

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

**Substantive Order Review Hearing  
Tuesday 6 September 2022 – Wednesday 7 September 2022**

Nursing and Midwifery Council  
Virtual Hearing

**Name of registrant:** **Marcy Williams**

**NMC PIN:** 06G0266E

**Part(s) of the register:** Nursing – Sub Part 1  
Registered Nurse – Adult (November 2007)

**Relevant Location:** Birmingham

**Type of case:** Misconduct

**Panel members:** Penelope Titterington (Chair, Lay member)  
Emily Davies (Registrant member)  
Bill Matthews (Lay member)

**Legal Assessor:** Dr Marian Gilmore QC

**Hearings Coordinator:** Elena Nicolaou

**Nursing and Midwifery Council:** Represented by Assad Badruddin, Case  
Presenter

**Miss Williams:** Present (for parts of the hearing) and  
unrepresented

**Order being reviewed:** Suspension order (3 months)

**Fitness to practise:** Impaired

**Outcome:** **Striking off order to come into effect at the  
end of 11 October 2022 in accordance with  
Article 30 (1)**

## **Decision and reasons on application for hearing to be held in private**

At the outset of the hearing, Mr Badruddin on behalf of the Nursing and Midwifery Council (NMC) made an application that this case be held in private on the basis that proper exploration of your case involves reference to your health. The application was made pursuant to Rule 19 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

You indicated that you did not oppose the application.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

Having heard that there will be reference to your health, the panel determined to hold such parts of the hearing in private in order to protect your right to privacy and confidentiality.

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

The panel decided to impose a striking off order.

This order will come into effect at the end of 11 October 2022 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

A substantive conditions of practice order was originally imposed for a period of 12 months by a Conduct and Competence Committee on 21 April 2017. The conditions of practice order was reviewed on 12 April 2018 and replaced with a six month suspension order. On 6 September 2018, a reviewing panel imposed a conditions of practice order for a further 12 months. That order was reviewed and confirmed on 5 September 2019 and extended for a further nine months. On 5 June 2020 the order was reviewed and confirmed, and extended for a further 12 months. The conditions of practice order was then again

reviewed on 7 June 2021 when it was extended for a further twelve months. On 1 June 2022 the order was reviewed and current impairment was found. However, the panel decided to let the order lapse upon its expiry at the end of 11 July 2022 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order). The order was last reviewed on 11 July 2022 when the panel imposed a suspension order for a period of three months.

Today's review of this order will be the eighth review.

The current order is due to expire at the end of 11 October 2022.

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

The charges found proved by way of admission (in relation to charges 1 and 2 and following a hearing in relation to charge 3) which resulted in the imposition of the substantive order were as follows:

*'That you, a registered nurse, while employed as a practice nurse by the Summerfield Primary Care Centre:*

1. *Administered an incorrect injectable substance to Patient A on one or more of the following dates:*
  - (a) *2 December 2014*
  - (b) *27 April 2015*
  - (c) *18 August 2015*
  - (d) *28 October 2015*
  
2. *On 28 October 2015 you amended one or more entries in Patient A's medical records in that you:*
  - (a) *You deleted the batch number of the injection given during the consultation on 27 April 2015;*

*(b) You struck through the batch number of the injection given during the consultation on 18 August 2015 and/ or added to the entry for 18 August 2015 “cannot make out batch number covered up”.*

*3. On 20 November 2015 you amended Patient A’s medical records in that you deleted the words “late 1 week with period”.*

*4. ...*

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

The seventh reviewing panel determined the following with regard to impairment:

*‘The panel considered whether Miss Williams’ fitness to practise remains impaired.*

*The panel noted that there has been no material change in circumstances since the last hearing on 1 June 2022. It noted that whilst Miss Williams had addressed the record keeping concerns in the past, there was no evidence before it that she had addressed the medication administration concerns raised. The panel further noted that Miss Williams acknowledged at previous hearings that she had not been able fully to address the regulatory concerns identified in this case.*

