

- How much harm the alleged conduct has already caused, or could have caused, to the public. This could include physical, mental, emotional or financial harm
- How likely it is that the conduct would be repeated if some form of restriction was not put on the professional's practice
- The professional's past or current fitness to practise history
- Whether there are existing restrictions in place imposed by the police (bail conditions), an employer or another regulator
- How likely is it that there would be serious damage to public confidence in the professions, if their practice was not restricted whilst the concerns were investigated
- If they are considering an order in the professional's own interests, how likely it is that the person concerned would suffer harm if their practice was not restricted.

We have separate guidance on [seriousness](#) and [insight and strengthened practice](#) which the panel may find helpful to consider when thinking about seriousness, or how likely it is that incidents may reoccur.

(c) Proportionality and applying the test:

When the panel has established the risks they think are involved in a particular case they will then need to weigh those risks up against the professional's interests.

Considering the interests of the nurse, midwife or nursing associate includes considering their right to practise unrestricted, damage to their professional reputation, and their ability to address any concerns through demonstrating safe practice (although this may be less relevant in cases that do not relate to the nurse, midwife or nursing associate's clinical ability).

The panel conducts this balancing exercise with the three grounds of the interim order test in mind. When considering the three grounds, the panel would need to bear in mind the following:

- For an interim order to be considered necessary for the protection of the public, it is not enough for the panel to consider that an interim order is merely desirable. The panel must be satisfied that there is a real risk to patients, colleagues or other members of the public if an order is not made.