

**Nursing and Midwifery Council  
Fitness to Practise Committee**

**Substantive Order Review Hearing  
Tuesday 14 May – Wednesday 15 May 2024**

Virtual Hearing

**Name of Registrant:** Natalia Dooley

**NMC PIN** 12F0438E

**Part(s) of the register:** RNA: Adult nurse, level 1 (26 February 2013)

**Relevant Location:** Essex

**Type of case:** Misconduct

**Panel members:** Scott Handley (Chair, Lay member)  
Kate Jones (Registrant member)  
Isobel Leaviss (Lay member)

**Legal Assessor:** William Hoskins

**Hearings Coordinator:** Anya Sharma

**Nursing and Midwifery Council:** Represented by Sally Denholm, Case Presenter

**Ms Dooley:** Present and unrepresented

**Order being reviewed:** Conditions of practice order (12 months)

**Fitness to practise:** **Impaired**

**Outcome:** **Conditions of practice order (12 months) to come into effect on 26 June 2024 in accordance with Article 30(1)**

## Background

You are subject to a conditions of practice order. A Fitness to Practise panel heard evidence at a substantive hearing between 22 – 26 May 2023. That panel imposed conditions on your practice on 26 May 2023 for a period of 12 months.

You informed the Nursing and Midwifery Council (“NMC”) Compliance Monitoring Team that you were employed by Franklins Training Service (“Franklins”) in February 2024 and that you had ceased employment shortly thereafter. The NMC asked you to explain why you had left and also contacted Franklins to ascertain the reasons for you leaving. Franklins told the NMC that they had rescinded their offer of employment and gave reasons. They also informed the NMC that you had not disclosed your conditions of practice order until after being interviewed for a role as a clinical training consultant, but made it very clear that this had not been a reason for rescinding their offer of employment.

The NMC were concerned that you had not disclosed your conditions of practice until after a job interview. This resulted in this panel having to consider the allegation that you had not complied with condition 6c of your conditions of practice order:

*‘For the purposes of these conditions, ‘employment’ and ‘work’ mean any paid or unpaid post in a nursing, midwifery or nursing associate role’.....*

6. *You must immediately give a copy of these conditions to:*
  - a) ...
  - b) ...
  - c) *Any employers you apply to for work (at the time of application).*
  - d) ...
  - e) ...

## **Decision and reasons on alleged breach of condition 6c)**

The panel heard live evidence from the following witness called on behalf of the NMC:

- Ms 1: Office Manager at Franklins

The panel also heard evidence from you under oath and closing submissions made by both you and Ms Denholm in relation to this alleged breach.

Ms Denholm submitted that it is the NMC's case that the panel have heard clear and cogent evidence from Ms 1 that the role that she interviewed you for required you to be a registered nurse, that she 'would have' discussed this requirement with you during the interview on Friday 19 January 2024, that she did not recall you making her aware of the conditions on your registration during that interview or later that day and that the first time she became aware of your conditions of practice order was by way of your email on Monday 22 January 2024. Ms 1 told the panel that you had sent her the full details of the conditions of practice order the following day before she made you an offer of employment. The NMC's case was that you should have 'immediately' provided a copy of your conditions at the time of your application i.e. when applying via the Indeed website and/or at the interview.

In your evidence, you told the panel that there had been nothing on the Indeed website indicating that the role you were applying for required you to be a registered nurse. You told the panel that many people in clinical training roles were not registered nurses. To apply, you had uploaded your CV onto the portal. You told the panel that you made Franklins aware of your conditions of practice order during the interview held on Friday 19 January 2024, by way of a telephone call later the same day and then followed this up with an email on the next working day, Monday 22 January 2024, confirming that you were subject to conditions and a further email on Tuesday 23 January 2024 providing a link to the full substantive hearing determination and conditions of practice order. You had subsequently received and accepted an offer of employment.

