

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

**Substantive Order Review Hearing  
Tuesday 19 November 2024**

Virtual Hearing

**Name of Registrant:** Lynnda Nicola Webster

**NMC PIN** 0711873S

**Part(s) of the register:** Registered Nurse  
Children's Nursing – September 2011

**Relevant Location:** Aberdeen

**Type of case:** Misconduct

**Panel members:** Caroline Rollit (Chair, Lay member)  
Jessica Read (Registrant member)  
Gary Trundell (Lay member)

**Legal Assessor:** Robin Ince

**Hearings Coordinator:** Emily Mae Christie

**Nursing and Midwifery Council:** Represented by Elizabeth Hartley, Case Presenter

**Miss Webster:** Present and represented by Jane Pothan, instructed by Anderson Strathern

**Order being reviewed:** Conditions of practice order (12 months)

**Fitness to practise:** Impaired

**Outcome:** **Conditions of practice order (12 months) to come into effect on 24 December 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 Hartley, on behalf of the Nursing and Midwifery Council (NMC), made a request that this case be held in private on the basis that proper exploration of your case will involve references [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 Pothan indicated that she supported the application.

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.

The panel determined to go into private session in connection with [PRIVATE].

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

The panel decided to extend the conditions of practice order for a further 12 months.

This order will come into effect at the end of 24 December 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the fifth review of a substantive suspension order originally imposed for a period of three months by a Fitness to Practice Committee on 25 November 2020. This order was reviewed on 18 February 2021 and the panel decided to replace the suspension order with a conditions of practice order. This order was reviewed again on 17 November 2021, 10 November 2022, and 22 November 2023 where the order was confirmed on all three occasions.

The current order is due to expire at the end of 24 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 working on the High Dependency Unit at the Royal Aberdeen Children's Hospital ("the Hospital"):*

- 1. On 14 February 2018, in relation to Patient A:
  - a) Administered Levetiracetam as a bolus as opposed to an infusion; and*
  - b) Gave 120 mg of paracetamol as opposed to 90mg.**
- 2. In relation to Patient X:
  - a) On 1 May 2018, signed the drugs kardex to confirm that Cefotaxime had been given at 6pm when it had not; and*
  - b) On 2 May 2018, countersigned the kardex with a colleague's initials to confirm that Cefotaxime had been given at 6pm on 1 May 2018 when it had not.**
- 3. In breach of the restrictions imposed on you by the Hospital on 8 May 2018:
  - a) On 17 May 2018 attempted to check medication; and*
  - b) On 5 June 2018 carried out a set of observations and read a Patient Controlled Analgesia pump on a patient without being supervised.**
- 4. Your actions at charge 2a were dishonest in that you knew the drug had not been given.*

*Your actions at charge 2b were dishonest in that you intended to create the impression that the drug had been given and/or that a colleague had acted as the second checker.'*

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

*'The panel noted that the last reviewing panel found developing insight. At this hearing, the panel was of the view that you have continued to develop your insight and you provided a detailed reflective statement in which you acknowledge your actions. The panel also considered the positive*

*reference received by your line manager and the fact that you have undertaken up-to-date training in Drug Dosage Calculations, and mandatory training courses to maintain your theoretical nursing knowledge, providing evidence of this by way of certificates, and your willingness to continue undertaking relevant training.*

*In its consideration of whether you have taken steps to strengthen your practice, the panel took into account the additional relevant training you have undertaken. However, you have not been able to strengthen your practice regarding the clinical aspects of the charges given that you have not been working as a registered nurse since May 2018. The panel acknowledges your efforts in attempting to obtain a role that will enable you to comply with the conditions of practice order, despite the difficulty you have faced in doing so. The panel notes that you are keen to get back into nursing and acknowledges that the skills you have developed in your current roles are transferable.*

*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 that undermines this. In light of this, this panel determined that you remain liable to repeat the clinical failings 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 fourth reviewing panel determined the following with regard to sanction:

*The panel determined that the current conditions are appropriate and practicable, and address the failings highlighted in this case. The panel accepted that you have been unable to comply with the conditions of practice due to your current employment status, but you are engaging with the NMC and are willing to comply with them.*

*The panel was of the view that a further conditions of practice order is sufficient to protect patients and the wider public interest, noting, as the original panel did, that there was no evidence of general incompetence and no deep-seated attitudinal problems.*

*The panel was of the view that to impose a suspension order would be wholly disproportionate and would not be a reasonable response in the circumstances of your case because of your engagement with the proceedings, the insight you have shown, and your desire to return to nursing.*

*Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of 12 months, which will come into effect on the expiry of the current order, namely at the end of 24 December 2023. It decided that the following existing conditions remain 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. You must work with a registered nurse to create a personal development plan (PDP). Your PDP must address the concerns about medication administration. You must:*
  - Meet with your line manager at least every six weeks to discuss your progress towards achieving the aims set out in your PDP.*

- *Send your case officer a copy of your PDP with a report demonstrating the progress you have made, prior to any future review.*
2. *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.*
  3. *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.*
  4. *You must immediately give a copy of these conditions to:*
    - a. *Any organisation or person you work for.*
    - b. *Any agency you apply to or are registered with for work.*
    - c. *Any employers you apply to for work (at the time of application).*
    - d. *Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.*
    - e. *Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity.*
  5. *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.*
  6. *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.*

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

The panel has considered carefully whether your fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has described 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, correspondence between the NMC and Ms Pothan, and an additional bundle from you that contains a reflective statement from November 2024, a Drug Dosage training certificate from November 2023, and various training modules and applications from February to November 2023.

