

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

**Substantive Order Review Hearing  
Monday, 23 December 2024**

Virtual Hearing

**Name of Registrant:** Joanna Elizabeth Bird

**NMC PIN:** 10I3320E

**Part(s) of the register:** Registered Nurse – Mental Health Nursing  
Effective – 7 September 2011

**Relevant Location:** London

**Type of case:** Lack of competence

**Panel members:** John Kelly (Chair, Lay member)  
Purushotham Kamath (Registrant member)  
Chris Thornton (Lay member)

**Legal Assessor:** Nigel Mitchell

**Hearings Coordinator:** Maya Khan

**Nursing and Midwifery Council:** Represented by Simon Gruchy, Case Presenter

**Miss Bird:** Not present and not represented

**Order being reviewed:** Suspension order (6 months)

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (3 months) to come into effect at the expiry of the current order 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 Miss Bird was not in attendance and that the Notice of Hearing had been sent to Miss Bird's registered email address by secure email on 29 November 2024.

Mr Gruchy, 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).

The panel accepted the advice of the legal assessor.

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 Miss Bird'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 of the information available, the panel was satisfied that Miss Bird has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

## **Decision and reasons on proceeding in the absence of Miss Bird**

The panel next considered whether it should proceed in the absence of Miss Bird. The panel had regard to Rule 21 and heard the submissions of Mr Gruchy who referred the panel to correspondence between the NMC and Miss Bird. Mr Gruchy referred the panel to an email dated 29 November 2024 from Miss Bird indicating that she would be attending today's hearing. However, Mr Gruchy informed the panel that a further email dated 22 December 2024 had been received from her informing the NMC that she was no longer able to attend the hearing due to personal reasons. The email dated 22 December 2024 stated:

*'I'm so sorry for the delay in responding, i have not been able to access my emails but i did send my statement last week. My sincere apologies but i will not be able to attend the hearing tomorrow...*

*Obviously, i know this is the second time i have had to asked to rearrange for personal reasons which have been out of my control, but i do hope the panel will understand...' [sic]*

Mr Gruchy submitted that Miss Bird is fully aware of these proceedings and the panel can be satisfied that she has decided to voluntarily absent herself. He submitted that there would not be sufficient time for an adjournment today due the order expiring on 6 January 2025. He reminded the panel that there is a strong public interest in the timely review of this case.

In response to panel questions, Mr Gruchy said that Miss Bird had requested an adjournment at her previous substantive order review hearing and agreed to waive the notice period in regard to today's hearing. Mr Gruchy also told the panel that the NMC have not received the statement from Miss Bird referred to in her email dated 22 December 2024.

The panel accepted the advice of the legal assessor.

The panel decided to proceed in the absence of Miss Bird. In reaching this decision, the panel considered the submissions of Mr Gruchy and the evidence of correspondence between the Miss Bird and the NMC. It has had regard to any relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- Miss Bird previously informed the NMC that she has received the Notice of Hearing and that she would be attending.
- Miss Bird has sent a further email dated 22 December 2024 indicating that she would not be able to attend due to personal reasons.
- The panel noted that Miss Bird's email dated 22 December 2024 does not express a request an adjournment albeit it is implied. However, due to the

Christmas and New Year bank holiday period, there is limited opportunity to delay this matter at a future date.

- The current order expires at the end of 6 January 2024.
- 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 Miss Bird.

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

The panel decided to extend the suspension order for a period of three months.

This order will come into effect at the end of 6 January 2025 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a substantive order originally imposed by a Fitness to Practise Committee panel on 8 December 2020. The original order was a conditions of practice order for a period of 18 months. The first review took place on 27 May 2022 when the panel decided to extend the conditions of practice order for a further 24 months. The second review took place on 4 June 2024 when the panel decided to replace the conditions of practice order with a suspension order for a period of 6 months.

The current order is due to expire at the end of 6 January 2025.

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

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

*'That you, whilst employed by North East London NHS Trust, failed to demonstrate the standards of knowledge, skill, and judgement required to practise without supervision as a band 6 Community Psychiatric Nurse in that you*

1) On 5 May 2018, provided inaccurate and / or insufficient feedback to the MDT at a zoning meeting in that you feedback that 'clozapine was now transferred to Denise – need to follow up with pharmacy if medication has been delivered' when you needed to report that Patient SH care and clozapine prescribing and dispensing had transferred to Newham;

2) On 22 March 2018 did not include a plan for Patient LR in a handover note prior to going on annual leave when such a plan was necessary due to Patient LR being a high risk;

3) On 13 July 2018, did not take reasonable steps to ensure a meeting with Patient OO was effective in that you did not call her when she failed to answer the door;

4) Were unable to account for your movements regarding a depot injection for Patient AW;

