

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

**Substantive Order Review Meeting
Wednesday, 11 September 2024**

2 Stratford Place, Montfichet Road, London, E20 1EJ

Name of Registrant: Felicity Clare Cantrell

NMC PIN: 79E0923E

Part(s) of the register: Registered Nurse – Sub Parts 1 and 2
Adult Nurse – Level 2 (13 May 1980)
Adult Nurse – Level 1 (25 March 1986)

Relevant Location: Dorset

Type of case: Misconduct

Panel members: Sue Heads (Chair, Lay member)
Elizabeth Coles (Registrant member)
Suzanna Jacoby (Lay member)

Legal Assessor: Peter Jennings

Hearings Coordinator: Eyram Anka

Order being reviewed: Conditions of Practice Order (12 months)

Fitness to practise: Impaired

Outcome: **Order to lapse upon expiry in accordance with
Article 30 (1), namely 24 October 2024**

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 Mrs Cantrell's registered email address by secure email on 22 July 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 9 September 2024 and inviting Mrs Cantrell to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor concerning the requirements of service. The legal assessor made the panel aware that there is no evidence to show that Mrs Cantrell received the Notice of Meeting sent to her registered email address as she has not responded to the NMC since April 2022. Further, he informed the panel that the Notice of Meeting was not sent to Mrs Cantrell's registered postal address as an alternative means of contacting her.

The panel noted that the NMC has not received a response from Mrs Cantrell's registered email address in over two years. Nevertheless, the panel determined that the email address the Notice of Meeting was sent to is the same as the one on the NMC Register. In the light of all of the information available, the panel was satisfied that Mrs Cantrell 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). It is satisfied that it is appropriate to proceed with the review meeting today.

Decision and reasons on review of the current order

The panel decided to allow the order to lapse upon expiry in accordance with Article 30 (1) of the Nursing and Midwifery Order 2001 (as amended) (the Order). This will come into effect at the end of 24 October 2024.

This is the first review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on Monday 25 September 2023.

The current order is due to expire at the end of 24 October 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:

'That you a registered nurse, whilst working at the Abbey View Care Home;

1. ...
2. ...
3. ...
4. ...
5. *On 5 March 2020 recorded that you had administered one or more of the following medications to Resident G when you had not.*
 - a. *Pyridostigmine;*
 - b. *Omeprazole.*
6. ...
7. *On the night shift of 5/6 November 2021;*
 - a. *Administered the wrong medication to Resident H*
 - b. *Recorded that you had given resident H the correct medication which was incorrect.*
8. *On 29 November 2021 administered an antibiotic to Resident D which was meant for Resident I.*
9. *On 5 January 2022;*
 - 9.1 ...
 - 9.2 *Did not administer one or more of the following medications to Resident E*

- a. Co-Beneldopa;
- b. Pregablin.

9.3 Recorded that you had given one or more of the medications specified at charge 9.2 to Resident E when you had not.

9.4...

9.5 Did not administer Simvastatin to Resident F.

9.6 Recorded that you had given Simvastatin to Resident F when you had not.

9.7...'

The original panel determined the following with regard to impairment:

'The panel finds that residents were put at risk of harm as a result of Mrs Cantrell's misconduct. Mrs Cantrell's misconduct had breached the fundamental tenets of the nursing profession. It was satisfied that confidence in the nursing profession would be undermined if its regulator did not take concerns that impact directly on patient care seriously.

Regarding insight, the panel considered that Mrs Cantrell made admissions to the incidents during the Home's local investigatory meetings. The panel also took into account that Mrs Cantrell explained that, at the time of the later incidents, she was under stress due to her family circumstances. The panel found that in Mrs Cantrell's statement dated 12 December 2021, she demonstrates genuine remorse for her errors and acceptance of her failures.