The panel accepted the advice of the legal assessor. He reminded the panel that it was at this stage conducting a fact-finding exercise in respect only of the alleged breach of the conditions of practice order as set out previously. He reminded the panel to apply its mind to the alleged breach only and to apply the balance of probabilities when considering the burden of proof.

In considering whether you breached your conditions of practice order, the panel had regard to all the evidence that had been provided in respect of this. It decided that it would be appropriate to undertake a fact-finding exercise to determine whether you had breached your conditions of practice order, before moving on to consider whether your fitness to practise as a registered nurse is still currently impaired.

In reaching its decision, the panel applied the balance of probabilities standard and was mindful that the burden of proof rested on the NMC.

The panel noted that, initially, it had no evidence before it by way of a job description or advert for the role that you had applied for, or been interviewed for, or any interview notes setting out the requirements for the role, including whether it would be classified as a 'nursing role' i.e. requiring registered nurse registration, and, therefore, whether the conditions were activated.

The panel requested that a search be made for any further documents which cast light upon the job description of the role for which you had applied. As a result of this the panel was provided, via Ms 1, with your CV that you used to apply for the job, copies of example job descriptions used by Ms 1 in advertisements placed on the Indeed website, an email dated 22 January 2024 from you sent to Ms 1 where you stated that you have restrictions on your NMC pin and an email dated 23 January 2024 from Ms 1 sent to you with a job offer.

The panel had no documentary record of what was discussed between you and Ms 1 during your interview or in any subsequent discussions, nor did it have any document before it as to the requirements for the role for which you thought you had applied. The panel heard evidence that Ms 1 had listed more than one role on the Indeed website,

and that some roles required an NMC PIN and some did not. Ms 1 gave evidence that you had, perhaps by mistake, applied for a Fire Safety and First Aid Trainer role on 15 January 2024, but that on her consideration of your CV she had identified a different role which was more suited to your nursing qualifications. Ms 1 invited you for interview for this role. Ms 1 stated that the details of the role, including the need for an NMC PIN, were discussed at the interview. You say you disclosed your conditions of practice order within this interview, Ms 1 stated that you had not.

When considering whether the job that you applied for and/or the job you were interviewed for required an NMC PIN, the panel took into account the job offer email from Ms 1 dated 23 January 2024, where reference is made to checking your NMC PIN and registration is valid and your acknowledgement and acceptance of the offer in your email response sent on the same day. It noted that this offer was sent to you after you had disclosed the conditions of practice order. This was not in dispute. The potential criticism was whether you had done this 'immediately' 'at the time of application'.

The panel had no information before it to confirm that the job roles advertised on the Indeed website stated that an NMC PIN was required. It noted that Ms 1 acknowledged that the job description document that she had submitted to the panel by way of further information was not in fact that for the job you were interviewed for or appointed to but was instead an example of the type of job advertised. You told the panel in your evidence that there was nothing on the Indeed website where the job had been advertised that said that an NMC PIN was required. You said that you had not seen the job description that was put before the panel and that you had certainly not applied for the job of 'Regional Training Consultant' which was the job description produced by Ms 1. Ms 1 accepted that this was the case.

The panel was not satisfied, on the balance of probabilities, that at the time of your initial application for a role via the Indeed website, you were aware that you were applying for a role that required an NMC PIN and hence needed to disclose your conditions of practice order at this point. The evidence of what occurred at interview was conflicting and there was no independent evidence to support either account. The panel concluded from the email evidence that, notwithstanding this, after your interview

for the role to which you were appointed, and at which the role requirements were fully explained by Ms 1, on the next working day you did disclose the presence of a conditions of practice order. Importantly, you followed this up, on the following day and ahead of an offer of employment from Ms 1 with a full copy of the determination and conditions of practice order. The panel therefore determined that there has not been a breach of the conditions of practice order.

### **Decision and reasons on review of the substantive order**

The panel decided to vary the current conditions of practice order.

This order will come into effect at the end of 26 June 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the first review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 26 May 2023.

