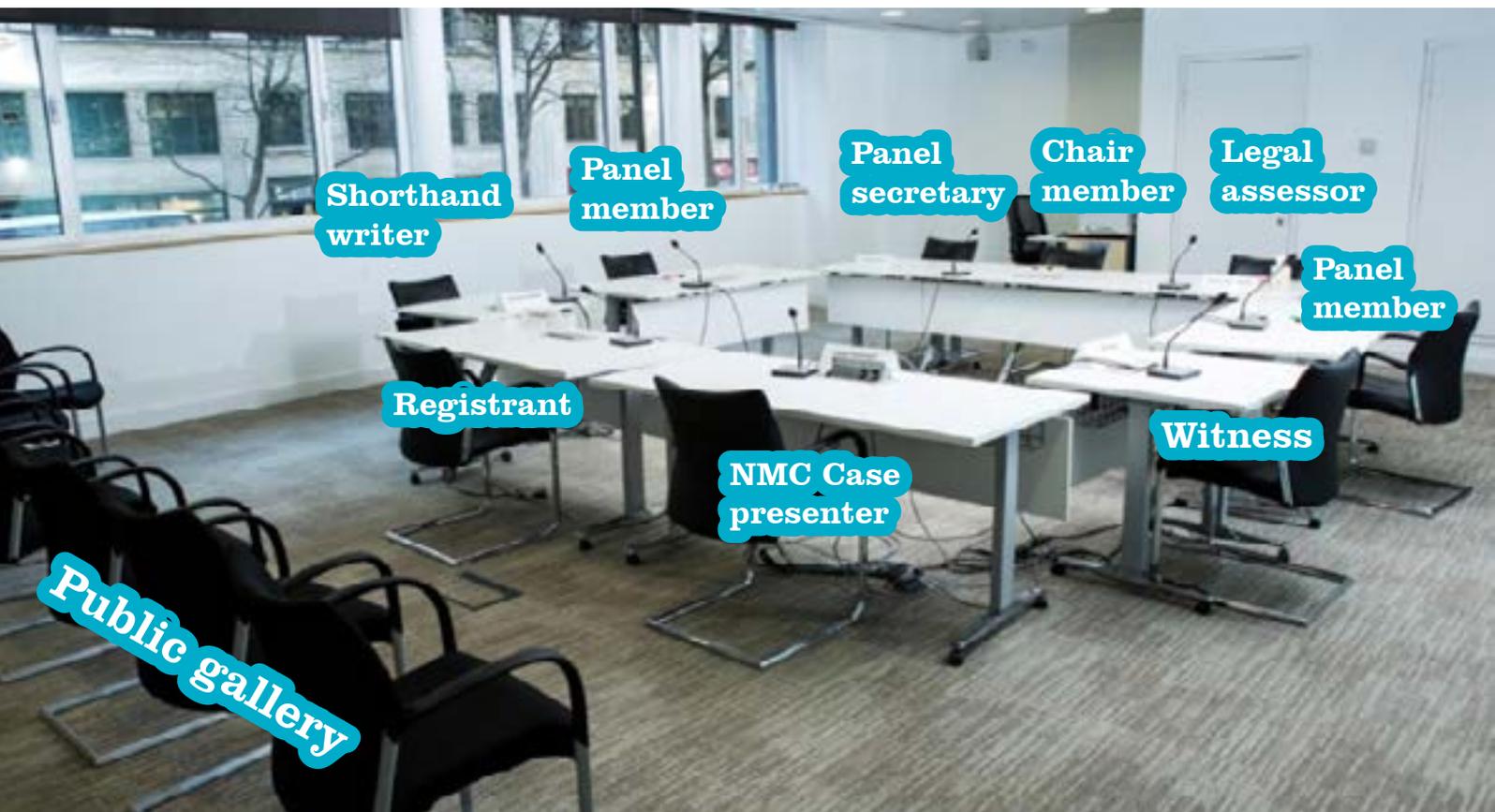
## Introduction

This leaflet is for nurses, midwives and nursing associates who attend hearings without representation. It explains the hearing process and some of the things you should expect to happen.

