

Guidance on health and character

Published on 23 January 2019

Contents

Section 1 – Introduction	3
Who is this document for?	3
About us	3
Section 2 – Health and character requirements	4
Legal framework for health and character requirements.....	4
Our register	4
Approving education programmes.....	5
Our standards of proficiency.....	5
Our standards for education and training.....	5
The Code.....	5
Our duties under the Equality Act 2010	6
Disability Discrimination Act for Northern Ireland.....	7
How decisions on registration applications are made	7
Section 3 – How we approach health issues.....	8
The health declaration	8
The implications of telling us about your health condition and/or disability	10
Public protection and the information you give us about your health	10
I have been diagnosed with a health condition and/or a disability which may or could affect my ability to practise.....	11
How we consider information supplied to us through health self-declarations	11
Information for education providers	13
Section 4 – How we approach character issues	14
The character declaration.....	14
Declaring police charges, cautions, convictions and conditional discharges	15
Information for education providers	16
Which charges, cautions, convictions and conditional discharges should be disclosed?	16

Determinations from other regulatory bodies.....	18
Any other matters	18
Conditional discharges.....	19
Absolute discharges and admonitions.....	19
Conduct that would breach the requirements of the Code, whether or not it has resulted in criminal proceedings	19
Working without registration.....	20
Factors that we take into account when considering character cases	21
Assessing the seriousness of police charges, cautions, convictions and conditional discharges	22
Driving offences.....	22
Drug and alcohol offences.....	22
In what circumstances will the Registrar consider referring my case to Fitness to Practise?	23
Section 5 – Other useful publications.....	24
Glossary of terms.....	24

Section 1 – Introduction

Who is this document for?

1. We've produced this document to provide guidance about how we assess the health and character of people who apply to, or are on, our register.¹
2. You may find it useful if you're:
 - 2.1 applying to join or re-join the register
 - 2.2 renewing your registration through revalidation
 - 2.3 practising as a registered nurse, midwife or nursing associate²
 - 2.4 considering training to become a nurse, midwife or nursing associate
 - 2.5 working in education and considering applications to study to become a registered nurse, midwife or nursing associate
 - 2.6 working in education and considering advising students on their applications for registration.
3. This guidance explains when you need to tell us about any relevant health conditions and character issues.
4. This guidance sets out the information we take into account when deciding whether or not an applicant meets the health and character requirements to be registered with us. It also provides you with information about how we make decisions related to cases in registration involving health and character issues.

About us

5. The Nursing and Midwifery Council (NMC) is the independent regulator for nurses and midwives in the UK and nursing associates in England.
6. Better and safer care for people is at the heart of what we do. We make sure that only those who meet our requirements are allowed to practise as a nurse or midwife in the UK, or a nursing associate in England.
7. Our role, functions and powers are set out in the Nursing and Midwifery Order 2001 ('the Order').

¹ Our register is divided into the following parts – nurses, midwives, nursing associates and specialist community public health nurses.

² The specialist community public health nursing (SCPHN) part of the register is for registered nurses and midwives working in public health roles. SCPHN programmes can only be undertaken by individuals who are already on our register as a nurse or midwife.

Section 2 – Health and character requirements

Legal framework for health and character requirements

8. Our principal functions are:
 - 8.1 establishing standards for education, training, conduct and performance for nurses, midwives and nursing associates and
 - 8.2 making sure those standards are maintained.³
9. We make sure standards are maintained by:
 - 9.1 holding a register of nurses, midwives and nursing associates
 - 9.2 quality assurance of education for nursing and midwifery programmes
 - 9.3 taking action if concerns are raised about whether a nurse, midwife or nursing associate is fit to practise.
10. When exercising our functions we have to consider our overarching objective which is the protection of the public and involves:
 - 10.1 protecting, promoting and maintaining the health, safety and wellbeing of the public
 - 10.2 promoting and maintaining public confidence in the professions and
 - 10.3 promoting and maintaining proper professional standards and conduct for members of those professions.⁴

Our register

11. In order to be on our register a nurse, midwife or nursing associate must meet our professional standards, our health and character requirements and have appropriate professional indemnity insurance in place.⁵
12. The people on our register are part of a profession with nationally recognised **standards** set by law. This also means they are entitled to use the relevant titles of 'registered nurse', 'midwife' or 'nursing associate' for their profession. When we say that someone is capable of safe and effective practice, we mean that they have the skills, knowledge, character and health to work in their profession safely and effectively.