The current order is due to expire at the end of 26 June 2024.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

The charges found proved which resulted in the imposition of the substantive order were as follows:

*That you, a registered nurse:*

1) a) *On or around 14 or 15 October 2020, failed to treat Colleagues with kindness, respect, and compassion in that you said to Colleague 1, in the presence of one or more Resident's, words to the effect of:*

i) *"have you no common sense, are you stupid"*

ii) *"fucking stupid"*

iii) *"fucking useless"*

- b) *attempted to close a door whilst Colleague 2 was standing in the doorway, making contact with their body;*
- c) *shouting and being abusive towards Colleague 2;*

2) ...

*AND in light of the above, your fitness to practise is impaired by reason of your misconduct.*

The original panel determined the following with regard to impairment:

*The panel first considered whether your actions at the time of the incident amounted to conduct which would have justified a finding of impairment at that time. The panel noted that there is no evidence before it any harm was caused to patients by this incident. However, the panel considered that vulnerable residents at the Home were exposed to a risk of harm from witnessing such misconduct, as they may have become fearful of you, which raises a risk that they may become less likely to raise concerns to you, or accept treatment from you.*

*Further, the panel found that patients were at risk of harm through your failure to work co-operatively with your colleagues. The panel considered that such co-operation affords patient and public safety, and that by losing your temper with your colleagues, could increase the risk of them failing to escalate patient concerns to you, which may have a detrimental impact on patient care. The panel had regard to Colleague 1's evidence in this respect, that he stopped raising his concerns to you and spoke to a different nurse where possible.*

*Further, the panel finds that your misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. It was therefore satisfied that a finding of impairment was necessary on the grounds of public protection when the incident took place on 15 October 2020.*

*The panel bore in mind, however, that impairment is a forward-looking exercise and it must consider your fitness to practise as of today's date, and any steps which you may have taken to remediate the concerns present at the time of the incident.*

*The panel first considered insight. It took account of your documentary and oral evidence, including your reflection dated 24 May 2023. The panel noted that you have demonstrated some insight into ... the stressors which contributed to your actions at the time, including difficulties in the workplace ... The panel was encouraged to learn that your employment ... have improved, however, although there is no evidence of any repetition of such concerns, it is mindful that similar stressors can arise unexpectedly at any time.*

*The panel examined the evidence into your insight into how the charges arose, and how you would act differently in future. The panel found your insight to be very limited. It found that you sought to attribute the blame for your failings onto others, and did not address the impact of your actions on the patients in your care, or your colleagues.*

*The panel noted that you have provided some positive testimonials, some of which pre-date 15 October 2020. However, in the absence of sufficient insight, it found that limited reliance could be placed upon these.*

*The panel took into account that you have provided various training documents relating to your CPD, many of which addressed clinical competencies which are not in dispute. It noted that you have attended training on conflict resolution. However, it was concerned that you were unable to articulate any learning, new behaviours or coping mechanisms from attending courses to address the concerns in charge 1. The panel found that this is indicative of you failing to embed such training, learning and benefits into your practice.*



*Accordingly, the panel is of the view that there is a risk of repetition if similar stressors to those present in 2020 re-occurred either in your home or professional life, based on the actions which led to your referral to the NMC, and your failure to demonstrate sufficient insight or strengthened practice in the period until this hearing. The panel therefore decided that a finding of current impairment is necessary on the grounds of public protection.*

*The panel bore in mind that the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.*

*The panel determined that a finding of impairment on public interest grounds is required because public confidence in the profession and the NMC as a regulator would be undermined if a finding of impairment were not made in this case due to*

*(1) The underlying conduct covered by charge 1; and*

*(2) Your current impairment due to a risk of repetition,*

*and therefore also finds your fitness to practise impaired on the grounds of public interest.*

*Having regard to all of the above, the panel was satisfied that your fitness to practise is currently impaired.*

The original panel determined the following with regard to sanction:

*It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict your practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where 'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not*

