

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

**Substantive Order Review Hearing
Friday, 18 October 2024**

Virtual Hearing

Name of Registrant: Anne Love Woods

NMC PIN 04B0205S

Part(s) of the register: Registered Nurse – Sub Part 1
RNMH: Mental health nurse, level 1 (21 February 2007)

Relevant Location: South Ayrshire

Type of case: Misconduct

Panel members: Anne Ng (Chair, lay member)
Shorai Dzirambe (Registrant member)
Kiran Musgrave (Lay member)

Legal Assessor: William Hoskins

Hearings Coordinator: Rebecca Wagner

Nursing and Midwifery Council: Represented by Beheshteh Engineer, Case Presenter

Anne Love Woods: Not Present and unrepresented

Order being reviewed: Suspension order (6 months)

Fitness to practise: Impaired

Outcome: **Suspension order (6 months) to come into effect on 29 November 2024 in accordance with Article 30 (1)**

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Mrs Woods was not in attendance and that the Notice of Hearing had been sent to Mrs Woods registered email address by secure email on 19 September 2024.

Ms Engineer, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the substantive order being reviewed, the time, date and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mrs Woods right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all of the information available, the panel was satisfied that Mrs Woods has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Mrs Woods

The panel next considered whether it should proceed in the absence of Mrs Woods. The panel had regard to Rule 21 and heard the submissions of Ms Engineer who invited the panel to continue in the absence of Mrs Woods. She submitted that Mrs Woods had voluntarily absented herself.

Ms Engineer referred the panel to telephone note provided by the NMC's Case Officer, where Mrs Woods stated she is content for the hearing to proceed in her absence.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mrs Woods. In reaching this decision, the panel has considered the submissions of Ms Engineer, Mrs Woods' communication with the NMC Case Officer, and the advice of the legal assessor. It has had particular regard to any relevant case law and to the overall interests of justice and fairness to all parties. The panel considered the telephone note provided by the NMC Case Officer and made reference to Mrs Woods' communication, where she stated:

'... [she] has not received any previous decision letters or notice of hearing ... assumed the hearing had concluded ...'

and

'[is] happy for the hearing to go ahead in her absence'

The panel noted that:

- No application for an adjournment has been made by Mrs Woods;
- She has informed the NMC that she is content for the hearing to proceed in her absence and has absented herself from the hearing;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- There is a strong public interest in the expeditious review of the case.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Mrs Woods.

Decision and reasons on application for hearing to be held in private

At the outset of the hearing, Ms Engineer notified the panel that matters of [PRIVATE] might arise and that if they did she would make an appropriate application under Rule 19.

Having received the advice of the legal assessor, the panel agreed that this was a sensible and pragmatic approach.

Decision and reasons on review of the substantive order

The panel decided to extend the current suspension order for a period of six months.

This order will come into effect at the end of 29 November 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

The charges found proved which resulted in the imposition of the substantive order were as follows:

'That you, a registered nurse, whilst working in the Child and Adolescent Mental Health Team:

1. *In relation to Patient F:*
 - a. *Between August 2018 and 18 January 2019, failed to submit the "Request for Assistance" paperwork in order to refer them to the Social Work Team.*
 - b. *On a date on or around October 2018 and/or 17 Jan 19 informed Patient F's mother that you had made a referral to the Social Work Team when you had not submitted the appropriate paperwork.*
 - c. *...*
 - d. *Told Patient F's mother on 17 January 2019 that you had not heard from the DWP when you had spoken to them on 10 January 2019.*
2. *Did not ensure that a medication review was conducted on being informed by Patient A's mother:*
 - a. *On 12 November 2018 that Patient A's medication was not being given consistently.*
 - b. *On 17 January 2019 that Patient A had stopped taking their medication.*
3. *...*

4. *On a date on or around December 2018, on being told by Patient D's mother that:*
 - a. *She was not coping and wanted someone to take Patient D from her, failed to inform social work.*
 - b. *Patient D was being disobedient and hitting other children, failed to offer any support.*

5. *Put Patient E on Colleague 2's clinic for the week commencing 4 February 2019 for a medication review when he did not have ADHD.*

6. *On 21 February 2019, at an internal meeting with your employer, said that when you had met Patient A and F's mother on 17 January 2019:*
 - a. *She had not asked if you had spoken to the DWP when she had asked this.*
 - b. *...*

7. *In investigatory meetings on 7 August 2019 and/or 12 November 2019 with Colleague 3, stated that you had mixed up Patient A and Patient F when answering questions from the DWP when this was not the case.*

8. *In respect of your record keeping:*
 - a. *Made no record of the conversation with Colleague 1 or Colleague 2 about Patient A's medication.*
 - b. *Made no record of your conversation with the DWP on 10 January 2019 in Patient F's care partner records.*
 - c. *Made no record of your conversation with Patient F's mother on 17 January 2019 in Patient F's care partner records.*
 - d. *Despite being requested to update the records by 12 December 2018, did not update the records of Patient F until 5 February 2019.*

9. *...*

10. *...*

11....

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:

'Regarding insight, the panel considered that Mrs Woods made some admissions and emphasised that she would have liked to have the opportunity to apologise to the patients and their families. However, the panel has not been provided with any information as to whether she understands the impact her actions had on the patients and their families or what she has learned from the situations.