## Who will be at the hearing?

- You** We recommend you attend your hearing so you can put forward your position on the case. If you don't intend to attend your hearing you should make your case in writing so it can be considered fully in your absence. This should be sent to your case officer at least two days before the hearing to give us time to make sufficient copies so that the Panel can consider it on the day of the hearing. If delivered on the day of the hearing this may slow down the progress of the case.
- Panel members** This includes the Chair, who is responsible for the proceedings, and two other members. One will be on the register, and if it is your final hearing, that person will be on the same part of the register as you.
- Legal assessor** Advises the panel on the law. The legal assessor will speak with you on the morning of the hearing to explain procedures. They are not involved in making the decision.
- NMC case presenter** They put forward the case on behalf of the NMC and call witnesses.
- Panel secretary** Will liaise with you on the morning of the hearing. The panel secretary assists the panel with the drafting of their decision, but is not involved in making the decision.
- Observers and journalists** May attend the hearing, but not if the matter is health related.
- Witnesses** The NMC may decide to call witnesses in support of our case. If you decide to bring witnesses then you should let your case officer know in advance of the hearing.
- Other NMC staff** They ensure the smooth running of the hearing.

## What will the hearing room look like?



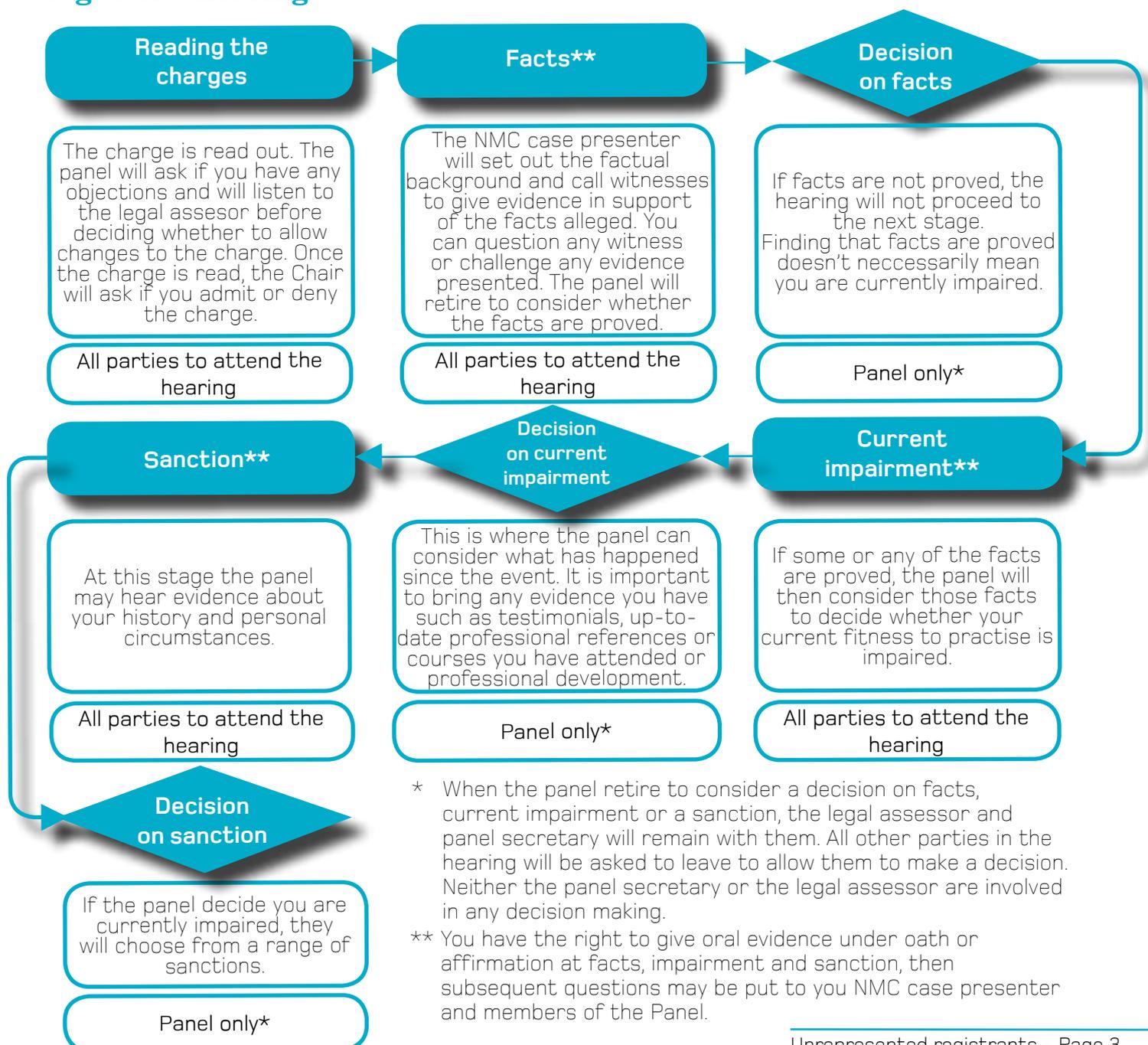
## What should you bring to the hearing?

