

Allowing orders to expire when a nurse or midwife's registration will lapse

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In certain circumstances allowing a suspension or conditions of practice order to expire following a finding of current impairment may actually be the best way to protect the public from concerns about a nurse, midwife or nursing associate's practice.

Taking this option is likely to be appropriate if:

- the nurse, midwife or nursing associate's registration is only active because of the substantive order being in place,
- the nurse, midwife or nursing associate doesn't want to continue practising, and
- the public are protected because the panel have made a clear finding that the nurse, midwife or nursing associate's fitness to practise is currently impaired so that this can be drawn to the attention of any future decision-maker if the nurse, midwife or nursing associate attempts to re-join the register.

It is important that panels remember that the above factors are important in deciding whether to take no further action, and they should consider these against the general circumstances of the case in deciding what action to take. At this stage, all options are open to them, and the [usual factors in making sanction decisions](#) will still apply. They may need to impose a more restrictive order (including striking-off) if they decide it is necessary in the circumstances, including if the nurse, midwife or nursing associate has not engaged with the process, which will always be one of the important factors to consider.

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If nurses, midwives and nursing associates don't pay their fee and complete revalidation, their registration would usually lapse. However, if a nurse, midwife or nursing associate is on a conditions of practice order, or a suspension order, their registration cannot lapse because of the existence of the order. If the panel decide to allow the order to expire, the nurse, midwife or nursing associate who has not paid their fee or completed revalidation would no longer be registered with us, and would not be able to practise.

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Because nurses, midwives and nursing associates can apply for readmission to the register as soon as their

registration lapses, it is important that the panel is sure that the nurse, midwife or nursing associate no longer wants to practise before it decides to let an order expire. This is because if the panel has found the nurse, midwife or nursing associate's fitness to practise to be currently impaired, the nurse, midwife or nursing associate will not have addressed the concerns about their practice, and will not have shown the panel that they do not present a risk to patients. The nurse, midwife or nursing associate will need to give the panel a clear explanation of their plans for the future away from nursing or midwifery. Such information is only likely to be available if the nurse, midwife or nursing associate is in contact with us, so it will be important for panels to consider if the nurse, midwife or nursing associate is fully engaging with the process before deciding to take this option.

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Before making a decision about whether to extend the existing order, make a new order or allow the existing order to expire, the panel will have already decided that the nurse, midwife or nursing associate's fitness to practise is impaired. In this situation, a finding of current impairment will be essential to protect the public in the future, so it should be expressed clearly.

This is because nurses, midwives or nursing associates whose registration lapses after a suspension or conditions of practice order expires can apply for readmission. In looking at any application in the future, and deciding whether the nurse, midwife or nursing associate is capable of safe and effective practice and meets the requirements for health and character, the Registrar would be able to take account of the panel's decision that the nurse, midwife or nursing associate's fitness to practise was still impaired.

A clear explanation about the nurse, midwife or nursing associate's fitness to practise at the point of their departure from the register will make sure that the Registrar is aware of how the nurse, midwife or nursing associate's practice caused a risk to patients. In such circumstances the Registrar can ask the nurse, midwife or nursing associate to show what they have done to improve their practice and reduce any outstanding risk.