The panel determined that Mrs Woods had not remediated these concerns given that she only accepts her failing in relation to poor record keeping and paperwork. The panel took into account the fact that Mrs Woods has retired from nursing and has no intention of returning, so therefore, she does not have the opportunity to strengthen her practice or undertake further training to address the concerns raised against her.

However, the panel is of the view that there is a risk of repetition based on the fact that she has retired and would still maintain the same level of nursing practice if she were return. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

....

The panel determined that a finding of impairment on public interest grounds is also required.

In addition, 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 Mrs Woods fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Mrs Woods fitness to practise is currently impaired.'

The original panel determined the following with regard to sanction:

'The panel also considered that Mrs Woods has not provided evidence of learning or training, since her suspension in 2020 which further reinforces her intention to depart from the nursing profession.

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 and Mrs Woods' retired status

...

The panel determined that a suspension order for a period of six months was appropriate in this case to mark the seriousness of the misconduct. Mrs Woods has the opportunity to ask for an early review and if she is ready to provide the documentation about her intentions for the next steps, such as evidencing her current health position and confirming her retired status, if she is able to do so.

The panel took into account the NMC guidance REV – 3h Allowing nurses, midwives or nursing associates to be removed from the register when there is a substantive order in place. In particular;

'It is important that the panel is sure that the nurse, midwife or nursing associate no longer wants to practice before it decides to let the order expire.'

The panel considered this and determined that it is down to Mrs Woods as to what information and/or documentation she provides the reviewing the panel to evidence her intention to not return to nursing.

At 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.'

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Woods 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 or being able to practise safely, kindly and professionally. The NMC guidance DMA-1 sets out the question that will help decide whether a professional's fitness to practise is impaired which is:

"Can the nurse, midwife or nursing associate practise kindly, safely and professionally?"

The panel has had regard to all of the documentation before it, including the NMC bundle, and the telephone note of the conversation between Mrs Woods and the NMC Case Officer. It has taken account of the submissions made by Ms Engineer on behalf of the NMC.

Ms Engineer provided a background of the case and pointed the panel to the relevant parts of the NMC bundle. She noted there is no new information before the panel. Ms Engineer invited the panel to consider the nature of the concern and pointed to '*the fact that this is a concern dealing with risk to children, the incidents aren't isolated one-off and [Mrs Woods has] limited insight and remediation.*' She submitted that as there is no new evidence or material to demonstrate any risk has been reduced or to indicate Mrs Woods' intention of continuing to practice as a nurse. She submitted on this basis, a finding of impairment is appropriate and therefore, an order extending the current suspension order should be considered.

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 noted that the original panel found that Mrs Woods had limited insight. This panel noted there is no evidence to demonstrate an understanding of developing insight into the charges found proved against her. The panel observed there is nothing before them to provide any indication as to what Mrs Woods has been doing throughout the current suspension order. The panel confirmed that they have not received any reflective statement relating to the incidents, and no remorse had been demonstrated by Mrs Woods following the imposition of the current order.

The panel considered the original charges found proved and noted that they were wide ranging and were over an extended period of time. The panel considered the lack of engagement, no new information on insight into her failings and the seriousness of the charges found proved, demonstrates that Mrs Woods has continued limited insight into the charges found proved against her.

In its consideration of whether Mrs Woods has taken steps to strengthen her practice, the panel noted that Mrs Woods has not taken any steps to strengthen her practice in order to maintain her clinical skills. The panel considered the conversation between Mrs Woods' and the NMC Case Officer, where Mrs Woods stated to the NMC Case Officer:

[PRIVATE]

The panel considered Mrs Woods current [PRIVATE]. It noted that these circumstances demonstrate Mrs Woods is not ready to return to practice as a nurse and that it has not received any new information to indicate otherwise.

The original panel determined that Mrs Woods was liable to repeat matters of the kind found proved. Today's panel has not received any new information. In light of this, this panel determined that Mrs Woods continues to be 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 Woods fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Woods 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 Mrs Woods' 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 Woods' 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 Woods' 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 Woods misconduct noting that she is not currently practicing as a nurse.

The panel considered extending the period of the current suspension order. It was of the view this would allow Mrs Woods further time to fully reflect on her misconduct and determine if she is willing to return to practice. The panel concluded that extending the period of the first order for six months would be the appropriate and proportionate response and would afford Mrs Woods adequate time to further develop her insight and take steps to strengthen their practice. It considered that this course would afford Mrs Woods the opportunity to determine whether she wishes to remain on the register.

The panel considered allowing the current order to lapse with a finding of impairment. It noted that in the original determination, Mrs Woods indicated that she was retired and had no interest returning to practice. The panel noted that it has not received any further information from Mrs Woods to demonstrate her clear intentions to leave the nursing profession and referred to the telephone conversation between Mrs Woods and the NMC Case Officer, whereby Mrs Woods indicated that she is '*not ready*' to return to nursing. The panel determined that due to the ambiguity of Mrs Woods' intention, it was inappropriate at this stage to allow the order to lapse.

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 extend the order a period of six months which would provide Mrs Woods with an opportunity to engage with the NMC and to provide the panel with a firm intention as to whether she intends to return to practice. It considered this to be the most appropriate and proportionate sanction available.

The panel considered a strike-off order. It concluded this would be too punitive.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 29 November 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:

- A written statement indicating Mrs Woods' intention to remain on the register, or to be removed from the register;
- A written reflective piece;
- Evidence of continuing professional practice relevant to her clinical skills (including courses or training).

This will be confirmed to Mrs Woods in writing.

That concludes this determination.