Conditions of practice order

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When a conditions of practice order is imposed on a professional's registration, they have to comply with it for up to three years.

Conditions of practice keep people using services safe by addressing the concerns that led to impairment, but also allow the professional to continue to work.

When conditions of practice are appropriate

Conditions may be appropriate when any of the following factors are apparent (this list is not exhaustive):

- no evidence of deep-seated personality or attitudinal problems
- identifiable areas of the professional's practice in need of assessment and/or retraining
- competence cases where there is a realistic likelihood that the concerns about their practice can be resolved
- potential and willingness to respond positively to retraining (this should be based on specific evidence provided by the professional)
- insight into any health problems, alongside willingness to abide by conditions relating to a medical condition, treatment and supervision
- people using services will not be put at risk either directly or indirectly as a result of the conditions
- conditions can be created that can be monitored and assessed.

Conditions of practice should be relevant, proportionate, workable and measurable.

- Relevant means that the conditions must relate to and address the concerns that led to the Committee deciding that the professional's fitness to practise is impaired.
- Proportionate means that the conditions must be no more restrictive than necessary to protect the public and uphold confidence in the profession (as any sanction must be).
- Workable means that it must be possible for the professional to comply with the conditions. The purpose of conditions of practice is to facilitate safe and effective practice and for the professional to address the concerns in a meaningful way. They should not amount to a complete restriction on the professional's ability to practise. The conditions imposed must be practical and feasible; the panel should impose the least restrictive conditions required to uphold public safety.
- Measurable means that it must be possible to assess objectively and unambiguously whether or not the professional has complied with each condition.

Before imposing conditions, the Committee should check with the professional and (if the professional is employed) their employer whether the conditions proposed are workable. For example, if a proposed condition relates to supervision, the Committee should check that the employer is able to commit to the level of supervision proposed. Where the professional and/or the employer do not consider that the conditions are workable, the Committee should consider whether there are any other appropriate conditions. If the professional is not currently employed the Committee should still seek to impose conditions that are workable and will not create unnecessary barriers to finding new employment.

If there are no appropriate and workable conditions, the Committee should then consider whether suspension would be more appropriate. However, the Committee should be alert to situations where the employer may not want to propose any workable conditions (for example, where the employer would, for whatever, reason prefer the professional to be suspended). The employer's preference should never be allowed to dictate the Committee's ultimate sanction decision.

A conditions of practice order may be imposed subject to a review before it expires. In such circumstances a review hearing will be arranged prior to expiry.

If the conditions of practice order is to be considered at a review hearing, the Committee will need evidence that the professional has complied with the conditions. In these cases, the Committee imposing the order should ensure that the conditions require the professional to provide this information.

For examples of conditions, decision makers should look at our conditions of practice library. However, these conditions are examples only. Where the wording of a library condition meets the requirements of the panel, that wording should be used, but the Committee should consider whether each individual condition is appropriate in the particular case they are considering.

Example:

> The Committee has found that a midwife's fitness to practise is impaired after she made repeated errors in the recording of antenatal visits, which resulted in pregnant women needing to attend further appointments. The Committee impose conditions of practice requiring her to undertake further training in record keeping. The Committee consider a condition that she may only undertake antenatal visits with another midwife, but her employer informs the Committee that this is not feasible. Following further consideration and discussion with her employer, the Committee decides that the risk to public safety can be addressed by a condition that she only undertake antenatal appointments in a clinical setting when there is another midwife on the premises. The employer can make this commitment, and the midwife returns to practice.

Return to practice courses and the test of competence

An applicant can complete a return to practice course or take a test of competence if they want to join the Register and cannot meet our practice hours requirements. The course and test check that a professional's clinical competence is up to date in the round. Although they may provide relevant evidence that a Committee can take into account, they are not designed to address specific concerns about a professional's fitness to practise. Because of this, the Committee should not normally impose a condition that a professional must complete a return to practice course or test of competence.

How long can a conditions order run?

Conditions of practice can be put in place for up to three years, and the order is usually reviewed before it expires.

As with other sanctions, the Committee will need to make a separate decision on how long the order will run, and provide reasons for the decision. For example, if the conditions include training requirements, it should consider how long it will take to complete these, bearing in mind the professional's other obligations. If the conditions relate to managing health conditions, it should consider how long a period of effective management would reassure them that conditions are no longer required.