



Nursing and Midwifery

Guidance for Nursing & Midwifery Managers: Nursing and Midwifery Council (NMC) Conditions of Practice Order

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1 Purpose

The purpose of this document is to assist managers in supporting registrants who are subject to an interim or substantive conditions of practice order.

The NMC have information on their website about [Conditions of practice order - The Nursing and Midwifery Council](#).

2 Scope

This guidance is applicable when a registrant has either an interim or substantive conditions of practice order from the NMC.

3 When Might a Conditions of Practice Order be Made?

A conditions of practice order can be put in place during the screening and investigation phase of a fitness to practice referral or may be part of the outcome of any hearing. Conditions of practice orders are ordered by the Fitness to Practise committee and are agreed with the registrant.

Conditions of practice orders enable the registrant to continue to work whilst their fitness to practice remains impaired. This could mean the nurse or midwife is only allowed to practise under supervision or may have to avoid particular areas of practice. Conditions of practice apply to the nurse or midwife's registration. This means that a nurse or midwife can only practise if they stick to the conditions.

3.1 Interim Conditions of Practice Orders

An interim conditions of practice order temporarily restricts the registrant's practice for up to 18 months while their case is being investigated.

An interim order will be needed in cases where the concerns about a nurse or midwife'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.

3.2 Substantive Conditions of Practice Orders

When a substantive conditions of practice order is imposed on a nurse or midwife's registration, they must comply with the conditions placed on their practice for up to three years.

Conditions of practice keep patients safe by addressing the concerns that led to the panel deciding the nurse or midwife's fitness to practise is currently impaired, but also allow the nurse or midwife to continue to work.

The NMC state that conditions of practice should be:

- **Relevant** – i.e. related to the concerns that were referred to the NMC
- **Proportionate** – i.e. no more restrictive than is necessary to protect the public and uphold confidence in the professions
- **Workable** – i.e. it must be possible for the registrant to comply
- **Measurable** – i.e. it must be possible to assess whether the registrant has complied with the conditions

4 What are the Requirements on the Employer?

The registrant must comply with the conditions of a conditions of practice order. The role of the employer is to support the registrant with that.

4.1 Notification of Conditions of Practice

The NMC will advise the Nurse Director (Corporate Nursing) when any of the NHS Lothian caseload of referrals have conditions of practice applied or when these are reviewed / varied.

This information will be shared with the Lead Professional / Second Referrer (usually the AND / Chief Nurse / Associate Midwifery Director or the Clinical Nurse Manager / Midwifery Manager) for local dissemination as appropriate.

Conditions of practice orders are listed on the NMC Website (excluding any specific conditions that relate to health, which are private).

4.2 Discussion(s) with Registrant

As above, the responsibility for achieving the conditions of practice rests with the registrant.

One of the conditions of practice is usually a requirement on the registrant to advise their employer of the conditions of practice orders (excluding any specific conditions that relate to health, which are private).

If the registrant does not volunteer the information, it would be expected that the immediate line manager (usually the Senior Charge Nurse / Midwife or Team Leader) will initiate a conversation with the registrant.

4.3 Supporting Conditions of Practice

Where possible the manager should endeavour to facilitate the conditions of practice – this may be through training or supported / supervised practice in relation to one or more competencies or other aspects of practice, such as creating a Personal Development Plan.

Some of the conditions of practice can only be performed by the registrant – this may be completing a reflective practice profile or similar.

4.4 Recording Progress with Conditions of Practice

The [Employer's Conditions of Practice Report template](#) can be used by the immediate line manager to record the employer's support towards the registrant's compliance with the conditions of practice.

It is recommended that the registrant is provided with a copy of the conditions of practice template in advance of review hearings with the NMC.

It is incumbent on the registrant to submit any evidence to the NMC to demonstrate their compliance with the conditions of practice.

5 Review of Conditions of Practice

The NMC will schedule regular reviews of conditions of practice.

The Nurse Director (Corporate Nursing)'s office will ensure that dates for reviews are made known to the Lead Professional / Second Referrer and that the outcomes are notified.

6 Frequently Asked Questions (FAQs)

Question: Are Conditions of Practice the same as Undertakings?

Answer: No. Please see guidance on [Undertakings - The Nursing and Midwifery Council](#)
Undertakings are a pathway back to safe practice which require a registrant to take specific positive steps in a specified time period.

Question: What can be done if the conditions of practice are not workable?

Answer: As an organisation we can raise concerns with the NMC. This would be done following a **case conference** involving, at a minimum, the Lead Professional, the immediate line manager, Nurse Director (Corporate)'s office. OHS, HR and the registrant and their staff-side representative should participate if able / appropriate.

Please submit any other questions about conditions of practice to:

loth.nmcreferrals@nhs.scot

7 Associated Materials/Information

[SOP: Referral of registrants to the Nursing and Midwifery Council \(NMC\)](#)

[Policy: Referral of registrants to the Nursing and Midwifery Council \(NMC\)](#)

[NMC Employees Conditions of Practice Report](#)

[NMC Fitness to Practise Website](#)

[NHS Lothian Staff Support](#)