

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

**Substantive Order Review Hearing  
Wednesday, 15 May 2024**

Virtual Hearing

**Name of Registrant:** Joyce Anna Walker-Vos

**NMC PIN** 08G0314E

**Part(s) of the register:** Nursing, Sub part 1 RNA,  
Registered Adult Nurse (8 September 2008)

**Relevant Location:** Tyne and Wear

**Type of case:** Misconduct

**Panel members:** Phil Lowe (Chair, lay member)  
Gillian Tate (Registrant member)  
Chris Thornton (Lay member)

**Legal Assessor:** Graeme Henderson

**Hearings Coordinator:** Monowara Begum

**Nursing and Midwifery Council:** Represented by Rosie Welsh, Case Presenter

**Miss Walker-Vos:** Present and represented by Wafa Shah, instructed by  
Royal College of Nursing (RCN)

**Order being reviewed:** Conditions of practice order (18 months)

**Fitness to practise:** Impaired

**Outcome:** **Conditions of practice order (3 years) to come into effect at the end of 22 June 2024 in accordance with Article 30(1)**

## **Decision and reasons on application for hearing to be held in private**

At the outset of the hearing, Ms Welsh made a request that this case be held in private [PRIVATE]. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Ms Shah indicated that she supported the application to the extent that any reference to [PRIVATE] should be heard in private.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

[PRIVATE], the panel determined to hold the entirety of the hearing in private.

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

The panel decided to vary the current conditions of practice order.

This order will come into effect at the end of 22 June 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the sixth review of a substantive conditions of practice order originally imposed for a period of 18 months by a Fitness to Practise Committee panel on 23 June 2017. This was reviewed on 20 December 2018 where the panel extended the conditions of practice for a further period of 12 months. The order was reviewed on 23 December 2019 where the panel varied and extended for a further six months. This order was further reviewed on 15 May 2020, when the conditions of practice order was extended for a period of 12 months. This order was reviewed again on 14 May 2021 where the conditions of practice order was varied and extended for a period of 18 months. This was further reviewed on 26 October 2022 and 2 December 2022 where the panel decided to replace the existing conditions of practice order with a new conditions of practice order for a period of 18 months.

The current order is due to expire at the end of 22 June 2024.

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, a Registered Nurse, whilst employed by Newcastle upon Tyne Hospitals NHS Foundation Trust ('the Trust'):*

- 1. On one or more occasions between August and September 2015 took Diamorphine from the Trust for your own personal use, without authorisation.*
- 2. Your actions as described in charge 1 above were dishonest in that you knew you were not authorised to take Diamorphine from the Trust for your own personal use.'*

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

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

*The panel noted that the last reviewing panel found that you had significant insight into those concerns and had taken steps to address them. [PRIVATE]. The panel considered that this was a positive development which may assist you going forward.*

*This panel has heard new information put before it. [PRIVATE]. It determined that there are indications from your latest employment as a nurse that your practice was not at the required standard expected of a registered nurse. The panel was of the view that you had not developed full insight into the concerns raised by your last nursing employer.*

*The panel was also concerned by your procurement of unlicensed insulin over the internet in January 2021. In the light of all the evidence before it, the panel determined there is a risk you may 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 your fitness to practise remains impaired.'*

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

*'The panel next considered whether extending the current conditions of practice order or imposing a new conditions of practice order on your registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.*

*The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted that you have been engaging with the NMC and you show willing to comply with any conditions imposed.*

*The panel was of the view that a varied conditions of practice order is sufficient to protect patients and the wider public interest. In this case, there are conditions which could be formulated which would protect patients during the period they are in force.*

*The panel was of the view that to impose a suspension order or a striking-off order would be disproportionate and would not be a reasonable response in the circumstances of your case.'*

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

The panel has considered carefully whether your fitness to practise remains impaired. 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, [PRIVATE]. It has taken account of the submissions made by Ms Welsh on behalf of the NMC, submissions from Ms Shah on your behalf and [PRIVATE].

Ms Welsh referred the panel to the initial findings where the original panel noted that you had developed insight and significant remorse for your actions, but ultimately found impairment on public protection and public interest grounds. [PRIVATE].

Ms Welsh referred the panel to the most recent, fifth review, where that panel had extended the conditions of practice order for a further period of 18 months.

Ms Welsh submitted that you remain impaired and invited the panel to confirm and extend the existing conditions of practice order. She informed the panel that at that time you had accepted a new staff nurse post and concerns had been raised during that employment about your practice and as such there was a failed probationary period with the contract terminating in July 2022.

[PRIVATE].

[PRIVATE].

[PRIVATE].

[PRIVATE].

[PRIVATE].

