

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

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

Virtual Hearing

**Name of Registrant:** Sharon Stevens

**NMC PIN** 95I4060E

**Part(s) of the register:** RM: Midwife (19 September 1998)

**Relevant Location:** West Sussex

**Type of case:** Lack of competence

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

**Legal Assessor:** Andrew Young

**Hearings Coordinator:** Sabrina Khan

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

**Mrs Stevens:** Not present and was not represented at this hearing

**Order being reviewed:** Suspension order (12 months)

**Fitness to practise:** Impaired

**Outcome:** **Striking-Off order to come into effect on 5 March 2024, upon expiry of the current order.**

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

The panel was informed at the start of this hearing that Mrs Stevens was not in attendance and that the Notice of Hearing had been sent to Mrs Stevens's registered email address by secure email on 29 December 2023.

Mr Webb, 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 Mrs Stevens' 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 Mrs Stevens 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 Mrs Stevens**

The panel next considered whether it should proceed in the absence of Mrs Stevens. The panel had regard to Rule 21 and heard the submissions of Mr Webb who invited the panel to continue in the absence of Mrs Stevens.

Mr Webb referred the panel to the email correspondence between Mrs Stevens and the NMC dated 31 December 2023 that states that,

*'I do not intend to come back on the NMC register.'*

He also referred to the email dated 3 January 2024 where she stated,

*'No sorry I am unable to attend.'*

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mrs Stevens. In reaching this decision, the panel has considered the submissions of Mr Webb, the email from Mrs Stevens, and the advice of the legal assessor. It has had particular regard to any 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 Stevens
- Mrs Stevens has informed the NMC that she is unable to attend the hearing and that she does not intend to come back to the NMC register.
- There is no reason to suppose that adjourning would secure Mrs Stevens' 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 in the interest of justice and fair to Mrs Stevens to proceed in her absence.

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

The panel decided to replace the current suspension order with a striking off order.

This order will come into effect at the end of 5 March 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the fifth review of a substantive order originally imposed by a panel of the Fitness to Practise Committee (FtPC) on 7 August 2019. On that occasion, a suspension order for a period of 12 months was imposed. The suspension order was reviewed on 10 August 2020, when a panel of the FtPC decided to impose a further suspension order for a period of 12 months. This order was then reviewed on 28 July 2021, when a panel of the FtPC decided to impose a further suspension order for a period of 12 months. At that review, on 18 August 2022, the FtPC panel decided to impose a further suspension order for a period

of 6 months. The order was again reviewed on 25 January 2023 where the FtPC panel decided to impose a suspension order for 12 months.

The current order is due to expire at the end of 5 March 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 midwife whilst employed by Brighton and Sussex University Hospital Trust as a Band 6 Midwife failed to demonstrate the standards of knowledge skill and judgement required to practice without supervision and as a Band 6 Midwife between 6 December 2016 and 10 January 2018 in that you;*

- 1. Were not able to demonstrate your competencies as set out in Schedule 1.*

*That you as a registered midwife;*

- 2. On 21 February 2017 administered the following medication to Patient A without supervision*
  - 2.1 Terbutaline*
  - 2.2 Anti-D*

*Your fitness to practice is impaired by reason of your lack of competence in relation to Charge 1 and/or by reason of your misconduct in relation to Charge 2.*

**Schedule 1:**

- Vaginal examinations*
- Drugs calculations*
- Drug administration*

- *Documentation and/or record keeping*
- *IV Cannulation*
- *Reacting in emergencies*
- *Catheterisation*
- *Intrapartum care*
- *Fetal monitoring*
- *Perineal repair*
- *Handovers*
- *Reviewing CTGs'*

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

*'The panel considered whether Mrs Stevens' fitness to practise remains impaired.*

*The panel noted that the last reviewing panel found that Mrs Stevens had insufficient insight and had not provided evidence that suggested that she had strengthened her practice. At this hearing, the panel had regard to Mrs Stevens' engagement with the NMC outlining her personal circumstances and desire to practice as a midwife. However, the panel noted that Mrs Stevens has not demonstrated an understanding of how her actions put the patients at a risk of harm, nor has she demonstrated an understanding of why what she did was wrong and how this impacted negatively on the reputation of the midwifery profession. Furthermore, Mrs Stevens has not provided any assurance to this panel, addressing the concerns or how she would strengthen her practice in the future.*

*In its consideration of whether Mrs Stevens has taken steps to strengthen her practice, the panel took into account that Mrs Stevens has subscribed to the British Journal of Midwifery, however the panel noted that she has not provided reflective pieces that elaborate on her learning. Furthermore, the panel had regard to the email from Mrs Stevens dated 19 January 2023 but determined that it does not address her lack of insight or the ways in which she has strengthened her practice. The panel noted the duration of*

*Mrs Stevens suspension and concluded that she has had a sufficient amount of time to undertake voluntary work and provide proof that she has participated in the recommended training courses.*

*The last reviewing panel determined that Mrs Stevens was liable to repeat matters of the kind found proved. Today's panel has heard no information that suggests that the risk of repetition has decreased. In light of this, this panel determined that Mrs Stevens 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.*

*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 Mrs Stevens' fitness to practise remains impaired regarding her lack of competence. '*

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

*'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 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 Mrs Stevens' 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 decided that it*

would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice on Mrs Stevens' registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel considered Mrs Stevens was unable to achieve her competencies despite support and training from the Trust prior to the original hearing and always required one-to-one supervision. 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 in view of her continued lack of insight. As such, the panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mrs Stevens' lack of competence.