³ Article 3(2) of the Order

⁴ Article 3(4A) of the order

⁵ Article 9(2)(aa) of the Order

13. Nurses, midwives and nursing associates who are seeking to join or re-join our register, or renew their registration through revalidation must make declarations about their health and character.⁶

Approving education programmes

14. Part of our role includes approving education programmes. Nurses and midwives across the UK and nursing associates in England must complete these programmes to become registered with us.
15. However, completing an approved programme doesn't guarantee that someone will be able to register with us. Sometimes a student who has completed an education programme declares information which may mean that we reject their application for registration.
16. This happens only very rarely when the information is so significant that we can't be satisfied that the applicant is capable of safe and effective practice.

Our standards of proficiency

17. The standards of proficiency state that at the point of registration, registered nurses, midwives and nursing associates must understand the professional responsibility to adopt a healthy lifestyle to maintain the level of fitness and wellbeing required to meet people's needs for mental and physical care.

Our standards for education and training

18. We require all student nurses, midwives and nursing associates seeking registration to be of good health and good character to satisfy to us that they are capable of safe and effective practice.

The Code

19. Our Code sets the standards of health and character expected of a registered nurse, midwife and nursing associate when they are on the register. When applying to join the register or during revalidation, nurses, midwives and nursing associates must commit to uphold the Code. This commitment includes a promise to '*Uphold the reputation of your profession at all times*'.⁷ To achieve this, you must:
 - 19.1 keep to and uphold the standards and values set out in the Code (20.1)
 - 19.2 act with honesty and integrity at all times, treating people fairly and without discrimination, bullying or harassment (20.2)
 - 19.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people (20.3)

⁶ Articles 9 and 10 of the Order and Rule 6 of the Registration Rules

⁷ Paragraph 20 of the Code

19.4 keep to the laws of the country in which you are practising (20.4)

19.5 maintain the level of health you need to carry out your professional role (20.9).

Our duties under the Equality Act 2010

20. The Equality Act 2010 ('the Act') is legislation that applies in England, Wales and Scotland. It protects people from discrimination, harassment and victimisation. It does this by specifying a number of 'protected characteristics'. It is against the law to discriminate against anyone because of:

- age
- gender reassignment
- being married or being in a civil partnership
- being pregnant or in the maternity period
- disability
- race, including colour, nationality, ethnic or national origin
- religion, belief, or lack of religion or belief
- sex
- sexual orientation.

21. 'Disability' is defined in the Act as a physical or mental impairment that has a substantial or long-term negative effect on a person's ability to do normal daily activities. In the Act, 'substantial' is defined as more than minor or trivial and long-term is defined as 12 months or more. This means that people with a range of health conditions are included in this definition.

22. Under the Act, we fall into the category of a 'qualifications body'. This is because we award registration which allows people to practise in the professions that we regulate.

23. Under the Act we are required to make sure our processes are fair and don't discriminate against disabled people. Everyone applying to join our register must meet our registration requirements, however, reasonable adjustments can be made in relation to how the requirements are met. For example, providing documents in accessible formats.

24. Like education providers, the 'public sector duty' also applies to us. As a public body, we must comply with the requirements of the Act including the public sector equality duty. In complying with the public sector equality duty, we have due regard to three main aims:

24.1 eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010

24.2 advancing equality of opportunity between people who share a relevant protected characteristic and people who don't share it

24.3 fostering good relations between people who share a relevant protected characteristic and people who don't share it.

25. The application processes for registration or renewal (revalidation) of registration are open to all who meet the standards of education, training, conduct and performance that are applicable to their profession.
26. We will provide adjustments for individuals who require support in meeting revalidation requirements. For example, we can give you more time to get help to fill in the revalidation application form or give you a paper application form. For more information please see our [How to revalidate](#) guidance on our website.

Disability Discrimination Act for Northern Ireland

27. The Equality Act 2010 doesn't apply in Northern Ireland, but they have very similar equality requirements under different legislation. The Disability Discrimination Act 1995 continues to apply, as modified by the Disability Discrimination (Northern Ireland) Order 2006. This is supplemented by other orders, including the Special Education Needs and Disability Order (Northern Ireland) 2005, which relates to education.

How decisions on registration applications are made

28. During all registration applications nurses, midwives and nursing associates are asked to complete a number of declarations in relation to their health and character. This helps the Registrar decide whether your health and character means you are capable of safe and effective practice.
29. The Registrar will consider each application on a case-by-case basis, taking into account all the relevant circumstances. We can request any other relevant information which the Registrar needs in order to consider your application including information from you, your GP, your employer, the police and courts.
30. To be able to process your application quickly, we recommend that you provide all relevant information as early as possible. If information is outstanding then this will delay consideration of your application.
31. If you tell us about a health or character concern when we receive an application to join the register or at renewal, we may refer your application to a team to obtain further information (the Registration Appeals Support Team – RAST). The Registrar will then consider your application.
32. We won't investigate a referral⁸ if you aren't on the NMC register at the time a concern is raised with us. However, if you apply for readmission to our register,

⁸ A referral can be made to the NMC when someone tells us they have a concern about a nurse, midwife or nursing associate which could put the safety of patients at risk or damage the public's confidence in the nursing, midwife or nursing associate profession.

the Registrar will consider the referral and whether it means you are capable of safe and effective practice.

