

## Striking-off order

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A striking-off order is the most serious sanction. It results in removing the nurse, midwife or nursing associate's name from the register, which prevents them from working as a registered nurse, midwife or nursing associate.

This sanction is likely to be appropriate when what the nurse, midwife or nursing associate has done is fundamentally incompatible with being a registered professional. Before imposing this sanction, key considerations the panel will take into account include:

- Do the regulatory concerns about the nurse, midwife or nursing associate raise fundamental questions about their professionalism?
- Can public confidence in nurses, midwives and nursing associates be maintained if the nurse, midwife or nursing associate is not removed from the register?
- Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?

The panel should refer to our [guidance on seriousness](#), which highlights a number of factors indicating which kinds of concern it may not be possible for the nurse, midwife or nursing associate to address or put right, and which will most seriously affect the public's trust and confidence in registered nurses, midwives or nursing associates.

The courts have supported decisions to strike off healthcare professionals where there has been lack of probity, honesty or trustworthiness, notwithstanding that in other regards there were no concerns around the professional's clinical skills or any risk of harm to the public.<sup>1</sup> Striking-off orders have been upheld on the basis that they have been justified for reasons of maintaining trust and confidence in the professions.

### When a striking off order cannot be used

A striking-off order can't be used if the nurse, midwife or nursing associate's fitness to practise is impaired due to:

- their health,
- lack of competence or
- not having the necessary knowledge of English

until they have been on either a suspension order or a conditions of practice order for a continuous period of two years.

The two-year period can be made up of a combination of periods of suspension and conditions, provided that there is a continuous period during which the nurse, midwife or nursing associate's practice has been subject to restriction under a substantive order.

The panel should also refer to the guidance on [standard reviews of substantive orders](#) if they are considering imposing a strike off at a substantive order review hearing.

### Restoration

A nurse, midwife or nursing associate who has been subject to a striking off order may not apply for restoration until a period of five years has elapsed since the striking-off order was made. Our [guidance on restoration](#) explains how the Fitness to Practise Committee approaches these applications.

<sup>1</sup> For example, Parkinson v NMC [2010] EWHC 1898 (Admin), Mvenge v GMC [2010] EWHC 3529 (Admin), Ige v Nursing and Midwifery Council [2011] EWHC 3721 (Admin)