5) Did not complete clinical documentation in that you:

i) Did not record entries on RIO system for Patient OO's visit on 13 July 2018;

ii) Did not document delay in administering Patient EG's depot injection;

6) Did not manage your time in that you:

i) Between February and March 2017 did not produce care plans;

ii) Between June and July 2018 did not update care plan;

iii) Did not submit a social circumstances report for Patient MT by 4 June 2018;

iv) Delayed sending a social circumstances report Patient JJ;

v) Did not administer Patient EG's depot injection on time in that EG was two weeks overdue in receiving a depot injection in

(a) April 2018;

*(b) June 2018;*

*(c) July 2018;*

*7) Signed off a social circumstances report that lacked the required detail in that it did not:*

*i) Specify the patient's living arrangements;*

*ii) Failed to address issue of support from relatives;*

*iii) Failed to address effectiveness of care;*

*8) Did not follow record keeping policy in that you:*

*i) On 5 July 2018 in relation to Patient MT did not:*

*(a) Update the crisis plan;*

*(b) Update the risk assessment;*

*(c) Document a full progress note regarding the home visit you had made;*

*ii) On 5 July 2018 did not record a telephone call to Patient RT's husband;*

*iii) Did not update Patient MP's records in a timely manner following a crisis visit on 28 February 2018;*

*iv) Did not update Patient SU's records;*

*v) Did not contemporaneously note concerns that Patient JJ's flat was being used for drug consumption;*

*vi) Did not document depot injections on RIO for some or all of the following Patients: JJ; DD; EG;*

*9) Did not visit Patient MB as often as required between January 2017 and July 2017*

*10) Did not submit the following DWP paperwork for Patient JJ:*

*i) ESA;*

*ii) PIP;*

*iii) Fit notes;*

11) *On or around 26 April 2017 in relation to Patient CL did not:*

*i.) Complete the administration tasks to allow their PIP application to be considered;*

*ii) Complete the administration tasks to allow their Freedom Pass application to be considered;*

12) *Between March and July 2018, did not make contact with the patients on your caseload at least monthly;*

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

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

*'Despite the recommendations by the last reviewing panel, today's panel did not have any new information before it to suggest that Miss Bird has made attempts to strengthen her practice, despite the wide range of lack of competency issues found proved. Further, the panel did not have any testimonials and/or character references despite Miss Bird stating that she is currently employed by a care agency. The panel noted that Miss Bird is not currently practising as a nurse and therefore she has not yet been able to comply with the current conditions of practice order.*

*Whilst it was previously found that Miss Bird had demonstrated some insight into her failings, as of today, no further information has been received as to Miss Bird's reflection, understanding or insight into her failings*

*In the absence of any meaningful information and/or engagement from Miss Bird, the panel determined that Miss Bird remains 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. To do otherwise would seriously undermine the public's confidence in the nursing profession and the NMC as a regulator.*

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

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

*'The panel noted that Miss Bird has been subject to a conditions of practice order since December 2020. It was of the view that the conditions imposed are workable and that Miss Bird has had ample opportunity to find employment which would have enabled her to comply with those conditions and evidence that compliance to the NMC. Despite over three years elapsing, no evidence has been put before a panel to demonstrate that Miss Bird has attempted to begin complying with the order and/or taken steps to strengthen her practice. Further, Miss Bird has not practised as a registered nurse since 2018. On this basis, the panel concluded that a conditions of practice order is no longer practicable and/or an appropriate order in this case and would serve no useful purpose.*

*The panel seriously considered imposing a striking off order. However, given Miss Bird's email communication to the NMC on 22 May 2024 and her previous indication that she does intend to return to the nursing profession, the panel determined that such an order would be disproportionate at this time.*

*The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of six months would provide Miss Bird with an opportunity to meaningfully reengage with the NMC, her regulator. It considered this to be the most appropriate and proportionate sanction available.*



*This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 6 July 2024 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. Amongst the available sanctions, it would be open to a reviewing panel to impose a striking off order.*

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

- *Evidence of Miss Bird's meaningful engagement with the NMC, including her intention as to her nursing career;*
- *Miss Bird's attendance at the review hearing;*
- *Any positive references or testimonials about any recent nursing practice or non-nursing role;*
- *Evidence of keeping skills and knowledge up to date including training undertaken; and*
- *An updated detailed reflective piece.'*

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

The panel considered whether Miss Bird's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC defines fitness to practise as a registrant's ability to practise safely, kindly and professionally. In considering this case, the panel has carried out a review of the order in light of the current circumstances. While it noted the decision of the last panel, this panel exercised its own judgement as to current impairment.

The panel had regard to the documentation before it, including the NMC bundle and correspondence from Miss Bird.

Mr Gruchy outlined the background of the case to the panel.

