

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

**Substantive Order Review Meeting
Tuesday, 26 November 2024**

Virtual Meeting

Name of Registrant: Margo Murray

NMC PIN 06I0317S

Part(s) of the register: Nurses part of the register Sub part 1
RNA: Adult nurse, level 1 (12 September 2009)

Relevant Location: Glasgow

Type of case: Misconduct

Panel members: Shaun Donnellan (Chair, Lay member)
Melanie Lumbers (Registrant member)
Rachel Barber (Lay member)

Legal Assessor: Graeme Henderson

Hearings Coordinator: Eleanor Wills

Order being reviewed: Suspension order (6 months)

Fitness to practise: Impaired

Outcome: **Suspension order (12 months) to come into effect on
11 January 2025 in accordance with Article 30 (1)**

Decision and reasons on service of Notice of Meeting

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Mrs Murray's registered email address by secure email on 11 October 2024.

The panel took into account that the Notice of Meeting provided details of the review that the review meeting would be held no sooner than 25 November 2024 and inviting Mrs Murray to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mrs Murray has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 (as amended) (the Rules).

Decision and reasons on review of the current order

The panel decided to impose a further suspension for a period of 12-month. This order will come into effect at the end of 11 January 2025 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the second review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 13 June 2023. This was reviewed on 31 May 2024 when the panel extended the suspension order for a period of 6 months.

The current order is due to expire at the end of 11 January 2025.

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:

- 1. On 7 September 2020 were in attendance at work and unfit for duty.*
- 2. On 21 March 2019 were in attendance at work and unfit for duty.*

AND in light of the above, your fitness to practise is impaired by reason of your misconduct.'

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

'The panel considered whether Mrs Murray's fitness to practise remains impaired.

The panel noted that the original panel found that Mrs Murray had insufficient insight. At this meeting the panel had no new information to prove the contrary and therefore determined that Mrs Murray's insight remains insufficient.

In its consideration of whether Mrs Murray has taken steps to strengthen her practice, the panel had no new information before it to suggest that she has.

The panel therefore decided that a finding of continued 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 continued impairment on public interest grounds is also required.

For these reasons, the panel finds that Mrs Murray's fitness to practise remains impaired.'

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

'The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mrs Murray further time to fully reflect on her previous failings. The panel concluded that a further 6-month suspension order would be the appropriate and proportionate response and would afford Mrs Murray adequate time to further develop her insight and take steps to strengthen their practice. It would also give Mrs Murray an opportunity to approach past and current health professionals to attest to her character and behaviour in the workplace since the substantive hearing.

The panel determined therefore that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. The panel did consider a striking-off order but found that it was not proportionate nor appropriate at this time. Accordingly, the panel determined to impose a suspension order for the period of 6 months to provide Mrs Murray with an opportunity to engage with the NMC and provide evidence of strengthened practice and insight. It considered this to be the most appropriate and proportionate sanction available at this time.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 11 July 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 revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- Mrs Murray's attendance and engagement at the next review hearing*
- Reflective statement from Mrs Murray*

- *Testimonials or references from the workplace*

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Murray's 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 Nursing and Midwifery Council (NMC) bundle.

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 Murray's fitness to practise remains impaired.

The panel noted that the original and last reviewing panel found that Mrs Murray had insufficient insight. At this meeting the panel noted that it has no evidence before it to demonstrate any development of Mrs Murray's insight. The panel noted that she has not engaged with NMC proceedings and has therefore not provided a reflective statement.

The panel took into account that it had no evidence before it to demonstrate that Mrs Murray has strengthened her practice to sufficiently address the areas of regulatory concern. Mrs Murray has not provided any evidence of having undertaken training nor has she provided any testimonials or references from the workplace to attest to her character and behaviour.

The last reviewing panel determined that Mrs Murray was liable to repeat matters of the kind found proved. Today's panel has received no new information to undermine the panel's previous finding. In light of this the panel determined that Mrs Murray remains

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 Murray's fitness to practise remains impaired.

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 Murray's 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 Mrs Murray's 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 a conditions of practice on Mrs Murray's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. 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. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mrs Murray's misconduct.

The panel next considered the imposition of a further period of suspension. The panel noted that Mrs Murray has not provided evidence of her developed insight, nor has she

provided any evidence that she has undertaken steps to strengthen her practice. Further she has not provided any evidence of testimonials or references from the workplace. The panel noted that Mrs Murray has previously indicated an intention to not return to nursing practice, but no evidence has been presented to support this assertion. The panel took into account that the charges found proved are very serious, in that they involved Mrs Murray attending work whilst unfit on more than one occasion over an extended period of time.

However, the panel was of the view that a further period of suspension order would allow Mrs Murray further time to fully reflect on her previous failings. The panel concluded that a further 12-month suspension order would be the appropriate and proportionate response and would afford Mrs Murray adequate time to further develop her insight and take steps to strengthen their practice. It would also give Mrs Murray an opportunity to approach past and current health professionals to obtain testimonials to attest to her character, behaviour and clinical practice.

The panel did carefully consider the imposition of a striking-off order, in the absence of any evidence of Mrs Murray's insight, remediation and strengthening of practice given her lack of engagement. However, the panel determined that a striking-off order would be disproportionate, at this time, given the nature of the charges and that the substantive order was first imposed on 13 June 2023.

The panel therefore determined that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of 12 month would provide Mrs Murray with a further opportunity to engage with the NMC and provide evidence to support that she has fully acknowledged, understood and addressed the areas of regulatory concern. It considered this to be the most appropriate and proportionate sanction available.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 11 January 2025 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 revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- Mrs Murray's engagement with NMC proceedings
- Mrs Murray's intentions in relation to her nursing practice
- Reflective statement from Mrs Murray
- Testimonials or references from the workplace

This will be confirmed to Mrs Murray in writing.

That concludes this determination.