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Supporting people to engage

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NMC (Fitness to Practise) Rules 2004 r23

(1) In proceedings before the Fitness to Practise Committee, the following may be treated as vulnerable witnesses

- a) any witness under the age of 18;
- b) any witness with a mental disorder;
- c) any witness who is significantly impaired in relation to intelligence or social functioning;
- d) any witness with physical disabilities who requires assistance to give evidence;
- e) any witness, where the allegation against the registrant is of a sexual nature and the witness was the alleged victim;
- f) or any witness who complains of intimidation.

Rule 23 continued

(3) Measures adopted by the Committee may include, but shall not be limited to—

- a) use of video links;
- b) subject to paragraph (4), use of pre-recorded evidence as the evidence in chief of a witness, provided always that such witness is available at the hearing for cross-examination and questioning;
- c) use of interpreters (including signers and translators); and
- d) the hearing of evidence by the Committee in private.

(4) Where—

- a) the allegation against a registrant is sexual in nature;
- b) a witness is the alleged victim; and
- c) the registrant is not represented,

she shall not be allowed to cross-examine the witness directly in person.

Limits of Rule 23

- Historically framed around 'vulnerability' not participation
- Restricted our ability to enable people to give their best evidence
- Expressly non-exhaustive but in practice often approached narrowly
- Efficiencies challenge before panel regarding interpretation and application
- Out of step with more progressive approaches e.g. Section 16 and 17 of the Youth Justice and Criminal Evidence Act 1999; Family Procedure Rules 2010 r3A.7

NMC Guidance: *Supporting people to give evidence in hearings*

Key principles:

1. We'll find out what support people feel they need to give evidence in a hearing and engage effectively.
2. We'll always try to provide people with the support they tell us they need as long as it is fair and practical to do so.
3. Where we consider the support requested is not practical or a reasonable use of resources, we'll work with the person giving evidence to give them as much support as we can.
4. We make the initial decision about support measures, but the panel hearing the case has the final say over whether support can be provided.
5. If a concern is raised about support measures, we can arrange for the panel hearing the case to make a decision or arrange for a Chair to give directions at a preliminary meeting.
6. We'll communicate decisions about support measures in advance of the person giving their evidence. We'll give people sufficient time to understand the decision and prepare to give their evidence in the way that's been decided.

Amendments to NMC's FTP Rules

- Ahead of wider planned work to reform the NMC's legislation, DHSC agreed to support limited amendments to our procedural rules to assist our fit FtP improvement work.
- Council approved the launch of a public consultation on amendments to the NMC's rules which took place between 3 November 2025 and 26 January 2026.
- High level of support for changes to r23 (82%)
- Approved by the Council on 28 April 2026
- The rules must then be approved by the Privy Council and laid in Parliament before they can come into force – expected to take effect from 1 October 2026

Shifts decision making from category-based eligibility to case by case support – aligning more closely with modern justice approaches.

Amendments to NMC's FTP Rules

23. Special measures for giving evidence

- (1) While ensuring proceedings are conducted fairly, the Committee or the Chair acting under rule 17A (case management directions) may give such directions as they consider appropriate to support witnesses to give their evidence.
- (2) When deciding whether to give directions to support witnesses, the Committee or Chair must—
 - a) take account of the interests of the witness and the circumstances of the case;
 - b) take legal advice in accordance with rule 18A (unless the direction is given by a legally qualified chair acting alone under rule 17A(2)(b) or (c)); and
 - c) invite representations from the parties (where present).
- ...
- (6) In this rule
- ...
- b) “witness” includes a registrant who gives evidence to the Committee.

Supporting people through learning and innovation

Introduction

Putting people at the centre of the fitness to practise process

- We know that the fitness to practise process can be incredibly difficult for all those affected.
- What people can tell us helps us understand fully what we must know to consider the fitness to practise of registrants.



Introduction

- The Professional Standards Authority **Standards of Good Regulation** are relevant to consider when we think about the support we provide to people affected by our fitness to practise work.
- The standards specific to **Fitness to Practise**:
 - Standard fourteen The regulator **enables anyone to raise a concern about a registrant**.
 - Standard fifteen The regulator's process for examining and investigating cases is **fair**, proportionate, deals with cases as quickly as is consistent with a fair resolution of the case and **ensures that appropriate evidence is available** to support decision-makers to reach a fair decision that protects the public at each stage of the process.
 - Standard eighteen All parties to a complaint are **supported to participate effectively in the process**.

Public Support Service

Learning from experience to improve outcomes

- The PSA's review of our handling of the 'Morecambe Bay' cases showed we did not fully **engage with patients and families affected**.
- Feedback highlighted we sometimes **prioritised process over people**.

A clear need to change how we listen, support and involve people.

People must be supported to participate meaningfully.



Our response

Putting people at the centre of our work

- Launched the Public Support Service in 2018 – a core part of how we deliver a fair fitness to practise process
- Designed to:
 - Make raising concerns accessible
 - Improve understanding of concerns and decisions
 - Provide emotional and practical support
 - Build trust and engagement

It is for all parties in the fitness to practise process.

Enabler of participation and best evidence



Improving through experience and collaboration

Transactional
support

Support based on
needs/impactful
support

Specialist and
tailored support

Our Public Support Service



Supportive role in helping us as an organisation to make raising a concern accessible for all.

Helping us to ensure we understand the concerns being raised - supporting peoples individual needs to enable them to engage fully.

Helping to aid understanding of our regulatory decisions and the presentation of those decisions.

Helping to support people dealing with the impact of raising concerns with us.

Building trust and engagement to obtain critical evidence.

Signposting where we are unable to help.

An overview of our work

The Public Support Service provides end to end support for people engaging with the fitness to practise process, helping us to ensure they can participate effectively.

- Continuous **point of contact** throughout FtP process
- Early **needs assessment** to identify adjustments or additional needs
- Tailored support and communication plans and tailored, accessible communication
- Specialist support for those with **complex or multiple needs**
- Support line
- Webinars to explain the hearing process to witnesses
- Coproduction

Focus: **enabling people to fully engage and give their best evidence**



Innovation in practice

The introduction of the advocacy and intermediary support framework

- Initial development in collaboration with other regulators
- Provided:
 - **Support advocates** provide non-legal advice and support to people who find it difficult to express their views or represent their needs in a formal process.
 - **Intermediaries** are communication specialists who can assist our panels to facilitate effective communication with a participant, including recommending adjustments if needed.
- Reducing barriers
- Improving quality of evidence
- Supporting fairer outcomes

An emerging area of leading practice amongst regulators.



Impact in practice

- Improved engagement for people with complex needs
- Higher quality, clearer evidence
- Better understanding within hearings
- More inclusive and accessible practice

Better engagement → better evidence → safer, fairer and more robust decisions



Case study

Conclusion

Why effective support matters

- Better quality evidence for decision makers
- Fair decisions
- Increased participation
- Greater trust
- Supports PSA standards

Strengthens public protection

Looking ahead

- Continued improvements
 - Registrant experience improvements
 - Expansion of intermediary support
 - Review of the Public Support Service
 - Identification of vulnerability
 - Trauma informed
- Autumn rule changes

There is real opportunity for wider adoption across regulators.

Our shared challenge:



Are we doing enough to enable participation?



What more can we do to reduce barriers and improve engagement?

