

# Available orders for fraudulent or incorrect entry

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If the Investigating Committee finds an allegation of fraudulent or incorrect entry proved, it may order the Registrar to remove the entry, amend the entry, or it may take no action.<sup>1</sup> The Committee also has the power to impose an interim order at the same time.

The appropriate outcome will depend on the circumstances of the case. The Investigating Committee should consider whether the other options may be appropriate before ordering that the Registrar should remove the entry. They should bear in mind that they are not deciding whether the nurse, midwife or nursing associate would now meet the entry requirements, but deciding what action should be taken following their decision that the entry was fraudulent or incorrect.

The Investigating Committee should consider its purpose carefully in line with our main objective of protecting the public, which includes maintaining public confidence in the professions we regulate.

## Making an order that the Registrar remove the entry

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Taking account of our [overarching objective](#), if the Investigating Committee has decided that the person gained or maintained their registration through wrong information about their qualifications, practice history or character, it should assess carefully whether the person's registration should be removed.

In cases of fraudulent entry, the fact that the person's application to gain, maintain or renew their registration was supported by deliberately misleading information is likely to be a strong factor in favour of removing the entry. This is because our duty to maintain the register is a vital part of our overarching objective, protection of the public. Members of the public who need or rely on the services of nurses, midwives and nursing associates should be able to trust that people registered with us are entitled to practise as registered professionals.

Once the Investigating Committee has decided that someone has gained entry to our register because of fraud, their decision on what action to take should assess carefully whether the person can continue to be registered without undermining the public's trust in the accuracy of our register. When coming to their decision, the Investigating Committee should consider whether the fraud was perpetrated by the nurse, midwife or nursing associate or a third party.

Removing the entry may also be the appropriate outcome if the entry was incorrectly made and the person concerned didn't act dishonestly. If their entry is removed, the person concerned can apply for registration immediately afterwards. If they do this, the Registrar can consider the nature and circumstances of the case.

In deciding whether to remove the entry following a finding that the entry was incorrectly made (but not fraudulent), the Investigating Committee should take account of:

- the Registrar's specialism in making registration decisions
- whether the panel decided the entry was incorrect because the Registrar didn't know about information that needed a value judgment or balancing exercise.

For example, an entry was incorrect because the Registrar wasn't aware of a minor criminal conviction. It's more

likely to be appropriate to order that the entry is removed than, for example, a mistake relating to revalidation requirements. This is because the existence of a criminal conviction is likely to require the Registrar to exercise their judgement to decide whether the person should be permitted to be on our register.

If the person applies again for registration, the Registrar can make a new registration decision, using their specialism and our [health and character guidance](#) to help them reach the right decision.

Where the issue which led us to find the entry incorrect is more straightforward, it may be appropriate to consider taking no action. This might include simple errors relating to required practice hours, continuing professional development or professional indemnity insurance.

Where a nurse, midwife or nursing associate is already subject to a suspension or conditions of practice order, this wouldn't prevent the Investigating Committee ordering their removal from the Register because of a fraudulent or incorrect entry.

The circumstances leading to the suspension or conditions of practice order will be taken into account by the Registrar if the professional subsequently applies for re-admission to the Register.

## **Making an order that the Registrar amend the entry**

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In certain circumstances, it may be appropriate to order that the Registrar amend the entry in the register. This could apply in situations where an annotation has been made in error, and there is no wider concern regarding the integrity of the entry.

An order to amend the entry in the register may be appropriate if:

- the entry was incorrect
- there was no fraud or dishonesty, and
- there's no issue over any of the registration requirements that needs the specialist judgement of the Registrar.

## **Taking no action**

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Taking no action may be appropriate if the error or inaccuracy in the application process was trivial or unimportant. It may also be appropriate where the nurse, midwife or nursing associate has corrected the error or inaccuracy, or where the Registrar has since correctly entered the nurse, midwife or nursing associate on the register based on all relevant information.

The Investigating Committee may decide there is no need to make an order removing the entry if:

- the entry was incorrect
- there was no fraud or dishonesty, and
- there is no issue over any of the registration requirements that needs the specialist judgement of the Registrar.

There would then be no need for the person to reapply for registration.

This is only likely to be an appropriate outcome where the entry was incorrect because of a clear-cut issue that the person has shown they have now put right, such as completing the required number of hours of practice or continuing professional development, or having professional indemnity insurance in place.

Action should be taken if the issues in the case need a value judgment or balancing exercise about whether the person would now meet the requirements for registration (such as health or character). This is because these issues should be decided by the Registrar, who is in the best position to make such judgments if the person decides to reapply for registration in the future.

Even if the Investigating Committee has decided that an entry was fraudulent, there may still be exceptional cases where it could decide to take no action. This is only likely to happen when the person concerned was not aware of the fraud as it was carried out by a third party. In such cases, taking no action will only be appropriate if there are no issues with the registration requirements that might need the specialist judgement of the Registrar.

## **Imposing an interim order**

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If it makes an order, the Investigating Committee should consider whether it is necessary to impose an [interim](#)

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**order.** In doing so, it should consider whether the fact that its decision will not take effect immediately would present a risk to:

- members of the public
- public confidence in nurses, midwives and nursing associates
- the person whose entry in the register it has been considering.

1 Article 26(7) of the Nursing and Midwifery Order 2001 ('the Order')