

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

**Substantive Order Review Hearing
Friday 26 January 2024**

Virtual Hearing

Name of Registrant: Mrs Kirsty Natriss

NMC PIN 05A0895E

Part(s) of the register: RNA – Adult Nurse – 21 March 2005

Relevant Location: Derbyshire

Type of case: Review of a substantive conditions of practice order

Panel members: Michelle Lee (Chair, Registrant member)
Catherine Askey (Registrant member)
Robert Fish (Lay member)

Legal Assessor: Andrew Young

Hearings Coordinator: Claire Stevenson

Nursing and Midwifery Council: Represented by Richard Webb, Case Presenter

Mrs Natriss: Present and represented by Nair Maqboul, instructed by Royal College of Nursing (RCN)

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

Fitness to practise: Not Impaired

Outcome: **Order to lapse upon expiry in accordance with Article 30(1) of the Nursing and Midwifery Order 2001, on 7 March 2024**

Decision and reasons on review of the substantive conditions of practice order

The panel decided to allow the current order to expire on 7 March 2024.

This is the first review of a conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel at a restoration hearing on 21 July 2022. This order was imposed in order to satisfy the public interest, to provide you with sufficient time to find employment as a registered nurse and to demonstrate your safe practice.

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

At the restoration hearing on 21 July 2022, the panel determined the following:

Decision on the application for restoration

'The panel has considered your application for restoration to the NMC register very carefully. It has decided to allow the application subject to successful completion of a return to practice course and followed by a conditions of practice order for a period of 12 months with a review prior to expiry.

In reaching its decision the panel recognised its statutory duty to protect the public as well as maintain public confidence in the reputation of the profession, which includes the declaring and upholding of proper professional standards. The panel bore in mind that the burden was upon you to satisfy it that you are a fit and proper person who is able to practise safely and effectively as a nurse.

The panel was mindful that attitudinal concerns such as dishonesty, are difficult to remediate. It noted that the charges found proven at the substantive hearing in 2016 were a second instance of regulatory intervention with regard to dishonesty. Your nursing registration was subject to a 5-year caution order for fraud in 2011. During the operative period of the caution order, you then failed to disclose your prior convictions and a second finding of dishonesty was made in relation to your nursing practice at a substantive hearing in 2016. The panel was mindful that your dishonesty was repeated and not an isolated incident; it was your second referral to

the NMC; you had a number of opportunities to clarify the true position at the time but failed to do so; and that the dishonest conduct was carried out with a view to personal gain. The panel was mindful of the gravity of the charges found proved and the difficulty in demonstrating a change in attitude.

Since the striking-off order, you have demonstrated a strong work-ethic by working in roles that are closely allied to health care. The panel had the benefit of hearing from you at length and is able to note that you have developed significant insight and shown remorse for your actions. You spelt out how you would act differently in the future and the mechanisms you have developed in order to maintain the requisite standards of integrity and honesty.

The panel noted that two of the referees whose names were provided to the NMC were your spouse and a school governor that you regard as an acquaintance. However, a reference was also provided from your current line manager who you have worked with since 2019 in a non-clinical role within non-emergency patient transport. The panel noted that the NMC had sent all of the referees the panel reasons from the striking-off hearing and that in your evidence, you had confirmed that “[your] employer knows everything” and that this referee, your line manager, noted your remorse and the fact that you deeply regret past events.

Having previously noted that attitudinal concerns are difficult to remediate, the panel concluded that you have demonstrated a fundamental change in your attitude. On balance, the panel has been persuaded that you have been able to address your past failings sufficiently to be allowed to return to the register subject to conditions.

The panel accordingly directs the Registrar under Article 33(7) and in accordance with Article 33(6) of the Order, to restore your name to the register subject to you fulfilling the specific conditions of practice as to additional education, training and experience as the Council has specified under Article 19(3) of the Order. For this to happen, the panel directs that you must successfully complete and pass a Return to Practice Programme and pay the prescribed fee.

