

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

**New Interim Order Hearing
Monday, 4 November 2024**

Virtual Hearing

Name of Registrant:	Tracy Anne Penny
NMC PIN	19I2270E
Part(s) of the register:	Registered Midwife (RM) – 12 October 2019
Relevant Location:	Wigan
Panel members:	John Kelly (Chair, lay member) Dorothy Keates (Registrant member) Kevin Connolly (Lay member)
Legal Assessor:	Tracy Ayling KC
Hearings Coordinator:	Stanley Udealor
Nursing and Midwifery Council:	Represented by Tom Hoskins, Case Presenter
Mrs Penny:	Present and represented by Zahra Ahmed, instructed by Thompsons Solicitors
Interim order directed:	Interim conditions of practice order (18 months)

Decision and reasons on interim order

The panel decided to make an interim conditions of practice order for a period of 18 months.

The panel has determined that the following conditions are proportionate and appropriate:

'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. You must limit your midwifery practice to one substantive employer. This must not be an agency or bank work.
2. You must not be the midwife in charge of any shift.
3. You must ensure that you are supervised by a registered midwife of Band 5 or above, any time you are working. Your supervision must consist of working at all times on the same shift as, but not always directly supervised by a registered midwife.
4. You must work with your line manager, supervisor or mentor, who must be a registered midwife, to create a personal development plan (PDP) and meet monthly with them to discuss your progress. Your PDP must address the following areas:
 - a) Assessment, observations and management of patients.
 - b) Recordkeeping and documentation of care.
 - c) Escalation of concerns
 - d) Risk assessment and emergency response.
5. Prior to any NMC review hearing or meeting, you must send a report from your line manager, supervisor or mentor to your NMC case

officer, commenting on your clinical practice with particular reference to the following:

- a) Assessment, observations and management of patients.
- b) Recordkeeping and documentation of care.
- c) Escalation of concerns
- d) Risk assessment and emergency response

6. You must keep the NMC informed about anywhere you are working by:

- a) Telling your case officer within seven days of accepting or leaving any employment.
- b) Giving your case officer your employer's contact details.

7. You must keep the NMC informed about anywhere you are studying by:

- a) Telling your case officer within seven days of accepting any course of study.
- b) Giving your case officer the name and contact details of the organisation offering that course of study.

8. You must immediately give a copy of these conditions to:

- a) Any organisation or person you work for.
- b) Any employers you apply to for work (at the time of application).
- c) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.

9. You must tell your case officer, within seven days of your becoming aware of:

- a) Any clinical incident you are involved in.
- b) Any investigation started against you.

- c) Any disciplinary proceedings taken against you.
10. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:
- a) Any current or future employer.
 - b) Any educational establishment.
 - c) Any other person(s) involved in your retraining and/or supervision required by these conditions.

Unless your case has already been concluded, this interim order must be reviewed before the end of the next six months and every six months thereafter. Additionally, you or the Nursing and Midwifery Council (NMC) may ask for the interim order to be reviewed if any new evidence becomes available that may be relevant to the interim order.

At any review, a panel may revoke the interim order or any condition of it, it may confirm the interim order, or vary any condition of it, or it may replace the interim conditions of practice order with an interim suspension order.

A panel of the Fitness to Practise Committee has still to deal with the allegations made against you. The NMC will keep you informed of developments in relation to that issue.

This will be confirmed to you in writing.

That concludes this determination.