

Powers of the Fitness to Practise Committee at a restoration hearing

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Overview

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Panels dealing with an application for restoration have a range of powers available to them, depending on whether they find that the applicant has satisfied the fit and proper person test, and the other requirements for restoration.

If they are satisfied, they may grant the application or grant the application subject to the applicant satisfying requirements for additional education or training and experience as set out in the NMC's [return to practice standards](#). They also have the power to grant the application and impose a conditions of practice order. They could, if needed, grant the application subject to the applicant satisfying the return to practice standards and impose a conditions of practice order.

If the applicant does not meet the fit and proper person test, or has not satisfied the other requirements for restoration, the panel must refuse the application. These powers are explained in more detail below.

Grant the application for restoration

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This means that the applicant will become effective on our register, with no restrictions on their practice, once they have met the [readmissions requirements](#) and their readmission application has been accepted by a Registrar.¹⁰

Grant the application subject to the applicant satisfying the NMC's return to practice standards

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Panels may direct the applicant to satisfy requirements for additional education or training and experience as set out in the NMC's [return to practice standards](#).¹¹ If the panel makes this direction the applicant must either complete a return to practice course or pass the test of competence before they can re-join the register.¹²

It is important to note that this is not a conditions of practice order, but a requirement which must be satisfied before the applicant can re-join the register. Conditions of practice orders should not be used to require the applicant to complete a return to practice course or to take a test of competence. In the context of restoration applications, the purpose of the return to practice course or completing a test of competence is to address the fact that the applicant's qualification in nursing or midwifery is likely to be more than five years old.

Grant the application and impose a conditions of practice order

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- Panels may impose a conditions of practice order which will come into force when the applicant joins the register.¹³ As an applicant's registration only becomes effective once the readmission requirements are met, the conditions of practice imposed will come in to force at this time and not when the restoration decision is made.¹⁴
- The purpose of making a conditions of practice order at a restoration hearing is to make sure that the applicant can resume their professional practice safely after their time away from nursing or midwifery. Conditions of practice should not be used to manage risks that led to the initial striking-off order. If the applicant's nursing or midwifery practice still presents a risk because of those concerns, then they are unlikely to have demonstrated that they will be able to practise safely, and the panel should refuse their application.
- Panels should only grant restoration and impose conditions if it is possible to impose conditions that will protect the public and which are relevant, proportionate, workable and measurable. When considering imposing conditions of practice, panels should consider the principles set out in the [conditions of practice guidance](#). Once in force, the conditions of practice order will be reviewed under the substantive order review procedure.¹⁵

Grant the application subject to the applicant satisfying the NMC's return to practice standards and impose a conditions of practice order

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A panel can direct the applicant to satisfy requirements for additional education or training and experience as set out in the NMC's [return to practice standards](#) before they re-join the register¹⁶, and impose conditions of practice that will take effect once the applicant has been restored to the register.

Refuse the application

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Where an applicant has not satisfied the test for restoration, a panel must refuse the application. Panels may wish to state in their reasons what further evidence (if any) the applicant should gather to assist a panel at any future restoration hearing.

If a panel refuses an application and it is the applicant's second or subsequent application, the panel may suspend the applicant's right to make further applications for restoration. The applicant can apply to the Registrar to review this direction after three years.¹⁷

10. Article 33(7) of the Order

11. Article 33(6) of the Order

12. Article 33(7)(a) of the Order

13. Article 33(7)(b) of the Order

14. Article 33(7)(a) of the Order

15. Article 30 of the Order

16. Article 33(6) of the Order

17. Article 33 (10) of the Order