Reviewing orders when there may have been a breach

Reference: REV-2f Last Updated: 02/10/2023

If we receive information that shows the nurse, midwife or nursing associate may be in breach of their substantive order, we will arrange an early review.

Where a nurse, midwife or nursing associate accepts the breach and the facts of the breach, the panel will record this and review the substantive order in light of the new information.

Where the breach is not accepted, the panel will conduct a fact finding exercise at the early review hearing to decide whether or not there has been a breach of the order.

The panel will then conduct a review of the order once they have decided whether the order has been breached.

Where a breach is particularly serious we will treat the new information as a new referral, taking into account the wider public interest concerns. However, in most cases, substantive order review panels are equipped to deal with any breach of a substantive order.[1]

If we are satisfied that a nurse, midwife or nursing associate has deliberately not complied with a substantive order this is likely to call into question whether that person should remain on the register.[2]

Further guidance on how seriously we view deliberate breaches of substantive orders can be found here.

1 See paragraph 25.328 of The Fifth Report to the Shipman Inquiry, where Dame Janet Smith referred to review hearings as, “extremely important, as they are the ‘teeth’ behind the sanctions other than erasure.”

2 See case of GMC v Donadio [2021] EWHC 562 (Admin) in relation to the serious nature of deliberate breaches of interim orders.