*The panel saw nothing to undermine the previous panel’s findings with regard to impairment. The administration of medication is a fundamental aspect of nursing and the concerns about this area of Miss Williams’ practice have not yet been fully addressed. In the circumstances the panel determined that there remains a risk of repetition. It further noted that although Miss Williams worked from March 2020 until August 2021, she has not worked as a nurse for over two years, and has not worked in any healthcare role since August 2021. If anything, her knowledge and skills are likely to have deteriorated. The panel therefore decided that a finding of impairment continues to be 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. The public would expect measures to be in place to protect patients until such time as the concerns identified in this case have been fully addressed.*

*For these reasons, the panel finds that Miss William's fitness to practise remains impaired.'*

The seventh reviewing panel determined the following with regard to sanction:

*'Having found Miss Williams' 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 this case. It noted that Miss Williams has stated consistently since June 2021 that she wishes to leave the profession to pursue an alternative career. She has taken steps in that regard, having sought and commenced a new career [PRIVATE]. However, in circumstances where her registration remains active because of an ongoing investigation into another matter, there would be nothing to prevent her returning to unrestricted practice if she were to change her mind. Whilst the other conditions set out in the NMC guidance about allowing orders to lapse are met, the panel considered that at this stage a decision to allow the order to lapse would be insufficient to protect the public. The panel concluded 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 this would be inappropriate in the circumstances of this case. It noted that there are ongoing concerns about areas of Miss Williams' practice which have yet to be addressed. In the circumstances the panel has identified an ongoing risk of repetition and therefore of potential harm to patients. In the circumstances, an order which does not restrict Miss Williams' practice would not be appropriate.*

*The panel next considered the continuation of the current conditions of practice order. However, the panel noted Miss Williams' clear statement that she no longer wishes to return to nursing. In the circumstances the panel was of the view that therefore there is no evidence of a potential and willingness to respond positively to retraining. The panel also noted that Miss Williams' clinical practice is likely to have been weakened further by her lengthy absence from nursing or, since August 2021, from any healthcare role. Finally, the panel noted there is a suggestion that Miss Williams may not have adhered to the current conditions of practice order, although it could attach little weight to this factor at this stage.*

*In all the circumstances, the panel concluded that a conditions of practice order is no longer workable, proportionate or appropriate in this case. The panel concluded that no workable conditions of practice could be formulated which would be sufficient to protect the public or satisfy the wider public interest considerations.*

*The panel determined therefore that a suspension order is the only appropriate sanction which would both protect the public and satisfy the wider public interest considerations. Accordingly, the panel determined to impose a suspension order for the period of three months which would provide NMC with an opportunity to conclude its investigation into the other matter, so that the position can be reviewed again once full information is to hand about what if any regulatory concerns remain in relation to Miss Williams.*

*The panel considered that it would not be appropriate to impose an order for a longer period. It noted that it is in the interests of Miss Williams for the situation to be resolved in a timely manner so that she can move on with her new career with finality of regulatory proceedings. It further considered that the only other available order, namely a striking off order, would be disproportionate in the circumstances. It considered a three month suspension order to be the appropriate and proportionate, and indeed the only workable sanction available at this time.*

*This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 11 July 2022 in accordance with Article 30(1).*

*Before the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.'*

### **Decision and reasons on potential breaches of conditions 1, 2, 3, 5, 7 and 11**

Mr Badruddin outlined the background to the case. He referred the panel to the charges found proved at the substantive hearing, the panel's finding of impairment, and the panel's decision on sanction. He referred today's panel to the review history in respect of this case and previous panels' decisions.

