

Applying the agreed removal criteria to particular cases

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This section explains how we will consider removal applications in relation to different types of regulatory concerns.

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Removal is likely to be appropriate where there are concerns about a nurse, midwife, or nursing associate's [health](#), where:

- The regulatory concerns relate to a nurse, midwife, or nursing associate's long-term physical or mental health, and there are no unrelated conduct issues that are likely to result in the Fitness to Practise Committee making a striking-off order; and
- The nurse, midwife, or nursing associate confirms that they don't intend to continue practising and want to be removed from the NMC register. The public interest may be best served by granting a removal application, even if the nurse, midwife, or nursing associate expresses a desire to seek readmission in the future should their health improve.

We have guidance on how we investigate health concerns about nurses, midwives and nursing associates which can be found [here](#). This sets out the kinds of information we might need to get when we are considering a health concern, and our approach when there are concerns about the nurse, midwife or nursing associate's conduct which may be linked to their health.

Lack of competence or not having the necessary knowledge of English

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Agreed removal is likely to be appropriate when:

- The regulatory concern relates to [lack of competence](#) or not having the [necessary knowledge of English](#).
- The nurse, midwife, or nursing associate has already stopped practising and doesn't intend to return to practice. Agreed removal is also likely to be appropriate in some circumstances where the nurse, midwife, or nursing associate intends to return to practise in another country where English language skills are not required, or at a time when they have improved their knowledge of English to the required standard.

Convictions or determinations from another regulatory body

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Cases where the concerns relate to [convictions](#) or [determinations from another regulatory body](#) are less likely to be appropriate candidates for agreed removal if the seriousness of the conduct means that person is likely to

receive a striking-off order.

Misconduct

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Where allegations of misconduct are the main concern, a decision to agree removal will need to take into account the overall seriousness of the misconduct.

Where the misconduct is so serious that the person is likely to receive a striking-off order, the Assistant Registrar is unlikely to agree removal. The Assistant Registrar will take into account our guidance on [misconduct](#) and sanctions, (particularly our guidance on [concerns that are more difficult to put right](#)), when making their decision.

Agreed removal is unlikely to be appropriate where the concerns involve:

- Deliberately breaching the professional duty of candour by covering up when things have gone wrong, especially if it could cause harm to people receiving care;
- Dishonest conduct involving misuse of power, vulnerable victims, personal financial gain from a breach of trust, direct risk to people receiving care, premeditated, systematic or longstanding deception;
- Abusing their position as a registered nurse, midwife or nursing associate or other position of power to exploit, coerce or obtain a benefit;
- Serious discriminatory conduct such as racism, sexism, homophobia or any other types of discrimination;
- Sexual misconduct, violence or abuse;
- Serious criminal offences (including hate crimes, sexual offences and serious crimes against children or vulnerable people; - see guidance on [specified offences](#)) or crimes resulting in a sentence of imprisonment;
- Deliberately causing harm to people receiving care;
- Widespread or sustained bullying (especially by senior leaders);
- Leading or fostering poor cultures that put people receiving care at risk of harm.

Where the misconduct is less serious, or could be addressed if the nurse, midwife, or nursing associate did not wish to stop practising, then the Assistant Registrar is more likely to agree to the removal.

More than one type of concern

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If it's alleged that the nurse, midwife, or nursing associate's fitness to practise is impaired because of more than one type of concern, the Assistant Registrar will need to look at all of the concerns together and decide whether removal is appropriate.

An overall assessment of the seriousness of the concerns will be made, applying each of the relevant considerations above. If the case includes allegations which are likely to result in the Fitness to Practise Committee making a striking-off order, then the Assistant Registrar is unlikely to agree removal.