

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

**Substantive Order Review Hearing  
Friday, 30 August 2024**

Virtual Hearing

**Name of Registrant:** Patricia Boyle

**NMC PIN:** 82Y0152S

**Part(s) of the register:** Registered Nurse - RN7 - General nurse (level 2) – 30 November 1983  
Adult Nurse (level 1) – 24 April 2013

**Relevant Location:** East Renfrewshire and North Lanarkshire

**Type of case:** Misconduct

**Panel members:** Caroline Jones (Chair, Registrant member)  
Anne Rachael Browning (Registrant member)  
Vicki Harris (Lay member)

**Legal Assessor:** Natalie Amey-Smith

**Hearings Coordinator:** Bethany Seed

**Nursing and Midwifery Council:** Represented by Anna Rubbi, Case Presenter

**Mrs Boyle** Not present and not represented at this hearing

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

**Fitness to practise:** Impaired

**Outcome:** **Conditions of practice order (6 months) in accordance with Article 30 (1)**

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

The panel was informed at the start of this hearing that Mrs Boyle was not in attendance and that the Notice of Hearing had been sent to Mrs Boyle's registered email address by secure email on 3 July 2024.

Ms Rubbi, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

## **Decision and reasons on proceeding in the absence of Mrs Boyle**

The panel next considered whether it should proceed in the absence of Mrs Boyle. The panel had regard to Rule 21 and heard the submissions of Ms Rubbi who invited the panel to continue in the absence of Mrs Boyle. She submitted that Mrs Boyle had voluntarily absented herself.

Ms Rubbi referred the panel to the documentation from Mrs Boyle's representative which confirmed:

*"I have now spoken with Ms Boyle. She has decided that she wishes to disengage in the process and I have copied her undernoted email below. [sic]*

*Just to confirm as discussed, although I would have loved to move forward with my registration being restored without restrictions. I feel I have exhausted all avenues to gain the recommendation 's required , my decision is not to continue with this matter. I Thankyou for all your help and thank the NMC for giving me the opportunity to right the wrongs that put me in this position. My confidence has diminished and I accept that and feel I could not put myself through another hearing with the NMC."*

The panel heard and accepted the advice of the legal assessor on the matter of notice and of proceeding in absence together.

The panel took into account that the Notice of Hearing provided details of the substantive order being reviewed, the time, date and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mrs Boyle's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all the information available, the panel was satisfied that Mrs Boyle has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

The panel decided to proceed in the absence of Mrs Boyle. In reaching this decision, the panel considered the submissions of Ms Rubbi and the advice of the legal assessor. It had particular regard to the relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Mrs Boyle;
- Mrs Boyle has informed the NMC that she has received the Notice of Hearing and confirmed she is content for the hearing to proceed in her absence;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- There is a strong public interest in the expeditious review of the case.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Mrs Boyle.

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

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

This order will come into effect at the end of 6 October 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the fifth review of a substantive conditions of practice order originally imposed for a period of 6 months by a Fitness to Practise Committee panel on 6 December 2024. This was reviewed on 29 May 2020 and the reviewing panel extended and varied the conditions of practice order for nine months. This was reviewed again on 26 February 2021 and the reviewing panel extended and varied the conditions of practice order for 18 months. This order was reviewed on 26 August 2022 and the reviewing panel extended and varied the conditions of practice for a further 12 months. The last reviewing panel extended and varied the order on 18 September 2023 for a period of 12 months to come into effect from 6 October 2023.

The current order is due to expire at the end of 6 October 2024.

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

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

*'That you, a registered nurse:*

*At Greenlaw Grove Care Home:*

1. ...

