

# Part 4: Supervision and reporting

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# Part 4: Supervision and reporting

## Rule 7: The local supervising authority midwifery officer

### Rules

- (1) Each local supervising authority in Wales, Scotland or Northern Ireland must, in accordance with any standards set by the Council under article 43(3) of the Order, appoint a midwifery officer who satisfies the relevant qualifications and who shall be responsible for exercising its functions in relation to the supervision of midwives practising in its area.
- (1A) The local supervising authority in England must, in accordance with any standards set by the Council under article 43(3) of the Order, appoint an adequate number of midwifery officers who satisfy the relevant qualifications and who are to be responsible for exercising its functions in relation to the supervision of midwives practising in its area.
- (2) The relevant qualifications mentioned in paragraphs (1) and (1A) are that a midwifery officer must:
- (a) be a practising midwife; and
  - (b) meet the requisite standards of experience and education for the role of a midwifery officer as set by the Council from time to time.

Rule 7 has been amended to reflect changes made in accordance with SI 2013/235, The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013, schedule 2, part 1, paragraph 177(3).

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# Part 4:

## Supervision and reporting

### Rule 7:

#### The local supervising authority midwifery officer

- 1 Local supervising authorities sit within health service organisations, and the local supervising authority midwifery officer is subject to the terms and conditions of her employment with the local supervising authority. The NMC issues core criteria and a person specification for these appointments.

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# Part 4: Supervision and reporting

## Rule 7: The local supervising authority midwifery officer

### LSA standards

- 1 In order to discharge its supervisory function through the local supervising authority midwifery officer, the local supervising authority must:
  - 1.1 Use the NMC core criteria and person specification when appointing a local supervising authority midwifery officer<sup>3</sup>.
  - 1.2 Involve a NMC nominated person and an appropriately experienced midwife in the selection and appointment process.
  - 1.3 Manage the performance of the appointed local supervising authority midwifery officer by regular (annual) appraisal and to ensure that they are exercising their role efficiently, effectively and in a way that secures the safety of midwifery practice in their area.
  - 1.4 Provide sufficient resources to enable a local supervising authority midwifery officer to discharge the statutory supervisory function.
- 2 To ensure the requirements of the NMC are met, the local supervising authority must enable the local supervising authority midwifery officer to:
  - 2.1 Using an appropriate framework, complete an annual audit of the supervision of midwives within its area.
  - 2.2 Monitor the practice of supervisors of midwives as part of maintaining and improving the quality of the provision of statutory supervision of midwives.
  - 2.3 Involve women who use the services of midwives in assuring the effectiveness of the supervision of midwives.
- 3 The role of the local supervising authority midwifery officer must not be delegated.
- 4 The local supervising authority midwifery officer must not act as a supervisor of midwives.

<sup>3</sup> NMC Circular 17/2005.

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# Part 4: Supervision and reporting

## Rule 7: The local supervising authority midwifery officer

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### Guidance

- 1 The local supervising authority midwifery officer plays a pivotal role in clinical governance by ensuring the standards of supervision of midwives and midwifery practice meet those required by the NMC. Supervision of midwives is closely linked to clinical governance and should be integral to governance processes within the local supervising authority.
- 2 The local supervising authority midwifery officer should promote openness and transparency in exercising supervision over midwives. The role is impartial in that it does not represent the interests of any health service provider.
- 3 Women should be able to access the local supervising authority midwifery officer directly if they wish to discuss any aspect of their care that they do not feel has been addressed through other channels.
- 4 The local supervising authority midwifery officer should ensure that supervisors of midwives are available to offer guidance and support to women accessing maternity services and that these services respond to the needs of vulnerable women who may find accessing care more challenging.

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# Part 4: Supervision and reporting

## Rule 8: Supervisors of midwives

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### Rules

- (1) A local supervising authority must appoint what the Council considers to be an adequate number of supervisors of midwives to exercise supervision over midwives practising in its area.
- (2) A supervisor of midwives must:
  - (a) be a practising midwife; and
  - (b) meet the requisite standards of experience and education for the role of supervisor of midwives as set by the Council from time to time.
- (3) Following her appointment, a supervisor of midwives must complete such periods of relevant learning relating to the supervision of midwives as the Council shall from time to time require.

