

# Interim orders, their purpose, and when we impose them

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## What types of interim order are available?

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A panel of one of our practice committees is able to impose:

- an interim conditions of practice order, or
- an interim suspension order

on a nurse, midwife or nursing associate's practice while a fitness to practise case is ongoing. This will only happen in cases which satisfy the test for interim orders to be made.

## Interim conditions of practice order

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An interim conditions of practice order restricts a nurse, midwife or nursing associate's practice. The panel will decide what conditions are necessary to deal with any risk with the nurse, midwife or nursing associate's practice. This could mean the nurse, midwife or nursing associate is only allowed to practise under supervision, or may have to avoid particular areas of practice. Conditions of practice apply to the nurse, midwife or nursing associate's registration. This means that a nurse, midwife or nursing associate can only practise if they stick to the conditions.

## Interim suspension order

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An interim suspension order means that the nurse, midwife or nursing associate's registration is suspended and they must not practise as long as it is in place. For nurses, midwives or nursing associates who have more than one entry on the register (e.g. where they are registered as both a nurse, a midwife and a nursing associate), interim suspension orders will prevent them from practising as either a nurse, midwife or nursing associate.

## What is the purpose of interim orders?

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Interim orders protect the public, and occasionally the professional themselves, from risk by restricting or suspending a nurse, midwife or nursing associate's practice while we investigate concerns about them. This means that an interim order will be imposed before a panel has made any findings of fact about the concerns raised. An interim order will be needed in cases where the concerns about a nurse, midwife or nursing associate's practice are so serious that:

- patient safety would be put at risk,

- there would be serious damage to public confidence in the nursing and midwifery professions if they were allowed to practise without any restrictions or
- there are concerns that the professional themselves could suffer serious harm if they continued to practise without some kind of restriction.

If a nurse, midwife or nursing associate deliberately breaches an interim order, this may in itself require regulatory action. Such matters are likely to be taken seriously as they show a disregard for the steps the NMC has put in place to keep the public safe or uphold confidence in the professions<sup>1</sup>. We explain this in more detail in our guidance [here](#).

## Which panels can make or review interim orders?

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Panels of the Investigating Committee and the Fitness to Practise Committee are able to restrict or suspend a nurse, midwife or nursing associate's right to practise. They will consider if an interim order is required after hearing about the concerns and [making a risk assessment](#). They do not consider whether the concerns have been proven.

### Making interim orders

If we've referred a concern to either practice committee, and that committee hasn't yet reached a decision about it, the committee can make an interim order to restrict or suspend the nurse, midwife or nursing associate's right to practise.<sup>2</sup> So for example, if we've referred a concern to the Case Examiners<sup>3</sup> while we complete our investigation, but the Case Examiners haven't yet decided whether there's a case to answer, the Investigating Committee can make an interim order. Or, if we've referred a case directly to the Fitness to Practise Committee, and there hasn't yet been a final decision at a hearing or meeting, the Fitness to Practise Committee can make an interim order.

The Investigating Committee has the power to make an interim order at the same time as it refers a case on to the Fitness to Practise Committee after finding a case to answer.<sup>4</sup> So our Case Examiners, who decide whether there's a case to answer on behalf of the Investigating Committee, can direct either practice committee to consider making an interim order.

The Investigating Committee can, in fact, make an interim order in a case that has already been referred to the Fitness to Practise Committee, and it can do this at any time before the Fitness to Practise Committee starts considering the case at a hearing or meeting.<sup>5</sup>

### Reviewing interim orders

Under our legislation interim orders have to be reviewed every six months, by either the committee that made the order, or (if the case has been referred to the Fitness to Practise Committee) by the Fitness to Practise Committee.<sup>6</sup>

The Fitness to Practise Committee can review orders in cases that have been referred to it. The Investigating Committee can also review these orders, as long as the Fitness to Practise Committee hasn't yet started considering the full case at a hearing or a meeting<sup>7</sup>.

## When can interim orders be considered?

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Our practice committees (which will either be the Fitness to Practise Committee or the Investigating Committee, depending on the circumstances) are able to impose interim orders if:

- an allegation against a nurse, midwife or nursing associate has been referred to the Investigating Committee or the Fitness to Practise Committee but the Committee has not yet reached a final decision. This might be where a final hearing before either Committee adjourns part way through the case, and the panel hearing the case thinks that an interim order is necessary given what they have heard
- Case Examiners find a case to answer against a nurse, midwife or nursing associate and refer their case to the Fitness to Practise Committee
- the Investigating Committee directs that a nurse, midwife or nursing associate's entry on the register should be amended or removed after deciding the entry was fraudulently procured or incorrectly made
- after deciding that a nurse, midwife or nursing associate's fitness to practise is impaired, the Fitness to Practise

Committee imposes a striking-off order, a suspension order, or a conditions of practice order. An interim order is imposed at this stage to cover the period before the sanction comes into effect, which is usually 28 days after the date on which the decision letter is served. The interim order can be imposed for a period up to 18 months to cover any potential appeal.

1 See GMC v Donadio [2021] EWHC 562 (Admin) in relation to the serious nature of deliberate breaches of interim orders.

2 Article 31(1)(a)(i) of the Order

3 Who carry out the functions of the Investigating Committee under article 26A(1) of the Order and rule 6C of the Rules

4 Article 26A(1) and article 26(11) of the Order and rule 6C(1) of the

5 Article 26(11) of the Order

6 Article 31(6) of the Order

7 It's clear from the [statutory consultations](#) about changes to our legislation that in 2014 there was a clear intent to give our Investigating Committee more flexibility to review cases that had been referred to what was then our Health Committee or Conduct and Competence Committee. When this area of our legislation changed to reflect those committees being replaced by the Fitness to Practise Committee, the consultation did not say there was any desire to restrict the Investigating Committee's role.