

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

**Substantive Order Review Meeting
Monday 04 November 2024**

Virtual Meeting

Name of Registrant: Jenny Louise Steer

NMC PIN 93I4961E

Part(s) of the register: Registered Nurse – Sub part 1
Adult Nurse - 29 July 1996

Relevant Location: Kettering

Type of case: Misconduct

Panel members: Carolyn Tetlow (Chair, lay member)
Angela O'Brien (Registrant member)
Nicola Strother Smith (Lay member)

Legal Assessor: Kenneth Hamer

Hearings Coordinator: Bethany Seed

Order being reviewed: Suspension order (12 months)

Fitness to practise: Impaired

Outcome: Striking-Off order to come into effect on 20 December 2024 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 Miss Steer's registered email address by secure email on 30 September 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 4 November 2024 and invited Miss Steer to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

The panel was satisfied that Miss Steer had been notified that her case will be heard at a meeting but had declined to submit any documents in support of her case and therefore her attendance was not required for the panel to proceed to make a decision. The panel had regard to the documentary evidence, in particular an email sent by Miss Steer to her case officer on 7 June 2024:

"No I don't wish to attend any hearing"

In the light of all of the information available, the panel was satisfied that Miss Steer 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 striking-off order. This order will come into effect at the end of 20 December 2024 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 22 November 2023.

The current order is due to expire at the end of 20 December 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 as the Clinical Lead at Country View Nursing Home:

- 1. Between 1 December 2019 and 1 July 2020 on one or more occasions consumed alcohol:*
 - a. Whilst on shift;*
 - b. In the presence of colleagues;*

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

The original panel determined the following with regard to impairment:

“The panel next went on to decide if as a result of the misconduct, Miss Steer’s fitness to practise is currently impaired.

...

The panel finds that residents were put at risk of harm as a result of Miss Steer’s misconduct. Miss Steer’s misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

The panel were mindful of the difficulties within the nursing home working environment during the Covid pandemic when families and friends were unable to meet with their relatives. The panel was of the view that there was a duty on the nursing home staff during this time to ensure that professional standards of care

continued to be delivered to the residents. The panel considered that Miss Steer's misconduct in 'normalising' the drinking of alcohol on duty was a serious breach of the professional standards set out in the Code.

Regarding insight, the panel took into account Miss Steer's reflective piece and the email sent to the NMC on 15 November 2020. The panel noted that in her reflective piece, which is undated, she acknowledged that she had made a mistake by drinking alcohol on shift and offering alcoholic drinks to her colleagues. Miss Steer also expressed remorse for her actions. However, the panel were of the view that Miss Steer is yet to address her understanding of how her actions might have put residents at risk of harm and how this might have impacted negatively on the reputation of the nursing profession. Accordingly, the panel determined that whilst Miss Steer had demonstrated some insight it was limited.

The panel was satisfied that the misconduct in this case is capable of being addressed. Therefore, the panel carefully considered the evidence before it in determining whether or not Miss Steer has taken steps, since she was notified of the referral to the NMC, to address the concerns raised by providing further insight or strengthening her practice. The panel was not provided with any additional evidence from Miss Steer for the purposes of today's meeting as to further insight or attempts she had made to strengthen her practice.

In the absence of this further evidence, the panel is of the view that there is a risk of repetition. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel determined that a finding of impairment on public interest grounds is required and that a fully informed member of the public would consider that a finding of impairment was necessary.

In these circumstances, the panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also finds Miss Steer's fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Miss Steer's fitness to practise is currently impaired."

The original panel determined the following with regard to sanction:

"The panel next considered whether placing conditions of practice on Miss Steer'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 took into account the SG, in particular:

- No evidence of harmful deep-seated personality or attitudinal problems;*
- No evidence of general incompetence;*
- Potential and willingness to respond positively to retraining.*

However, the panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case. The misconduct identified in this case is not something that can be addressed through retraining as Miss Steer's nursing capabilities are not a concern, rather the panel is of the view that it was an attitudinal issue that related to the culture Miss Steer encouraged by normalising drinking at work with colleagues.

Furthermore, the panel concluded that the placing of conditions on Miss Steer's registration would not adequately address the seriousness of this case and would not protect the public.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:

- No evidence of harmful deep-seated personality or attitudinal problems;*
- No evidence of repetition of behaviour since the incident;*

The panel determined that Miss Steer had recognised that her actions were wrong as she ceased the practise of drinking on shift with her colleagues six weeks before the referral with no further incidents or complaints. The panel also considered the stresses that occurred during COVID-19 but were of the view this did not justify Miss Steer's actions.

Nevertheless, the panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register.

The panel went on to seriously consider whether a striking-off order would be appropriate but, taking account of all the information before it, and of the mitigation provided, the panel concluded that it would be disproportionate at this stage of the proceedings. The panel also recognised that it is important to support nursing staff back into practice and allow time to remediate.

Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction to mark the seriousness. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in your case to impose a striking-off order at this stage.

The panel noted the hardship such an order will inevitably cause Miss Steer. However, this is outweighed by the public interest in this case.

The panel considered that this order is necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the

profession a clear message about the standard of behaviour required of a registered nurse.

In making this decision, the panel carefully considered the submissions of the NMC in relation to the sanction that the NMC was seeking in this case. However, the panel considered that imposing a 12 month suspension, will allow Miss Steer time to reflect and use the time to strengthen her practice by understanding how to professionally conduct herself.

The panel determined that a suspension order for a period of 12 months was appropriate in this case to mark the seriousness of the misconduct.”

Decision and reasons on current impairment

The panel has considered carefully whether Miss Steer’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 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, comprising the NMC proof of posting and hearing bundles.

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 Miss Steer’s fitness to practise remains impaired.

The panel noted that the original panel found that Miss Steer had limited insight. At this meeting the panel noted that it had no further information. It also noted that Miss Steer had

provided no reflective piece or further insight into her actions and had not complied with the recommendations made by the previous panel. In its consideration of whether Miss Steer has taken steps to strengthen her practice, the panel took into account that it had not been provided with any evidence of further training or remediation.

The original panel determined that Miss Steer was liable to repeat matters of the kind found proved. Today's panel has received no new information. Miss Steer's only engagement with the regulatory process since her substantive hearing has been to confirm in June 2024 that she did not wish to attend any hearings. The panel noted that it had received no information to indicate that Miss Steer's insight has developed or that she has maintained her nursing knowledge. Miss Steer ceased to practise in 2020. The panel noted that it had no information about her current employment or plans for the future, in particular whether she wishes to continue her nursing career.

In light of this the panel determined that Miss Steer 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 Miss Steer's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Miss Steer'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.

The panel first considered NMC Guidance REV-3a *Standard reviews of substantive order reviews before they expire* (30/08/2024). The panel determined that there was no reason to allow the existing order to expire or to replace the current suspension order with a conditions of practice order. It determined that in the absence of any new evidence, it would be inappropriate to allow the order to expire given the public protection concerns identified. The panel next considered whether a conditions of practice on Miss Steer's registration would be a sufficient and appropriate response. The panel had regard to the previous panel's decision on sanction:

“However, the panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case. The misconduct identified in this case is not something that can be addressed through retraining as Miss Steer's nursing capabilities are not a concern, rather the panel is of the view that it was an attitudinal issue that related to the culture Miss Steer encouraged by normalising drinking at work with colleagues.”

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 meeting 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 Miss Steer's misconduct.

The panel next carefully considered imposing a further suspension order. The panel considered whether a further period of suspension would allow Miss Steer to demonstrate further insight or strengthen her practice. It noted that Miss Steer had had a long career as a nurse with no prior misconduct. The panel determined that, notwithstanding the recommendations of the previous panel, Miss Steer had not provided any evidence of maintaining her knowledge of current nursing practice or further reflection into her misconduct, despite having been suspended for 12 months already. In the panel's view, a further period of suspension would not serve any useful purpose.

The panel carefully considered the NMC Guidance REV-3h *Removal from the register when there is a substantive order in place* (30/08/2024). The panel noted that Miss Steer's

registration only remains active because of the current suspension order. It noted that under this guidance, the following points should apply:

“A panel will allow a professional to lapse with impairment where:

- *The professional would no longer be on the register but for the order in place;*
- *The panel can no longer conclude that the professional is likely to return to safe unrestricted practice within a reasonable period of time;*
- *A striking off order isn’t appropriate.”*

The guidance outlines circumstances where a lapse with impairment is likely to be appropriate, which include where a professional has shown limited engagement or insight, but this is reasonably attributed to a health condition or where lack of progress is attributable wholly or in significant part to matters outside the professional’s control. The panel determined that Miss Steer did fall in within the criteria set out above for the order to lapse with a finding of impairment. However, such an outcome was inappropriate in this case as the panel had received no information to suggest that Miss Steer’s non-engagement and lack of progress were a result of a health issue or any other issue outside of her control. Accordingly, the panel determined that it was necessary to take action to prevent Miss Steer 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.

The panel noted that Miss Steer had been reminded of the previous panel’s recommendations in a letter dated 16 September 2024. She was adequately notified of the potential outcomes of this review meeting in the notice of meeting itself, dated 30 September 2024 which stated:

“And remember, the panel doesn’t just have the power to continue your existing order – they can also give you a more serious sanction, such as a striking-off order.”

The panel determined that, given Miss Steer’s previous email correspondence with her case officer, it was able to infer that she would have had sight of this letter.

For the reasons set out above, the panel determined to make a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 20 December 2024 in accordance with Article 30(1).

This decision will be confirmed to Miss Steer in writing.

That concludes this determination.