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# Part 4: Supervision and reporting

## Rule 8: Supervisors of midwives

### LSA standards

- 1 Supervisors of midwives are appointed by and are accountable to the local supervising authority for all matters relating to the statutory supervision of midwives. The local supervising authority must:
  - 1.1 Publish a policy setting out its criteria and procedures for the appointment of any new supervisor of midwives in its area.
  - 1.2 Maintain a current list of supervisors of midwives in its area.
  - 1.3 Ensure provision of a minimum of six hours continuing professional development per practice year.
- 2 To be appointed for the first time as a supervisor of midwives, a midwife must:
  - 2.1 Have a minimum of three years experience as a practising midwife. At least one of which must have been in the two-year period immediately preceding the first date of appointment<sup>4</sup>.
- 3 She must also have either:
  - 3.1 Successfully completed an approved programme of education for the preparation of supervisors of midwives within the three-year period immediately preceding the first date of appointment; or
  - 3.2 Where it is more than three but less than five years that have passed since she successfully completed an approved programme of education for the preparation of supervisors of midwives, complied with the continuing professional development requirements for supervisors of midwives referred to in paragraph 1.3.
- 4 For any subsequent appointment as a supervisor of midwives, she must be a practising midwife and:
  - 4.1 Have practised as a supervisor of midwives or a local supervising authority midwifery officer within the three-year period immediately preceding the subsequent date of appointment; or
  - 4.2 Where she has only practised as a supervisor of midwives or a local supervising authority midwifery officer within a period which is more than three years but less than five years immediately preceding the subsequent date of appointment, have also successfully complied with the continuing professional development requirements for supervisors of midwives referred to in paragraph 1.3.
- 5 A supervisor of midwives must be capable of meeting the competencies set out in *Standards for the preparation and practice of supervisors of midwives* (NMC, 2006).

<sup>4</sup> 'Date of appointment' means the date identified in the letter of appointment sent by the local supervising authority as the date upon which the midwife will commence her duties as a supervisor.

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# Part 4: Supervision and reporting

## Rule 9: Local supervising authority's responsibilities for supervision of midwives

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### Rule

A local supervising authority must ensure that:

- (a) each practising midwife within its area has a named supervisor of midwives from among the supervisors of midwives appointed by the local supervising authority in respect of her main geographical area of practice;
- (b) at least once a year, a supervisor of midwives meets each midwife for whom she is the named supervisor of midwives to review the midwife's practice and to identify her education needs;
- (c) all supervisors of midwives within its area maintain records of their supervisory activities, including any meeting with a midwife; and
- (d) all practising midwives within its area have 24-hour access to a supervisor of midwives whether that is the midwife's named supervisor or another supervisor of midwives.

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# Part 4:

## Supervision and reporting

### Rule 9: Local supervising authority's responsibilities for supervision of midwives

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### LSA standards

- 1 A local supervising authority must:
  - 1.1 Ensure that a local framework exists to provide:
    - 1.1.1 Equitable, effective supervision for all midwives working within the local supervising authority.
    - 1.1.2 Support for student midwives to enable them to have access to a supervisor of midwives.
  - 1.2 Ensure the ratio of supervisor of midwives to midwives reflects local need and circumstances and does not compromise the safety of women. This ratio will not normally exceed 1:15.
  - 1.3 Put in place a strategy to enable effective communication between all supervisors of midwives. This should include communication with supervisors in other local supervising authorities.
  - 1.4 Monitor and ensure that adequate resources are provided to enable supervisors of midwives to fulfil their role.
  - 1.5 Publish guidelines to ensure consistency in the approach taken by supervisors of midwives in their area to the annual review of a midwife's practice. These must include that the supervisor undertakes an assessment of the midwife's compliance with the requirements to maintain midwifery registration.
  - 1.6 Ensure the availability of local systems to enable supervisors of midwives to maintain and securely store records of all their supervisory activities.

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# Part 4: Supervision and reporting

## Rule 9: Local supervising authority's responsibilities for supervision of midwives

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### Guidance

- 1 Information held by supervisors of midwives and the local supervising authority relating to midwives may reasonably be expected to be confidential. However, in certain circumstances, supervisory records may be subject to disclosure under the Data Protection Act 1998 (DPA) and legislation such as the Freedom of Information Act 2000 (FOIA) or Freedom of Information Scotland Act 2002 (FOISA), and each local supervising authority and its supervisors of midwives must comply with their obligations under these pieces of legislation. If a request is made to disclose or share the records, the local supervising authority needs to make a consideration on a case by case basis under the relevant legislation as to whether they should be disclosed.