Section 3 – How we approach health issues

The health declaration

33. We need to know that people applying to join, renew or be readmitted to the register meet our requirements for health to ensure they can practise safely and effectively.
34. Our focus is whether you have a health condition and/or disability which may affect your practice. This is because we need to be able to assess whether it may place at risk the safety of people in your care.⁹
35. Our legislation requires applicants to make a self-declaration as to their 'good health' in order for them to meet the requirements for registration.¹⁰ It's important to remember that when we talk about 'good health' we mean that you are capable of safe and effective practice as a nurse, midwife or nursing associate either with or without reasonable adjustments and adjustments which your employer has made.
36. It doesn't mean the absence of a health condition and/or disability. Many people with disabilities and health conditions are able to practise with or without adjustments put in place by their employer to support them.
37. If you have a disability or a health condition, it is the responsibility of your employer to discuss what reasonable adjustments they can provide to support you to provide safe and effective practice with or without direct supervision. You may wish to seek additional advice from your representative body or a medical professional as to what support would be suitable.
38. As part of your application we ask you to tell us about any health condition which has affected or could affect the safety of the people and patients you may care for and/or those you work with and/or your ability to practise safely and effectively. This includes whether you consider yourself to have a 'health condition' or a 'disability'.
39. We will ask you to complete the following declarations in your application:

A) Do you have a health condition and/or disability that currently affects or could affect your ability to practise safely and effectively?

If you answer yes to the above you will be asked to complete a further declaration:

⁹ Article 3(4) & (4A) of the Order sets out NMC's overarching objectives to protect, promote and maintain the health, safety and wellbeing of the public.

¹⁰ Rule 5(1)(a) and 6 and Schedule 3 of Registration Rules.

B) Are you managing your health condition and/or disability so that you can practise safely and effectively?

40. By 'practise' we do not mean your ability to do any particular job but that you are capable of safe and effective practice in your profession.
41. By 'managed appropriately' we mean that you have sought medical advice and treatment from Occupational Health, a GP or other medical professional/specialist and where appropriate, support to manage your practice safely and effectively or you have taken steps to adapt, limit or stop your practice if your health condition and/or disability does affect you.
42. If you think you are able to practise safely and effectively but are unable to tick 'yes' to declaration B, you are still able to proceed with your application. If this applies we will request further information in relation to your health condition and/or disability.
43. This means that you only need to tell us about your health condition and/or disability if:
- 43.1 you believe that your health condition and/or disability does affect your ability to practise safely and effectively, or
- 43.2 you believe that your health condition and/or disability could affect your ability to practise safely and effectively, and
- 43.3 you aren't sure you will be able to adapt, limit or stop your practice if your health condition and/or disability does or could affect you, and/or
- 43.4 you haven't made your employer or education provider aware of your health condition and/or disability but need their support in order to ensure that colleagues, people in your care or the public aren't placed at risk.
44. If you tick 'no' to declaration B you will be asked to provide further information and a supporting statement with your application which the Registrar will take into account when assessing your application. It would assist us if you provide information to cover the following areas:
- Nature and seriousness of the health condition and/or disability.
 - Pattern of a condition (is it active or relapsing).
 - Management of your health condition and/or disability.
 - An explanation on why you feel that your health condition and/or disability is not currently being managed appropriately or won't be managed appropriately in the future.
 - Whether or not you have informed your employer/education provider about your health condition and/or disability.
 - Medical or other supporting information (for example, therapeutic interventions) commenting on how your health condition and/or disability does or could affect your ability to practise safely and effectively and what

steps you (or your employer, if applicable) can take to enable you to practise safely.

- Your level of insight and understanding into your health condition and/or disability and how it could affect your ability to practise safely.¹¹

45. To be able to process your application quickly, we recommend that you speak to your GP, occupational health department or a medical professional as soon as possible.
46. 'Safe practice' means practice that doesn't put you or those in your care at undue risk. If you have an understanding of your health condition and/or disability and its impact on your practice you will be more likely to adapt your practice where necessary to reduce any risk to yourself or those in your care.

The implications of telling us about your health condition and/or disability

47. When we ask you if you have a health condition and/or disability that could affect your practice we are trusting you to exercise your own reasoned judgement. The Registrar will make the final decision on whether you are capable of safe and effective practice.
48. It is up to you to decide whether your health allows you to be capable of safe and effective practice. You may decide it is in your best interests to take yourself off our register and to concentrate on improving your health before you apply for readmission to the register.
49. You should answer the declarations as they apply to you so we can determine whether we require any further information regarding your health condition and/or disability. If we do require further information from you, this doesn't mean your application will be refused but simply that we will require some further information before a decision is made. If we find out that you didn't tell us about a health condition and/or disability which is affecting your ability to practise safely and effectively, we will investigate your fitness to practise and it could affect your registration.

