

From the Chief Executive and Registrar



Dr Andrew Harris MRCP MSc FFPHM LLB LLM  
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Southwark Coroner's Court  
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16 April 2014

Dear Dr Harris

**Arthur Brockett Deakins (deceased)**

Thank you again for your letter dated 26 February 2014 concerning the inquest into the death of Arthur Brockett Deakins. You sought our input on two specific matters.

**Training of one midwife in CTG interpretation**

You are concerned that one of the midwives, [REDACTED] could not accept the CTG trace was pathological, as was held by the expert evidence. There was also concern about the acknowledged urgency with which she would refer an issue in future. The expert midwife who gave evidence to the inquest also said that [REDACTED] needed further training in CTG interpretation.

Where concerns are raised about a registrant's fitness to practise, the NMC will take appropriate action in order to fulfil our statutory duty to protect the public. In this case, I can confirm that we will be treating this information about [REDACTED] as a new referral which will be investigated. We are able to do this because this is new information which has not previously been considered by us. Please let me know if you would wish to be joined as an 'interested party' to this referral so that my fitness to practise colleagues can keep you updated regarding the progress of the case.

The NMC will not, however, be able to consider the actions of either midwife in relation to the death of Arthur. This is because this aspect of the referral was considered fully, and closed, by our investigating committee (IC) in 2009. Since the case was closed over three years ago, it cannot be reconsidered by the IC under rule 7(1) of the NMC's Fitness to Practise Rules 2004. There is also no evidence of an error which would allow us to remit the case back to the committee in accordance with the case law in this area (*R (on the application of B) v NMC [2012] EWHC 1264 (Admin)*).

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The nursing and midwifery regulator for England,  
Wales, Scotland, Northern Ireland and the Islands  
Registered charity in England and Wales (1091434) and in Scotland (SC038362)

## Models of private midwifery care

As the regulatory body for nurse and midwives, the NMC is not in a position to offer a view on the models of midwifery care offered in private and NHS settings and I think that references to this particular area of your report would be more appropriately addressed by colleagues at the Department of Health.

As regards comments about the system of statutory supervision, the reported comments of the trust head of midwifery at the inquest do reflect that the approach to handling a similar issue has evolved since Arthur's birth in 2007.

Currently, the local supervisory authority (LSA) would be alerted to serious incidents of this nature via their database system and there is a link to the LSA for every maternity service in London who would provide guidance to a supervisor of midwives when a serious incident occurs. A serious incident of this nature would also trigger a supervisory investigation which would be reported to the local supervisory authority midwifery officer. I understand from the lead supervisor of midwives for the London area that there were no separate supervisory investigations undertaken at the time of Arthur's birth. Furthermore, there were no guidelines in place at that time for the conduct of supervisory investigations. There is now policy and training in place on supervisory investigations.

It is correct to state that not all midwives are members of the Royal College of Midwives (RCM). However, the RCM is a body that represents midwives professionally; it does not oversee the supervisory mechanism and membership of this body is not a pre-requisite to practising as a midwife. All midwives wishing to practice must be registered with the NMC. Supervision is a statutory responsibility undertaken by local supervising authorities and, as the regulator, the NMC sets the rules and standards for the functions of the LSAs.

I hope that this response is helpful. Please do not to hesitate to contact me again if I can provide any additional information.

Yours sincerely



Jackie Smith  
Chief Executive and Registrar