

## Interim order frequently asked questions

### Information about interim orders hearings

#### **What is an interim order hearing?**

This is a hearing to decide whether an interim order is required to place interim conditions on your practice or suspend your registration while your case is being investigated. This is a risk assessment made by a panel using the information that we have at this time.

#### **What is the difference between Case Examiner consideration and an Interim Order hearing?**

An interim order hearing is a public hearing to decide whether to place interim conditions on your practice or suspend your registration.

On completion of an NMC investigation, the Case Examiners consider in private, whether there is no case to answer, recommend that we undertake further investigation, or they may find that there is a case to answer.

If the Case Examiners find that there is no case to answer they may:

- Take no further action
- Give advice
- Issue a warning

If the Case Examiners determine that there is a case to answer they may:

- Recommend undertakings, or;
- Refer the matter to the FtPC

#### **What will happen at the hearing?**

The NMC case presenter will present the case. The NMC case presenter will apply for an interim order to be made and present the panel with reasons why this is appropriate. Everyone will have been given copies of the same documents. The panel will also have these documents.

You will then be asked why you think no order is necessary, or why one type of order is preferable over another. The panel will then make their decision in private and will announce the decision on the same day.

#### **What are the possible outcomes of the hearing?**

The panel may decide to:

- Make no order.

- Make an interim conditions of practice order.
- Make an interim suspension order.

If an order is made it will come into force immediately. Interim orders can be made for a maximum period of 18 months.

### **Do I have to take part?**

No, but we'd encourage you to. It can go ahead without you, under the official rules – 'The Nursing and Midwifery (Fitness to Practise) Rules 2004'. If you can't take part you can email me your written response and any supporting documentation you want the panel to see.

### **Can a friend, partner or family member be with me?**

Yes, and they may address the panel if you wish. You should ask the permission of the panel first and they will discuss the implications of this with you on the day.

### **If I don't take part will it go against me?**

It is entirely up to you to decide if you want to take part. Not taking part in itself will not be used against you. However, if you don't take part then the panel will not be able to hear your position.

### **If I take part will I be asked any questions?**

You will be asked questions, however it is up to you whether you answer them.

### **Who will be taking part in the virtual hearing?**

NMC staff, panel members, a legal assessor and a shorthand writer.

### **Will the NMC be calling witnesses?**

This is very unlikely. We will let you know if we intend to call any witnesses.

### **Can I call witnesses?**

Yes. However, this is not a fact finding hearing. The panel are simply deciding whether an interim order is necessary. They will not be making findings on the strength of the case against you or on the individual concerns.

## **Representation**

### **Can the NMC represent me?**

No, the NMC cannot represent you. We are bringing the case against you and will present the information to the panel that we have received. If you wish to be represented you should contact your union, the Royal College of Nursing (RCN), Royal College of Midwifery (RCM), Unison, Unite or a solicitor. Your union, the RCN or RCM may be able to provide a lawyer to represent you.

There is no requirement to be represented. If you wish, you can take part in the hearing on your own and represent yourself.

## **Can you send a copy of the papers to my representative or solicitor?**

Yes. Please provide your representative's name and email address as soon as possible.

## **Your response**

### **How should I send you my response?**

All responses must be in writing, and sent to your case officer.

The quickest way to send us your response and ensure it reaches the panel in time is to **email it to FTPScreeningTeamA@nmc-uk.org or fax it to: 020 7580 3410, marked for the attention of your screening case officer.**

As your case is being heard virtually, you should aim to **have your response with us by 17:00 three working days before your hearing.** This is to allow enough time for it to be processed internally and arrive at the hearing in time. We would advise against sending your response by post at this current time and where possible please send correspondence by email.

### **What type of information should I include in my response?**

You may write to the panel to give your views about the need to make an interim order. You may also present arguments about why one kind of order may be more appropriate than another.

### **What will happen if my response arrives on the day of the hearing?**

The panel will only consider your response if it is before them when they begin to hear the case. If the panel receive your response after the hearing begins then it cannot be considered.

## **Taking part in the hearing**

### **What time is my hearing?**

The panel will begin sitting at the time specified in the letter.

### **Can I ask for my case to be adjourned?**

You can request an adjournment by email or on the day of the hearing. However, it is very unusual for an adjournment to be granted.

If you're unwell, caring for someone who's unwell, or unable to attend because of the current pressures in the workplace, and the panel decided that some kind of order is still necessary, we can prioritise holding an early review. You should contact us by email if you want an early review.

### **My doctor has diagnosed me as suffering from stress. If I submit a medical letter to the panel will they adjourn the case?**

You may submit any information to the panel that you wish. This will be taken into consideration, however it is very unlikely that your case will be adjourned. The panel may decide to proceed with the hearing but we will prioritise an early review if you want one.

### **Can the hearing be held in my absence?**

The Nursing and Midwifery (Fitness to Practise) Rules 2004 (as amended) allow us to hold a hearing in your absence.

## **Notifying your employer and practising as a nurse or midwife**

### **Do I have to tell my employer?**

You are required by *The Code: Professional standards of practice and behaviour for nurses and midwives* to tell any employers you work for if you have had your practice restricted or had any other conditions imposed on you by us or any other relevant body.

### **Can I still work as a nurse or midwife before the hearing?**

Yes.

### **What is the point of this? I am not working as a nurse/midwife anymore.**

Although you may not be working as a nurse/midwife at the moment, you are still registered with us. We must therefore take seriously and process any concerns which call into question your fitness to practise.

### **I no longer want to be a nurse or midwife. Can you close this case and remove my name from the register?**

You can apply for voluntary removal from the NMC register.

For further information on our voluntary removal procedures please refer to the *NMC guidance on voluntary removal decision making* and *Application for voluntary removal form* on our website, at [www.nmc-uk.org/voluntary-removal](http://www.nmc-uk.org/voluntary-removal)

## **Other FAQs**

### **Who is my case officer, and will they be at the virtual hearing?**

Your case officer's details are outlined in your notice of interim order hearing. They will not take part in the virtual hearing.

### **Will this be an end to my case?**

No. The case will continue through our usual fitness to practise processes regardless of the panel's decision at the interim order hearing.