

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

**Substantive Order Review Meeting
08 October 2019**

Nursing and Midwifery Council
2 Stratford Place, Montfichet Road, London, E20 1EJ

Name of registrant: Valentina-Loredana Par

NMC PIN: 16G0504C

Part(s) of the register: Registered Nurse – Sub Part 1
Adult Nursing – July 2016

Area of registered address: England

Type of case: Lack of knowledge of English, misconduct and
lack of competence

Panel members: Tim Mann (Chair, Lay member)
Linda Pascall (Registrant member)
Darren Shenton (Lay member)

Legal Assessor: Ben Stephenson

Panel Secretary: Amira Ahmed

Order being reviewed: Suspension order (12 months)

Outcome: Strike off to come into effect on immediately in
accordance with Article 30 (2) and 30(4)

Decision and reasons on service of Notice of Meeting

The panel noted at the start of this meeting that Ms Par was not in attendance and that the Notice of Meeting had been sent to Ms Par's registered address by recorded delivery and by first class post on 2 September 2019.

The panel had regard to the Royal Mail 'Track and trace' printout which showed the Notice of Meeting was delivered to Ms Par's registered address on 3 September 2019. It was signed for against the printed name of Par.

The panel took into account that the Notice of Meeting provided details of the review including the time, date and venue of the meeting.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Ms Par has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 (as amended) (the Rules).

Decision and reasons on review of the current order

The panel decided to impose a striking-off order. This order will come into effect immediately in accordance with Article 30(2) and 30(4) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 23 October 2018.

The current order is due to expire at the end of 22 November 2019.

The charges found proved by the panel and by way of admission which resulted in the imposition of the substantive order were as follows:

That you, a registered nurse:

1. *Do not have the necessary knowledge of English to practise safely and effectively.*

And, in light of the above, your fitness to practise is impaired by reason of your lack of knowledge of English.

That you, a registered nurse:

2. *Between 16 November 2017 and 16 January 2018 failed to co-operate with a reasonable direction to undertake an International English Language Testing System (“IELTS”) test.*

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

That you failed to demonstrate the standards of knowledge, skill, and judgement required to practise without supervision as a staff nurse on 9 December 2016 as follows:

3. *You failed to pass a medication competency assessment, in that you were unable to identify:*
 - a) *That a patient’s pulse should be taken before administration of digoxin.*
 - b) *Why digoxin would be prescribed.*
 - c) *Any potential safety issues that may arise from the administration of digoxin.*
 - d) *Why aspirin would be prescribed.*
 - e) *Any potential safety issues that may arise from the administration of aspirin.*
 - f) *Any issues to consider before the administration of paracetamol.*
 - g) *The side-effects of Laxido.*

h) The contra-indications of Adcal.

- 4. You failed to demonstrate adequate knowledge and/or understanding about one or more of the medications in Schedule 1.*
- 5. You failed to demonstrate adequate knowledge and/or understanding about one or more of the medical conditions in Schedule 2.*
- 6. You failed to demonstrate adequate knowledge and/or understanding about appropriate responses to one or more of the clinical scenarios in Schedule 3.*
- 7. You failed to demonstrate adequate knowledge and/or understanding about Resident's A's care plan.*

And, in light of the above, your fitness to practise is impaired by reason of your lack of competence.

Schedule 1

*Gaviscon;
Aspirin;
Bumetanide.*

Schedule 2

*Diabetes
Multiple sclerosis
Epilepsy
Parkinson's*

Schedule 3

If a resident collapsed

If a resident became unwell out of hours'

The original panel determined the following with regard to impairment:

'The panel next went on to decide if, as a result of Ms Par's lack of competence, lack of knowledge of the English Language and/or misconduct, her fitness to practise is currently impaired.

The panel was mindful of the need to consider not only whether Ms Par continues to present a risk to members of the public, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances of this case.

In respect of charges 3 – 7, the panel concluded that Ms Par's failings at the Home related to basic and fundamental tenets of nursing practice, which demonstrated a lack of competence, as well as a lack of knowledge of the English language.

The panel was mindful that the issue it had to determine was that of current impairment. It therefore had to consider whether Ms Par is liable in future to act in such a way as to put residents/patients at an unwarranted risk of harm, breach fundamental tenets of the nursing profession, or bring the nursing profession into disrepute.

The panel's decision in regards to the risk of repetition in this case was informed by its consideration of Ms Par's insight, and whether she has demonstrated that her lack of competence, lack of knowledge of the English language and/or misconduct is capable of remediation, and if so, whether it has indeed been remedied.

