Substantive order reviews

Reference: REV-2 Last Updated: 14/10/2022

A substantive order review is where a panel of the Fitness to Practise Committee (panel) meets to review a sanction order made at a final (or substantive) hearing or meeting. A panel considers whether the substantive order currently in place, or a different order, is needed to:

- protect the public from a risk of harm presented by the nurse, midwife or nursing associate
- maintain public confidence in the nursing and midwifery professions
- declare and uphold proper standards of conduct and behaviour.

This makes sure that nurses, midwives and nursing associates who are subject to these orders are only allowed to return to unrestricted practice if a panel finds that their fitness to practise is no longer impaired for any of these reasons.

Suspension orders and conditions of practice orders must be reviewed before they expire,[1] unless the panel that makes the order also directs that a review is not needed.[2]

The nurse, midwife or nursing associate who is subject to a caution order, conditions of practice order or suspension order can request that an early review of the order takes place before a panel. We may also apply for an early review because we have decided that new information means that it would be in the public interest for a panel to review the existing order[3]. In certain circumstances it may be appropriate to review a striking off order where new evidence becomes available[4].

Arrangements for substantive order review hearings

We will normally list substantive order review 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.

[1] Article 30(1) of the Nursing and Midwifery Order 2001 ('the Order')

[2] Article 29(8A) of the Order

[3] Article 30(2) of the Order

[4] Article 30(7) of the Order