The panel has taken account of the submissions made by Ms Hartley. She informed the panel that this order has been in place since 2018. Although you are now required to undertake a return to nursing course, the persuasive burden remains on you to demonstrate to the panel that you are no longer impaired. She submitted that the conditions remain necessary to satisfy the grounds of public protection and public interest. Furthermore, she submitted that the conditions of practice order should continue until you can provide evidence of remediation.

The panel also had regard to submissions from Ms Pothan. She provided the panel with a brief outline into the history of your circumstances. She explained to the panel that you have been working as a children's practitioner at your Local Authority's social work service and since the previous hearing, you have been working there as a family resource officer. Alongside this, you also work as a support worker for an agency, providing personal and other non-clinical care.

Ms Pothan submitted to the panel that these roles have allowed you to continue expanding upon your experience working with children and providing support to vulnerable young people which it should consider to be transferable skills that you can use when you return to a paediatric nursing role.

She then went on to explain that at the previous hearing, you confirmed that you had applied to two nursing roles, however, [PRIVATE] and you were unsuccessful in obtaining the other due to the conditions imposed. In response to this, you proactively approached the clinical manager at the agency you currently work for to explore returning to nursing, leading to discussions regarding them being able to support your return to nursing with conditions in place.

[PRIVATE].

In light of this, Ms Pothan submitted that you have accepted responsibility for your actions and clearly recognise the issues relating to the concerns, which demonstrates a decreased risk of repetition. She pointed the panel to a previous determination where the previous panel explained it was satisfied that your dishonesty has been remediated. She further submitted that you have been engaging with the NMC's process, and that the risk to the public has not increased. She explained that you remain committed to returning to nursing, [PRIVATE].

Ms Pothan asked the panel to extend the conditions of the practice order for an additional 12 months and requested that the conditions remain the same.

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 a previous panel determined the dishonesty concerns had been remediated, and therefore saw no reason not to accept that finding by the previous panel, given the lack of any suggestion that there had been any repetition of dishonesty since that determination.

The panel noted that you have engaged with the process and have made numerous attempts to secure employment in a nursing role. However, [PRIVATE] and the conditions imposed on your practice, you have been unable to obtain a position as a nurse. Despite these circumstances, you have secured work in a similar environment, providing care in a social care setting, and continue to work with children in a regulated environment. Furthermore, the panel noted that you have clearly demonstrated your ability to solve problems in difficult circumstances, recognise challenges, and find solutions to address them.

In its consideration of whether you have taken steps to strengthen your practice, the panel accepted that you have done as much as you can in the circumstances you have faced. It took into consideration that you have been unable to strengthen your clinical practice as a nurse, although noted that you have clearly expanded your knowledge given your current employment. It acknowledged that the agency you currently work for has confirmed they would be able to support you in a return to practice with the current conditions imposed. The panel noted that you would need to undertake a return to practice course in order for this to happen; however, you would need to undertake further training and supervision in medication administration to ensure you have strengthened your practice in relation to those concerns.

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 that undermines this. In light of this, this panel determined that you remain liable to repeat the clinical failings 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.

### **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 or to impose a caution order, but it 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 or make a caution order.

The panel next considered whether imposing a further 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 the conditions of practice due to your current employment status, but you remain engaged with the NMC's process and are willing to comply with any conditions imposed.

The panel was of the view that a further conditions of practice order is sufficient to protect patients and the wider public interest, noting that your dishonesty has been remediated, and the medication administration concern requires clinical practice and supervision in order to be remediated. In this case, 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 a period of 12 months. 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. You must work with a registered nurse to create a personal development plan (PDP). Your PDP must address the concerns about medication administration. You must:
  - a. Meet with your line manager at least every six weeks to discuss your progress towards achieving the aims set out in your PDP.
  - b. Send your case officer a copy of your PDP with a report demonstrating the progress you have made, prior to any future review.
2. 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.
3. 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.
4. You must immediately give a copy of these conditions to:

- a. Any organisation or person you work for.
  - b. Any agency you apply to or are registered with for work.
  - c. Any employers you apply to for work (at the time of application).
  - d. Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.
  - e. Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity.
5. 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.
6. 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.

The period of this order is for 12 months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 24 December 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.

Any future panel reviewing this case would be assisted by:

- Your continued engagement with the process;
- Evidence of completion of a return to practice course;
- Evidence of professional development including any documentary evidence of PDP's and reports of your progress;
- Evidence of medications assessment in practice;
- Testimonials from a manager or supervisor in a regulated working environment;
- An up-to-date reflection on how you have strengthened your practice, and how you will further continue to do so.

This will be confirmed to you in writing.

That concludes this determination.