How does the agreed removal process work?

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If a nurse, midwife or nursing associate applies for agreed removal they can be removed from the register without consideration by the Fitness to Practise Committee.

When a nurse, midwife or nursing associate makes an application for removal, we will usually ask whether they intend to reapply to join the register within the next five years. The answer to this question gives us a better understanding of the nurse, midwife or nursing associate's intentions for the future and their reasons for applying for removal and also helps us take into account their interests in deciding whether to grant or refuse the application.

A nurse, midwife, or nursing associate can submit a removal application to us at any time during the fitness to practise process, including during a substantive (final) hearing. They can also apply if they are subject to a final substantive order, such as a suspension order or conditions of practice order, and would not lapse if the order were removed.

There's no limit on the number of times that a nurse, midwife or nursing associate can apply for removal but, if refused, it's unlikely that a new application for removal will be granted unless there's been a relevant change in circumstances. People who submit new applications after being refused removal will need to explain what has changed since they made their previous application and why that new information supports their application for removal.

If the application is successful, we'll amend our register so that 'removed by agreement – outstanding fitness to practise question' is displayed against the nurse, midwife, or nursing associate's name. We'll usually publish a brief summary of the regulatory concern, the professional's response and the reasons for our decision to agree removal for one year from the date of removal[1]. When removal is agreed during a hearing, we publish the removal decision as part of the panel's reasons. We won't publish information about the professional's health. We'll share a draft of what we're proposing to publish with the professional in advance, so that they can comment on it before it is finalised and placed on the website.

We may share the details of the regulatory concerns with potential employers or recruitment agencies on request, but only where it is in the public interest for us to do so. We will also let the professional know we have decided to do this and tell them what information we've shared. We won't share information relating solely to a nurse, midwife or nursing associate's health unless there is a public protection justification for doing so.

Removal applications received during a substantive hearing

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Although most applications for agreed removal are received before a substantive fitness to practise panel hearing has commenced, sometimes applications are received during a hearing. This section sets out how applications received during a hearing are considered.

When a nurse, midwife, or nursing associate applies for agreed removal during a substantive hearing, the panel will decide when the application for agreed removal should be considered. The panel will consider how best to minimise the disruption caused to the hearing; this will usually mean waiting until the end of the finding of facts or impairment stage of the hearing, unless there is an urgent reason for the application to be considered earlier. In making this decision, panels should balance the need for the application to be considered against the public interest in the regulator being able to operate effective hearings. In particular, inconvenience to witnesses should be avoided where possible.

When the panel considers that it is appropriate for the agreed removal application to be considered, they will be invited to make a recommendation on whether or not it should be agreed. The application will then be considered by the Assistant Registrar, who will take any recommendation given by the panel into consideration as one of the factors relevant to their decision. If the Assistant Registrar agrees the application for removal, there will be no need for the panel hearing to resume (unless there is an interim order in place), and the professional will be removed from the

egister. If the Assistant Registrar does not agree the application, the panel hearing will resume at the point where it vas adjourned.

Procedure for agreed removal applications where an interim order is already in place

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f a nurse, midwife, or nursing associate is subject to an interim suspension order or interim conditions of practice order, his will need to be revoked by an interim order panel before an application for agreed removal can take effect.[2]

The Assistant Registrar will be aware of the interim order when they make the decision on whether or not to agree the emoval application. If the Assistant Registrar agrees the removal application, we'll invite an interim order panel to evoke the interim order at an interim order review. Only after the interim order has been revokedwill the removal take effect. We have separate guidance on the panel's role at such an interim order review.

f agreed removal is granted during a substantive hearing and an interim order is in place, we'll invite the fitness to practise panel to revoke the interim order so that the agreed removal decision can take effect.

Removal applications received while a substantive order is in place

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Professionals can apply for removal from the register at any time, including while they are subject to a substantive order.

f the professional wishes to leave the register and would not lapse if the substantive order were removed, they will have to make an application for agreed removal. If the professional's registration would lapse but for the substantive order in place, they can instead simply request, at standard or early review of that order, that a reviewing panel remove he substantive order or allow it to expire.

f the Assistant Registrar agrees to an application for removal, a panel will be asked at an early review to revoke the order. A panel is not obliged to do so but can exercise all the powers normally available to it in an early review of a substantive order, including imposing a further order.

Agreed removal should usually be facilitated by the panel, unless:

- The reviewing panel decides to make a striking-off order.
- The panel becomes aware of relevant information which it has reason to believe was not before the Assistant Registrar when agreeing to removal – for example, the raising of new concerns or a change in the professional's future intentions.

1 Paragraph 41 of the NMC's guidance on publication of fitness to practise and registration appeal outcomes

2 Rule 14(4)(b) of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004