**Questions** Decide the questions you want to ask NMC witnesses about their statements. If you disagree with anything, explain why you disagree and ask them to comment. You may also want to raise any issues that support your case but which are not in their statements. It could be detrimental to your case if you raise fresh matters afterwards that were not put to the witnesses during their evidence.

**Current practice** If you have any written submissions you wish to make then you should provide them ahead of the hearing. Submissions may take the form of testimonials, documentary evidence of professional development/attempts to improve your practice, or upto date professional references. If you are unable to provide submissions ahead of the hearing then please bring them on the day so that the panel have access to them during their decision making.

**Copies** Many delays occur at hearings because individuals don't bring enough copies of the material they want to give the panel. We recommend you bring nine copies of your documents, so these can be handed out to the various people in the room. We can't always guarantee we can make copies of your documents, particularly if we are at an external venue, such as a hotel.

## Stages of a hearing



## Interim orders

If the panel decide to impose a conditions of practice order, a suspension order or a striking-off order, they will need to consider whether to impose an interim order. This is because the main sanction won't take effect before 28 days. If in those 28 days you decide to exercise your right of appeal, the main sanction won't take effect until the appeal process is determined.

## What to do during the hearing

If you do not agree with the evidence of a witness called by the NMC, you must question them. You must ask them questions, rather than make statements. Try to keep your questions short, simple and easy to understand.

## If the facts are proved, and the panel find me currently impaired, what will they consider?

They will consider:

- evidence of your insight and understanding of the problem, and your attempts to address it. This may include early admission of the facts, apologies to the complainant or the person(s) affected, any efforts to prevent reoccurrence or any efforts to correct the difficulties
- evidence that you follow the principles of good practice. This evidence could show that you are keeping up to date with your area of practice, or show previous good character or history
- personal mitigation, such as periods of stress or illness, personal and financial hardship, level of experience at the time in question or level of support in the work place, and/or
- any written documentation you provide, such as testimonials or references.

## What to consider before you attend a consensual panel determination (CPD) hearing

In some cases we can seek to agree facts and a provisional sanction with you.

If we are able to reach agreement, we will put it before a panel for consideration. To be eligible for this you must admit all the charges against you and that your fitness to practise is impaired, and provisionally agree a sanction with us.

The agreement will then be put before a Conduct and Competence or Health Committee panel, who will decide whether to agree or reject it. The panel can also vary the provisional agreement with the consent of both parties. If rejected, the case will be put before a fresh panel, which will conduct a full hearing to decide an appropriate outcome.

If we can agree a sanction with you, it reduces the need for witnesses to attend hearings and reduces the length of the hearings. Generally, a hearing can be reduced to one day if a sanction is agreed.

## Who should I contact if I have any questions?

Please contact your case officer whose details are on correspondence we have sent you.

