

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

**Substantive Order Review Hearing
Thursday 21 November 2024**

Virtual Hearing

Name of Registrant: Alison Mary Morris

NMC PIN 9111612E

Part(s) of the register: Registered Nurse Adult
RN1 level 1 (August 1995)

Relevant Location: West Suffolk

Type of case: Misconduct

Panel members: Museji Ahmed Takolia CBE (Chair, lay member)
Claire Martin (Registrant member)
Yousuf Rossi (Lay member)

Legal Assessor: Alain Gogarty

Hearings Coordinator: Ifeoma Okere

Nursing and Midwifery Council: Represented by Omar Soliman, Case Presenter

Mrs Morris: Not Present and unrepresented

Order being reviewed: Suspension order (3 months)

Fitness to practise: Impaired

Outcome: **Order to lapse upon expiry, namely 28 November 2024, in accordance with Article 30 (1)**

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Mrs Morris was not in attendance and that the Notice of Hearing had been sent to Morris's registered email address by secure email on 23 October 2024.

Mr Soliman, 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 was satisfied that the Notice of Hearing provided details of the substantive order being reviewed, the time, dates and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Morris's 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 therefore concluded that Mrs Morris 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 Morris

The panel next considered whether it should proceed in the absence of Mrs Morris. The panel had regard to Rule 21 and heard the submissions of Mr Soliman who invited the panel to continue in the absence of Mrs Morris. Mr Soliman submitted that notice of today's hearing was properly served on Mrs Morris in accordance with the NMC Fitness to Practise Rules. Service was effected on 23 October 2024, providing Mrs Morris with sufficient notice and an opportunity to attend or make written submissions. However, neither Mrs Morris nor her representative is present. He further submitted that Mrs Morris has voluntarily absented herself and has not meaningfully engaged with the NMC regarding these proceedings. Consequently, he argued that there is no reason to believe

that an adjournment would secure her attendance at a future date and invited the panel to proceed with the hearing in her absence.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mrs Morris. In reaching this decision, the panel has considered the submissions of Mr Soliman, 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:

- The requisite notice has been sent to Mrs Morris's registered email address, ensuring she is aware of today's hearing;
- No application for an adjournment has been made by Mrs Morris;
- Mrs Morris has not engaged with the NMC since 23 August 2024, when she submitted a request for voluntary removal from the register. She has not responded to any subsequent correspondence regarding this hearing and has not indicated that she would attend today's proceedings;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- The panel is satisfied that proceeding in her absence would cause no disadvantage or unfairness to Mrs Morris; and
- There is a strong public interest in the expeditious review of the order which is due to expire on 28 November 2024.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Mrs Morris.

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

During his submission on Mrs Morris's impairment, Mr Soliman, on behalf of the Nursing and Midwifery Council (NMC), was prompted by the panel to address whether the proceedings should be held partially in private, given the references to Mrs Morris's personal life and health matters. Following the panel's guidance, Mr Soliman submitted an

application requesting that the case be heard partially in private. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004,' as amended (the Rules).

The legal assessor supported the panel and laid emphasis on the need to consider 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.

The panel determined to go into private session in connection with health matters as and when such issues arose. It considered that Mrs Morris's right to privacy in relation to her personal life and sensitive health information outweighed the public interest in holding the hearing entirely in public.

Decision and reasons on review of the substantive order

The panel decided to allow the order to lapse upon expiry on 28 November 2024.

This order will come into effect at the end of 28 November 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a substantive order originally imposed on 29 July 2022. On that occasion, the Fitness to Practise Committee ("FtPC") panel decided to impose a conditions of practice order for 12 months. This was reviewed on 21 July 2023, when the conditions of practice order were extended for a further 12 months. A second review was held on 10 July 2024 where the panel decided to replace the conditions of practice order with a suspension order for a period of 3 months.

The current order is due to expire at the end of 28 November 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 nurse between March 2019 and 27 November 2019:

1) Failed to maintain accurate records in that you failed to: [PROVED]

a) Send letters to patients in a timely manner or at all; [PROVED]

b) Record clinical notes in patient records; [PROVED]

c) Record documents in patient records. [PROVED]

2) On or around 2 April 2019 failed to escalate concerns regarding a [PRIVATE] who was indicated as a [PRIVATE]. [PROVED]

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 noted that the last reviewing panel found that Mrs Morris has not provided any evidence to demonstrate any insight. This panel determined that Mrs Morris has still not provided any development of insight, it did not have before it any evidence in which Ms Morris demonstrates an understanding of how her actions put the patients at a risk of harm, why what she did was wrong and how this impacted negatively on the reputation of the nursing profession.

