

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

**Substantive Order Review Meeting  
Monday 23 October 2023**

**Virtual Meeting**

**Name of Registrant:** Donald Morgan Thompson

**NMC PIN** 80F1859E

**Part(s) of the register:** Registered Nurse  
Learning Disabilities - (July 1983)  
Mental Health - (July 2005)

**Relevant Location:** Merseyside

**Type of case:** Misconduct

**Panel members:** Richard Weydert-Jacquard (Chair – Registrant member)  
Sophie Kane (Registrant member)  
Anne Phillimore (Lay member)

**Legal Assessor:** Jayne Salt

**Hearings Coordinator:** Vicky Green

**Order being reviewed:** Conditions of practice order (6 months)

**Fitness to practise:** Impaired

**Outcome:** **Striking off order to come into effect at the end of 5  
December in accordance with Article 30 (1)**

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

The panel noted at the start of this meeting that Mr Thompson was not in attendance and that the Notice of Meeting had been sent to Mr Thompson's registered email address on 22 September 2023.

The panel took into account that the Notice of Meeting provided details of the substantive order being reviewed, the time, date and that the order would be reviewed by way of a private meeting, unless he requested a hearing at least 7 days prior to 23 October 2023. The panel noted that Mr Thompson has not responded to the Notice of Meeting or requested a hearing.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mr Thompson 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 at the end of 5 December 2023 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the fifth review of a substantive conditions of practice order originally imposed for a period of three years by a Fitness to Practise Committee panel on 3 November 2017. The first review took place on 27 October 2020 and the order was varied and extended for a further 12 months. The second review took place on 5 November 2021 when the reviewing panel confirmed and extended the conditions of practice order for a further six months. The third review took place on 28 April 2022, where that panel imposed a suspension order for a period of 12 months. On 24 April 2023 the last reviewing panel decided to impose a suspension order for a period of 6 months.

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

The current order is due to expire at the end of 5 December 2023.

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

*'That you,*

1. *On 11 January 2015, when you encountered Patient A making a ligature attempt which you knew or should have known from Patient A's notes was a second ligature attempt that day:*

a. ...

b. *Did not record any, or any adequate, rationale for why Patient A was continued on level 2 observations. [proved]*

c. *Did not record what, if any, conversations you had with Patient A. [proved]*

d. *Did not complete an incident report. [admitted and found proved]*

2. *On 12 January 2015:*

a. *Did not escalate to Colleague C at the multidisciplinary team meeting that Patient A had made more than one ligature attempt since 10 January 2015. [admitted and found proved]*

b. ...

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

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

*'The panel noted that there has been no material change in regard to this case. The panel found that Mr Thompson has not shown full insight into the charges found proved nor has he strengthened his practice in the areas of concern identified. Therefore, the panel determined that there remains a risk of repetition in this case. The panel concluded that a finding of 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 Mr Thompson's fitness to practise remains impaired.'*

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

*'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 registrant'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 Mr Thompson'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 Mr Thompson'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 meeting, has not practiced as a registered nurse since 2015 and has not engaged with the NMC since 30 September 2021. The panel 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 Mr Thompson's misconduct.*

*The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mr Thompson further time to fully reflect on his previous failings. The panel concluded that a further 6-month suspension order would be the appropriate and proportionate response and would afford Mr Thompson adequate time to further develop his insight and remediation. It would also give Mr Thompson an opportunity to approach past and current health professionals to attest to his honesty and integrity in his workplace assignments since the substantive hearing.*

*The panel gave serious consideration to a strike-off order. However, it determined that it would be disproportionate at this stage. The panel noted that a strike-off order would be available to the next reviewing panel.*

*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 6 months would provide registrant with an opportunity to engage with the NMC. 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 5 June 2023 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:*

- A clear and detailed statement of Mr Thompson's settled career intention as to whether he wishes to practise as a nurse and therefore remain on the register*
- A written reflective piece demonstrating insight into the conduct found proved.*
- Evidence of any further training undertaken to maintain his nursing skills.*
- References from any paid or unpaid work.'*

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

The panel considered carefully whether Mr Thompson'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 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 Mr Thompson's fitness to practise remains impaired. It had regard to the following recommendations made by the last reviewing panel:

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

- *A clear and detailed statement of Mr Thompson's settled career intention as to whether he wishes to practise as a nurse and therefore remain on the register*
- *A written reflective piece demonstrating insight into the conduct found proved.*
- *Evidence of any further training undertaken to maintain his nursing skills.*
- *References from any paid or unpaid work.'*

The panel noted that Mr Thompson had not provided any further information for this reviewing panel to consider.

In determining Mr Thompson's insight, the panel noted that it had no reflective statement or new information. Whilst Mr Thompson made admissions at the substantive hearing, the panel considered that his subsequent lack of engagement and willingness to achieve and demonstrate strengthened practice indicate a lack of, and diminished, level of insight. In light of Mr Thompson's lack of insight and no evidence of strengthened practice, the panel determined that there is a risk of repetition of the misconduct and a consequent risk of harm to patients and the public. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel bore 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 was of the view that a member of the public would be concerned to hear about a nurse who, after having

concerns raised about their practice, had failed to engage with their regulator and demonstrate insight and strengthened practice. The panel therefore determined that, in this case, a finding of continuing impairment on public interest grounds is also required.

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

Having found Mr Thompson'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 Mr Thompson's lack of insight, no evidence that he has addressed the concerns and strengthened practice, and his persistent non-engagement with his regulator. 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 Mr Thompson's lack of insight, no evidence that he has addressed the concerns and strengthened practice, and his persistent non-engagement with his regulator, an order that does not restrict Mr Thompson'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 Mr Thompson'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 Mr Thompson's registration would be a sufficient and appropriate response. The panel was mindful that any conditions imposed must be proportionate, measurable and workable. Whilst the



panel noted that a conditions of practice order may have been appropriate previously, given that Mr Thompson has not engaged with the NMC despite having been given multiple opportunities to do so, and that he has failed to demonstrate insight or provide evidence of strengthened practice, it concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest.

The panel next considered imposing a further suspension order. The panel noted that Mr Thompson has not demonstrated any insight into his previous failings, and it was of the view that his persistent non-engagement with the NMC demonstrated a diminished and concerning level of insight. Whilst the conduct which led to the imposition of the substantive order was previously determined as potentially remediable, given that over five years have elapsed without any meaningful engagement from Mr Thompson, the panel determined that the risk has increased. The panel was of the view that Mr Thompson's persistent lack of engagement with the NMC and his failure to address the concerns and demonstrate insight raise fundamental concerns about his professionalism.

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 Mr Thompson 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 5 December 2023 in accordance with Article 30(1).

This decision will be confirmed to Mr Thompson in writing.

That concludes this determination.