Mr Badruddin informed the panel that you had allegedly breached conditions 1, 2, 3, 5, 7 and 11 of your previous conditions of practice order. Namely:

*Condition 1: At any time that you are employed or otherwise providing nursing services, you must work at all times on the same shift as, but not necessarily under the direct observation of, a registered nurse who is physically present in or on the same ward, unit, floor or home that you are working in or on.*

*Condition 2: You must not be the nurse in charge on any shift you undertake.*

*Condition 3: You must work with your supervisor (or their nominated deputy) to create a personal development plan ('PDP') designed to address the concerns about the following areas of your practice:*

- a) Administration of medicines*
- b) Record keeping*
- c) Care planning and associated documentation*

*Condition 5: You must meet with your supervisor monthly to discuss the standard of your performance and your progress towards achieving the aims set out within your PDP. You must make your own records of these meetings outlining the issues you have discussed and the progress you are making. Your records must be signed by your supervisor and produced to the NMC before the next review.*

*Condition 7: You must send a report from your supervisor, setting out the standard of your performance and your progress towards achieving the aims set out within your PDP, to the NMC at least 14 days before the next review of this order.*

*Condition 11: You must immediately tell the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures and disclose the conditions listed at (1) to (10) above, to them*

- a) Any organisation or person employing, contracting with or using you to undertake nursing work*
- b) Any agency you are registered with or apply to be registered with (at the time of application) to provide nursing services*
- c) Any prospective employer (at the time of application) where you are applying for any nursing appointment*
- d) Any educational establishment at which you are undertaking a course of study connected with nursing, or any such establishment to which you apply to take a course (at the time of application).*

Mr Badruddin submitted that concerns have been raised about your alleged failure to disclose all of the conditions of practice with your employer. He submitted that you are alleged to have only disclosed your condition about medications administration.

Mr Badruddin referred to Witness 1's statement that sets out that, when you were interviewed for the role in February 2020, you had not provided the employer with the full set of your conditions of practice, and you had only informed them about a medications administration restriction. He referred to the conditions you were under at the time of your interview.

Mr Badruddin submitted that Witness 1 had concerns about your documentation during your period of employment, although this was not due to a disclosure made by you in respect of your conditions of practice. Following a spot check in May 2021, it was revealed that you were subject to specific conditions which had not been disclosed to the employer.

Mr Badruddin submitted that Witness 1 said that there were occasions that you were completely unsupervised at the Centre, and you were sometimes the only registered nurse on shift. He submitted that not only did you did not disclose the conditions to your employer between June 2020 and May 2021, but you directly breached them consistently throughout your employment. The NMC is also alleging dishonesty, as you deliberately concealed your conditions of practice in order to obtain employment with the Centre.

Prior to commencement of the hearing, it had been agreed between yourself and Mr Badruddin that you would address the panel first, as you have stated that you will not be present for the rest of hearing, following your submissions. This is a different order of usual proceedings but there were no objections from any parties. You understand and you are aware of the disadvantages to yourself, should you not be present for the entirety of the hearing as well as not being able to challenge the witness evidence, and you have made it clear that you do not want any direct interaction with the witness.

You provided submissions to the panel. You told the panel that you had a job interview with Sutton Medical Consulting Centre ('the Centre') and Witness 1 was present for this as well as the Clinical Director. You said that you explained to Witness 1 that you did have restrictions on your PIN, and explained the situation to her. You presented part of the bundle that set out your restrictions, particularly the condition that required you to be mentored. You said that you clearly highlighted to Witness 1 that all of the information she needed was on the NMC's website and suggested that she look into this, and she said that

she would look. You said that you had explained the incidents that had occurred within your previous employments.

You told the panel that, for all of your previous employments, you have never held back any information about the restrictions on your PIN, and that you have always been open and honest about it. You told the panel that Witness 1 advised you that, in relation to the condition in respect of medications administration, nurses do not handle medication at the Centre and that it is the consultants that deal with medication. You said that your role with medication was to simply undertake stock checks and auditing. You said that all documentation required was recorded on printed paperwork, and that you completed this as you went along. You told that panel that you had no issues with this, and at no time did Witness 1 mention that she had any concerns with your work. You said that you were surprised when these concerns were brought to light. This was only highlighted to you when you handed in your notice, and nothing had been mentioned to you previously.