The panel considered Ms Par to have demonstrated some insight into her failings in charges 3 – 7. The panel noted that Ms Par admitted the lack of competence concerns in charges 3 – 7 at the outset of the hearing, and accepted that her

failures were serious. Furthermore, the panel acknowledged that Ms Par had recognised that she would need 'support and training' should she return to nursing practice. However, in respect of charges 1 and 2, the panel considered Ms Par to have demonstrated very limited insight and no remorse, in taking account of her email dated 23 October 2018, in response to the panel's findings on facts. The panel noted that charge 1 and charge 3 are inextricably linked in this case, and that Ms Par still does not accept that she does not have the necessary knowledge of the English language to practise safely and effectively.

With regard to remediation, the panel formed the view that the clinical failings amounting to a lack of competence; the deficiencies amounting to misconduct and the lack of knowledge of English should, in principle, be remediable. However, the panel had no evidence before it of any re-training undertaken by Ms Par in respect of the concerns identified. The panel noted that Ms Par has not worked as a registered nurse for some 22 months, and that there is no evidence before it of her having kept her nursing skills up to date during this period. The panel considered continued professional development to be Ms Par's responsibility. The panel was therefore not satisfied that, the lack of competence, lack of knowledge of English language and misconduct had been remedied and, as a consequence, concluded that there is a real risk of repetition.

The panel further noted that Ms Par has not provided it with any references or testimonials from current employers attesting to her professional character and knowledge of the English language.

The panel therefore concluded that a finding of impairment on the grounds of public protection is necessary.

The panel bore in mind the overarching objective of the NMC: to protect, promote and maintain the health safety and well-being of the public and patients and the wider public interest which includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions. In the judgement of the panel, irrespective of the risk of repetition, public confidence in the profession and the

regulator would be seriously undermined if a finding of impairment was not made in the particular circumstances of Ms Par's case. The panel concluded that members of the public would be extremely concerned if Ms Par were declared fit to practise as a registered nurse, given that her lack of knowledge of the English Language affects her competency to perform basic nursing tasks and understand the effects of commonly used medication.

Having regard to all of the above, the panel was satisfied that Ms Par's fitness to practise is currently impaired by reason of her lack of competence, lack of knowledge of the English language and misconduct.'

The original panel determined the following with regard to sanction:

'The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the Sanctions Guidance ("SG") published by the NMC. It recognised that the decision on sanction is a matter for the panel, exercising its own independent judgement.

The panel identified the following as aggravating factors in this case:

- *The panel found that Ms Par poses a high risk of unwarranted harm to residents/patients.*
- *Ms Par has not understood the importance of completing an IELTS test to prove that she is fit to practise as a registered nurse.*
- *Ms Par has not provided any evidence of remediation for any of her failings and only has limited insight into her misconduct and lack of knowledge of the English language.*

The panel identified the following as mitigating factors in this case:

- *Ms Par made genuine attempts to attend on Day 1 of the hearing at considerable expense to herself.*

The panel then turned to the question of which sanction, if any, to impose in the circumstances of this case. It considered each available sanction in turn, starting with the least restrictive sanction and moving upwards.

The panel first considered whether to take no action. The panel had borne in mind that it had identified at the impairment stage of these proceedings that Ms Par's failings were serious and that a risk of repetition remained in this case. The panel noted that any repetition would bring with it a risk of unwarranted harm to residents/patients. To take no action in respect of Ms Par would therefore not provide any protection to the public, nor would it mark the seriousness of her misconduct, lack of competence and lack of knowledge of the English language. In addition, the panel determined that it would not be in the public interest in declaring and upholding standards and maintaining public confidence in the profession.

Next, in considering whether a caution order would be appropriate in the circumstances, the panel had regard to the SG, which 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 Ms Par's case was not at the lower end of the spectrum of impairment, having found impairment on three grounds. The panel noted that a caution order would also not provide adequate protection to residents/patients in this case. Accordingly, it determined that a caution order would be inappropriate in view of the serious shortcomings identified.

The panel next considered whether placing a conditions of practice order on Ms Par's registration would be a sufficient and appropriate response in this matter. The panel was mindful that any conditions imposed must be proportionate, measurable and workable.

The panel was of the view that conditions could be formulated to address the clinical concerns identified in this case, however, given that the panel's principle concern centres around her lack of knowledge of the English language, it was not

satisfied that a conditions of practice order could be devised. The panel noted that any condition requiring Ms Par to undertake an IELTS test would be tantamount to a suspension order in any event, as she would not be permitted to work as a registered nurse until she had achieved the required score of 7 overall. In any event, the panel concluded that placing conditions on Ms Par's registration would not adequately address the seriousness of this case, nor would it protect the public or satisfy the public interest considerations.

The panel then went on to consider whether a suspension order would be an appropriate and proportionate sanction. The panel noted that there was no evidence of remorse and she only had very limited insight into her misconduct and lack of knowledge of the English language. It also noted that Ms Par had provided no evidence of remediation for either her misconduct, lack of competence, or her lack of knowledge of the English language. Therefore, the panel had found that there was a high risk of unwarranted harm to residents/patients should Ms Par practice as a registered nurse unrestricted at this current time. However, the panel noted that Ms Par's misconduct was a single instance, which it did not consider to be demonstrative of any harmful deep-seated personality or attitudinal problems.