*happen again.’ The panel considered that your misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel recognised that your impairment is not as a result of a matter of clinical competence which may be learned and tested, but instead arose as a result of your conduct within a professional and patient facing environment. The panel considered whether the imposition of a caution order alongside advice for your future practice may support you. However, it concluded that, as a result of the level of risk identified by the panel in its findings on impairment, an order which does not restrict your practise in some form and require regulatory oversight would not mitigate this risk. Further, the panel decided that it would be neither proportionate nor in the public interest to impose a caution order.*

*The panel next considered whether placing conditions of practice on your registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel took into account the SG, in particular:*

- No evidence of general incompetence;*
- Potential and willingness to respond positively to retraining;*
- Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- The conditions will protect patients during the period they are in force; and*
- Conditions can be created that can be monitored and assessed.*

*The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted that you would be willing to comply with conditions of practice.*

*The panel had regard to the fact that this incident happened in October 2020, and there has been no evidence of similar attitudinal concerns. It also had regard to your positive testimonials and the evidence before it that you continue to work*

*well as a nurse. The panel was of the view that it was in the public interest that, with appropriate safeguards, you should be able to continue to practise as a nurse.*

*Balancing all of these factors, the panel determined that the appropriate and proportionate sanction is that of a conditions of practice order.*

*The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of your case. It had regard to Mr Khan's submissions on the appropriateness of a suspension order; however it considered that a short period of suspension would not assist you to maintain or demonstrate an attitudinal or behavioural change to demonstrate your fitness to practise to a future panel. Additionally, it concluded that a prolonged period of suspension would not allow you to develop and test new learning about your emotional self-regulation in the workplace, and would be disproportionate in this matter, especially taking into account that you have worked without incident since October 2020.*

*Having regard to the matters it has identified, the panel has concluded that a conditions of practice order will mark the importance of maintaining public confidence in the profession, and will send to the public and the profession a clear message about the standards of practice required of a registered nurse. The panel was of the view that it is in the public interest to allow a clinically competent nurse to practise in a time of social need.*

*The panel determined that the following conditions are appropriate and proportionate in this case:*

*'For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.*

- 1) *You will send your case officer evidence that you have successfully completed:*
- *A course on effective communication and teamwork at least 14 days before the next review of this order;*
  - *A course on conflict resolution in the workplace at least 14 days before the next review of this order;*  
*and*
  - *A course on stress management at least 14 days before the next review of this order.*

*Following the completion of these courses you must engage in reflective practice and document your learning.*

- 2) *You must work with any registered nurse to create a personal development plan (PDP). Your PDP must address:*
- *Developing insight into the incidents such as the matter found proved;*
  - *Reflective conversations to develop workable strategies and mechanisms to improve your interactions and communication in the workplace; and*
  - *Utilising this dedicated registered nurse in a supportive capacity;*
  - *Developing a strategy for gathering comprehensive feedback on progress you have made; and*
  - *Using such reflective learning in your practice.*

*You must send your NMC case officer a copy of your PDP by at least 14 days before any review of this order.*

- 3) *You must ensure that you are supervised by a registered nurse at any time you are working in a point of care environment. Such supervision should consist of working at*

*all times whilst on the same shift as, but not always being directly observed by, a registered nurse.*

- 4) *You must keep the NMC informed about anywhere you are working by:*
  - a) *Telling your case officer within seven days of accepting or leaving any employment, this includes any substantive employer or any agency who arranges work for you.*
  - b) *Giving your case officer your employer's contact details.*
  
- 5) *You must keep the NMC informed about anywhere you are studying by:*
  - a) *Telling your case officer within seven days of accepting any course of study.*
  - b) *Giving your case officer the name and contact details of the organisation offering that course of study.*
  
- 6) *You must immediately give a copy of these conditions to:*
  - a) *Any organisation or person you work for.*
  - b) *Any agency you apply to or are registered with for work.*
  - c) *Any employers you apply to for work (at the time of application).*
  - d) *Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.*
  - e) *Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity*

