

Guidance on holding an NMC hearing outside of the country of the nurse or midwife's registered address

We hold hearings in each of the four countries of the United Kingdom. Until recently, it was a requirement for all hearings to be held in the UK country of the nurse or midwife's registered address. As of 31 March 2017, this requirement has been removed, meaning that we are able to hold a hearing in a different country from the registered address.

Even though this change has been introduced, we will continue to hold hearings in the same country as the nurse or midwife's registered address unless one of the circumstances below applies.

Requests to hold hearings outside the country of registered address may come from people involved in the hearing. This can include nurses and midwives, witnesses, or other interested people. When we receive a request, or when we are considering whether a hearing should take place in a different UK country, our Assistant Director of Adjudication, or a nominated senior manager, will make the decision.

Generally, for the Assistant Director to decide to hold the hearing in a different UK country, one of the following statements should apply:

- 1 The nurse or midwife has requested the change as they reside in an area where it would be more practicable to attend the hearing in a different UK country. In such cases we will consider the impact of such a move on other parties to the hearing, such as witnesses, and the NMC.
- 2 The hearing involves a number of witnesses who all reside and/or work in an area where it would be more practicable to attend a hearing in a different UK country. In such cases we will consider any factors that may put the nurse or midwife at a disadvantage. Where the nurse or midwife would be financially disadvantaged, we will consider reimbursement of costs.
- 3 The nurse or midwife has not engaged or has informed the NMC that they will not be attending the hearing, or we know that they will not attend. In such cases, where the case can be heard more conveniently and efficiently in a different UK country, we will make it clear in the Notice of Hearing that the hearing is taking place in a different country.
- 4 In substantive order review/ interim order hearings where the nurse or midwife is not in attendance and the case can be heard more conveniently and efficiently by transfer to a panel in a different UK country.
- 5 It is necessary to move the hearing as a reasonable adjustment to facilitate the attendance and participation of a key case party. We will have due regard to the Equality Act 2010 and the protected characteristics of the relevant case party. We will consider the impact on other hearing parties including possible reimbursement of costs to the nurse or midwife. We will also consider options such as remote evidence.

Any requests which fall outside of the above situations will only be considered in exceptional circumstances.

Please note: Requests will only be considered where the move proposed is to a different NMC hearing venue. Movement of hearings to other venues are subject to different considerations such as information security and risk. The decision on the location of a hearing is administrative and not one that should be directed by a Fitness to Practise panel.

Effective from: 31 March 2017

Approved by: Director of Fitness to Practise (28 March 2017)