

Deciding on applications for restoration

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Unless the panel decides otherwise, the order of proceedings at a restoration hearing is:⁵

- the case presenter informs the panel of the background to the case and directs the panel to any relevant evidence, including decisions, reasons or if needed, transcripts of previous substantive or restoration hearings
- the applicant presents evidence to support their application for restoration. If the applicant was struck off the register because their fitness to practise was impaired by their health, they should present any medical evidence they want to rely on, which it is their responsibility to obtain, at this stage.
- the panel deliberates in private and announces its decision in public, setting out its reasons.

Is the applicant a fit and proper person?

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In addition to the [other requirements for restoration](#), the applicant must show that they are a fit and proper person to practise as a nurse, midwife or nursing associate. The panel must consider this in the context of a previous decision that the applicant's conduct (or other fitness to practise concern) was fundamentally incompatible with continuing to be registered as a nurse, midwife or nursing associate.

In deciding whether the applicant is now a fit and proper person to practise as a nurse, midwife or nursing associate, the Fitness to Practise Committee needs to consider our overarching objective of public protection and explain how its decision fits with that objective. This means that when it looks at the relevant factors listed below, the panel needs to show how it has taken account of our objectives to promote and maintain public confidence in the nursing and midwifery professions, proper professional standards for those professions, as well as the health, safety and wellbeing of members of the public.⁶

The following factors should be considered:

- the extent to which the applicant has demonstrated insight and addressed the concerns which led to the striking-off order (using the [guidance on insight and strengthened practice](#)),
- the period of time since being struck off and any previous restoration application,
- the applicant's employment history since they were removed from the register,
- the efforts the applicant has made to keep up to date with professional practice,
- taking into account the above factors, whether the applicant would be able to practise safely as a nurse, midwife or nursing associate in the future, and
- whether, in the context of the concerns that led to the previous striking-off order, public confidence in the nursing or midwifery professions would be undermined if the applicant was restored to the register. There is a spectrum of concerns which lead to a nurse, midwife or nursing associate being struck off the register. At one end, some cases may be just serious enough to end in a striking-off order. At the other, there may be cases

which are so serious that it may be difficult to see how the nurse, midwife or nursing associate could ever be restored to the register.⁷

Other requirements for restoration

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For their application to be successful, as well as showing that they are a [fit and proper person](#) to practise as nurse, midwife or nursing associate, the applicant must show that they meet the following additional requirements for restoration, which form part (but not all) of the requirements for applications for first registration.⁸

- [Section 10\(1\)\(a\)](#), or if their qualification was awarded earlier, have satisfied the requirements for additional education or training and experience as set out in the NMC's return to practice standards.⁹
- [Section 10\(1\)\(b\)](#). This includes showing that they meet the required practice standards and can provide evidence that they meet the NMC's [health and character requirements](#). The panel should consider our [guidance](#) on this question.
- [Section 10\(1\)\(c\)](#). The applicant will have to show that they meet our English language requirements. This can be through evidence of having undertaken nursing or midwifery training in the UK or having completed a Return to Practice programme in the UK.¹⁰ Alternatively, other evidence could be provided, such as language test results which demonstrate the necessary knowledge of English. [Guidance on this standard](#) is available.

1. Rule 25 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 (FtP Rules)
2. General Medical Council v Chandra [2018] EWCA Civ 1898
3. General Medical Council v Nooh [2017] EWHC 2948 (Admin)
4. Article 9(2)(a), (b) and (ba) of the Order
5. Article 33 (6) of the Order
6. Successful completion of a return to practice course is listed as evidence of knowledge of English for readmission to the register in the [guidance on registration language requirements](#).