

Nursing and Midwifery Council
Investigating Committee

Review Interim Order Hearing
Thursday, 12 December 2024

Virtual Hearing

Name of Registrant:	Andrew David Malby
NMC PIN	86A2156E
Part(s) of the register:	Registered Nurse Adult Nursing RN1 – March 1989
Relevant Location:	Northumbria
Panel members:	Angela Williams (Chair, Lay member) Judith Shevlin (Registrant member) Danielle Sherman (Lay member)
Legal Assessor:	Charles Parsley
Hearings Coordinator:	Sabrina Khan
Nursing and Midwifery Council:	Represented by John Millar, NMC Case Presenter
Mr Malby:	Present and not represented
Interim order being reviewed:	Interim conditions of practice order (18 months)
Interim order directed:	Interim conditions of practice order confirmed

Decision and reasons on interim order

The panel decided to confirm the current interim conditions of practice order.

The panel was of the view that the public would remain suitably protected by continuation of the following conditions:

‘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.

1. You must limit your nursing practice to one substantive employer, and if this is an agency, you must work in each clinical placement for a continuous period of no less than three months.
2. You must not be the nurse in charge of any shift.
3. You must ensure you are supervised 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 another registered nurse.
4. You must attend a meeting with your line manager, mentor or supervisor fortnightly to have reflective discussions in the following areas:
 - a) Conduct at work;
 - b) [PRIVATE]
 - c) Your compliance with the NMC’s conditions.
5. You must obtain and submit a report to your NMC case officer before any review hearing from your line manager, mentor and/or supervisor detailing:

- a) Your conduct at work;
- b) [PRIVATE]
- c) Your compliance with the NMC's conditions.

6. [PRIVATE]

7. [PRIVATE]

8. [PRIVATE]

9. [PRIVATE]

10. You must keep the NMC 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.

11. You must keep the NMC 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.

12. 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.

13. 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.

14. 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 panel decided to confirm this interim conditions of practice order and it will run for the remainder of the current interim order.

Unless your case has already been concluded, this interim order must be reviewed before the end of the next six months and every six months thereafter. Additionally, you or the NMC may ask for the interim order to be reviewed if any new evidence becomes available that may be relevant to the interim order.

At any review, the reviewing panel may revoke the interim order or any condition of it, it may confirm the interim conditions of practice order, or vary any condition of it, or it may replace the interim conditions of practice order with an interim suspension order.

In certain circumstances, it may be possible for the interim conditions of practice order to be reviewed by a reviewing panel at an administrative meeting. Your case officer will write to him about this in due course.

The NMC Case Examiners are yet to decide whether there is a case to answer in relation to the allegations made against you. The NMC will write to you when the case is ready for the next stage of the fitness to practise process.

This will be confirmed to you in writing.

That concludes this determination.