Public protection and the information you give us about your health

50. We only need to know about a health condition and/or disability which may affect your ability to practise safely and effectively.
51. We don't need to know about information that isn't relevant to protecting the public.
52. If you tell us about an ongoing health condition and/or disability, we won't usually need to know your full medical history.

¹¹ By 'insight and understanding' we mean that you have a realistic, informed idea of the limits of your safe practice.

I have been diagnosed with a health condition and/or a disability which may or could affect my ability to practise

53. If you are already registered with us and have a health condition and/or disability which you think is affecting your ability to practise safely and effectively and you are unable to manage the impact of it effectively (with or without support from your employer), you should tell us as soon as reasonably possible rather than wait until renewal. This may mean that your fitness to practise is impaired. You can do this by making a referral to our Fitness to Practise team.
54. Please email newreferrals@nmc-uk.org with your full name, Pin and details of your health condition and/or disability and how it affects your ability to practise safely and effectively. Our Fitness to Practise team will get in touch to explain what will happen next.
55. If you delay and continue to practise, this could affect your registration, and you may be placing yourself or others' safety at risk.
56. However, if you are able to manage your health condition and/or disability, then you don't have to self-refer to our Fitness to Practise team.

How we consider information supplied to us through health self-declarations

57. All applications to join the register, return to the register or to renew your registration where a health condition and/or disability is disclosed are treated on a case-by-case basis.
58. The Registrar won't make decisions on registration based solely on the nature of your health condition and/or disability, but based on evidence about the effect and your management of the health condition and/or disability to ensure safe and effective practice. This may vary from person to person, and may also be affected by the impact of your health condition and/or disability, the help you may be receiving, and how much insight you have into its effect on your practice. We don't have a list of conditions or impairments that would automatically 'bar' an applicant from registration.
59. We recognise that your ability to work safely can be enhanced by the support network you have, whether that is your employer, trade union representative, training provider, at home or from the medical professional(s) treating you.
60. Although it isn't a requirement to tell your employer about your health condition and/or disability, we would encourage you to do so as they can discuss what support and reasonable adjustments they can offer to you to help manage your health condition and/or disability.
61. Any assessment relating to a disability will focus on what reasonable adjustments and adjustments can be made by your employer to support you to enter and remain on our register.
62. We may ask for further information to assist the Registrar when making their decision if necessary.

63. For more information on how we handle the personal information of anyone involved in our registration process, please read our 'Registration and Revalidation information handling guidance'.¹²

What should I do if I have a temporary injury or health condition?

64. If you sustain a temporary injury such as a broken leg or a sprain or are suffering from a temporary health condition such as a cold or flu, we recognise that it is unlikely to affect your ability to practise safely and effectively.
65. You must however ensure that colleagues, people in your care or the public aren't placed at risk and you should adapt, limit or stop your practice if it does or could affect your ability to practise safely and effectively until there is no longer that risk.

How we consider a long term health condition

66. We recognise that many nurses, midwives and nursing associates may have a long term health condition which will vary over time. Some conditions may be ongoing and some will relapse from time to time.
67. When you make your declaration you should consider whether you have in place adjustments to manage periods when your condition affects you more than others, or when relapses happen, so that you ensure you practise safely and effectively. If you are able to manage your long term health condition, then you don't have to tell us.
68. If, however, you think your long term health condition is affecting your ability to practise safely and effectively and it isn't currently being managed or you won't be able to manage it appropriately, we will consider your long term health condition in the same way as any other health condition declared to us.
69. We look at the overall picture, including the insight you show and the support you have in place, to assess whether you are able to practise safely and effectively.

How we consider mental health conditions

70. We recognise that one in four people will have mental health needs each year¹³ and that this can happen to anyone at any point throughout their life. If your mental health does or may affect your ability to practise safely and effectively you should tell us about it.
71. Some health needs and/or conditions may be ongoing and some will relapse from time to time. When you make your declaration you should consider whether you have in place adjustments to manage periods when your condition affects

¹² www.nmc.org.uk/globalassets/sitedocuments/data-protection/registration-and-revalidation-information-handling-guidance.pdf

¹³ McManus, S., Meltzer, H., Brugha, T. S., Bebbington, P. E., & Jenkins, R. (2009). *Adult psychiatric morbidity in England, 2007: results of a household survey*. The NHS Information Centre for health and social care.

you more, or when relapses happen, so that you practise safely and effectively. If you are able to manage your mental health condition, then you don't have to tell us.