The panel considered that the imposition of a further period of suspension would allow Mrs Stevens further time to fully reflect on her previous lack of competence. The panel noted that in particular, Mrs Stevens needs to gain a full understanding of how a lack of competency can impact upon the midwifery profession as a whole and not just the organisation that she is working for and provide evidence to indicate this insight.

The panel gave serious consideration as to whether or not it was necessary to take action to prevent Mrs Stevens from practising in the future and considered whether the only sanction that would adequately protect the public and serve the public interest would be a striking-off order. However, the panel did not consider that this was the appropriate and proportionate sanction at this time.

The panel concluded that a further 12-month suspension order would allow for Mrs Stevens' health intervention and recovery time and to enable her to meet the recommendations for supporting evidence listed on page 12 of this hearing outcome document. Additionally, the panel determined that a

*suspension order would be the most appropriate and proportionate response and would afford Mrs Stevens adequate time to further develop her insight. This time would also enable her to take steps to strengthen her practice by undertaking the relevant training and an opportunity to obtain suitable workplace experience to evidence her competence.*

*This suspension order will take effect upon the expiry of the current suspension order on 6 March 2023 in accordance with Article 30(1).'*

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

The panel has considered carefully whether Mrs Stevens' 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 of the documentation before it, including the NMC bundle and the correspondence from Mrs Stevens. It has taken account of the submissions made by Mr Webb.

Mr Webb took the panel through the details of the case and highlighted the reasoning on impairment and sanction from the last reviewing panels. He highlighted the fact that none of the recommendations made by the previous panel have been complied with by Mrs Stevens, either after the last hearing or after any of the previous hearings.

In contrast, Mr Webb referred the panel to the relevant pages in the bundle which has a correspondence with Mrs Stevens dated 31 December 2023 that states that,

*'I do not intend to come back on the NMC register.'*

Mr Webb submitted that the NMC's position is that Mrs Stevens remains impaired, as there is nothing to suggest that she has remediated the concerns raised, on public



protection grounds. He submitted that it is very evident from the email dated 31 December 2023 that Mrs Stevens does not intend to return to practise and therefore it is unlikely that she will engage with the process in future.

Mr Webb submitted that the panel has an option to allow the order to lapse upon expiry. However, he submitted that the NMC would guide the panel away from that option as Mrs Stevens' has not provided a sufficiently detailed explanation to support an intention that she will not seek to practise as a midwife in future.

Mr Webb submitted that suspending Mrs Stevens for a further period or striking her off from the register is the most appropriate sanction to continue to provide public protection. He added that a striking off order would meet the public interest in ensuring that there was no further requirement to continue with review hearings which Mrs Stevens disengaged from.

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 Mrs Stevens' fitness to practise remains impaired.

The panel noted that the original panel which imposed the first suspension order recorded that everyone who worked with Mrs Stevens raised concerns about her lack of competence and that none of the witnesses who gave evidence at that hearing assessed her as competent. Since that hearing Mrs Stevens has not worked as a nurse or midwife.

The panel further noted that the last reviewing panel found that Mrs Stevens had insufficient insight although she had sent an email outlining her personal circumstances and desire to practice as a midwife. At this hearing the panel noted that Mrs Stevens has not demonstrated an understanding of how her actions put the patients at a risk of harm, nor has she demonstrated an understanding of why what she did was wrong and how this impacted negatively on the reputation of the midwifery profession. Furthermore, there is a

correspondence with Mrs Stevens confirming that she does not intend to come back on the NMC register implying that she is unlikely to engage with the process in the future.

The last reviewing panel determined that Mrs Stevens was liable to repeat matters of the kind found proved. Today's panel has heard no information that suggests that the risk of repetition has decreased. In light of this, this panel determined that Mrs Stevens 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.

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 Mrs Stevens' fitness to practise remains impaired regarding her lack of competence.

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

Having found Mrs Stevens' 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 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 Mrs Stevens' 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 decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice on Mrs Stevens' registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel considered Mrs Stevens was unable to achieve her competencies despite support and training from her employer prior to the original hearing and always required one-to-one supervision. 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 in view of her continued lack of insight. As such, the panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mrs Stevens' lack of competence.

The panel has received information that Mrs Stevens does not intend to return to practise as a nurse. In view of Mrs Stevens' settled intention not to return to nursing, the panel considered that any conditions of practice order would not be workable and would serve no useful purpose.

The panel next considered imposing a further suspension order. The panel noted that Mrs Stevens has not demonstrated any insight into her previous failings. The panel was of the view that considerable evidence would be required to show that Mrs Stevens no longer posed a risk to the public. The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances.

The panel had regard to Striking-off order guidance (SAN-3e). The panel was of the view that Mrs Stevens' pattern of behaviour since the reviews in addition to the original findings, the regulatory concerns about Mrs Stevens raise fundamental questions about her professionalism. The fact that she repeatedly failed to engage and respond to the recommendations of the panels made her incompatible with being a registered professional. The panel noted that although Mrs Stevens had the time and opportunity to strengthen her practise, due to her pattern of behaviour and repeated failure to comply with the previous panels' recommendations, public confidence in nurses, midwives and nursing associates cannot be maintained unless Mrs Stevens is removed from the register.

The panel determined that it was necessary to take action to prevent Mrs Stevens from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 5 March 2024 in accordance with Article 30(1).

This decision will be confirmed to Mrs Stevens in writing.

That concludes this determination.