In its consideration of whether Mrs Morris has strengthened her practice, the panel took into account that the last reviewing panel had no information before it regarding any steps Mrs Morris may have taken to address the concerns raised about her practice. This panel was not provided with any evidence of the same from Mrs Morris and had no further information to demonstrate that the concerns about her practice have been addressed and were unlikely to reoccur. Mrs Morris has not engaged with the NMC since August 2022 and has not provided any information such as testimonials/employment references or evidence demonstrating that she has complied with the conditions of practice order imposed. She has not provided any evidence of relevant training addressing the regulatory

concerns. The panel therefore determined that there was no evidence before it to demonstrate that Mrs Morris has strengthened her nursing practice since the conditions of practice order was put in place.

The last reviewing panel determined that Mrs Morris was liable to repeat matters of the kind found proved. Today's panel has concluded, given the lack of engagement, lack of evidence of insight, remorse or strengthened practice, that there still remains a risk of harm to the public. 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 Morris fitness to practise remains impaired.'

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

'The panel considered the imposition of a suspension order. It considered that a suspension order would allow Morris's further opportunity to fully reflect on her previous failings. The panel was of the view that a three-month suspension order would afford Mrs Morris adequate time to engage with the NMC, and to demonstrate insight.

The panel therefore determined that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest. Accordingly, the panel decided to impose a suspension order for the period of three months to give Mrs Morris a further opportunity to engage with the NMC. It considered this to be the most appropriate and proportionate sanction available.

The panel gave serious consideration to a strike-off order. However, it determined that it would be disproportionate at this stage. The panel noted that a strike-off order would be available to the next reviewing panel.

This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 28 August 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 strike Mrs Morris of the register or impose another sanction, revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case may be assisted by:

- *Engagement with the NMC;*
- *Mrs Morris providing a written reflective practice piece that shows how she has reflected on the charges that were found proved and how her poor clinical practice could have put patients at risk. This may include evidence about how Mrs Morris will in the future ensure her practice is safe, evidence based and meets the professional standards expected from a registered nurse.'*

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Morris's 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 ability 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. It has taken account of the submissions made by Mr Soliman on behalf of the NMC. He submitted that Mrs Morris has not engaged with the NMC since 23 August 2024, when she made an application for voluntary removal from the register. In that application, Mrs Morris stated:

“I last practiced as a registered nurse over 3 ½ years ago. I did not revalidate when due in 2022. I no longer wish to continue to practice as a registered nurse. I have no intention of rejoining the register at any point in the future. I have caring commitments for my [PRIVATE], and I am the sole carer.”

In support of her application, Mrs Morris also provided context about the challenges she faced during the period of her misconduct. She explained:

“...During the above time, I was going through a very [PRIVATE] and [PRIVATE]. Unfortunately, my [PRIVATE], and I had approximately two months off work following [PRIVATE]. I also had caring commitments outside of work to [PRIVATE], as well as [PRIVATE]. My time outside of working hours was therefore difficult...”

Mr Soliman acknowledged that while this information provides helpful context, however it does not demonstrate the required development of insight. He submitted that Mrs Morris has not shown an understanding of how her actions placed patients at risk, why her conduct was wrong, or how it negatively impacted the reputation of the nursing profession.

He further reminded the panel of the previous panel’s recommendations that Mrs Morris provide a written reflective piece addressing her failings and evidence of steps taken to strengthen her practice. However, no such evidence has been provided, and there is no indication that Mrs Morris intends to engage further with these proceedings.

Referring to *Abrahaem v General Medical Council* [2008] EWHC 183 (Admin), Mr Soliman submitted that Mrs Morris bears the persuasive burden of demonstrating that she is no longer impaired. In the absence of any evidence from Mrs Morris to address the concerns raised about her practise or to demonstrate remediation, he submitted that her fitness to practise remains impaired.

He also noted that Mrs Morris's lack of recent engagement supports a finding that her impairment is likely to continue. In his submission, this is evidence that she remains liable to repeat the misconduct.

Mr Soliman therefore invited the panel to find that Mrs Morris's fitness to practise remains impaired on the grounds of public protection and public interest.

