

# Voluntary removal at hearings

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Nurses, midwives or nursing associate can apply for voluntary removal during a hearing before the Fitness to Practise Committee, but we only consider them if the hearing reaches a particular stage, and in doing so, we'll take into account the panel's view about the application.

## When will we consider a voluntary removal application during a hearing?

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We accept applications by nurses, midwives or nursing associates for voluntary removal at any time after case examiners have decided they have a case to answer. However, if the nurse, midwife or nursing associate applies once their case before the Fitness to Practise Committee has started, we will only consider their application if the panel finds the facts proved, and decides that the nurse, midwife or nursing associates's fitness to practise is impaired. This means:

- We won't tell the panel that the nurse, midwife or nursing associate has applied for voluntary removal unless and until the hearing reaches this stage.
- If the hearing has adjourned before the panel has made decisions about facts and fitness to practise, the hearing must continue at another time until the panel has reached that stage.
- We won't allow voluntary removal if a nurse, midwife or nursing associate has another fitness to practise case against them that has a final substantive order in place, or has another case that has not yet reached a case to answer decision.

## Consideration of voluntary removal application

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The Registrar must seek the advice of the panel before she considers an application.<sup>1</sup> After making its decision on facts and fitness to practise, the panel will then need to inform the Registrar whether it does or doesn't recommend voluntary removal. The Registrar will always be the one who decides whether voluntary removal is granted or not.

- If the nurse, midwife or nursing associate has another case and the case examiners have decided there is a case to answer, we will inform the panel of that allegation, for it to take into account when deciding on its recommendation.
- If a panel recommends voluntary removal, the Registrar will consider the application and make a decision.
- If voluntary removal is granted, it will be effective immediately, **unless there is an interim order which will then need to be revoked**. The panel will take no further action at the sanction stage.
- The register will show the nurse, midwife or nursing associate has been voluntarily removed. This will remain on the **latest hearings and sanction page** on our website for four months.
- If the registrar doesn't grant voluntary removal,<sup>2</sup> the panel will make a decision on imposing a sanction. We will publish this on our website in accordance with our **publication guidance**.

<sup>1</sup> In accordance with rule 14(2A) of the Registration Rules

<sup>2</sup> It is the Registrar's decision, but because our Rules say that the panel's recommendation has to be taken into account, usually the Registrar will need to explain why they did not follow the panel's recommendation.