72. If, however, you think your mental health condition is affecting your ability to practise safely and effectively and it isn't currently being managed or you won't be able to manage it appropriately, we will consider a mental health condition in the same way as any other health condition and/or disability declared to us.
73. We look at the overall picture, including the insight you show and the support you have in place, to assess whether you are able to practise safely and effectively.

If you're a student or an apprentice

74. You must tell your education institution about any health conditions and/or disability when you apply to study to be a nurse, midwife or nursing associate which could affect your ability to practise safely and effectively.
75. Your education institution will provide a supporting declaration for you when you join the register in relation to your health and character. Therefore in order to be able to provide this declaration, they will need to be aware of any health condition and/or disability which could affect your ability to practise safely and effectively.
76. When we assess your health condition and/or disability, we will check whether you have disclosed your health condition and/or disability to your education institution.

Information for education providers

77. The Standards for education and training set out the requirements that institutions and their practice learning partners must have in place in order to be able to provide a supporting declaration for nurses, midwives and nursing associates who are seeking to join the register.
78. Guidance on the process can be found in the AEI portal guidance – <https://nmc.mottmac.com/Training-resources/portalguidance>

Fitness to practise panels at programme providers

79. Since 2009 all programme providers¹⁴ have been required to have a local fitness to practise panel to consider health or character issues, and to protect the public.
80. Local fitness to practise panels should only be used if a student's health or disability is likely to compromise or has compromised their ability to meet the required competencies and practise safely.

¹⁴Where we have referred to programme providers we are referring to both approved education institutions (AEIs) and their partnering practice learning providers.

Section 4 – How we approach character issues

The character declaration

81. If you are seeking to join or re-join the register you are required to tell us about any police charges, police cautions, convictions or conditional discharges.
82. As with health, our legislation also requires applicants to provide a declaration as to their 'good character'.¹⁵ By 'good character' we mean that your character is such that you are capable of safe and effective practice as a nurse, midwife or nursing associate. This includes a consideration of any:
- criminal proceedings
 - findings by another regulatory body (including health and social care)
 - conduct which may amount to a breach of the requirements of the Code.

83. We will ask you to complete the following character declaration in your application:

Do you declare that you are of good¹⁶ character which enables you to practise safely and effectively?

84. We will then ask you complete the following character questions in your application.

85. You don't need to tell us about a police charge, caution, conviction or conditional discharge which the NMC has previously considered or a police charge which resulted in no further action being taken by the police. We will ask you:

Have you received a police charge, caution, conviction or conditional discharge other than a protected caution or conviction?

86. You are also required to tell us if you've had a determination made by other regulatory bodies other than the NMC (this includes any regulatory bodies in the UK or overseas). We will ask you:

Have you ever had a finding that your fitness to practise is impaired by a body responsible for regulating or licensing a profession (including health and social care), which the NMC are not aware of?

87. On application for admission or readmission onto the register you will be asked if you have worked in a role which requires registration with us when you weren't on our register. We will ask you:

Have you ever worked in a role which requires registration with the NMC when you did not have effective registration?

¹⁵ Rules 5(1)(a) and 6 and Schedule 3 of the Registration Rules

¹⁶ By 'good' character, we mean that your character is such that you are capable of safe and effective practice as a nurse, midwife or nursing associate.

Declaring police charges, cautions, convictions and conditional discharges

88. If you're on the register when you receive a police charge, caution, conviction or conditional discharge, you must tell us and your employer as soon as you can. This is in keeping with [the Code](#) (paragraph 23.2).
89. If you're **not** on the register when you are subject to a criminal investigation but you receive a police charge, caution, conviction or conditional discharge when you're on the register, you must tell us as soon as you can after receiving it. This is in keeping with [the Code](#) (paragraph 23.2).
90. Please email newreferrals@nmc-uk.org with your full name, Pin and details of the charge, caution, conviction or conditional discharge. Our Fitness to Practise team will get in touch to tell you what will happen next.
91. You shouldn't wait until renewal to tell us about a police charge, caution, conviction or conditional discharge. The Code requires that you tell us '**as soon as you can**'. A failure to disclose a police charge, caution, conviction or conditional discharge may call into question your fitness to practise even if the offence itself was not serious.

If your registration is lapsed and you receive a charge, caution, conviction or conditional discharge

92. If you aren't currently on the register because your registration has lapsed, you are required to tell us about any charges, cautions, convictions or conditional discharges when you apply for readmission.