Mr Soliman further submitted, in relation to sanctions, that the panel must carefully consider the appropriate action to take should it determine that Mrs Morris's fitness to practise remains impaired.

Mr Soliman submitted that taking no further action or imposing a caution order would be inappropriate, given the seriousness of the case and the ongoing risks to public protection and public interest.

He further submitted that a conditions of practice order is not appropriate in this case. He highlighted Mrs Morris's lack of engagement and her failure to comply with previous panels' recommendations. This, he argued, makes it unlikely that Mrs Morris would comply with any conditions imposed.

The last panel imposed a three-month suspension order to allow Mrs Morris an opportunity to engage and provide evidence of insight and remediation. However, Mr Soliman submitted that Mrs Morris has failed to engage further or provide any evidence of progress.

Given Mrs Morris's stated intention not to return to practise, Mr Soliman invited the panel to allow the suspension order to lapse upon expiry, in accordance with the guidance on *Removal from the Register with Impairment (NMC Guidance: REV3H)*. This guidance permits a panel to allow a registrant's registration to lapse where:

- *The registrant would no longer be on the register but for the substantive order in place;*
- *The panel cannot conclude that the registrant is likely to return to safe, unrestricted practise within a reasonable period of time; and*
- *A striking-off order is not appropriate.*

Mr Soliman submitted that all three criteria are met in this case. He noted Mrs Morris's explicit statement in her voluntary removal application:

"I no longer wish to continue to practice as a registered nurse. I have no intention of rejoining the register at any point in the future."

While a striking-off order could be considered, Mr Soliman submitted that it is not necessary in this case. He argued that there are no fundamental concerns about Mrs Morris's professionalism that would warrant striking-off, that public confidence in the nursing profession can be maintained without a striking-off order, and that striking-off is not the only sanction sufficient to protect patients and the public.

Mr Soliman concluded by submitting that allowing the suspension order to lapse with a recorded finding of impairment is proportionate and consistent with Mrs Morris's stated desire to leave the profession.

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 first considered whether Mrs Morris's fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Mrs Morris had not provided any development of insight. At this hearing, the panel noted that Mrs Morris has not demonstrated any insight into how her actions have affected patients, colleagues, or the nursing profession as a whole. While the panel acknowledges the personal challenges she faced at the time, it is of the view that previous panels had taken these matters into account. Moreover, that these issues should not therefore have prevented her from maintaining the expected standards in her professional practice.

The panel concluded that Mrs Morris has not taken the necessary steps to reflect on her misconduct or address the concerns raised. There is no evidence to indicate that she has gained an understanding of the risks her actions posed to patients or how her conduct fell

below the standards expected of a registered nurse. Furthermore, she has not provided any evidence of remorse or an explanation of how she would prevent similar failings in the future.

The panel also noted the absence of any meaningful engagement from Mrs Morris with the NMC since her application for voluntary removal dated 23 August 2024. Despite acknowledging the concerns raised against her practise in her application, she has not provided any further evidence to address the identified risks or to demonstrate strengthening of her nursing practice.

In considering Mrs Morris's personal circumstances, the panel recognised that these challenges provide context for her behaviour at the time. However, it determined that these factors do not excuse or mitigate the professional failings identified, as a registered nurse is expected to uphold high standards of care regardless of personal difficulties.

In its consideration of whether Mrs Morris has taken steps to strengthen her practice, the panel found no evidence that it has been provided of relevant training or professional development having been undertaken by Mrs Morris to address the concerns raised about her misconduct. Additionally, Mrs Morris has not practised as a nurse for over three years and has not provided any testimonials, employment references, or evidence of compliance with previous conditions of practice orders. Furthermore, Mrs Morris has submitted a response that does not address the specific failings identified in her practice or explaining how she would ensure safe and effective practice in the future.

The last reviewing panel determined that Mrs Morris was liable to repeat matters of the kind found proved, given the lack of engagement, lack of evidence of insight, remorse, or strengthened practice. Consequently, they concluded that a risk of harm to the public remains. Today's panel has agreed with the conclusion of the last reviewing panel that Mrs Morris is liable to repeat matters of the kind found proved. This finding is based on the continued lack of engagement, absence of evidence of insight or remorse, and failure to provide evidence of strengthened practice. Consequently, the panel determined that there remains a risk of harm to the public.

