

Ref. No: 329
From: Public
Date: 07/02/23
Subject: NMC Policy.

REQUEST

We would like to fully understand NMC policy on death through negligence.

The question : Is it NMC Policy Not to send cases of death through negligence to a hearing?

We note that this does not fall under any of the categories regarding disciplinary measures.

The three questions posed under council policy address:

1. Was the person aware that something they were about to do could put the safety and wellbeing of others at risk?
2. Was the person aware that this was an unreasonable risk to take?
3. Did the person choose to take the risk?

In these circumstances there is a clear link between the nurse/midwives state of mind, how they acted and any harm caused by their actions. These are principles applied to individual clinical decisions taken in the management of health care settings.

How can the NMC ascertain relevant facts and state of mind when their concerns are sent/applied electronically to the nurse to answer from the comfort of their own home with legal representation and advice?

If these points are proved are these cases sent for a NMC hearing or forwarded to an independent body i.e. the criminal system or taken to a civil hearing? We would appreciate your policies and procedures on this. How can the full truth ever be established in transparency and with candour if a hearing is not applied as the next logical step.

RESPONSE

This FOI will need to be re-directed to the Nursing and Midwifery Council (NMC): [Freedom of Information \(FOI\) requests - The Nursing and Midwifery Council \(nmc.org.uk\)](https://www.nmc.org.uk/foi)