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# Part 4: Supervision and reporting

## Rule 10: Publication of local supervising authority procedures

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### Rule

Each local supervising authority must publish its procedure for:

- (a) reporting all adverse incidents relating to midwifery practice or allegations of impaired fitness to practise against practising midwives within its area;
- (b) investigating any reports made under paragraph (a); and
- (c) dealing with complaints or allegations of impaired fitness to practise against its midwifery officer or supervisors of midwives within its area.

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# Part 4: Supervision and reporting

## Rule 10: Publication of local supervising authority procedures

## Reporting adverse incidents, complaints or concerns relating to midwifery practice

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### LSA standard

- 1 Local supervising authorities must develop a system with employers of midwives and self-employed midwives to ensure that a local supervising authority midwifery officer is notified of all adverse incidents, complaints or concerns relating to midwifery practice or allegations of impaired fitness to practise against a midwife.

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# Part 4: Supervision and reporting

## Rule 10: Publication of local supervising authority procedures

## Reporting adverse incidents, complaints or concerns relating to midwifery practice

- 1 The reasons whereby a midwife's fitness to practise may be impaired are set out in article 22(1) of the Order. Local supervising authorities should refer to the *Advice and information for employers of nurses and midwives* (NMC, 2012), when considering investigating an allegation of impaired fitness to practise or referring a midwife to the NMC.

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# Part 4: Supervision and reporting

## Rule 10: Publication of local supervising authority procedures

### Supervisory investigations

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#### LSA standard

- 1 Local supervising authorities must publish guidelines for investigating incidents, complaints or concerns relating to midwifery practice or allegations of impaired fitness to practise against a midwife. These guidelines must:
  - 1.1 Provide for an open, transparent, fair and timely approach, which demonstrates robust decision making processes that stand up to external scrutiny.
  - 1.2 Provide opportunity for the midwife to participate in the investigation.
  - 1.3 Set out the required actions and possible outcomes following an investigation.
  - 1.4 Provide for an appeals process.

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# Part 4: Supervision and reporting

## Rule 10: Publication of local supervising authority procedures

### Supervisory investigations

#### Guidance

- 1 The guidelines for a local supervising authority investigation should include:
  - 1.1 A time frame for investigations. These should be completed in a timely manner in accordance with best practice.
  - 1.2 A communication strategy between the supervisor of midwives, the local supervising authority midwifery officer and the employer, if the midwife is employed.
  - 1.3 A procedure for sharing of factual information between the local supervising authority and the employer.
  - 1.4 A support mechanism for the midwife undergoing investigation.
  - 1.5 A procedure for obtaining an account of the woman and her family's experience.
  - 1.6 A procedure for the ongoing monitoring of an investigation.
  - 1.7 The action that needs to be taken on completion of the investigation.
  - 1.8 A process for the distribution of the report of the investigation as appropriate.
  - 1.9 A process for reporting to the midwife's employer and other healthcare regulators as appropriate, in circumstances where the investigation identifies issues with systems or governance, or issues that concern other professions that may have contributed to unsafe practice.
  - 1.10 A procedure for appeals against a decision. The local supervising authority midwifery officer should convene a local panel to review the handling of the investigation and the outcome and to decide any further action.

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### Guidance (continued)

2 Following an investigation, the local supervising authority may recommend: no action; local action under the supervision of a named supervisor of midwives; a local supervising authority practice programme; referral to the NMC.

#### No action

2.1 If the outcome of an investigation indicates that no action is required, it is advisable to share good practice arising from an investigation with stakeholders.

#### Local action plan

2.2 Minor mistakes, of which there is little or no risk of recurrence, may be corrected through local action with the named supervisor of midwives. This may include reflection on an incident or undertaking continuing professional development relevant to the issue that caused concern.

2.3 Any local action should be taken as soon as possible after the event and concluded in a timely manner. The local supervising authority should be informed of the successful completion of any local action recommended.

2.4 Records should be kept of any discussion between the supervisor of midwives and the midwife, actions taken and learning outcomes achieved.

#### Local supervising authority practice programme (the programme)

2.5 This should be used when development and assessment of a midwife's practice is required. The local supervising authority should retain oversight of the programme. The local supervisory authority should publish guidelines to ensure that the programme is:

2.5.1 Planned jointly between the investigating supervisor of midwives, the midwife and her named supervisor of midwives, with involvement of a midwife educator as appropriate.

2.5.2 Structured to include objectives and learning outcomes that are tailored to the individual midwife concerned.

2.5.3 Based on the competencies and essential skills clusters set out in the *Standards for pre-registration midwifery education* (NMC, 2009) directly relevant to the midwife's scope of practice and the findings of the investigation.

