

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

**Substantive Order Review Meeting
Tuesday 17 December 2024**

Virtual Meeting

Name of Registrant: Laura Dawn Ellison

NMC PIN 12G0038E

Part(s) of the register: Registered Nurse – Sub Part 1
Adult Nurse – September 2012

Relevant Location: Oxfordshire

Type of case: Misconduct

Panel members: Paul Grant (Chair, Lay member)
Vivienne Stimpson (Registrant member)
Paul Hepworth (Lay member)

Legal Assessor: Graeme Sampson

Hearings Coordinator: Monsur Ali

Order being reviewed: Suspension order (12 months)

Fitness to practise: Impaired

Outcome: **Striking-Off order to come into effect
immediately in accordance with Article 30 (2)**

Decision and reasons on service of Notice of Meeting

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Miss Ellison's registered email address by secure email on 13 November 2024.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Miss Ellison 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 immediately in accordance with Article 30(2) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the third review of a substantive suspension order originally imposed for a period of 6 months by a Fitness to Practise Committee panel on 30 September 2022. On 3 April 2023, the suspension order was confirmed for another 9 months. The order was last reviewed on 21 December 2023 and the panel decided to extend the suspension order for a further 12 months.

The current order is due to expire at the end of 27 January 2025.

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:

- 1. Slept on night shift duty:*

- a. On 12 March 2018.
- b. On one or more occasions on 16 March 2018.

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

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

'The panel considered whether Miss Ellison's fitness to practise remains impaired.

The panel bore in mind that its decision was not bound by any previous panels, but it noted the findings of the original and last reviewing panels. This panel had no new information before it in relation to insight or remediation to undermine the previous findings of impairment.

In light of this, this panel determined that Miss Ellison remains liable to repeat matters of the kind found proved, as there is no information that could indicate otherwise or that the level of risk had decreased. 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 Ellison's fitness to practise remains impaired.'

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

'Having found Miss Ellison'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 allow the order to lapse upon expiry in accordance with Article 30 (1). However, it did not have any information before it in relation to Miss Ellison's employment intentions for the future nor has she engaged with the NMC process. Thus, it determined this option was not appropriate at this time.

The panel then 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 Miss Ellison'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 Miss Ellison'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 conditions of practice on Miss Ellison'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 noted that Miss Ellison has not been engaging with the NMC process nor has she clarified whether she intends to return to practise as a nurse. In light of this,

the panel considered that any conditions of practice order would not be workable as she is unlikely to engage with any conditions, at this time, and there is no indication that the level of risk has reduced since the last review.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Miss Ellison further time to fully reflect on her previous failings. It considered that Miss Ellison needs to gain a full understanding of how her past actions can impact upon the nursing profession as a whole and not just the organisation that the individual nurse is working for. The panel concluded that a further 12-month suspension order would be the appropriate and proportionate response and would afford Miss Ellison adequate time to further develop her insight and take steps to strengthen her practice. It would also give Miss Ellison an opportunity to approach past and current health professionals to attest to her work ethic in her workplace assignments since the substantive hearing.

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 would provide Miss Ellison with an opportunity to engage with the NMC, to provide evidence of reflection and any steps taken to strengthen her practice and/or information as to her current employment status or intentions. It considered this to be the most appropriate and proportionate sanction available.

The panel considered that imposition of a striking off order would, at this point, be disproportionate nor was it necessary to protect the public or mark the public interest.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 27 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.'

Decision and reasons on current impairment

The panel has considered carefully whether Miss Ellison's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as the ability of the nurse, midwife, or nursing associate to practise kindly, safely, and professionally. 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 Miss Ellison's fitness to practise remains impaired. The last reviewing panel determined that the misconduct in this case is capable of being remediated, but due to Miss Ellison's prolonged non engagement it had no evidence before it as to whether Miss Ellison has taken any steps to address her misconduct and strengthen her practice. Further, this panel has no information about what Miss Ellison is currently doing and whether she wishes to continue to practise as a registered nurse. Equally, the panel was mindful that Miss Ellison had put forward her health as a contributory factor during the employer investigation into the concerns. However, at no point has Miss Ellison provided any health report or assessments to the NMC.

In light of this, this panel determined that Miss Ellison remains liable to repeat matters of the kind found proved, as there is no information that could indicate otherwise or that the level of risk had decreased. 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 Ellison's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Miss Ellison'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 nature of the concerns which presented a risk of harm to vulnerable patients. The panel was also mindful that due to the absence of evidence of Miss Ellison strengthening her practice there was a risk of repetition. These factors combined with her lack of engagement meant 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 concerns, and the public protection issues identified, an order that does not restrict Miss Ellison'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 Miss Ellison'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 conditions of practice on Miss Ellison's registration would be a sufficient and appropriate response. The panel is mindful that any conditions

imposed must be proportionate, measurable, and workable. Whilst the panel bore in mind the seriousness of the facts found proved at the original hearing it noted that the misconduct was potentially remediable and if Miss Ellison had engaged with the regulatory process a conditions of practice order may have been feasible both at the substantive hearing and at subsequent review hearings. However, given the current position where there has been prolonged non engagement and the imposition of three suspension orders the panel concluded that a conditions of practice order was not practicable or workable and therefore would not adequately protect the public or satisfy the public interest.

The panel next considered imposing a further suspension order. The panel noted that Miss Ellison has not engaged despite efforts by the NMC to engage with her. She has not provided any evidence to demonstrate insight into her previous failings or any up-to-date evidence about whether she wishes to continue to practise as a registered nurse. The panel was of the view that evidence would be required to show that Miss Ellison no longer posed a risk to the public. The panel had no confidence that there would be any change in circumstance if a further period of suspension was imposed and noted that Miss Ellison had been suspended for over two years. Therefore, 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 Miss Ellison from practising in the future and to bring these proceedings to an end and therefore the only sanction that would adequately protect the public, maintain public confidence in the profession and maintain proper professional standards was a striking-off order.

This striking-off order will replace the current suspension order with immediate effect in accordance with Article 30(2).

This decision will be confirmed to Miss Ellison in writing.

That concludes this determination.