2. *On 14 December 2017 while conducting the medication round on the Lethington Unit:*

a) *You missed two signatures on the MAR Chart for the morning medication for resident SU5. **Proved by admission***

b) *You missed signature(s) and/or added the running total(s) incorrectly on the MAR Chart(s) for the morning medication(s) for a number of unknown residents. **Proved by admission***

3. *You failed to administer Simvastatin to resident SU2 on:*

- a) 21 December 2017 **Proved by admission**
  - b) 22 December 2017 **Proved by admission**
4. On 28 December 2017 you administered Paracetamol to resident SU3 but signed the MAR Chart indicating it had been administered on 29 December 2017. **Proved by admission**
  5. On 28 December 2017 you failed to administer an antibiotic to resident SU6. **Proved by admission**

At Millbrae Care Home:

6. On 9 February 2018 you failed to complete an incident form after you found resident SU1 lying on the floor with a head wound. **Proved**
7. On 10 February 2018 you failed to inform and/or handover to Colleague A that you found resident SU1 lying on the floor with a head wound. **Proved**
8. You failed to indicate that your entry dated 9 February 2018 in resident SU1's Daily/Nursing Notes was written retrospectively on 11 February 2018. **Proved by admission**
9. On the night shift 9/10 February 2018 you left the medication trolley open in the dining room. **Proved by admission**
10. On the night shift 9/10 February 2018 you misplaced the medication pod keys. **Proved by admission**
11. On the night shift 9/10 you took 4 and a half hours to complete the medication round for both floors. **Proved by admission**

12. You signed over the signature(s) of Colleague B for the morning and/or tea time medication(s) for resident SU4 on 10 and/or 11 February 2018. **Proved by admission**

*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 considered whether your fitness to practise remains impaired.*

*The panel noted that your circumstances have not changed since the last review and that there has not been any further evidence of insight or remediation. Whilst the panel noted that the conditions of practice had not come into effect as you have not been working as a registered nurse since the last review, it took into account that you have been working as an HCA but that you had not completed any training of the kind required by conditions 5 and 6 or provided any evidence from your employer relating to your clinical practice.*

*The original panel determined that you were liable to repeat matters of the kind found proved. Today's panel has determined that as you have not addressed the clinical failings in your practice, there is a risk of repetition and thus you are still liable to repeat matters of the kind found proved in respect of your clinical practice which means that there is still the risk of harm. 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 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 required as you have not demonstrated sufficient insight into the failings or remediation of the concerns. For these reasons, the panel finds that your fitness to practise remains impaired on the grounds of public protection and public interest.*

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

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

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

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

*The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted that you have been unable to comply with conditions of practice due to your current employment status but are engaging with the NMC and are willing to comply with any conditions imposed.*

*The panel was concerned that there seemed to have been no progress since the last review in terms of training, which would not require you to be working as a registered nurse. There had also been no testimonials provided from your current employer in relation to your work as an HCA, in particular regarding record keeping and communication. However, notwithstanding this, the panel was of the view that a conditions of practice order is sufficient to protect patients and the wider public interest, noting as the original panel did that there was no deep-seated attitudinal problems. In this case, there are conditions that could be formulated which would*

*protect patients during the period they are in force. The panel noted that you were intending to address the concerns whilst working as an HCA. However, it would encourage you to continue trying to find work as a registered nurse in order that you are able to fully comply with the conditions and demonstrate that you have strengthened your practice.*

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

*Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of 12 months, which will come into effect on the expiry of the current order, namely at the end of 6 October 2023. The panel was of the view that this would give you sufficient time to address the concerns.*

*The panel decided to vary condition 6 and to remove condition 7. It noted that condition 7 had been imposed at the time of the first review on 29 May 2020 as you had said that you had completed some medication management training but had been unable to obtain written evidence of this. Given the time that has passed since then, the panel was of the view that it would be necessary for you to complete further training in medication management in addition to record keeping and communication. This is therefore reflected in the varied condition 6.*

*The panel decided to impose the following conditions which it considered are appropriate and proportionate in this case:*

*'For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.' supervision must consist of working at all times on the same shift as, but not always directly observed by a registered nurse.*

- 1. You must ensure that you are supervised at any time you are working. Your supervision must consist of working at all times on the same shift as, but not*