- 7) *You must tell your case officer, within seven days of your becoming aware of:*
  - a) *Any clinical incident you are involved in.*
  - b) *Any investigation started against you.*
  - c) *Any disciplinary proceedings taken against you.*
  
- 8) *You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:*
  - a) *Any current or future employer.*
  - b) *Any educational establishment.*
  - c) *Any other person(s) involved in your retraining and/or supervision required by these conditions*

*The period of this order is for 12 months to allow you to meaningfully engage with this order and demonstrate insight into your failings.*

*Before the order expires, a panel will hold a review hearing to see how well you have complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.*

*Any future panel reviewing this case would be assisted by:*

- *Your continued engagement with the NMC;*
- *Evidence of professional development, including documentary evidence of completion of the above-mentioned courses; and*
- *The provision of any documentation to be considered by the next panel to be provided to the NMC at least 14 days before the next review of this order.*

*This will be confirmed to you in writing.*

### **Decision and reasons on current impairment**

The panel has considered carefully whether your fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as a registrant's suitability to remain on the register without restriction. In considering this case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

Ms Denholm provided the panel with a background of the case and referred it to the findings of the original substantive panel. She submitted that the previous panel set out in its determination that any future reviewing panel would be assisted by your continued engagement with the NMC. Ms Denholm submitted that this panel can be satisfied that this has been met, given that you are clearly engaging with the NMC and have provided information about your professional developments, including saying that you have completed a number of courses in relation to effective communication and teamwork, conflict resolution in the workplace and stress management.

Ms Denholm set out that the panel can see from the bundle before it that you have provided a level 3 award in understanding the roles and responsibilities and relationships in education and training. She submitted that whilst this does go towards suggesting a level of communication and teamwork, it is the NMC's position that these do not adequately address the concerns that have been raised in this case, and that the previous panel had identified that work was required on conflict resolution in the workplace and also stress management. Ms Denholm submitted that to your credit, you have completed a personal safety programme, and you have informed your NMC Monitoring and Compliance Officer that courses have been completed with a previous employer, and whilst you have requested these certificates, you have not received them and you have not been able to provide any independent evidence of completion of the courses to the panel.

Ms Denholm submitted that the concerns in this case are of an attitudinal nature, which can be more difficult to 'put right'. She submitted that the previous panel's determination sets out that there were some concerns raised about your ability to work within a team, and whilst improvements were noted in your practice, there were questions that were raised about temperament and communication.

Ms Denholm invited the panel to consider whether your fitness practise is currently impaired and referred it to the test set out in the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant [2011] EWHC 927 (Admin)*. She submitted that it is the NMC's case that the first two limbs of the test have been satisfied, as the conduct does have the potential to put patients at risk and such behaviour of a registered professional would bring the profession into disrepute. The behaviour of concern involved aggression and swearing displayed towards colleagues in the presence of vulnerable residents. The NMC say that a repeat of this behaviour could occur in the future and that such could again put patients at risk of harm and be liable to bring the profession into disrepute, but this could be addressed by showing the panel today evidence of both insight and remediation.

Ms Denholm submitted that at this stage in the absence of evidence of the completion of the courses as required by your current order and in the absence of a reflective statement setting out the learning from the work done, there does remain a risk of repetition. The NMC is of the view that there is not sufficient remediation and reflection, or evidence of effective coping techniques that could be used by you. She further submitted that the panel will note from the further statement that has been provided by Ms 1 that she had concerns about your attitude towards colleagues, which may suggest a continuing lack of insight and remediation.

Ms Denholm submitted in the absence of any reflective piece or any other independent evidence of remediation from you, there does remain a risk that the conduct could be repeated. Ms Denholm invited the panel to find that current impairment is found both for public protection and on public interest grounds.



