Policy and Procedure № 002/PC/2011

Title: Management of disciplinary matters where the complaint is an appeal by a defendant or petitioner.

Authority: This policy has been approved by the National Council of Nurses and Midwives in accordance with Chapter VI of the Law no 25/2008 of 25 July 2008.

Statement: All nurses and midwives must practice in accordance with the Code of Professional Conduct for nurses and midwives in Rwanda. Where nurses and midwives breach the Code the Board has the authority to take disciplinary action.

Requirements

1. The Nurses and Midwives Council is accountable to the public and the Minister for Health for the standards of the professions.

2. The responsibility of the Council is to protect the public from anything that may endanger their lives arising from the deeds of nurses and midwives.

3. Any nurse or midwife reported to the Council is entitled to procedural fairness and natural justice.

Procedure

Where an authority has managed and made a decision on a complaint about a nurse or midwife; and that decision is not satisfactory to the nurse the midwife or the complainant; then the nurse, the midwife or the complainant may lodge an appeal in writing to the Board through the registrar’s office.

Such an appeal must be lodged within 30 days from receipt of the decision.

The Registrar will then convene a meeting of the Professional Conduct Committee within 15 days of receipt of the appeal.

The Committee will meet and consider the complaint.

Outcomes

The Committee may decide as follows:
1. Uphold the decision of the authority
2. Recommend to the Board that the nurse, the midwife be suspended pending an investigation.
3. Convene a panel to hear the matter.
4. Refer the matter to the police.
5. Refer the matter back to the referring organ.

For outcomes 3-5 the Registrar will notify the nurse or midwife in writing within 15 days of the outcomes of the Professional Conduct Committee meeting and next steps.

**Suspension pending the completion of an investigation**

Where the Professional Conduct Committee considers that the nurse, the midwife poses a significant threat to the public or may interfere with the investigation, it may recommend to the Board that the nurse, the midwife be suspended whilst an investigation takes place.

The Chair of the Professional Conduct Committee will notify the Chair of the Board immediately.

The Registrar will convene an immediate meeting of the Board by whatever means are possible.

Where the Board agrees to suspend the nurse, the midwife the Registrar will immediately inform the concerned authorities and the nurse or the midwife.

The investigation will be conducted by the relevant staff of the NCNM. In certain circumstances the Board may refer the investigation of the matter to the police.

Once the investigation is complete the matter is referred to a panel for hearing.

**Panel hearings**

**Panel composition**

The nurse, midwife will be informed of the date for reporting for the hearing of the case at least 30 days earlier.

The panel consists of five members; three professional members, (at least one with expertise relevant to the context of the case), one lay person and a legal advisor. The panel must select a chairperson from within their number.

Panel members must declare any conflict of interest in accordance with the NCNM Rules and regulations for Board members and staff. Failure to do so, the member in question shall be declared as untrustworthy with a vote of no confidence.
The nurse or midwife will be notified of the composition of the panel 48 hours prior to the hearing and has the right to refuse a panel member; providing valid reasons are given.

**Panel proceedings**

The nurse or midwife is entitled to have defence and representation from a legal representative.

All people appearing before the panel must swear an oath to tell the truth.

Both the nurse, the midwife and the complainant must have the opportunity to present their case to the panel.

The panel may call expert witnesses to give evidence as it deems necessary.

After hearing all the testimony the panel will deliberate.

Where the nurse the midwife has been notified of the date of the hearing in accordance with the Law but fails to appear without giving a valid reason, then decisions will be made in his/ her absence.

**Outcomes**

1. Decision, sanctions imposed. Sanctions include verbal warning, written warning, blame, suspension, cancellation from the Register.

2. No decision, more information required.

3. The matter is referred to another authority

4. Consider rehabilitation sanctions depending on the case.

**Notification of decision**

The Registrar will inform the nurse the midwife of the outcome by registered post within 15 days of the conclusion of the hearing.

Failure to access the nurse’s, midwife’s physical or postal address or by any other means the decision will be published with or without her/his knowledge

The Registrar will also inform the complainant of the decision of the Council.

Where the decision is to suspend or cancel from the Register the nurse the midwife must return the practising licence to the Council. The Registrar will update the Register accordingly.

**Approved by the Board on: 25/02/2011**
Signed:

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<tbody>
<tr>
<td>Agnes Uwayezu</td>
<td>Julie Kimonyo</td>
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<td>Chairperson</td>
<td>Registrar</td>
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Signed:  

Date:  

Date:  

Date for review: 25/02/2013