If you're a student or an apprentice

93. You will be required to tell your education institution of any police charges, cautions, convictions or conditional discharges when you apply to study to be a nurse, midwife or nursing associate. Please refer to your education institution if you have any questions about what you need to declare to them.
94. If you are charged with a criminal offence or receive a caution, conviction or conditional discharge while you are studying, you must tell your education institution. The education institution will then investigate the charge, caution, conviction or conditional discharge to decide if it calls into question whether you are of good character and if you can remain on your course.
95. Your education institution will provide a supporting declaration for you when you join the register. When we assess the character of a student applying for registration who has disclosed to us a police charge, caution, conviction or conditional discharge, we will check whether the student has disclosed it to their education institution. A failure to disclose a police charge, caution, conviction or

conditional discharge will be considered by the Registrar when assessing whether you are of good character to be capable of safe and effective practice.

96. If you remain on the course, you must declare the charge, caution, conviction or conditional discharge to us when applying to join the register. We will decide whether you are capable of safe and effective practice, taking into account the charge, caution, conviction or conditional discharge. The Registrar may make a different decision to your education institution.

Information for education providers

97. The standards for education and training set out the requirements that institutions and their practice learning partners must have in place in order to be able to provide a supporting declaration for nurses, midwives and nursing associates who are seeking to join the register.
98. Guidance on the process can be found in the AEI portal guidance – <https://nmc.mottmac.com/Training-resources/portalguidance>

Fitness to practise panels at programme providers

99. Since 2009 all programme providers¹⁷ have been required to have a local fitness to practise panel to consider health or character issues, and to protect the public.
100. If during your pre-registration programme you are charged with a criminal offence or receive a caution, conviction or conditional discharge you must notify your education institution immediately.
101. If necessary a local fitness to practise panel will meet to make a decision about your suitability to remain on the programme. This would apply if your attitude or behaviour is such that it calls into question your good character.

Which charges, cautions, convictions and conditional discharges should be disclosed?

102. You must disclose all cautions, convictions or conditional discharges to us, unless they are protected or if we have already been made aware of them. Protected cautions, convictions and conditional discharges won't be disclosed on a Disclosure and Barring Service (DBS) check for England, Wales and Northern Ireland.
103. Listed offences are never protected and must always be declared to us. See the **full list from the DBS** for England, Wales and Northern Ireland. In Scotland, the checking and barring service is operated by **Disclosure Scotland (DS)**.

¹⁷Where we have referred to programme providers we are referring to both approved education institutions (AEIs) and their partnering practice learning providers.

Charges

104. You don't need to tell us about a police charge which the NMC has previously considered or a police charge which resulted in no further action by the police.

Cautions

105. Cautions in Scotland and Northern Ireland aren't protected.

106. A caution in England and Wales is protected if six years have passed since the date of the caution (or two years if the person was under 18 at the time of the offence).

Convictions

107. A conviction in England, Wales or Northern Ireland is protected if:

- it's 11 years or more since the date of conviction (or five and a half years if the person was under 18 at the time of the offence)
- it is the person's only offence
- it didn't result in a custodial sentence (including a suspended sentence), a sentence of imprisonment or service detention
- it's not for a 'listed' offence (please see hyperlink at paragraph 103).

108. A conviction in Scotland is protected if:

- it's spent and appears in the list of offences to disclose subject to rules, and either:
 - the sentence imposed by the court was an admonition or an absolute discharge, or
 - it's 15 years since the date of the offence (or seven and a half years if the person was under 18 at the time of the offence). Please see hyperlink at paragraph 103.

109. Under Scottish law, there is an additional list of convictions which can't be protected because they are too serious.

Conditional discharges

110. Offences which result in conditional discharge become protected 12 months after the date they are imposed or when the order expires, if this is longer than 12 months.

Disclosure of driving offences and penalty fares

111. You don't need to tell us about a motoring offence unless it has resulted in a disqualification.

112. You don't need to tell us if you have been disqualified from driving if you have built up 12 or more penalty points within a three-year period.
113. If you're a new driver and your licence has been revoked because you received six or more points within two years of passing your test, you don't need to declare this to us.
114. If you have been charged or convicted of a drink driving offence, you are required to tell us.

Cautions, convictions and conditional discharges (which are not protected) before 2004

115. In 2016 we introduced revalidation. This includes a requirement that we are informed of any cautions, convictions and conditional discharges that we have not already considered.
116. If you have historic cautions, convictions or conditional discharges that you haven't told us about and which aren't protected, you are expected to declare them. We will consider each on a case by case basis but if there has been no further concerns since, it is unlikely that we would refuse an application for registration in light of a caution, conviction or conditional discharge prior to 2004.
117. Not telling us about a charge, caution, conviction or conditional discharge is a clear breach of the Code. If there is evidence that you are dishonest when you apply to join our register or renew your registration, we'll have to investigate the circumstances to determine if this affects your registration.