Ms Denholm submitted that if the panel were to find current impairment, she would invite the panel to consider the options it has available to it under Article 30. She submitted that it is the NMC's position that a conditions of practice order remains the appropriate sanction at this stage. In light of the absence of any adequate remediation and the lack of independent evidence of courses completed, Ms Denholm invited the panel to extend the current order in its current form to allow you further time to reflect on the conduct and provide evidence of completion of the required courses dealing with conflict, management and stress and for the provision of an adequate reflective statement and professional development plan ("PDP").

You told the panel that you have had the conditions of practice order imposed on your nursing practice for 12 months now, and within that time you have clearly demonstrated your professional CPD development. You have also completed an Award in Education and Training ("AET") level 3, and you told the panel that whilst you understand this is theory based, you believe that you have demonstrated that you have been an effective clinical instructor and team member.

You told the panel that you have completed the required courses whilst employed by A&A Training, who you were with for nine months, and that you were very open and transparent with your employer at the time, who was aware of your conditions of practice order.

You further explained that you have demonstrated that you are able to work with a variety of different people, including a range of different healthcare professionals based both in a NHS and also private care setting. You told the panel that you are a good communicator and that you are not the same person you were in 2020 when the referral had been made. You told the panel that at that time, it was a very difficult time for you and your situation has now changed for the better. You explained that you now have better support mechanisms in place.

You told the panel that you know how to work on your stress and have completed a conflict resolution course with A&A Training. You have also worked on breakaway techniques, safety training and stress management, but unfortunately you were not able

to obtain the certificates to confirm the completion of the training, nor you were able to confirm the dates on which the training had taken place or any details of the training. You had requested this information from A&A Training several times but did not receive any response.

You told the panel that you have demonstrated that your current fitness to practise is not impaired, that you have demonstrated that you can work and communicate effectively, and there has been no attitudinal issues or behavioural issues since the order was imposed in May 2023.

The panel heard and accepted the advice of the legal assessor.

In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether your fitness to practise remains impaired.

The panel noted that the original panel found that you had limited insight into the regulatory concerns, that you sought to attribute the blame for your failings onto others, and did not address the impact of your actions on the patients in your care, or your colleagues. At this hearing, the panel took into account that you stated that you are a different person from who you were at the time the referral was originally made. During your evidence, you told the panel that you have completed the courses which were requested by the original panel sometime between June and September 2023, but have no way of confirming this.

In relation to absence of documented reflection, you initially told the panel that you had not completed this, then told the panel that you had completed a reflection, giving various dates. The panel were then provided with a reflection which you said was from June 2023. The panel noted that the reflection which you had provided it with was not relevant for this order, made no reference to the courses you were required to complete and appeared to pred-date the original substantive hearing.

You told the panel that you have been unable to complete a PDP because you have not been working in a clinical setting. You have also not provided the panel with any positive personal and professional testimonials. The panel therefore concluded that it has no new independent supporting information before it to suggest that there has been change in the circumstances of the case since the original substantive hearing.

The panel noted the decision of the previous panel, that whilst there is no evidence before it that any harm was caused to patients by way of the regulatory concerns, vulnerable residents at the Home were exposed to witnessing such misconduct, which raises a risk that they may become less likely to raise concerns to you or accept treatment from you. This panel was of the view that there is no evidence before it to suggest that there has been a material reduction in risk.

Taking all of the evidence available to it into account, the panel was of the view that you have not complied with those requirements in the previous order intended to demonstrate strengthened nursing practice. The panel noted that conditions 1 and 2 did not require work in a clinical setting for their fulfilment. It therefore determined that a lack of sufficient insight and remediation remains and decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that your fitness to practise remains impaired.

### **Decision and reasons on sanction**

Having found your fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the 'NMC's

Sanctions Guidance' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict your practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that your misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether imposing further varied conditions of practice order on your registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

The panel determined that it would be possible to formulate appropriate and practical conditions which would address the concerns highlighted in this case. The panel accepted that you have continued to engage with the NMC and are willing to comply with any conditions imposed.