[PRIVATE].

You told the panel that you were shocked when the new allegations had come to light. You said that you were not aware of any issues at work or with other staff, and that you often supported staff when they needed you. [PRIVATE]. You said that you would have had no reason to hold back any information, and that you have never done this previously. With regards to conditions 1 and 2, you said that you could understand how it may seem to have been a deliberate breach, and although this was not your intention you do apologise.

Mr Badruddin called Witness 1 who gave live evidence under affirmation. Witness 1 was your direct manager at the Centre. Witness 1 told the panel that you did inform her that you were under conditions of practice, but that you did not provide a full copy at your interview. Witness 1 said that you did not provide any written paperwork, but you did say that you had 'conditions on your PIN'. Witness 1 told the panel that you did not inform her that you were required to be supervised, that you were not permitted to be the nurse in charge, and that you had a PDP requirement.

Witness 1 told the panel that, as you were upfront and honest about the condition in relation to medications administration, that she did not feel it was necessary to approach

your previous employer. Witness 1 told the panel that you did not mention a PDP was part of your conditions under the NMC, but that there is a development pack undertaken by the Centre which is required of every new starter.

Witness 1 told the panel that her understanding of the medications administration restriction against you, was that you were not to administer medication at all. She also told the panel that, should she have been aware of the condition stating that you were not to be the nurse in charge, it would have altered her decision in hiring you on that basis. Witness 1 also raised concerns that she had about your standard of documentation as a registered nurse and that you required significant support with this.

Witness 1 said that you had never mentioned a PDP requirement as part of your conditions of practice order, and so the meetings that you had with Witness 1 did not address this, as she was unaware. When a spot check was undertaken, and it was revealed that you did not disclose your conditions of practice order to the Centre, no disciplinary actions were taken. Witness 1 said that this was because your shifts had been altered to work with her, [PRIVATE], so there was no time to undertake any disciplinary meetings.

Witness 1 said that she was unsure as to whether you understood the conditions of practice against you. She said that the NMC approached her about the new concerns, and she subsequently stated that you were not honest with them at the beginning, and she was shocked by your level of documentation. She said the risks of not disclosing conditions of practice affects patient safety and could increase the risk of further dishonesty.

In reaching its decision on the facts in relation to the alleged breaches of the previous conditions of practice order, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Mr Badruddin and the advice of the legal assessor.

The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that a fact will be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

The panel then determined the following with regard to the new concerns raised in this case.

The panel considered that you were consistent throughout about how the events occurred. The panel considered that you gave submissions and did not give evidence under affirmation/oath, and so cross examination could not take place. However, the panel did have the opportunity to ask you questions after hearing submissions from Mr Badruddin.

The panel considered that Witness 1 was also consistent in her evidence about how the events occurred, and that she gave evidence under affirmation. It considered that, as you did not participate fully in the hearing, cross examination of Witness 1's evidence could not take place by you.

The panel considered each of the particular conditions but considered condition 11 first to reflect the chronology.

#### *Condition 11*

The panel referred to your email to the NMC, dated 19 August 2022, in that you stated:

*'In my interview I told both [Witness 1] and management of my restriction with nmc both were present. I explained what happened and told them all the information you can see on the Nmc Web, I also informed them of my DBS. Why would I not mention my restrictions to a small private clinic but to all my previous employer whom are larger companies?'*

The panel considered that this email was somewhat consistent with your oral evidence, although you did not make any mention of providing paperwork at your interview, in this email. The panel found that you could have been expected to mention this in the email as it would have been an important detail. Witness 1 was clear that no paperwork had been handed over. The panel therefore found that no paperwork was handed over at the interview.