*always directly observed by a registered nurse.*

2. *You must not be the only registered nurse on duty.*
3. *You must not be the nurse in charge of a shift.*
4. *You must complete at least four medication rounds where you are directly supervised by a registered nurse who should evidence this in writing. This should demonstrate your competence in administering, storing and recording medication. Written evidence of this must be provided by you to the NMC prior to any review hearing.*
5. *You must work with your line manager to create a development log which must address the concerns identified about your medication management, record keeping and communication. You must meet with your line manager at least once a month to review your performance. Your log must be signed by yourself and your manager at or shortly after each meeting and must contain specific feedback on your performance. Written evidence of this must be provided by you to the NMC prior to any review hearing.*
6. *You must complete further training in medication management, record keeping and communication. Upon completion you must also provide dated, written evidence of your successful completion together with evidence of the learning objectives covered in this training. Written evidence of this must be provided by you to the NMC prior to any review hearing.*
7. *You must keep us informed about anywhere you are working by:*
  - a) *Telling your case officer within seven days of accepting or leaving any employment.*
  - b) *Giving your case officer your employer's contact details.*
8. *You must keep us informed about anywhere you are studying by:*
  - a) *Telling your case officer within seven days of accepting any course of study.*

b) *Giving your case officer the name and contact details of the organisation offering that course of study.*

9. *You must immediately give a copy of these conditions to:*

- a) *Any organisation or person you work for.*
- b) *Any agency you apply to or are registered with for work.*
- c) *Any employers you apply to for work (at the time of application).*
- d) *Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.*
- e) *Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity*

10. *You must tell your case officer, within seven days of your becoming aware of:*

- a) *Any clinical incident you are involved in.*
- b) *Any investigation started against you.*
- c) *Any disciplinary proceedings taken against you.*

11. *You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:*

- a) *Any current or future employer.*
- b) *Any educational establishment.*
- c) *Any other person(s) involved in your retraining and/or supervision required by these conditions*

*The period of this order is for 12 months.*

*This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 6 October 2023 in accordance with Article 30(1).*

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

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

The panel has considered carefully whether Mrs Boyle’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 the documentation before it, including the NMC bundle, and the on-table documents provided. It has taken account of the submissions made by Ms Rubbi on behalf of the NMC. She submitted that Mrs Boyle’s fitness to practise remains impaired and the NMC were seeking an extension of the current conditions of practice order on the grounds of public protection.

Ms Rubbi outlined the background of the case. She submitted that Mrs Boyle had chosen not to participate in these proceedings and consequently there was no further evidence for consideration. Ms Rubbi submitted that there was a persuasive burden on the practitioner to prove they are no longer impaired, and they have taken steps to remediate their misconduct. She submitted that Mrs Boyle has not discharged this burden addressing her past impairment and therefore a finding of impairment remains necessary.

Ms Rubbi submitted that upon a finding of impairment, a restriction on Mrs Boyle’s practice remains necessary due to the risk of repetition of the misconduct found proved by the original panel. She submitted that an extension of the current conditions of practice order mitigates this and therefore invited the panel to decide to extend the current order for a period of time to be decided at its discretion.

The panel asked Ms Rubbi to elaborate on why, upon a finding of impairment, it should impose a further sanction where the option remained to let the current order expire and allow Mrs Boyle's registration to lapse. Ms Rubbi submitted that in the absence of unequivocal evidence of Mrs Boyle's intention to leave the profession, the appropriate action would be to extend the order. She noted that this option had been expressed in an email to Mrs Boyle, but that the monitoring and compliance officer in this case had not received further information on this point. Ms Rubbi submitted that this option remained open to the panel but asked for further clarification from the legal assessor on this point.

The panel heard and accepted the advice of the legal assessor. The legal assessor drew the panel's attention to the NMC guidance contained at Rev-3H on allowing a professional to be removed from the register.

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 Mrs Boyle's fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Mrs Boyle had insufficient insight. The last reviewing panel also found that Mrs Boyle had not taken appropriate steps to strengthen her practice and that she was liable to repeat matters of the kind found proved.