The panel was of the view that a further varied conditions of practice order is sufficient to protect patients and the wider public interest, noting as the original panel was of the view that there was no evidence of general incompetence and that the misconduct related to attitudinal issues rather than a lack of clinical competence. In this case, there are conditions that could be formulated to protect patients, colleagues and the public, and support you to strengthen your practice during the period they are in force.

The panel decided that a period of 12 months would give you sufficient time to address the issues and provide a reviewing panel with independent evidence of strengthened practice. The conditions in the proposed order are broadly the same as those in the original order, but have been strengthened to better manage the risk of repetition, to give you further opportunities to demonstrate a strengthening of practice and engagement and to provide future panels with more information as to the progress made.

The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of your case.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of 12 months, which will come into effect on the expiry of the current order, namely at the end of 26 June 2024. It decided to impose the following conditions which it considered are appropriate and proportionate in this case:

*'For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.*

- 1) You will send your case officer evidence that you have successfully completed:
  - A course on effective communication and teamwork at least 14 days before the next review of this order;
  - A course on conflict resolution in the workplace at least 14 days before the next review of this order; and
  - A course on stress management at least 14 days before the next review of this order.

Following the completion of these courses you must engage in reflective practice and document your learning. You must

provide a copy of your documented reflection to your NMC case officer 14 days before the next review of this order.

- 2) You must work with any registered nurse to create a personal development plan (PDP). Your PDP must address:
  - Developing insight into the incidents such as the matter found proved;
  - Reflective conversations to develop workable strategies and mechanisms to improve your interactions and communication in the workplace; and
  - Utilising this registered nurse in a supportive capacity. You must meet with this registered nurse monthly to discuss and document your progress towards achieving the aims set out in your PDP.
  - Developing a strategy for gathering comprehensive feedback on progress you have made; and
  - Using such reflective learning in your practice.

You must send your NMC case officer a copy of your PDP by at least 14 days before any review of this order.

You must also send your NMC case officer a report from this registered nurse every three months. This report must set out your progress towards achieving the aims set out in your PDP.

- 3) You must ensure that you are supervised by a registered nurse (who is aware of these conditions) at any time you are working in a point of care environment. Such supervision should consist of working at all times whilst on the same shift as, but not always being directly observed by, a registered nurse.
- 4) You must keep the NMC informed about anywhere you are working by:

- a) Telling your case officer within seven days of accepting or leaving any employment, this includes any substantive employer or any agency who arranges work for you.
  - b) Giving your case officer your employer's contact details.
- 5) You must keep the NMC informed about anywhere you are studying by:
- a) Telling your case officer within seven days of accepting any course of study.
  - b) Giving your case officer the name and contact details of the organisation offering that course of study.
- 6) You must immediately give a copy of these conditions to:
- a) Any organisation or person you work for (at the outset of any application).
  - b) Any agency you apply to or are registered with for work (at the outset of any application).
  - c) Any employers you apply to for work (at the time of application).
  - d) Any establishment you apply to (at the outset of any application), or with which you are already enrolled, for a course of study.
  - e) Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity
- 7) You must tell your case officer, within seven days of your becoming aware of:
- a) Any clinical incident you are involved in.
  - b) Any investigation started against you.

- c) Any disciplinary proceedings taken against you.
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- 8) You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:
    - a) Any current or future employer.
    - b) Any educational establishment.
    - c) Any other person(s) involved in your retraining and/or supervision required by these conditions

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 26 June 2024 in accordance with Article 30(1)

Before the end of the period of the order, a panel will hold a review hearing to see how well you have complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- Your continued engagement with the NMC;
- Evidence of professional development, including documentary evidence of completion of the above-mentioned courses;
- The provision of any documentation to be considered by the next panel to be provided to the NMC at least 14 days before the next review of this order; and
- Up-to-date testimonials from any future colleagues or employers

This will be confirmed to you in writing.

That concludes this determination.



