

# Allowing nurses, midwives or nursing associates to be removed from the register when there is a substantive order in place

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## Overview

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In most circumstances nurses, midwives or nursing associates who are subject to a substantive suspension or conditions of practice order, but no longer wish to continue practising, should be allowed to be removed from the register. Our Order and Rules state that professionals cannot be removed from the register while a substantive suspension or conditions of practice order is in place.<sup>1</sup>

Allowing professionals to leave the register can be achieved in two ways:

- a) the nurse, midwife or nursing associate can request an early review of their substantive order because they no longer wish to continue practising; the panel will then be invited to lift the substantive order in order to allow the professional to be removed from the Register;
- b) the nurse, midwife or nursing associate can indicate at a standard review that they no longer wish to continue practising; the panel will then be invited to let the substantive order expire in order to allow the professional to be removed from the Register.

## Nurses, midwives or nursing associates whose registration will lapse automatically if the substantive order is lifted

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If nurses, midwives and nursing associates don't pay their fee or complete revalidation, their registration will 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 lift the order or allow the order to expire, the nurse, midwife or nursing associate who has not paid their fee or completed revalidation will no longer be registered with us and will not be able to practise.

## Nurses, midwives or nursing associates who will continue to be registered once the substantive order expires or is lifted

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Sometimes professionals who are subject to a suspension order or a conditions of practice order will be entitled to remain on the register once the order expires or is lifted. In these cases an application for agreed removal should be made. If the Assistant Registrar agrees removal, a panel will then need to decide whether to lift the order (or allow it to expire). If the panel agrees that the substantive order should be lifted (or allowed to expire) the agreed removal decision can then take effect and the professional will be removed from the Register.

## Nurse, midwife or nursing associate doesn't want to continue practising

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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.

## Public protected by finding of impairment

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Before allowing a professional to leave the register by lifting a substantive order or allowing it to expire, the panel should make it clear whether they consider the professional's fitness to practise to be currently impaired.

This is because nurses, midwives or nursing associates, whose registration lapses or are removed from the register after a suspension or conditions of practice order expires or is lifted, 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 (or one of our Assistant Registrars who also make decisions on behalf of the Registrar) would be able to take account of the panel's decision whether the nurse, midwife or nursing associate's fitness to practise was still impaired when they were removed from the register.

1 Art 12(3)(b) of the Nursing and Midwifery Order 2001; Rule 14(4)(b) of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004