Upon restoration of your name to the Register your registration will be subject to a conditions of practice order in the following terms:

1. *You must notify the NMC within 7 days of any nursing appointment (whether paid or unpaid) you accept within the UK or elsewhere, and provide the NMC with contact details of your employer.*
2. *You must inform the NMC of any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 7 days of you receiving notice of them.*
3.
 - a) *You must within 7 days of accepting any post or employment requiring registration with the NMC, or any course of study connected with nursing or midwifery, provide the NMC with the name/contact details of the individual or organisation offering the post, employment or course of study.*
 - b) *You must within 7 days of entering into any arrangements required by these conditions of practice provide the NMC with the name and contact details of the individual/organisation with whom you have entered into the arrangement.*
4. *You must immediately inform the following parties that that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose the conditions listed at (1) to ([3]) above, to them:*
 - a. *Any organisation or person employing, contracting with, or using you to undertake nursing or midwifery work*
 - b. *Any agency you are registered with or apply to be registered with (at the time of application)*
 - c. *Any prospective employer (at the time of application)*
 - d. *Any educational establishment at which you are undertaking a course of study connected with nursing or midwifery, or any such*

establishment to which you apply to take such a course (at the time of application).

The period of this conditions of practice order is 12 months. The panel determined that such a period would satisfy the public interest and provide you with sufficient time to find employment as a registered nurse and demonstrate your safe practice.

Submissions and evidence

The panel noted that the previous panel had imposed a conditions of practice order in order to satisfy the public interest, to provide you with sufficient time to find employment as a registered nurse and to demonstrate your safe practice.

The panel has had regard to all of the documentation before it, including the NMC bundle and on tables submitted on your behalf. It has taken account of the submissions made by Mr Webb on behalf of the Nurses and Midwifery Council (NMC).

Mr Webb referred the panel to the background of the case and the relevant documents in the NMC bundle of papers. He further referred the panel to the determination of the restoration panel who concluded that you had demonstrated a fundamental change in your attitude and was persuaded that you had been able to address your past failings sufficiently to allow you to return to the NMC Register whilst subject to conditions of practice.

Mr Webb submitted that you have complied with the conditions of practice order and provided the documentation that you were required to, including a reflective statement. He submitted that it is a matter for the panel to decide whether safe practice has been demonstrated by you since the restoration hearing.

Mr Webb submitted that it is a matter for the panel to consider all of the information before it and decide whether you have demonstrated safe practice and that there is no longer a need for restrictions to protect the public or otherwise uphold the public interest.

Mr Webb submitted that should the panel decide you have not demonstrated there is no longer a need for restrictions for the protection of the public and to meet the public interest then under Article 30 all options are still available to it.

The panel also had regard to submissions from Ms Maqboul on your behalf.

Ms Maqboul took the panel through the relevant history since the restoration proceedings where the panel allowed readmission to the NMC Register subject to various conditions. This included a return to practice course which you completed in March 2023, which then allowed your registration to become active. She referred the panel to the information contained within the on table papers provided by you. She stated this shows that you have made significant attempts to obtain substantive nursing roles. She informed the panel of your current circumstances. You are currently employed full time as a business administrator and have been working nursing shifts via an agency. She informed the panel that you were interviewed for and offered a community nursing role, but this was retracted once you informed them of the conditions of practice order. She submitted that this has affected your confidence and you feel you are unable to apply for any substantive roles whilst the conditions of practice order remains in place.

Ms Maqboul referred the panel to your remediation bundle where you have shown considerable insight and are candid about the difficulties you have faced in terms of finding secure and permanent work within a nursing role. She informed the panel that you are keen to put your mistakes behind you and continue to move forward in the very positive way you have demonstrated.

Ms Maqboul submitted that you have complied with all the conditions of practice and that it had served the purpose it was intended to do. She submitted that you have demonstrated safe and effective practice and invited the panel to allow the order to lapse.

Decision on whether safe practice has been demonstrated

The panel heard and accepted the advice of the legal assessor.

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 had regard to your reflective statement which provides an open and sincere account of your experiences in nursing since you were restored to the Register in 2022. It noted that you have attempted to gain substantive employment in a nursing role but have been unable to do so.

The panel also had regard to the return to practice course you completed in March 2023 and the very positive comments made by your tutors.

The panel determined that you have fully complied with the conditions of practice order, kept the NMC informed and fulfilled the requirements the restoration panel set out. It noted insofar as you have arguably fallen short in providing employment references, the panel is aware that it can be difficult to obtain a detailed and considered reference when working through an agency.

For these reasons, the panel finds that you have complied with the requirement to demonstrate safe practice and it decided to allow the order to lapse upon expiry on 7 March 2024.

In accordance with Article 30(1), the substantive conditions of practice order will lapse upon expiry, namely the end of 7 March 2024.

This will be confirmed to you in writing.

That concludes this determination.