2.5.4 Completed within a minimum of 150 hours and a maximum of 450 hours, with one extension of 150 hours permitted where appropriate. The local supervising authority should allow for protected time for the midwife to undertake the programme.

#### Referral to the NMC

2.6 Referral to the NMC is required if the investigation, or subsequently the programme, identifies that the midwife's fitness to practise may be impaired. In some circumstances the local supervising authority may decide that it would also be appropriate to suspend a midwife from practice in accordance with Rule 14.

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# Part 4: Supervision and reporting

## Rule 11: Visits and inspections

### Rules

- (1) For the purposes of maintaining standards of practice by midwives and standards of supervision of the practice of midwives:
  - (a) a representative of the Council or a local supervising authority (not being the one being visited) may visit a local supervising authority to inspect such records or documents held by the local supervising authority as may be considered appropriate by the Council or its representative or, as the case may be, the visiting local supervising authority or its representative; and
  - (b) a representative of the Council or a local supervising authority may carry out an inspection of a midwife's place of work.
- (2) The Council may nominate persons to act on its behalf for the purpose of carrying out visits and inspections under paragraph (1) and, in relation to any such inspection, the persons nominated must include a practising midwife.
- (3) A practising midwife must permit persons nominated by the Council under paragraph (2) or acting on behalf of a local supervising authority under paragraph (1), to carry out inspections from time to time of any place of work in which she practises.
- (4) Paragraph (3) does not apply where:
  - (a) the midwife's place of work is a private residence of a woman and baby she is attending; or
  - (b) in respect of any other place of work, the midwife has taken all reasonable steps to permit access to that place and it has been denied by a third party who is legally entitled to do so.

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# Part 4: Supervision and reporting

## Rule 11: Visits and inspections

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### Notes

- 1 The NMC's framework for reviewing local supervising authorities provides a structured means of reviewing a local supervising authority in order to demonstrate the effectiveness of statutory supervision of midwives and good practice, and highlight areas of concern.
- 2 Review panels are appointed by the NMC and will include a lay reviewer, a midwife and a local supervising authority midwifery officer.
- 3 The NMC may conduct an extraordinary review in response to concerns identified regarding midwifery practice or the supervision of midwives within a local supervising authority.
- 4 A local supervising authority midwifery officer or a supervisor of midwives may undertake a supervisory investigation or practice visit in a local supervising authority other than the one in which she normally works.

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# Part 4: Supervision and reporting

## Rule 12: Exercise by a local supervising authority of its functions

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### Rule

Where, in relation to the exercise of its functions as to the supervision of midwives, a local supervising authority has concerns about whether a midwifery officer or a supervisor of midwives meets the standards established from time to time by the Council for the exercise of supervision of midwives in its area, it must, as soon as reasonably practicable, report those concerns to the Council.

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# Part 4:

## Supervision and reporting

### Rule 12:

## Exercise by a local supervising authority of its functions

- 1 Where there is a question regarding the competence of a local supervising authority midwifery officer or a supervisor of midwives to undertake their role, or a complaint has been made against them, the local supervising authority should investigate the matter, in accordance with its employment processes and notify the NMC of the investigation.

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# Part 4: Supervision and reporting

## Rule 13: Local supervising authority reports

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### Rules

- (1) Each year every local supervising authority must submit a written report or reports to the Council by such date or dates and containing such information as the Council may specify.
- (2) Notwithstanding the provisions of paragraph (1), where the Council considers it appropriate to do so for the purposes of securing the maintenance of standards of supervision of midwives by the local supervising authority concerned, it may request such information from the local supervising authority as it thinks fit.
- (3) Where the Council has requested information under paragraph (2), the local supervising authority must submit the information within such period as may be specified by the Council.

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# Part 4: Supervision and reporting

## Rule 13: Local supervising authority reports

- 1 Each year, the NMC will inform the local supervising authority of the information required for the quarterly quality monitoring and annual reports.

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# Part 4: Supervision and reporting

## Rule 13: Local supervising authority reports

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### Guidance

- 1 The annual report and other methods of reporting should provide assurance that each local supervising authority is meeting the standards set by the NMC for the delivery of the statutory supervision of midwives.
- 2 Each local supervising authority should make their annual report available to the public.
- 3 Lay reviewers, users of maternity services and user organisations should be involved in the audits undertaken by a local supervising authority.

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[Part 4:  
Supervision and  
reporting](#)

[Part 5:  
Action by the local  
supervising authority](#)

[Part 6:  
Revocation](#)

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### Supplementary information

[NMC website](#)

[Statutory instrument](#)