Determinations from other regulatory bodies

118. If another regulatory body has decided that your fitness to practise is impaired you must tell us. This includes a determination by the Care Quality Commission (CQC) that you are not a fit and proper person. We will request formal confirmation of the determination from the regulatory body, and any other relevant documentation.

Any other matters

119. The Registrar may consider any other matters which appear to be relevant when considering the good character of any applicant to the register.
120. This includes:
 - conditional discharges
 - absolute discharges
 - an admonition in Scotland

- conduct that would breach the requirements of the Code, whether or not it has resulted in criminal proceedings.

Conditional discharges

121. If you receive a conditional discharge you are required to tell us and your employer as soon as you can after receiving it. This is in keeping with [the Code](#) (paragraph 23.2).
122. Please email newreferrals@nmc-uk.org with your full name, Pin and details of the conditional discharge. Our Fitness to Practise team will get in touch to tell you what will happen next.

Absolute discharges and admonitions

123. We will consider the underlying circumstances of the offending in order to determine if it affects your ability to practise safely and effectively.

Conduct that would breach the requirements of the Code, whether or not it has resulted in criminal proceedings

124. The Code sets the professional standards of practice and behaviour expected of a registered nurse, midwife or nursing associate. When joining our register, and then renewing your registration, you commit to upholding these standards. This commitment to professional standards is fundamental to being part of a profession. You should use the Code to promote safe and effective practice and for reflection on your practice.
125. When declaring that you are of good character you should consider whether you have been involved in conduct which would breach the requirements of the Code. You can read the Code on our website: www.nmc.org.uk/standards/code
126. If you have been involved in conduct which may breach the requirements of the Code, when you were not registered with us, and a finding about this conduct has been made, you need to tell us about this. This concerns conduct both in the UK and overseas.
127. If you are applying for registration for the first time, you will only need to declare to us any findings made against you since you received your qualification.
128. Revalidation is not an assessment of a nurse, midwife or nursing associate's fitness to practise. Employers and individuals on our register have a responsibility to refer matters to us through our fitness to practise referrals process when appropriate and not to wait until the point of revalidation. Revalidation is about registered practice and therefore we do not require you to tell us about any findings which may breach the requirements of the Code during your revalidation application.
129. If you are applying for readmission, we only need to know about any findings made against you in the time period between when you left the register and your application for registration. This is up to a period of 5 years.

130. If a finding was made against you that happened more than 5 years ago, then you don't need to tell us but you will be required to complete a return to practice course.
131. The Registrar can request any further information and consider any further matters which appear relevant when considering if you are of good character to be capable of safe and effective practice

Working without registration

132. You can't work as a nurse or midwife in the UK, or nursing associate in England, without registration with us.
133. You may commit a criminal offence if you work in a role requiring registration with us when you aren't registered.
134. If your registration has lapsed, you should stop working as a nurse, midwife or nursing associate immediately and tell your employer or trade union representative that you no longer have registration.
135. Maintaining your registration is your personal and professional responsibility. If we become aware you have been practising as a nurse, midwife or nursing associate without being registered the Registrar may refuse your application for registration. If you are on the register, we may open a fitness to practise investigation.
136. We will consider the factors outlined in paragraph 138 if you worked in a role without registration.

Factors that we take into account when considering character cases

137. Each application is considered on a case-by-case basis, taking into account all the relevant circumstances relating to the conduct and the applicant.
138. The test of whether someone is of good character to be admitted to the register is a high one.
139. The Registrar will look at your application and the factors which will be taken into account are as follows:
 - Your age when the conduct took place.
 - How long ago the conduct took place.
 - Whether it was an isolated incident.
 - Whether the incident(s) were linked to nursing or midwifery practice or employment.
 - Whether the use of drugs or alcohol was a factor in the conduct.
 - Reflection and insight about the conduct and obligations as a registered nurse, midwife or nursing associate.
 - Personal mitigation.

- Any explanation offered for the conduct having occurred.
140. We make an assessment and may ask for further information to help the Registrar make a decision if necessary.
141. It is for you to provide sufficient evidence to satisfy the Registrar that you are capable of safe and effective practice.

Assessing the seriousness of police charges, cautions, convictions and conditional discharges

142. If the criminal offending was directly linked to your professional practice, it is more likely that it may call into question your ability to practise safely and effectively by reason of your character.
143. If the criminal offending took place in your private life, and there's no clear risk to patients or members of the public, then it is unlikely it will affect your ability to practise safely and effectively.
144. If we decide that the charge, caution, conviction or conditional discharge would be serious enough to call into question your good character, we'll seek police information to verify the details of the matter referred to us and a statement from you regarding the circumstances.
145. It is unlikely you will meet the character requirements for admission, readmission to the register or renewal of registration if you have been involved in any of the following:
- Serious sexual misconduct (including child pornography).
 - Conduct involving dishonesty, fraud or deception.
 - Offences that involved neglecting, exploiting, assaulting or otherwise harming patients/people, which are so serious that it may be harder for a nurse, midwife or nursing associate to remediate.
 - Conduct involving hostility to others based on their race or ethnicity, religion, sexual orientation, gender identity or disability.
 - Conduct involving a breach of trust and/or abuse of position.
 - If you received a custodial sentence (this includes suspended sentences), or the conviction was for a **specified offence**. Please visit our website for further information.¹⁸

