

# Applications for interim orders

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## When will we apply for an interim order?

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It is essential that when we receive information that a nurse, midwife or nursing associate's practice presents an immediate risk to the public, the case is referred to a panel for interim order consideration as early as possible.

Our screening team carries out an initial risk assessment on each referral they receive. When we receive new information that an interim order might be necessary, we will carry out a risk assessment. In conducting the risk assessment we will consider if it is likely that the panel would impose an interim order based on [one or more of the three grounds](#), namely whether it is necessary for the protection of members of the public, is otherwise in the public interest, or is in the nurse, midwife or nursing associate's own interests.

While interim orders are generally made at the beginning of the process, they can be made at any time if new information becomes available.

## Nurses, midwives or nursing associates already under conditions or suspension orders

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When we receive a new referral for a nurse, midwife or nursing associate who has already had a conditions of practice or suspension order imposed on their registration following a previous final hearing, and our risk assessment suggests that we should apply for an interim order because of the new concerns, this will be dealt with at an interim order hearing, rather than at a [review hearing](#) for their existing order.

This allows any potential risks we have identified to be dealt with more quickly at an interim order hearing. A review of the existing order at a hearing would require us to give the nurse, midwife or nursing associate 28 days' notice.

An interim order will not automatically come to an end if the substantive order is revoked or allowed to lapse. However, the panel reviewing the interim order must be made aware of such a change so that it can consider its effect on the ongoing need for an interim order.

## Arrangements for interim order hearings

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We will normally list interim order hearings for a virtual hearing, but we will always consider requests from the nurse, midwife or nursing associate for the hearing to be held physically at a hearings centre. We'll expect such

requests to be supported by clear reasons for the request. We'll be guided by the principle of fairness and will do what we can to ensure that people can engage effectively in the hearing. Before we hold a case virtually, we'll check to find out if participants have the right technology to participate effectively and are able to use it.

Where an application is made for a new Interim Order, this will often be on the grounds that there is an urgent public protection risk. This means that it may be difficult to accommodate a request for a physical hearing, particularly if it is made close to the scheduled hearing time. As noted above, where the nurse, midwife or nursing associate has been prevented from participating in an Interim Order hearing, the panel should direct that the matter be listed for a [review hearing](#) within the next 14 days, to give the nurse, midwife or nursing associate a further opportunity to attend. The review hearing will reconsider the interim order in full.

## Notice

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If we are asking a panel to consider imposing an interim order on a nurse, midwife or nursing associate's registration, we need to give the nurse, midwife or nursing associate reasonable notice. For an initial interim order hearing we try to give at least seven days' notice, however this may be shorter in certain cases. For instance, if the concerns are particularly serious, or we feel there are urgent public protection needs then we can send the notice less than seven days before the hearing. If we do this, we will provide reasons for this in the [notice of hearing](#).

When a nurse, midwife or nursing associate has told us that they are unable to attend the hearing for a particular reason, or they have asked for further time to secure or prepare representations, because of the urgent nature of the risks, the panel should consider the merits of the application for the interim order. If the panel decides that one or more of the legal grounds has been satisfied, the panel should proceed to impose an interim order, but direct that it is listed for a [review hearing](#) within the next 14 days, to give the nurse, midwife or nursing associate a further opportunity to attend. The review hearing will reconsider the interim order in full.

## Information placed before panels

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Due to the urgent nature of our applications for interim orders, it is not always possible for us to apply the same principles for redaction to interim order documents as those we use with substantive hearing documents. Our approach to redaction is explained in our [Information handling guidance](#). The case material documents will be given in a form that enables the nurse, midwife or nursing associate to comment on the concerns. We will redact sensitive information out of the case material but otherwise these documents will generally be un-redacted.

## Reasons for applying

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Whenever we apply for an interim order the reasons for the decision must be clear. The nurse, midwife or nursing associate will be given these reasons with the documents we send to give notice of the interim order hearing. Some cases will be referred for interim order consideration more than once. In these cases, we must set out clear reasons why the case should be considered again by a panel, when one or more decisions have already been made.