

Interim orders and not having the necessary knowledge of English

Reference: INT-2b Last Updated: 13/01/2023

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Since the main **purpose** of an interim order is to protect the public while the case is being investigated, when a case involves language concerns the following factors should be considered:

- The severity of any actual or potential clinical risk or harm caused to patients, which is related to the alleged lack of knowledge of English.
- The results of any language assessment taken by the nurse, midwife or nursing associate, and
- any refusal or persistent failure to undergo an assessment.

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Panels will always assess whether workable and proportionate conditions can be applied to deal with the risks presented by the nurse, midwife or nursing associate's knowledge of English.

In doing this, the panel should bear in mind the powers available to the Registrar¹ when investigating the case, one of which includes a power to direct the nurse, midwife or nursing associate to take a language test and provide us with the results by a specific date².

So for example a proportionate measure to protect patients could include supervision or observation by other nurses, midwives or nursing associates, whereas ordering a nurse, midwife or nursing associate to take a language test would be less proportionate in terms of protecting the public.

If an interim order is imposed, a practice committee will review it regularly.

1 The powers may be delegated to another decision maker.

2 Rule 6B(3B) of the Fitness to Practise Rules 2004.