Driving offences

146. Motoring offences which result in disqualification will be considered on a case by case basis. They will only affect a registration application if they are closely linked to your practice, or suggest there may be a concern about your health. For further information on the disclosure of driving offences please see paragraph

¹⁸ www.nmc.org.uk/ftp-library/understanding-fitness-to-practise/fitness-to-practise-allegations/criminal-convictions-and-cautions/serious-offending-and-specified-offences/

111–114.

Drug and alcohol offences

147. This includes the following types of offences:

- Offences where alcohol or drugs are part of the offence itself, for example driving with excess alcohol or possession of controlled drugs.
- Offences committed while under the influence of alcohol or drugs, for example an assault committed when under the influence of alcohol.
- Offences committed in order to obtain alcohol or drugs, for example theft of alcohol or medication.

148. Drink and alcohol offences may affect your application if:

- the offence occurred either in the course of your professional duties, driving to or from those duties, or during on-call or standby arrangements
- there are aggravating circumstances connected with the offence, or
- it is a repeat offence.

149. If you have been convicted of a drink-driving or drug offence, we will need to explore any underlying issues that may indicate a health condition or addiction.

150. If you tell us about a drug or alcohol offence, we will ask you to send us a reference from your GP or occupational health physician. The reference should confirm whether the practitioner is aware of any history of drug or alcohol use and whether, in their opinion, you are capable of safe and effective practice.

151. It is your responsibility to satisfy the Registrar that you are capable of safe and effective practice.

In what circumstances will the Registrar consider referring my case to Fitness to Practise?

152. In exceptional circumstances we may decide that the health or character concern which has been declared to us during a renewal application raises a serious public protection risk and is likely to meet the interim order threshold. This may mean your registration needs to be suspended or subject to conditions. If this happens, we'll refer you to our Fitness to Practise team. The test for interim orders is:

- necessary to protect the public,
- otherwise in the public interest, or
- in the interests of the nurse, midwife or nursing associate.

153. We will write to you and inform you of this. This is only in cases where you are already on the register and make an application to renew your registration. If information is received prior to your revalidation application then your matter will automatically be dealt with by our Fitness to Practise team.

Section 5 – Other useful publications

- **The Code** - <https://www.nmc.org.uk/standards/code/>
- **The standards for education and training**
www.nmc.org.uk/standards-for-education-and-training/
- **The standards of proficiencies**
Nurses – www.nmc.org.uk/standards/standards-for-nurses/standards-of-proficiency-for-registered-nurses/
Midwives – www.nmc.org.uk/standards/standards-for-midwives/standards-of-competence-for-registered-midwives/
Nursing associates – www.nmc.org.uk/standards/nursing-associates/standards-for-nursing-associates/
- **How to revalidate**
revalidation.nmc.org.uk/download-resources/guidance-and-information
- **Enabling professionalism** www.nmc.org.uk/globalassets/sitedocuments/other-publications/enabling-professionalism.pdf

Glossary of terms

Disability – The term ‘disability’ covers learning difficulties, physical impairments and mental impairments that have a substantial and a long-term effect on the person’s ability to carry out normal day-to-day activities. A long-term effect is one that has lasted, or is expected to last, at least 12 months or the rest of the person’s life.

A disability may be visible or non-visible, may be permanent or temporary and may have a minimal or substantial impact on a person's abilities.

Equality Act 2010 – The Equality Act came into operation on 1 October 2010. The equality duty was created by the Equality Act and replaces the race, disability and gender equality duties. The duty came into force in April 2011 and covers age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. These are referred to as protected characteristics. The Equality Act only applies in England, Scotland and in Wales and not in Northern Ireland and the Islands.

Registration – You must be registered with the NMC in order to practise as a nurse or midwife in the UK and nursing associate in England. We maintain a register of over 690,000 nurses, midwives and nursing associates. It’s our aim to make sure that your registration is completed as efficiently and quickly as possible.

Revalidation – This is the process that allows you to maintain your registration with the NMC, demonstrates your continued ability to practise safely and effectively, and is a continuous process that you will engage with throughout your career. Revalidation is the responsibility of nurses, midwives and nursing associates themselves.

Renewal date – The date on which your registration will be renewed if you have successfully completed your revalidation application. It is the last day of the month in which your registration expires.