

Early reviews of interim orders

Reference: REV-2b Last Updated: 12/10/2018

When we impose an interim order we continually risk-assess any new information and will refer a case for an early review if needed.

In general, when we receive requests for an early review from a nurse, midwife or nursing associate we'll arrange a review hearing.

However, there are cases when we won't accept such requests.

When we don't accept a request for an early review:

- The nurse, midwife or nursing associate has requested it because they are generally dissatisfied with the outcome of a previous hearing. Where this is the case, the nurse, midwife or nursing associate can apply to the High Court (in England and Wales), the Court of Session in Scotland, or the High Court of Justice in Northern Ireland, to terminate the order.
- There does not appear to be any relevant new information for the panel to consider.

When we will review interim orders

If we receive information that shows the original interim order may not be appropriate, we'll schedule a review.

For example, we might receive information that suggests a more restrictive, or conversely, a less restrictive measure is needed to manage any risk to patients or the wider public interest.

In these cases where new, relevant evidence becomes available after an interim order has been imposed, it must be reviewed by a panel at an early review hearing, before the usual six month review date.

Examples of cases where we would schedule an early review are:

- when we receive information that suggests that conditions imposed as part of an interim order are unworkable
- when the nurse, midwife or nursing associate was unable to attend the initial interim order hearing or provide detailed submissions to the panel, and is now in a position to do so
- when we receive information that suggests that the interim order has been breached
- when we receive new information, that affects the previously identified risk. For example [multiple referrals](#).

When we give notice of an early review

We try to give 14 days' notice for review hearings but there will be times when we need to provide a shorter timeframe.

For instance, if we feel there are urgent public protection needs that are not addressed by the current interim order, we can send the notice less than seven days before the hearing.

If we do this we'll explain our reasons in the notice of hearing.

If the panel at an early review is being asked to consider imposing a more restrictive interim order than the one already in place, the notice should clearly set out the reasons for this request. The reasons should make reference to one or more of the three legal grounds that an interim order can be made on.

At an early review hearing, the panel will consider the grounds for an interim order in full. The panel will hear full representations and will undertake a full reconsideration of the grounds for an interim order, ensuring that all relevant matters are taken into account.