The panel also concluded that a finding of continuing impairment is necessary in order to maintain public confidence in the nursing profession and to uphold proper standards of conduct and performance. The seriousness of Mrs Morris's misconduct and her failure to address the concerns identified demonstrate that there still remains a risk of harm to the public. The panel therefore decided 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 Morris's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Morris'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.

In reaching its decision on sanction, the panel considered the submissions of Mr Soliman on behalf of the NMC, the guidance provided in the *Sanctions Guidance (SG)*, and all the evidence before it. The panel was mindful that any sanction imposed must be proportionate and sufficient to protect the public and satisfy the wider public interest.

The panel first considered whether to take no action. It concluded that this would be inappropriate given the seriousness of the case and the ongoing risks to public protection. Taking no action would fail to address the public interest in maintaining confidence in the nursing profession and upholding proper professional standards.

The panel then considered imposing a caution order but determined that this would also be inappropriate. The panel noted that 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.’ In this instance, the panel considered that Mrs Morris’s misconduct, including her failure to maintain professional standards was not at the lower end of the spectrum. The panel also noted that a caution order does not restrict Mrs Morris’s practice and, given the ongoing risks identified, would not adequately protect the public.

The panel next considered whether a conditions of practice order would be an appropriate and sufficient sanction. The panel was mindful that any conditions imposed must be proportionate, workable, and measurable. It noted that Mrs Morris has not engaged with the NMC in any meaningful way since August 2024 and has not provided evidence of any steps taken to address the concerns identified in her misconduct. Additionally, Mrs Morris has not practised as a registered nurse for over three years and has indicated a clear and settled intention not to return to nursing. In these circumstances, the panel therefore concluded that a conditions of practice order would not be workable or sufficient to protect the public or uphold the public interest.

The panel also considered the option of imposing a further suspension order. However, it noted that Mrs Morris has been subject to a suspension order, which has provided her with an opportunity to reflect on her failings and demonstrate insight. Despite this, Mrs Morris has not engaged meaningfully with the NMC, provided evidence of strengthened practice, or demonstrated any insight into the impact of her misconduct on patients, colleagues, or the profession. The panel determined that a further suspension order would serve no useful purpose in these circumstances.

The panel noted that the NMC, following its rejection of Mrs Morris’s voluntary removal application in an email dated 21 October 2024, invited a future panel to consider allowing her registration to lapse with impairment. The communication stated:

“...there is the opportunity to request to a future panel that your registration lapse with impairment at your upcoming hearing...”

The panel therefore moved on to consider whether it would be appropriate to allow Mrs Morris’s registration to lapse with impairment. The panel took into account the NMC’s *Guidance on Removal from the Register with Impairment (REV3H)*, which states that a panel may allow a registrant’s registration to lapse where:

- *The registrant would no longer be on the register but for the substantive order in place;*
- *The panel can no longer conclude that the registrant is likely to return to safe, unrestricted practice within a reasonable period of time; and*
- *A striking-off order is not appropriate.*

The panel determined that all three conditions were satisfied in this case. Mrs Morris would no longer be on the register but for the current suspension order. She has demonstrated a clear intention not to return to nursing, as evidenced by her application for voluntary removal, and there is no indication that she intends to engage with the NMC to address the concerns identified in her practice.

The panel then considered a striking-off order. It noted that such an order is appropriate in cases involving serious misconduct where there are concerns about a registrant's professionalism, integrity, or attitude. However, the panel found no evidence of deep-seated attitudinal concerns or fundamental issues with Mrs Morris's professionalism. While her lack of engagement and insight is concerning, the panel determined that striking off would be disproportionate and unnecessarily punitive in this case.

In view of Mrs Morris's clear settled intention not to return to nursing and the absence of meaningful engagement, the panel determined that allowing her registration to lapse with impairment is the most appropriate and proportionate outcome. This decision protects the public while recognising Mrs Morris's decision to leave the profession taking account of her personal circumstances.

Accordingly, the panel has decided to allow Mrs Morris's registration to lapse with a recorded finding of impairment. The substantive suspension order will expire at the end of its current period of imposition, in accordance with Article 30(1). This means that Mrs Morris's PIN will lapse, and she will cease to be a registered nurse, making her unable to practise as such. Should Mrs Morris wish to apply for re-registration in the future, the Registrar will consider her current impairment as part of the re-registration process.

The suspension order will be allowed to lapse at the end of the current period of imposition, namely the end of 28 November 2024 in accordance with Article 30(1)

This will be confirmed to Mrs Morris in writing.

That concludes this determination.