

# A decision not to take any further action at this time

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Our screening team carefully considers the information available before making a decision. Sometimes, the team decides that we don't need to take any further action.

We take public protection extremely seriously when deciding that no further action is required.

Occasionally, we need to review a decision not to take any further action.

In very limited circumstances we can change a decision. That will only be where:

- There's new information that changes the decision and/or
- Something went so seriously wrong with how the decision was made that correcting the error would mean a different decision should have been made

We recognise the impact that a decision not to take further action has on the person who raised the concern with the NMC and anyone else affected by the issues that led to the referral to the NMC. We also recognise that when we review cases after a screening decision to take no further action, this has a serious impact on the professional involved. We recognise the impact that being subject to fitness to practise proceedings can have on the professional concerned, as well as the wider healthcare system.

We have support available to people affected by our fitness to practise processes. Further information about our processes and the support we can provide is available on our website:

- [Information for registrants](#)
- [Information for patients, families, and the public](#)

## Reviewing a screening decision

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We can only review decisions not to take further action – that is, a decision not to refer a concern to our case examiners or to the fitness to practise committee. We can't review a decision if the nurse, midwife or nursing associate has lapsed from the register. If the professional is readmitted to the register, we'll then consider the request to review our decision at that stage.

## If someone requests a review

We'll ask the person who requested the review to explain:

- why they consider there's new information that changes the decision, and/or
- what they consider went wrong with how we made the original decision and why that means a different decision should be made

We won't usually carry out a review if the request is an expression of general unhappiness with the decision. We expect people who ask us to review a decision to explain why they consider there are reasons to carry out a review.

We may also decide to carry out a review if we consider that one of the reasons to review may apply.

If we decide to carry out a review, we'll then tell the nurse, midwife or nursing associate that we're going to review the decision and explain why. We'll also tell people who were told of the outcome at the screening stage, if they need to know. This could include employers, patients or other organisations.

## What happens during a review

When we review a screening decision, we'll look at:

- the reasons for the decision
- the reasons for the request to review the decision
- any new information received and the reasons why someone says this means a different decision should be made
- any other information we consider relevant to our review.

## What we can decide

When we carry out a review, we'll decide whether:

- There's new information that changes the decision and/or
- Something went so seriously wrong with how the decision was made that correcting the error would mean a different decision should have been made

If we decide that we should make a different decision, we can:

- send the case to the screening team for further enquiries and [a new screening decision](#)
- refer the case to the case examiners if the concern is about someone's fitness to practise
- refer the case to the Investigating Committee if the concern is about a fraudulent or incorrect entry to the register

If there's no reason why a different decision should be made, we'll write to the person who requested the review to confirm this.

## New information

New information is information we didn't have when the original screening decision was made.

If someone tells us there's new information, we'll need to ask:

- Do we know what the new information is and has it been given to us?
- If the information had been available at the time of the decision, would we have made a different decision?

We expect people to give us all the relevant information they have when they make a referral. As part of the screening process, we also consider whether we should seek further information. It is therefore extremely rare that new information about the same matter will make a difference unless it fundamentally shows that the concern raises a risk to public protection that was not previously appreciated and/or where it provides evidence of something where we previously did not have any evidence.

Often, we're given new information and decide that it wouldn't change the decision.

## When there is an error in the decision

We can only change a decision that we don't need to investigate a nurse, midwife or nursing associate in very limited circumstances. These circumstances include:

- we didn't follow our own legislation (sometimes called an 'error of law')
- it was so unreasonable that no reasonable regulator would make such a decision (sometimes called an 'irrational decision')
- reaching a conclusion that the available evidence does not support, relying on evidence which is not relevant, or failing to take account of relevant evidence.

We can only change our decision if correcting the error would change the outcome. This means that, even if there was an error in the decision, if the decision would be the same in any event, it won't impact on the outcome.

## New concerns

Sometimes, we'll find information during our review that amounts to a new concern.

If that happens, and if we can, we'll decide whether the concern needs to be investigated further.

If we need more information to make a decision, we'll send it to our screening team to make enquiries. The screening team will then decide whether the concern should be referred to the case examiners or Fitness to Practise Committee.

If we decide we don't need to make any further enquiries, we'll make that decision using our screening guidance.

[Read more on our overall approach.](#)

## After we've reviewed the decision

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We'll confirm the outcome of our review to the person who requested it. We'll also tell the nurse, midwife or nursing associate, and anyone else we told about the request to review the decision.

If we decide that no further action is needed, we won't look into the same concerns again unless there's new information that we've not considered before and which means a different decision should be made. If someone sends us more information after our review, we'll ask the person providing the information why they didn't provide it before and why it changes the decision.

If someone is unhappy about our customer service or is concerned that we did not follow the right process, our [Corporate Complaints and Enquiries team](#) can look into it. Their role is limited to reviewing how we've handled the case. They won't be able to change the decision.