For these reasons, the panel concluded that the seriousness of Ms Par's misconduct, lack of competence, and lack of knowledge of the English language requires temporary removal from the NMC register and that such an outcome would adequately protect the public and address the public interest considerations of this case.

The panel went on to consider whether it should impose a striking-off order. The panel noted that, had it not been for the misconduct charge in this case, a 12 month suspension order would have been the maximum sanction it could have imposed in this case. The panel therefore considered whether Ms Par's misconduct was so serious for it to be fundamentally incompatible with ongoing registration. Whilst, the panel did consider that Ms Par's refusal to cooperate with her regulator as serious, it determined that it would be unduly punitive and disproportionate to impose a striking-off order at this stage. The panel considered

the public interest elements of this case could be satisfied by a less severe sanction than permanent removal from the NMC register.

The panel therefore decided that a suspension order was the appropriate and proportionate sanction. It was satisfied that this would protect the public during the period of enforcement and it would adequately mark the seriousness of Ms Par's impairment by reason of her misconduct, lack of competence, and lack of knowledge of the English language. The panel considered that this order was also necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of practice required of a registered nurse.

The panel determined that the appropriate period of suspension would be for 12 months. This would afford Ms Par an opportunity to reflect on the incidents, demonstrate insight into her failings and their potential impact on patients, colleagues and the nursing profession. Furthermore, if Ms Par was serious about returning to the nursing profession at some point in future, the panel considered that this would offer her the opportunity to improve her knowledge of the English language and undertake an IELTS test.

At the end of the period of suspension, another panel will review the order. At the review hearing, a panel may revoke the order, or it may confirm the order, or it may replace the order with another order. The reviewing panel may be assisted by:

- A reflective piece demonstrating an understanding of the impact Ms Par's failings could have had upon patients, colleagues, the public and the reputation of the nursing profession;*
- Evidence that Ms Par has the necessary knowledge of the English language to practice safely and effectively, in the form of a successful IELTS assessment or equivalent;*
- Any references or testimonials from relevant employment (whether paid or unpaid, in or outside of the healthcare sector).*
- Evidence of keeping up to date with current nursing practice.'*

Decision and reasons on current impairment

The panel has considered carefully whether Ms Par's 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. It has noted the decision of the last panel. However, it has exercised its own judgement as to current impairment.

The panel has had regard to all of the documentation before it, including the NMC bundle.

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 Ms Par's fitness to practise remains impaired.

The panel noted that the original panel found that Ms Par had 'some insight' in relation into the lack of competence but she had demonstrated very little insight and no remorse into her lack of English and failure to cooperate with the reasonable direction to undertake a IELTS test. Today's panel has received no new relevant information. In light of this the panel determined that Ms Par is still liable to repeat matters of the kind found proved as she has not engaged with the process or responded to any of the original's requests to assist this review panel. The panel therefore determined that a finding of continuing impairment is necessary on the grounds of public protection.

The panel had borne in mind that its primary function was 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 Ms Par's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Ms Par's 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 and the risk of repetition identified. 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 Ms Par's 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 Ms Par's 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 a conditions of practice on Ms Par's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. Furthermore, given Ms Par's lack of engagement with these proceedings, the

panel could not formulate practicable and workable conditions to meet the identified concerns.

The panel noted the aggravating features outlined by the original panel:

- The panel found that Ms Par poses a high risk of unwarranted harm to residents/patients.
- Ms Par has not understood the importance of completing an IELTS test to prove that she is fit to practise as a registered nurse.
- Ms Par has not provided any evidence of remediation for any of her failings and only has limited insight into her misconduct and lack of knowledge of the English language.

This panel could not identify any mitigating features in this case.

The panel next considered imposing a further suspension order. The original panel provided clear advice to allow Ms Par to present updated information to this review panel, but she has not provided any information. The panel noted that Ms Par has not shown any remorse for her misconduct. Further, Ms Par has not demonstrated any insight into her previous failings. The panel was of the view that considerable evidence would be required to show that Ms Par no longer posed a risk to the public. The panel has no evidence of remediation in relation to any of the matters found proved.

The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances. The panel determined that it was necessary to take action to prevent Ms Par from practising in the future.

The panel then went on to consider a striking off order. Ms Par's persistent refusal to cooperate with the NMC over her competence in English raises fundamental concerns over her professionalism and demonstrates an incompatibility with remaining on the register.

The panel concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order.

It determined that in all the circumstances Ms Par has not shown any willingness to engage with the NMC and still poses a risk of unwarranted harm to patients.

This striking-off order will replace the current suspension order with immediate effect in accordance with Article 30(2).

This decision will be confirmed to Ms Par in writing.

That concludes this determination.