

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

**Substantive Order Review Meeting  
20 February 2023**

Virtual Meeting

**Name of registrant:** Ms Susan Grant

**NMC PIN:** 05B0544S

**Part of the register:** RNA (2018)

**Relevant location:** West Lothian

**Type of case:** Misconduct

**Panel members:** Caroline Rollitt (Chair, lay member)  
Jane Jones (Registrant member)  
Georgina Foster (Lay member)

**Legal Assessor:** Oliver Wise

**Hearings Coordinator:** Leigham Malcolm

**Order being reviewed:** Suspension order (12 months)

**Fitness to practise:** Impaired

**Outcome:** Striking-Off Order to come into effect at the end of  
9 April 2023 in accordance with Article 30(1)

## **Decision and reasons on service of Notice of Meeting**

The panel had regard to the Notice of Meeting which had been sent to Ms Grant's registered email address on 9 January 2023.

The panel took into account that the Notice of Meeting provided details of the substantive order being reviewed and well as the time frame during which the review would take place.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Ms Grant 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 substantive order**

The panel decided to strike Ms Grant's name from the NMC Register. This order will come into effect at the end of 9 April 2023 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the second review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee on 11 March 2021. The current order is due to expire at the end of 9 April 2023.

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, whilst working at Holmesview Nursing Home:*

1. *On 24 February 2017:*
  - a) *Pre-signed the MAR chart to state that Venlafaxine and/or a folic acid tablet and/or a Levothyroxin tablet had been administered to Resident A when it had not;*
  - b) *Failed to document on the MAR chart that Resident A had refused their medication;*
  - c) *Failed to arrange for the medication to be destroyed following Resident A's refusal.*
  
2. *On 23 January 2018:*
  - a) *Did not ensure that Resident B's fentanyl patch was changed at 10:00;*
  - b) *Were not present when the other nurse on shift changed the patch at 19:00.*
  
3. *In relation to Resident C's care plan, between February and 3 April 2018:*
  - a) *Did not ensure that it was fully completed and/or up to date;*
  - b) *Recorded contradictory information in that two nutritional plans were in place as opposed to one.*
  
4. *In relation to Resident D's care plan, between January and 3 April 2018, did not ensure that it was fully completed and/or up to date.*
  
5. *On 1 May 2018:*
  - a) *Administered Resident E's fentanyl patch at 19:20;*
  - b) *Failed to ensure that the second person who signed the patch out from the controlled drugs cupboard was present during the administration of the patch;*
  - c) *Failed to administer Diazepam and/or Fluoxetine and/or Memantine to Resident E.*

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

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

*The current panel has considered carefully whether Ms Grant'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. 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. The panel noted that there was no documentation from Ms Grant.*

*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 Grant's fitness to practise remains impaired.*

*The panel considered that Ms Grant's actions were serious and wide ranging. It noted that there has been no further engagement by Ms Grant, however at the original hearing in March 2021, there were references made to her wanting to pursue another career. It was of the view that it has no new information before it today that suggests there has been a change in circumstances or information that undermines the necessity of an order. It considered that there has been no communication from Ms Grant and, in the absence of any information from her, the risks identified at the original hearing are still present. There has been no evidence of remorse, insight or acknowledgement by Ms Grant in relation to her actions and the impact they could have had on patients, colleagues, the profession and the public.*

*The original panel determined that Ms Grant was liable to repeat matters of the kind found proved. Today's panel has received no new information or communication*

*from Ms Grant that would suggest the risks have been addressed. In light of this the panel determined that Ms Grant 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 Ms Grant's fitness to practise remains impaired.*

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

*Having found Ms Grant'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 and allow the current order to lapse 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, nor would it protect the public.*

*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 Grant'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 Grant’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, nor would it protect the public.*

*The panel next considered whether a conditions of practice order on Ms Grant’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. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Ms Grant’s misconduct. Further, as Ms Grant has not engaged with the NMC since the last hearing, it could not have confidence that she would comply with any conditions.*

*The panel considered the imposition of a further period of suspension. It was of the view that there is no evidence that the risks identified at the original hearing have yet been addressed, and that there remains a risk to the public. It was of the view that this is the first review of the substantive order, and a suspension order would allow Ms Grant further time to fully reflect on her previous failings and address the concerns. The panel concluded that a further 12 months suspension order would be the appropriate and proportionate response and would afford Ms Grant adequate time to further develop her insight, and re-engage with the NMC. It would also give Ms Grant an opportunity to obtain testimonials relating to any work she has undertaken and to carry out appropriate professional development. The panel highlighted the importance of Ms Grant’s engagement with the NMC, and if she continues not to engage, a future reviewing panel may consider a more severe sanction.*

*The panel considered that although this is not a health case, there was a previous reference made in relation to Ms Grant’s health at the original hearing. The panel considered that it does not have any information in relation to Ms Grant’s current health position, and was therefore of the view that to impose a striking-off order at this stage would be disproportionate.*

*The panel determined therefore that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of 12 months. It considered this to be the most appropriate and proportionate sanction available.*

*This suspension order will take effect upon the expiry of the current suspension order, namely the end of 9 April 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.*

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

- *Ms Grant's engagement with the NMC process;*
- *A reflective piece with particular focus on how Ms Grant's medicines management, record keeping and care plans fell below the standard expected of a nurse and its implications for patients and colleagues;*
- *Testimonials of any work, paid or unpaid;*
- *Courses or any other training working towards remediation.*

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

The panel has considered carefully whether Ms Grant'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. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel considered whether Ms Grant's fitness to practise remains impaired. It has had regard to all of the documentation before it 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.

There was no new information before the panel. There was no evidence that the risk previously identified had reduced nor that Ms Grant is now capable of safe and effective nursing practice. In light of this the panel determined that Ms Grant remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment remains 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 Ms Grant's fitness to practise remains impaired.

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

Having found Ms Grant's fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel's 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 Ms Grant'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 Grant'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 Grant'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 had no information to suggest that Ms Grant would be willing or able to comply with any conditions imposed. The panel bore in mind that the NMC made a request for information on 4 January 2023. However, it received no response. In these circumstances, the panel determined that a conditions of practice order would not be appropriate.

The panel next considered imposing a further suspension order. The panel had regard to the determination of the previous reviewing panel on 21 February 2022, who recommended that Ms Grant take time to reflect, develop her insight and take steps to remediate her misconduct. However, this panel had no new information before it to suggest that Ms Grant had acted upon the recommendations of the previous reviewing panel.

Ms Grant has not demonstrated insight into her previous failings or demonstrated any remorse or remediation. The panel was of the view that considerable evidence would be required to show that Ms Grant no longer posed a risk to the public. 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 Grant 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 9 April 2023 in accordance with Article 30(1).

This decision will be confirmed to Ms Grant in writing.

That concludes this determination.