The panel did not find it credible that an employer would have hired you for this particular role, knowing the supervision requirements you were under. It considered Witness 1's evidence in that, should she have known you were under a condition that would not allow you to be the nurse in charge of a shift, they would not have hired you on that basis as it was not compatible with the requirements of the role. It was agreed that the Clinical Director was also in the room at the time of your interview, and the panel finds that this makes it even less likely that you would have been hired for the role, given your conditions.

The panel considered that it is clear a conversation took place about some form of restriction on your practice at the time of the interview, but the panel found that details of the conditions of practice were not disclosed to Witness 1. It considered that you told Witness 1 about a restriction in respect of medications administration only. The panel considered that the onus would have been your responsibility to ensure that all information is communicated to a prospective employer.

The panel therefore considered that, on the balance of probabilities, you did not fulfil your duty in informing your prospective employer about the conditions in place, and this was a breach of condition 11.

#### *Condition 1*

The panel considered that this was a clear breach of your conditions of practice order. You were employed as a band 5 nurse at the time. The panel considered that although your role included a lot of non-clinical duties, you were still employed as a registered nurse at the Centre, and so you were still under the requirement of supervision as set out in condition 1. The panel considered your evidence in that you said there were occasions Witness 1 was on leave, and so you were unsupervised at times. The panel was of the view that anything you did within your role at the Centre could have been part of providing nursing duties, and so there was a clear breach of this condition. There were times when you said you were working with consultants, but this is not the same as working with a registered nurse as required by the conditions.

#### *Condition 2*

The panel considered that on your own evidence you were, at times, the most senior nurse in the building and, by default, this would indicate that you would have been the nurse in charge for periods of time. The panel therefore considered, on the balance of probabilities, that this was a breach of condition 2.

### *Condition 3*

The panel considered the evidence of Witness 1 in that she said she could not prepare a PDP, as she was not aware of the areas of concern to be dealt with by the NMC, as per your conditions of practice order. Witness 1 said that she was only aware of the conditions when the NMC approached her and provided a full copy of them.

The panel considered that the meeting logs involving you and Witness 1 also do not address the original concerns within the conditions of practice, such as care plans. It considered that Witness 1 in her evidence highlighted an in-house development pack, that was personal to the Centre for all new starters, as opposed to a PDP.

The panel considered that it is clear a discussion took place around medication administration as a restriction, but on the balance of probabilities, this discussion did not make mention of a PDP requirement.

The panel therefore found, on the balance of probabilities, that this was a breach of condition 3.

### *Condition 5*

The panel considered that a PDP was not created as Witness 1 was not made aware of the requirement. It considered that some monthly meetings took place between you and Witness 1, but these meetings did not address the original concerns as set out in the conditions of practice. Therefore, an assessment of your progress could not be made due to the non-disclosure of the conditions of practice. The panel therefore considered, on the balance of probabilities, that condition 5 was breached as no PDP was set out.

### *Condition 7*

As highlighted above, a PDP had not been created as Witness 1 was not made aware of the requirement for one, and so a report was not sent to the NMC at least 14 days before a review hearing. The panel therefore considered, on the balance of probabilities, that condition 7 had been breached.

### *Dishonesty*

The panel considered all the evidence before it in respect of the allegation of dishonesty.

The panel was of the view that there was an intent to conceal the conditions of practice to your employer. It found that you must have known the details of your conditions. Your case has been ongoing for a number of years, you have attended a number of hearings and you would have been familiar with the process and the paperwork sent to you.

The panel considered that you may have been motivated to hide your conditions in order to obtain employment, especially in a slower paced role, which may not have been offered if you had revealed the full set of conditions to the Centre.

The panel considered that you knowingly arrived to your shifts in breach of your conditions and were often unsupervised, and this appeared to be ongoing for a number of months. The panel decided that you knew that you should have been supervised, and it was your duty to ensure that the employer was aware of all of the conditions.

