

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 June 2025

Public Authority: Nursing and Midwifery Council

Address: 23 Portland Place
London
W1B 1PZ

1. Request:

The complainant requested the following information from the Nursing Midwifery Council ("the NMC") on 8 November 2024:

"I made a complaint on your website on 11 October 2024 (your reference REDACTED) about the failure of case managers and the media team to respond in a timely manner to our media requests for information and next steps in the hearing of REDACTED this summer.

I received a response within 5 days on 17 October - your ref: REDACTED - but the complaint has not been investigated nor addressed. Please share this with relevant colleagues to ensure any issues in this mail that do not come under your work as FOI reviewer are answered promptly.

The response dealt only with my 5 July email - 75 working days late - and declined to answer it using section 40(2) of the FOI Act. As citizen journalists, we needed timely and prompt responses - not blanking by case managers and complete secrecy.

We still do not know what charges were proven and if sanctions have been handed down in public or private and what are the sanctions, or when will the decision be handed down. We have not had the findings of fact, the decision and reasons. Professional standards and public confidence cannot be maintained in secret.

So far the NMC has failed to:

- a) address my complaint about our mails being ignored
- b) answer the process questions we asked case managers and the media team
- c) and now your colleagues are using section 40(2) of the FOI Act to keep all information on this fitness to practise hearing secret.

This is a failure of your duty as a regulator of transparency and accountability, undermining public confidence in the NMC as a regulator in a case of significant interest.

You have incorrectly applied section 40(2) to withhold the information requested.

The individual concerned would reasonably expect that fitness to practice information would be made public to maintain public confidence and trust in the regulation of nurses. Mental health issues do not justify all information being withheld. A decision to hold a hearing in private is not a decision to not publish the outcome, and not communicate with journalists on the case.

You failed to give enough weight to the public interest. The balance of public interest is significant as secret regulation undermines confidence, and this nurse, who worked with vulnerable women on a secure ward who had suffered serious trauma and head injuries, was a campaigner, active on social media and in the newspapers, in a highly contested area that impacts women.

You state "We're unable to provide any information beyond what's already published or will be published in the future."

This is unhelpful. As you know, under FOIA you have a duty to assist requestors. You also have a commitment to make final fitness to practise decisions swiftly and publish the reasons openly.

1) So please be helpful. What information has been published when and where? When was it taken down? Note that the July hearings page is no longer on your website and the decision was not posted when we checked, hence my complaint. It is not reasonable to say your commitment to openness was met by your existing publication methods as we could not find it and your colleagues were not open about process and timings. We had asked you - both case managers and the media team - and you failed to tell us when it would be handed down and/or published. Please disclose the date when the decision will be published, or disclose the decision and the date it was published and posted on your website and the date it was

removed, and whether there was a hearing for the handing down. Please disclose the dates any other data or information relating to this case was published and removed including what date the July hearing dates were published on your website.

2) When will more information be published? What information?
Please also provide the following:

3) a copy of my complaint dated 11 October (your reference REDACTED)

4) a response to our complaint about the failure to respond to us, to communicate our request to the panel chair and your failure as a regulator to provide the information necessary to report the findings and outcome.

5) Finally, under FOIA, for the reasons set out above - please review your refusal to provide any answers to the 5 July email, and the reasons for privacy, the charges found proven, the findings, decision and sanctions using section 40(2) and disclose the information requested, in line with your responsibilities as a regulator.

Please include the Tribunal Tweets colleagues copied into this mail in your responses to me."

2. Commissioner's Decision:

A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. Based on evidence available to the Commissioner, by the date of this notice the NMC has not issued a substantive response to this request. Therefore the Commissioner finds a breach of section 10.

3. Steps:

The NMC must provide a substantive response to the request in accordance with its obligations under FOIA.

The NMC must take this step within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

4. Right of Appeal:

Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
General Regulatory Chamber
PO Box 11230
Leicester
LE1 8FQ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**