

## PRESS STATEMENT

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### NMC decision in Morecambe Bay midwives case deficient but not wrong in law, Authority finds.

The Professional Standards Authority considered whether the NMC panel's decisions about two midwives at Morecambe Bay were 'insufficient to protect the public'. The Authority considered whether:

- There had been any under prosecution in these cases having regard to the evidence available and the evidence actually presented to the panel
- The panel's approach to the evidence it did receive was rational
- The panel had properly applied relevant case law in finding there was no case to answer in respect of one midwife and the charges not proved in the other
- These decisions were within the reasonable range of responses open to the panel.

The Professional Standards Authority (Authority) found that relevant evidence had not been placed before the panel even though the NMC had it. The Authority considered the core issue that the panel had to resolve was the question of who said what, when and to whom. While the evidence that had not been before the panel may have been of relevance to resolving that issue, the effect of this omission was not so material that it could be said to be insufficient in law.

The Authority carefully took into account the wider public interest when considering the NMC panel's decisions. It noted that these cases related to isolated acts of alleged misconduct by the midwives and that the events to which these cases related occurred some eight years ago. There had been several investigations by the police, the coroner and a public inquiry. Changes have since been made at the Trust. These matters are relevant in considering whether the NMC decisions are sufficient to protect the public, maintain confidence in the midwifery profession and maintain proper standards and conduct.

Harry Cayton, the Authority's chief executive said: 'We have carefully considered these cases, it is regrettable that all the evidence the NMC held was not put before the panel. We have found that the NMC's investigation and its panel's decisions were deficient but not insufficient in law. We will be writing to the NMC to raise our concerns.'

**ENDS**

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## Professional Standards Authority for Health and Social Care

### Notes to the Editor

1. The Professional Standards Authority for Health and Social Care oversees nine statutory bodies that regulate health and social care professionals in the UK.
2. We assess their performance and report to Parliament. We also conduct audits and investigations and can appeal fitness to practise cases to the courts if we consider that sanctions are unduly lenient and it is in the public interest.
3. We also set standards for organisations holding voluntary registers for health and social care occupations and accredit those that meet them.
4. We share good practice and knowledge, conduct research and introduce new ideas to our sector. We monitor policy developments in the UK and internationally and provide advice on issues relating to professional standards in health and social care.
5. We do this to promote the health, safety and well-being of users of health and social care services and the public. We are an independent body, accountable to the UK Parliament.
6. Our values are at the heart of who we are and what we do. We are committed to being impartial, fair, accessible and consistent in the application of our values.
7. More information about our work and the approach we take is available at [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk)