

# How we consider removal applications

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When we receive applications for agreed removal, the Assistant Registrar will look at:

- The nurse, midwife or nursing associate's reasons for applying for removal, what they've said about their future intentions and their response to the concerns about their fitness to practise
- The concerns that have been raised and what our guidance says about seriousness and sanctions
- Any comments received from the maker of the allegation.

## Making decisions on agreed removal applications

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Agreed removal can be an effective and proportionate way of protecting the public and maintaining public confidence. In most cases the Assistant Registrar is likely to agree to removal from the register provided:

- they're satisfied that the regulatory concerns raised aren't so serious that they're fundamentally incompatible with being a registered professional (the kinds of concerns that are likely to result in the Fitness to Practise Committee making a striking-off order)
- where we haven't completed our investigation, they're satisfied that there's enough information to make a decision about the seriousness of the concerns and the public interest in removing the professional from our register without completing our investigation.

In all cases the Assistant Registrar will carefully weigh up any comments received from the maker of the allegation, the interests and circumstances of the nurse, midwife and nursing associate and the public interest, always bearing in mind our overarching objective of protecting the public. The Assistant Registrar will take this guidance into account when making their decision – for example the sections in this document on [and](#)

The Assistant Registrar will also take into account the detailed guidance in [Applying the agreed removal criteria to particular cases](#).

## Fundamentally incompatible

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When a nurse, midwife, or nursing associate is removed from the register, the public is immediately protected from the risk of future harm, and the reasons for this are published. In many cases allowing someone to leave the register quickly, without full consideration by a fitness to practise panel, will be the best way to meet the public interest.

However, more serious concerns where the nurse, midwife, or nursing associate's conduct is fundamentally

incompatible with continued registration aren't usually suitable for agreed removal. This is because there's a public interest in these concerns being investigated and considered by the Fitness to Practise Committee. The Assistant Registrar is unlikely to agree removal where there is likely to be a finely balanced decision about whether the professional should receive a striking-off order. It's usually in the public interest for those kinds of decisions to be made by the Fitness to Practise Committee, and for the full reasoning to be published.

One exceptional situation where it may be right to depart from this general principle is where there is clear medical evidence indicating that, if an application for removal was refused, and the matter proceeded to a Fitness to Practise Committee, this could risk causing serious harm to the health and wellbeing of the professional concerned. In this situation, the Assistant Registrar should consider whether the risk of harm to the professional's health and wellbeing outweighs the public interest in the matter being dealt with by the Fitness to Practise Committee.

## Removal before we've completed an investigation

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In cases where the nurse, midwife or nursing associate applies for removal before we've concluded our investigation, the Assistant Registrar should only agree the removal if they're satisfied that they have sufficient information:

- to understand the full extent of the regulatory concerns and make a fully informed decision about the removal application
- to be confident that immediate removal (without concluding an investigation) will protect the public
- to explain their removal decision to any interested third parties.

## Comments received from the maker of the allegation

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The Assistant Registrar should consider any comments received from the maker of the allegation.<sup>1</sup> The maker of the allegation is not necessarily the person who reported the matters to us. Where appropriate it may be the person affected by the circumstances leading to the referral, or, in a criminal case, it may be the person or organisation that initially reported matters to the police.

Comments from the maker of the allegation can be an important way of ensuring that the voice of patients, service-users or members of the public who raise concerns with us is heard, and can help us understand the impact a nurse, midwife, or nursing associate's actions have had on the people involved. Their comments may help us understand the seriousness of the concerns or may support a decision to agree removal, for example where an employer confirms they are supporting a nurse to continue working as a healthcare assistant.

We will request comments from the maker of the allegation before the Assistant Registrar considers the removal application. Although the Assistant Registrar will take any comments received from the maker of the allegation into account, they will make their final decision based on how we can best protect the public and maintain public confidence, having considered all the available information, including any information provided by the professional.

In cases where the allegation relates to health, we do not disclose the details of the nurse, midwife, or nursing associate's health condition to the maker of the allegation. Given that health details are regarded as confidential, it will not always be possible for the maker of an allegation to be fully informed of the reasons why removal was agreed.<sup>2</sup>

## Interests of the nurse, midwife or nursing associate

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The Assistant Registrar will also take into account the interests of the nurse, midwife, or nursing associate when deciding whether to allow removal from the register, weighing these alongside the public interest.

The Assistant Registrar should consider the following factors:

1. the nurse, midwife, or nursing associate's reasons for seeking removal
2. their plans for the future

If the nurse, midwife, or nursing associate demonstrates a committed intention to leave the profession then this

will be a factor in favour of agreeing removal. For example, a nurse, midwife, or nursing associate may express their intention to follow an alternative career path, be suffering from long term ill health, or have taken steps to leave the profession before we raised concerns with them. They may wish to submit a statement and / or provide evidence of this in support of their application, and we will usually ask them whether they plan on reapplying to join the register within the next five years.

Sometimes a nurse, midwife, or nursing associate who is subject to fitness to practise proceedings may want to be removed from the register for a period of time with a view to returning in the future, once the issues with their ability to practise safely have been resolved. This will usually only apply in cases of lack of necessary knowledge of English, where the nurse, midwife, or nursing associate's skill may improve over time; or health, where their health might improve or be better managed in the future.

## Public interest

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The Assistant Registrar should make sure that any other public interest considerations are addressed in their decision to agree removal.

There is no requirement that the professional must accept the regulatory concern before an application for removal is granted. However, the fact that a professional hasn't accepted the concern could in some cases be relevant to the Assistant Registrar's assessment of whether there is an overriding public interest in those concerns being considered by a fitness to practise panel. This might be the case where the Assistant Registrar feels that there is a strong public interest in a fitness to practise panel considering the matter and publishing findings of fact about the events that led to the concern being raised.

1 This is a statutory requirement under Rule 14(2B)(b)(i) of the Registration Rules

2 Details of the fitness to practise information we publish can be found in the [NMC's guidance on publication of fitness to practise and registration appeal outcomes](#)