The panel therefore concluded that an ordinary decent person would class your actions as dishonest.

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

Miss Williams was not present for the impairment and sanction stage.

The panel has considered carefully whether Miss Williams 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.

The panel has had regard to all of the documentation before it, including the NMC bundle and submissions by Miss Williams and evidence by Witness 1. It has taken account of the submissions made by Mr Badruddin.

Mr Badruddin referred to the previous reviewing panels' decisions, in particular the decision of the sixth reviewing panel discussing the fifth reviewing panel's decision. He submitted that this panel discussed impairment at a time Miss Williams was last working as a registered nurse and it was found at that stage that, although Miss Williams had made some progress whilst working at the Centre, she had not had the opportunity to remediate all of the regulatory concerns.

Mr Badruddin referred to Witness 1's evidence when she said that she needed to work very hard with Miss Williams in respect of her record keeping. She said that Miss Williams standard of record keeping at the Centre was 'very basic'.

Mr Badruddin submitted that today's panel has found clear breaches of the conditions of practice by Miss Williams, in addition to dishonesty in her attempt to conceal the conditions from the Centre. He submitted that it has been over a year since Miss Williams has worked as a registered nurse, and even when she was working as a nurse, she was unable to meet the objectives of the conditions of practice order. Miss Williams has also been unable to address the clinical practice concerns linked to medications management, and care planning and the associated documentation.

Mr Badruddin submitted that these concerns in respect of the breaches of conditions have been raised five years after the original substantive panel had found Miss Williams' fitness to practise impaired. When considering the issues of public protection and the public interest, he submitted that these factors remain engaged more than ever, when considering Miss Williams' practice and her actions. He submitted that some of the regulatory concerns stem as far back as December 2014, taking into account the concerns

that have not yet been addressed, and they have been subject to five different conditions of practice orders.

Mr Badruddin submitted that Miss Williams has made it clear that she has no intention of returning to nursing practice and that she does not intend to address the concerns. Therefore, if Miss Williams' practice was to remain unrestricted, the risk of repetition is high, when considering the fact that Miss Williams has systematically breached multiple conditions of practice for a significant period of time. He highlighted that the panel has also found dishonesty, as Miss Williams sought to conceal her conditions of practice with her employer.

Mr Badruddin submitted that Miss Williams fitness to practice remains impaired on the grounds of public protection and public interest.

In respect of sanction, Mr Badruddin submitted that taking no further action and a caution order would not be suitable in this case.

Mr Badruddin submitted that, when considering the finding of impairment and Miss Williams intention to leave the nursing profession, a conditions of practice order is no longer appropriate and proportionate in this case. He submitted that Miss Williams has demonstrated that she cannot comply with a conditions of practice order as previously imposed, and if she were to be subject to another, she has been unable to address the clinical practice concerns. Miss Williams has also stated that she has left the profession so there are no workable conditions that could be formulated to firstly address the clinical concerns that the original panel found remediable, or the concerns that today's panel has found in respect of the breaches of the conditions and dishonesty.

In relation to a suspension order, he referred the panel to the NMC's guidance. He submitted that this case is sufficiently serious to require a temporary removal from the register. However, he submitted that a further period of suspension would not be suitable when considering the remaining factors in the findings of this case. This is not a single incident of misconduct and he submitted that there is a pattern of misconduct. He submitted that there is still deep-seated personality and attitudinal issues that have come to light, when considering the element of blame shifting and not accepting responsibility for

the original regulatory concerns. He submitted that Miss Williams had continued to work in breach of her conditions when she was working as a registered nurse. He submitted that, in the absence of insight and remediation after numerous years of regulation, the risk of repetition remains high. He submitted that Miss Williams' recent actions are incompatible with continued registration.

Mr Badruddin therefore invited the panel to impose a striking off order. He submitted that this is the only way the NMC can address the public protection and public interest concerns. He submitted that, although Miss Williams has stated that she has no intention of returning to nursing, allowing the order to lapse would not be appropriate in this case considering the breaches of the conditions and dishonesty found.

