

Interim orders and fraudulent or incorrect entry allegations

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In cases of concerns about the legitimacy of the nurse, midwife or nursing associate's entry in the register, the Investigating Committee can make an interim order to restrict or suspend the nurse, midwife or nursing associate's right to practise, while the concerns are being resolved.

In these circumstances, decision makers will take into account:

- the public interest in maintaining the integrity of the register
- proportionality
- balancing the risk of serious damage to the reputation of the profession against the impact of the order on the nurse, midwife or nursing associate
- the impact on the nurse, midwife or nursing associate; for example this might include financial hardship if their practice is restricted or suspended, pending the final outcome.

If they consider that there would be serious damage to the public interest, due to the impact on the integrity of the register, the panel will identify the specific evidence of this.

Imposing interim orders during the investigation

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The Investigating Committee can impose either:

- an interim suspension order or
- an interim conditions of practice order.

The decision is dependent on the circumstances.

If the allegation raises public protection concerns, it may be necessary to make an interim suspension order to protect the public from the risk of harm.

If an individual has more than one entry on the register (e.g. they are registered as both a nurse and a midwife) and concerns about fraudulent or incorrect entry relate to only one of their entries in the register, an interim conditions of practice order, to restrict the person from working, may be appropriate.

Court decisions¹ have emphasised the need for Investigating Committee panels to consider if the integrity of the register could be properly maintained through sanctions imposed at the end of proceedings.

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If the Investigating Committee finds an allegation of fraudulent or incorrect entry is proved and makes an order for

removal any interim order that's in place will lapse.

At this stage the Investigating Committee can impose another interim order to prevent the nurse, midwife or nursing associate from practising, until the order to remove their entry on the register takes effect.

This power is discretionary and should not be viewed as an automatic decision in every case. The Investigating Committee will consider the public interest in maintaining the integrity of the register in light of any order it has made.

1 See *Christou v Nursing and Midwifery Council* [2016] EWHC 1947 (Admin)