Mr Gruchy told the panel that the NMC have not received the statement from Miss Bird as indicated in her email dated 22 December 2024. He told the panel that Miss Bird is not in attendance today to indicate whether she was able to comply with the recommendations made by the previous reviewing panel.

Mr Gruchy submitted that given that there is no evidence of Miss Bird strengthening her nursing practise before the panel today, it may find her fitness to practise remains impaired.

Mr Gruchy submitted that Miss Bird's engagement with the NMC has been limited and there appears to be little/no change in the circumstances of the case since the last review hearing.

Mr Gruchy submitted that the panel may find it appropriate to afford Miss Bird some more time to engage with the NMC before any changes are made to her registration at this stage.

Miss Bird's email dated 22 December 2024 stated:

*'...i have been working so much towards moving back towards my nursing career in the future in the jobs i have subsequently undertaken in care and support work.'*

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 Bird's fitness to practise remains impaired.

The panel noted it had no new evidence before it today to suggest otherwise and there has been no material change since the last hearing.

The panel considered that there are serious wide-ranging competency concerns identified in Miss Bird's case relating to fundamental elements of practice expected of a registered nurse including accurate risk assessments of patients, maladministration and/or delays in administering medication and poor record keeping including liaising with other agencies involved in the care of vulnerable patients. The panel noted that it had no information before it today indicating that Miss Bird had met any of the recommendations given to her at the last review hearing. The panel further noted that although Miss Bird has indicated in her email dated 22 December 2024 that she has sent a statement to the NMC, this has not been received and she has not responded to the follow up emails asking her to resend the statement.

The panel was mindful that Miss Bird's engagement with the NMC has been limited in emails and there has not been any substantial engagement or evidence produced by her being afforded the opportunity to do so.

Further, the panel noted Miss Bird's email dated 22 December 2024 stating that she continues working towards her nursing career by support work. However, the panel did not have any testimonials and/or character references regarding this.

The panel considered that the regulatory concerns in this case are capable of remediation but, in the absence of any information demonstrating steps taken to address them or to strengthen her practice, the panel determined that there remains a risk of repetition of the misconduct found proved. 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 determined that, in this case, a finding of continuing impairment on public interest grounds is also required, as the public's confidence in the NMC would be undermined if it took no action in circumstances in which firstly, there are significant regulatory concerns relating to competency and secondly, that the registrant has not made any effort to address those concerns over a significant period of time.

For these reasons, the panel finds that Miss Bird fitness to practise remains impaired on public protection and public interest grounds.

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

Having found Miss Bird'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 also took into account the 'NMC's Sanctions Guidance' (SG) and bore 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 whether to take no further action or to impose a caution order but determined that, due to the seriousness of the case, the wide-ranging allegations found proved, and the public protection issues identified, an order that does not restrict Miss Bird'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 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 replace the current order with a caution order.

The panel next considered whether imposing a conditions of practice order on Miss Bird'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 noted that Miss Bird was previously subject to a conditions of practice order for a period of three years. It determined that although the concerns in this case are remediable and conditions have previously been devised, Miss Bird had ample opportunity to evidence reflection and strengthened practice. This panel has no specific information as to her working experience since the substantive order was originally imposed. On this basis, the panel concluded that a conditions of practice order would be unworkable in this case, and would serve no useful purpose.

The panel considered allowing the current order to lapse with impairment in the circumstances. It had sight of the NMC's guidance on '*Nurses, midwives or nursing associates whose registration will lapse automatically if the substantive order is lifted*' (REV-3h) and noted that the guidance provides for circumstances where registrants who are subject to a substantive order may be allowed to be removed from the register through their registration lapsing and having not revalidated. The panel noted that Miss Bird's registration lapsed on 30 November 2018 and that her registration remains active only by reason of the presence of the substantive order. However, the panel concluded that it would be inappropriate at this stage in light of the email received by Miss Bird dated 22 December 2024 indicating that she is working on returning to nursing and could not attend today due to personal circumstances.

The panel also considered imposing a striking off order. However, given Miss Bird's email communication to the NMC dated 22 December 2024 and her previous indication that she does intend to return to the nursing profession, the panel determined that such an order would be disproportionate at this time.

The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for a period of three months and that that would provide Miss Bird with sufficient time to meaningfully engage with the NMC, prepare submissions, consider her intentions regarding her future nursing career and attend to present evidence to a future reviewing panel. 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 6 January 2024 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. Amongst the available sanctions, it would be open to a reviewing panel to impose a striking off order.

Any future panel reviewing this case would be assisted by:

- Evidence of Miss Bird's meaningful engagement with the NMC, including her intention as to her nursing career
- Miss Bird's attendance at the review hearing
- Any positive references or testimonials about any recent nursing practice or non-nursing role
- Evidence of keeping skills and knowledge up to date including training undertaken
- An updated reflective piece

This will be confirmed to Miss Bird in writing.

That concludes this determination.