

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

**Substantive Order Review Meeting  
Wednesday, 16 October 2024**

**Virtual Meeting**

**Name of Registrant:** Luke Ashley Glen Adams

**NMC PIN:** 11D0897E

**Part(s) of the register:** Registered Nurse - Sub part 1  
Adult nurse, level 1 (14 May 2011)

**Relevant Location:** Sheffield

**Type of case:** Misconduct

**Panel members:** Lucy Watson (Chair, Registrant member)  
Patience McNay (Registrant member)  
James Kellock (Lay member)

**Legal Assessor:** Nigel Mitchell

**Hearings Coordinator:** Eyram Anka

**Order being reviewed:** Suspension order (12 months)

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (6 months) to come into effect on  
28 November 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 Mr Adams' registered email address by secure email on 12 September 2024.

The panel took into account that the Notice of Meeting provided details of the review and that the review meeting would be held no sooner than 14 October 2024 and inviting Mr Adams 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 Mr Adams 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 order for a period of 6 months. 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 (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 31 October 2023.

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:

*'1. On one or more of the following occasions you took, without authorisation, medication from Trust stocks:*

- a. 30 December 2020
- b. 31 December 2020
- c. 1 January 2021
- d. 4 January 2021
- e. 13 January 2021

2. *Your actions at charge 1 above were dishonest in that you knew you were not entitled to take the medication but did so anyway.'*

The original panel determined the following with regard to impairment:

*'The panel was of the view that Mr Adams' misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. It was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to dishonesty extremely serious.*

*Regarding insight, the panel considered that Mr Adams has made admissions at a very early stage during the Trust's investigation and when he had attended his interim order hearing he also made admissions to the allegations. The panel had clear evidence of his remorse. It also noted that Mr Adams has also received counselling to address the issues that led to the misconduct.*

*The panel was satisfied that the misconduct in this case is capable of being addressed and the panel carefully considered the evidence before it in determining whether or not Mr Adams has taken steps to strengthen his practice. However, the panel agreed with the NMC submissions, in that there is no evidence of any training, or any reflection undertaken by Mr Adams to address the misconduct in this case before the panel.*

*Therefore, the panel is of the view that there is a risk of repetition based on the lack of evidence before it. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.*

*The panel bore in mind that 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 as a member of the public, aware of the circumstances in this case would be concerned if a nurse with these concerns was allowed to practise unrestricted.*

*Having regard to all of the above, the panel was satisfied that Mr Adams' 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 Mr Adams' registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.*

*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.*

*Furthermore, the panel concluded that the placing of conditions on Mr Adams' 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. It was satisfied that in this case, the misconduct was not fundamentally incompatible with Mr Adams remaining on the NMC register. It considered that he has partially engaged with the NMC and shown remorse for his actions.*

*It did go on to consider whether a striking-off order would be proportionate 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. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in Mr Adams' case to impose a striking-off order.*

*Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction.*

*The panel noted the hardship such an order will inevitably cause Mr Adams. 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.*

*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 Mr Adams' 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 namely the two NMC bundles. The panel had received no submissions from Mr Adams and heard that there had been no contact from him with the NMC since the Substantive Meeting on 31 October 2023.

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 Mr Adams' fitness to practise remains impaired.

The panel noted that Mr Adams made admissions at the local investigation and during NMC Interim Order proceedings that he had [PRIVATE]. In the panel's view Mr Adams had shown some insight at the time of the interim order and appeared to be taking some steps to remediate. However, the panel bore in mind that there has been no further update since the Substantive Meeting on 31 October 2023.

In its consideration of whether Mr Adams has taken steps to strengthen his practice, the panel bore in mind that it had no reflective piece, no evidence of insight or remediation. The panel has no information to indicate that Mr Adams has addressed his dishonesty or the concerns identified in relation to [PRIVATE]. Given Mr Adams' lack of engagement with these proceedings the panel has no evidence to conclude that the level of risk has been reduced. In light of this, the panel determined that Mr Adams is still 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 Mr Adams' fitness to practise remains impaired.

### **Decision and reasons on sanction**

Having found Mr Adams' 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 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 Mr Adams' 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 Mr Adams' 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 Mr Adams' 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 meeting and Mr Adams' lack of engagement and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. Although the panel considered that conditions of practice might be suitable to address the concerns, it could not formulate conditions without the engagement of Mr Adams and his insight into the concerns.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mr Adams further time to fully reflect on his previous misconduct. It considered that a further period of suspension would enable Mr Adams to provide evidence to a future panel of any progress he has made in addressing the concerns about [PRIVATE] and insight into how he would prevent such concerns arising again. Mr Adams needed to demonstrate a full understanding of how the dishonesty of one nurse can impact upon the nursing profession as a whole and not just the organisation that the individual nurse is working for. The panel concluded that a further 6-month suspension

order would be the appropriate and proportionate response and would afford Mr Adams adequate time to further develop his insight. It would also give Mr Adams an opportunity to approach past and current colleagues to provide testimonials about his honesty and integrity in his workplace assignments for a future reviewing panel.

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. Accordingly, the panel determined to impose a suspension order for the period of 6 months would provide Mr Adams with an opportunity to engage with the NMC. 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 28 November 2024 in accordance with Article 30(1).

The panel noted that during the local investigation, Mr Adams' Matron had commented that he was a 'great nurse' working in Neurocritical care. The panel determined that it would be helpful for a future panel to hear how he has addressed the concerns in order for him to be in a position to return to practice.

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:

- Mr Adams' engagement with his regulator and the regulatory process
- [PRIVATE]
- A reflective piece that sets out [PRIVATE], the progress he has made and his future intentions with regard to his nursing career.
- [PRIVATE]

This will be confirmed to Mr Adams in writing.

That concludes this determination.