



The Rt Hon Kemi Badenoch MP
Leader of the Conservative Party

Paul Rees MBE
Nursing & Midwifery Council
23 Portland Place
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27th April 2026

Dear Paul,

The Supreme Court made clear over a year ago that sex in law refers to biological sex. That must guide how regulators uphold and apply the law. Failure to reflect this clarity risks legal error and unjust treatment of staff.

Against that backdrop, I am concerned by the Nursing and Midwifery Council's ongoing investigations into nurses relating to their use of language, their expression of lawful beliefs, and their decision to speak publicly about their workplace policies. I would like to understand why you continue to pursue these complaints, why they have not been dropped, and how you intend to comply with the Supreme Court's ruling. The obvious first step would be to drop these cases and issue a public apology.

It is clear, from the number of frontline nurses pursued for doing their jobs and subsequently vindicated in court, that the system is misfiring. The NMC, as the independent regulator, is responsible for ensuring it is put right. I am therefore writing to ask specifically why you continue to pursue investigations into the four Darlington nurses and Jennifer Melle which appear inconsistent with both the tribunal outcomes and the settled legal position on biological sex.

Your investigations into the four Darlington nurses should be dropped in light of their exoneration. The Tribunal found they were subjected to harassment and discrimination under unlawful policies and were right to speak out. It is therefore unclear what misconduct is now being alleged. The complaints (focused on what the nurses said rather than the care they provided) are weak and spurious and should not be used to silence frontline nurses.

The two cases against Jennifer Melle should also be dropped. No nurse should face regulatory action for accurately describing biological sex or for speaking under whistleblowing protections. Her Trust has already found no wrongdoing and reinstated her. The fact that she was subjected to racial abuse while carrying out her duties raises a serious question as to why the NMC chose to pursue an investigation against her, rather than step in earlier to support her and uphold her right to work safely and without harassment.

Taken together, these high-profile cases point to a wider problem: how many more nurses are being silenced, or left fearful for their livelihoods, for objecting to being required to undress in front of a man, or stating biological reality in a clinical setting?

The NMC's independence from government places a greater responsibility on it to act proportionately, to filter out bad-faith or ideologically driven complaints at an early stage, and to ensure that nurses are not penalised for holding lawful beliefs grounded in biological fact.



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I would welcome clarity on how these cases are considered to meet the threshold for regulatory action, particularly in light of the Tribunal findings. It is difficult to see how matters of this nature fall within fitness to practise. On that basis, there is a clear risk to public confidence. Pursuing such cases suggests a regulator focused on policing language and belief, rather than protecting patients and supporting staff.

I look forward to hearing from you. If helpful, a member of my team would be glad to meet to discuss these issues in more detail.

Yours sincerely,

Rt Hon Kemi Badenoch MP
Leader of the Opposition