Today's panel has received no new information to the contrary. In light of this, this panel determined that Mrs Boyle has limited insight, has not strengthened her practice and is 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.

For these reasons, the panel finds that Mrs Boyle's fitness to practise remains impaired.

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

Having found Mrs Boyle'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. The panel decided that it would be neither proportionate nor would it be sufficient to protect the public 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 Mrs Boyle's practice would not be appropriate in the circumstances.

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

The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel noted that this was the most appropriate sanction as there was no evidence of deep-seated attitudinal issues. It considered that matters of the kind found proved were capable of being remediated and patients would not be put at risk during the period in which the order is enforced. The panel noted that Mrs Boyle had expressed that she was disengaging from the NMC process but that it lacked information regarding whether she wanted to remain in the nursing profession. The panel determined that a further conditions of practice order would meet the public protection requirements and provide time for Mrs Boyle to confirm her future professional plans.

The panel considered that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of Mrs Boyle's case because whilst the misconduct was serious, it was capable of being remediated.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of six months, which will come into effect on the expiry of the current order, namely at the end of 6 October 2024. It decided to impose the following conditions which it considered are appropriate and proportionate in this case:

For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.' supervision must consist of working at all times on the same shift as, but not always directly observed by a registered nurse.

1. You must ensure that you are supervised at any time you are working. Your supervision must consist of working at all times on the same shift as, but not always directly observed by a registered nurse.
2. You must not be the only registered nurse on duty.
3. You must not be the nurse in charge of a shift.
4. You must complete at least four medication rounds where you are directly supervised by a registered nurse who should evidence this in writing. This should demonstrate your competence in administering, storing and recording medication. Written evidence of this must be provided by you to the NMC prior to any review hearing.
5. You must work with your line manager to create a development log which must address the concerns identified about your medication management, record keeping and communication. You must meet with your line manager at least once a month to review your performance. Your log must be signed by yourself and your manager at or shortly after each meeting and must contain specific feedback on your performance. Written evidence of this must be provided by you to the NMC prior to any review hearing.
6. You must complete further training in medication management, record

keeping and communication. Upon completion you must also provide dated, written evidence of your successful completion together with evidence of the learning objectives covered in this training. Written evidence of this must be provided by you to the NMC prior to any review hearing.

7. You must keep us informed about anywhere you are working by:
  - a) Telling your case officer within seven days of accepting or leaving any employment.
  - b) Giving your case officer your employer's contact details.
  
8. You must keep us informed about anywhere you are studying by:
  - a) Telling your case officer within seven days of accepting any course of study.
  - b) Giving your case officer the name and contact details of the organisation offering that course of study.
  
9. You must immediately give a copy of these conditions to:
  - a) Any organisation or person you work for.
  - b) Any agency you apply to or are registered with for work.
  - c) Any employers you apply to for work (at the time of application).
  - d) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.
  - e) Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity
  
10. You must tell your case officer, within seven days of your becoming aware of:
  - a) Any clinical incident you are involved in.
  - b) Any investigation started against you.
  - c) Any disciplinary proceedings taken against you.
  
11. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions

with:

- a) Any current or future employer.
- b) Any educational establishment.
- c) Any other person(s) involved in your retraining and/or supervision required by these conditions

The period of this order is for up to six months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 6 October 2024 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well Mrs Boyle has complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order. The panel noted that Mrs Boyle may wish to request an early review of the order under Article 30(2) if she no longer wishes to practise as a nurse and wishes to allow her registration to lapse upon the expiry of the order. However, it would be the decision of the reviewing panel.

Any future panel reviewing this case would be assisted by:

- Clarification on Mrs Boyle's intention to practise.
- Reflective piece focusing on the impact of her actions on the risk of harm to patients and the impact on the profession and the public.
- References or testimonials from her current employer, including where she is not working as a Band 5 nurse.
- Further evidence of her seeking employment in which the conditions of practice order would apply.

This will be confirmed to Mrs Boyle in writing.

That concludes this determination.