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 Miss Williams' fitness to practise remains impaired.

The panel noted its findings of the multiple breaches of Miss Williams' previous conditions of practice order, and her dishonesty in concealing these conditions from her employer and continuing to do so over a significant period. It considered that these are serious matters which brought the reputation of the profession into disrepute. The panel found that, by putting herself in a situation whereby she was the nurse in charge in breach of her conditions, Miss Williams put patients at risk even if her duties were mostly non-clinical.

The panel noted that Miss Williams has not yet been able to remedy the original regulatory clinical concerns that date back many years (namely medications administration, care planning and associated documentation), despite the multiple conditions of practice orders that have been in place. It noted that Miss Williams has not worked as a nurse for a significant period of time, which will have impacted on her clinical skills. Miss Williams and has clearly stated that she has no intent to return to nursing practice, and that she has left the profession, so is not intending to take further action to remedy the concerns.

The last reviewing panel determined that Miss Williams was liable to repeat matters of the kind found proved. Today's panel has heard evidence from Witness 1 and submissions from Miss Williams, and the panel has found that Miss Williams had breached her conditions of practice order and has found dishonesty in respect of this. In light of this, this panel determined that Miss Williams is still liable to repeat matters of the kind found proved. The panel therefore 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 Miss Williams' fitness to practise remains impaired.

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

Having found Miss Williams' 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 considered its power to take no action and allow the order to lapse. The panel noted that this was the action that the previous panel was prepared to take prior to the recent findings. The panel considered that this would be the least restrictive sanction and would potentially have the effect of protecting the public as Miss Williams has already obtained employment in an alternative sector and has stated her intention to leave the nursing profession. However, the panel found that due to the recent findings of dishonesty, the overall picture of Miss Williams' failings was now such that it would be neither proportionate nor in the public interest to take no further action.

The panel 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 Miss Williams' 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 Miss Williams' 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 conditions of practice on Miss Williams' registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

The panel considered the multiple breaches of Miss Williams' previous conditions of practice order, and her subsequent dishonesty with her employer, and considered that another conditions of practice order would not be workable or appropriate in this case. The panel was not confident that Miss Williams would engage with another conditions of practice order, taking into account the number and length of time they have been imposed in the past. In addition, Miss Williams has still not yet addressed the original clinical concerns, and she has made it clear that she has no intention of returning to the nursing profession.

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. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Miss Williams' misconduct.

The panel next considered imposing a further suspension order. The panel noted that Miss Williams has not shown any reflection or remorse for her recent dishonest actions, and she has not demonstrated sufficient insight into her previous failings. Further, the panel noted that the original clinical concerns have still not been addressed by Miss Williams. It considered the seriousness of the breaches of her conditions of practice order (that

occurred over a significant period of time), as well as Miss Williams' dishonesty in relation to concealing these conditions from her employer and the subsequent risk to patients. The panel considered that, over the course of all her regulatory proceedings over a number of years, Miss Williams had engaged in repeated behaviour where she had failed to demonstrate acceptance and responsibility. The panel noted that there are deep seated attitudinal and personality concerns in this case. It was of the view that considerable evidence would be required to show that Miss Williams no longer posed a risk to the public. However, Miss Williams has not shown any insight or remorse into her recent actions. The panel determined that, as Miss Williams has stated that she does not wish to return to nursing practice in the future, a further period of suspension would not serve any useful purpose in all of the circumstances.

The panel considered that these are serious concerns that have brought the profession into disrepute, and determined that given the serious and repeated nature of the dishonesty, these concerns are incompatible with registration.

The panel determined that it was necessary to take action to prevent Miss Williams from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 11 October 2022 in accordance with Article 30(1).

This decision will be confirmed to Miss Williams in writing.

That concludes this determination.