Ms Welsh told the panel that in relation to condition 1A you have complied with the condition, [PRIVATE]. [PRIVATE]. She told the panel that you have not been working in a registered role since 2022.

Ms Welsh submitted that the panel may consider previous proceedings in relation to your insight and remorse demonstrated during those proceedings, and balance that with the most recent review in December 2022 and your most recent employment and the issues that arose from there. She submitted that there is no evidence before the panel today of CPD and certificates to indicate maintenance of skills and knowledge. She submitted that you have not been able to demonstrate a period of practise without concerns in a setting where there is high pressure. Therefore, there is not sufficient evidence to suggest that you are safe to practise in the profession at this stage.

Ms Welsh submitted that on public interest grounds you remain impaired as it is required to maintain public confidence in the profession and the NMC as regulator and to declare and uphold proper standards of conduct.

Ms Welsh submitted that in relation to public protection the residual risks have not been adequately mitigated and therefore there remains a current risk of repetition and a risk of potential future harm.

Ms Welsh submitted that you have demonstrated a willingness to address the concerns and engage with these proceedings and that you have provided evidence throughout the proceedings. She submitted that the existing conditions sufficiently address the outstanding risk, and the conditions are workable and measurable, and therefore invited the panel to continue the current conditions of practice order.

The panel also had regard to submissions from Ms Shah. She submitted that you accept that your practise is still impaired. She submitted that you have not been working in a

registered role for a while and you recognise that you need time to adapt and go back into work [PRIVATE]. [PRIVATE].

Ms Shah submitted that the role that you are currently signed for is a well-being support officer and you hope that this will be a means of slow transition back into working in a caring profession [PRIVATE]. She submitted that it is your intention at that stage to look for work that requires a PIN.

Ms Shah submitted that in your case it is right for the conditions of practice to continue but with one minor amendment. [PRIVATE].

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 your fitness to practise remains impaired.

The panel noted that the last reviewing panel found that you had developing insight. At this hearing the panel was of the view that you have demonstrated insight [PRIVATE] and have engaged with [PRIVATE] the NMC. It noted that you recognise the need for further conditions of practice.

In its consideration of whether you have taken steps to strengthen your practice, the panel took into account that you have not worked in a registered role in nearly two years [PRIVATE], and therefore were not able to fully engage with the conditions of practice.

The last reviewing panel determined that you were liable to repeat matters of the kind found proved. Today's panel has heard no new information put before it. In light of this, this panel determined that you are liable to repeat matters of the kind found proved. The panel noted that you have made admissions of current impairment [PRIVATE]. The panel did not have anything before it today to suggest any real improvement in your situation.

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 your fitness to practise remains impaired.

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

Having found your 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 your 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 your 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 imposing a varied conditions of practice order on your registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted that you have been unable to comply with conditions of practice due to your current employment status but are engaging with the NMC and are willing to comply with any conditions imposed.

The panel was of the view that a varied conditions of practice order is sufficient to protect patients and the wider public interest. In this case, there are conditions could be formulated which would protect patients during the period they are in force.

The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of your case.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for the maximum period of 3 years, which will come into effect on the expiry of the current order, namely at the end of 22 June 2024. The panel chose the maximum period because [PRIVATE] it was felt that you needed that time to fully engage with the conditions. It decided to impose the following conditions which it considered are appropriate and proportionate in this case:

‘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. a) [PRIVATE]
- b) [PRIVATE]

2. a) At any time that you are employed or otherwise providing nursing services, you must place yourself and remain under the supervision of a workplace line manager, mentor or supervisor nominated by your employer. This supervision may be indirect but must include regular meetings at least monthly in person to discuss your progress and any challenges you are facing.  
b) You must provide a report from your line manager or supervisor attesting to your conduct in the workplace.
3. You must confine your nursing practice to a single employer who [PRIVATE].
4. You may not work as a bank or agency nurse.
5. [PRIVATE]
6. [PRIVATE]
7. [PRIVATE].
8. You must tell the NMC within 14 days of any nursing or midwifery appointment (whether paid or unpaid) you accept within the UK or elsewhere and provide the NMC with contact details of your employer.
9. You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 14 days of you receiving notice of them.
10. a) You must within 14 days of accepting any post of employment requiring registration with the NMC, or any course of study connected with nursing, 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 14 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.

11. You must immediately tell the following parties 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 (10) above, to them.

- a) Any organisation or person employing, contracting with or using you to undertake nursing work.
- b) Any prospective employer (at the time of application) where you are applying for any nursing appointment.
- c) 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 a course (at the time of application).

The period of this order is for three years. However, it would be open for you to seek an early review.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 22 June 2024 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well you have complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

This will be confirmed to you in writing.

That concludes this determination.