

Guidance on how fitness to practise allegations and findings are considered as part of readmission applications

Where the Registrar receives an application for readmission and is aware or becomes aware of information raising a concern that the applicant's fitness to practise may be impaired, the Registrar shall take into account that information to decide if the applicant is capable of safe and effective practice. The Registrar may consider information that they receive before or after an application for readmission is made.

Allegations received while the nurse or midwife is not on the register

Where the Registrar becomes aware of an allegation suggesting that the applicant's fitness to practise may be impaired as set out in article 22 of the order and this allegation is made while the nurse or midwife is not on the register, we will keep a record of this allegation.

If a nurse or midwife applying for readmission is subject to an allegation as described above, the Registrar will ask for additional information to help her assess whether or not the applicant is capable of safe and effective practice.

Where there is a previous finding of impairment against the nurse or midwife

If a nurse or midwife's registration lapsed after a fitness to practise panel found their fitness to practise to be currently impaired, but took no further action, the Registrar can take this into account if the nurse or midwife applies for readmission. In doing so, the Registrar will consider the panel's decision, and the reasons for it, when deciding whether the nurse or midwife:

- is capable of safe and effective practice as a nurse or midwife, in accordance with Article 9(2)(b) of the Order;
- meets health requirements, in accordance with Rule 6(5) of the Registration Rules; and
- meets character requirements, in accordance with Rule 6(6) of the Registration Rules.

As part of this consideration, the Registrar can ask the nurse or midwife to show what they have done to improve their practice and reduce any outstanding risk.

Voluntary removal

Voluntary removal is the process by which a nurse or midwife who is the subject of a fitness to practise allegation may be removed from the register. The process also applies when a nurse or midwife who wants to come off the register discloses to the NMC information about a potential allegation.

Where the Registrar receives an application for readmission following voluntary removal and is or becomes aware of information (whether received before or after the voluntary removal was allowed or before or after the readmission application was made) which

raises concerns that the applicant's fitness to practise may be impaired, the Registrar shall consider that information when determining whether the applicant is:

- capable of safe and effective practice as a nurse or midwife, in accordance with article 9(2)(b) of the order;
- meet health requirements, in accordance with rule 6(5); and
- meet character requirements, in accordance with rule 6(6).

In reaching a decision, the Registrar will have regard to the information about the applicant's future intentions provided by the nurse or midwife at the time of their application for voluntary removal and any admissions made by them in relation to their fitness to practise. The Registrar will need to be satisfied that it is appropriate in all the circumstances for the nurse or midwife to be admitted to the register. The Registrar will exercise caution in allowing a nurse or midwife to be admitted following their voluntary removal from the register in circumstances where they have previously expressed an intention to permanently cease to practise.

Voluntary removal: Health cases

Depending on the nature of the concerns, the nurse or midwife may be required to provide up-to-date medical evidence from a specialist in the relevant field approved by the NMC in order to satisfy the Registrar that they now meet the health requirements and are capable of safe and effective practice.

Voluntary removal: Lack of competence and poor clinical performance cases

When considering any application for readmission where the allegations that existed when voluntary removal was allowed included lack of competence or poor clinical performance, the applicant will need to satisfy the Registrar that they are now capable of safe and effective practice. The nurse or midwife may be required to complete an appropriate return to practice course before seeking readmission and the burden will be on the nurse or midwife to prove that they are now fit to practise without restriction.

Voluntary removal: Allegation of impairment on more than one ground

Where it is alleged that the nurse's or midwife's fitness to practise is impaired on more than one ground, the Registrar will need to look at all the allegations and consider whether, in all the circumstances, registration is appropriate.

The nurse or midwife will need to satisfy the Registrar that they are capable of safe and effective practice, and meet the health and character requirements, in light of all of the outstanding allegations. Where any outstanding allegations were not admitted or proved, the Registrar will consider the evidence available to prove those allegations at the time of the application for readmission.

Incorrect and fraudulent entry cases

Where a nurse or midwife has been removed from the register as a result of an incorrect or fraudulent entry case, they can apply for readmission to the register.

When considering an application for readmission following the removal from the register after an incorrect or fraudulent entry case, the Registrar will consider:

- the circumstances of the incorrect and fraudulent entry case (including the reasons produced by the Investigating Committee panel who made the decision to remove);
- the action that the nurse or midwife has taken to correct the entry; and
- whether or not the nurse or midwife has been dishonest in their conduct.