

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

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## Overview

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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 or midwife's practice.

Taking this option is likely to be appropriate if:

- the nurse or midwife's registration is only active because of the substantive order being in place,
- the nurse or midwife doesn't want to continue practising, and
- the public are protected because the panel have made a clear finding that the nurse or midwife's fitness to practise is currently impaired so that this can be drawn to the attention of any future decision-maker if the nurse or midwife 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 or midwife has not engaged with the process, which will always be one of the important factors to consider.

## Nurses or midwife only still registered because of the order

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If nurses and midwives don't pay their fee and complete revalidation, their registration would usually lapse. However, if a nurse or midwife 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 or midwife who has not paid their fee or completed revalidation would no longer be registered with us, and would not be able to practise.

## Nurse or midwife doesn't want to continue practising

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Because nurses and midwives can apply for readmission to the register as soon as their registration lapses, it is important that the panel is sure that the nurse or midwife no longer wants to practise before it decides to let an order expire. This is because if the panel has found the nurse or midwife's fitness to practise to be currently impaired, the nurse or midwife 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 or midwife 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 or midwife is in contact with us, so it will be important for panels to consider if the nurse or midwife is fully engaging with the process before deciding to take this option.

## Public protected by finding of impairment

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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 or midwife'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 and midwives 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 or midwife 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 or midwife's fitness to practise was still impaired.

A clear explanation about the nurse or midwife'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 or midwife's practice caused a risk to patients. In such circumstances the Registrar can ask the nurse or midwife to show what they have done to improve their practice and reduce any outstanding risk.