However, the panel did not have sight of any evidence of insight beyond this. The panel did not have evidence of any reflective accounts produced by Mrs Cantrell for these proceedings and it was not satisfied that she has demonstrated an understanding of how her actions put the residents in her care at a risk of harm. Mrs Cantrell has not demonstrated an understanding of why her actions were wrong and

how this impacted negatively on the reputation of the nursing profession. The panel did not have any information before it which explains how Mrs Cantrell intends to handle the management, administration and accurate recording of administration of medication going forwards to ensure a repeat of her failures does not occur.

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 Mrs Cantrell has taken steps to strengthen her practice. The panel did not have evidence of any relevant training Mrs Cantrell has taken since these incidents to address the concerns.

In light of the lack of evidence of sufficient insight and steps taken by Mrs Cantrell to strengthen her practice, the panel determined that there is a risk of repetition. The panel also noted that the concerns in this case do not relate to an isolated incident, and that Mrs Cantrell continued to have concerns raised due to her habitual processes even after they were addressed locally at the Home. The panel found that there is a real risk of continued harm to patients if she were allowed to practise as a nurse unrestricted given that she has not explained how she intends to strengthen her nursing practice.

For all of the reasons above, 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 because public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also finds Mrs Cantrell's fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Mrs Cantrell'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 Mrs Cantrell'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;*
- *Identifiable areas of the nurse or midwife's practice in need of assessment and/or retraining;*
- *No evidence of general incompetence;*
- *Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- *The conditions will protect patients during the period they are in force;*
and
- *Conditions can be created that can be monitored and assessed.*

Based on the factors above, the panel determined that a conditions of practice order would be workable and is proportionate to the seriousness of the concerns in this case. It determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case.

The panel agreed with Ms Marcelle-Brown's submissions that Mrs Cantrell has disengaged with the process and there is no evidence before the panel to satisfy it that there is a potential and willingness to respond positively to retraining or that she would comply with any conditions if they were imposed. However, the panel was also of the view that there is no evidence that she would not comply with conditions of practice, given the opportunity.

The panel had regard to the fact that these incidents happened some time ago and that, other than these incidents, Mrs Cantrell has had a long and unblemished career

as a nurse. The panel was of the view that it was in the public interest that, with appropriate safeguards, Mrs Cantrell should be able to return to practise as a nurse.

Balancing all of these factors, the panel determined that the appropriate and proportionate sanction is that of a conditions of practice order.

The panel was of the view that to impose a suspension order would be disproportionate and would not be a reasonable response in the circumstances of this case. The panel agreed with the submissions made by Ms Marcelle-Brown that Mrs Cantrell's conduct demonstrated a serious departure from the standards expected of a registrant. However, it was not in agreement that a period of suspension would be the only sanction that would adequately protect the public and maintain public confidence in the profession.

Having regard to the matters it has identified, the panel has concluded that a conditions of practice order will mark the importance of maintaining public confidence in the profession and will send to the public and the profession a clear message about the standards of practice required of a registered nurse.

In making this decision, the panel carefully considered the submissions of Ms Marcelle-Brown in relation to the sanction that the NMC was seeking in this case. However, the panel considered that a conditions of practice order would provide the required level of public protection and meet the wider public interest as well as allowing Mrs Cantrell an opportunity to demonstrate she can return to safe nursing practice.

The panel determined that the following conditions 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 only administer medications whilst directly supervised by another registered nurse. This must consist of:*
 - *Supervision whilst administering medications for a minimum of 12 shifts. The supervised medication rounds must be documented by you and signed off by the registered nurse.*
 - *You must not administer medications alone until you have undertaken a refresher course in the administration of medication and successfully completed a clinical competency assessment in medications administration.*

Upon successful completion of this competency assessment, you must provide evidence of this to your NMC case officer.

2. *You must keep us 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 us 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.*
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. The panel determined that this will give Mrs Cantrell sufficient time to re-engage with the NMC and demonstrate that she can return to safe nursing practice.'

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Cantrell'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 the documentation before it.

The panel heard and accepted the advice of the legal assessor which included reference to the principles in a number of relevant judgments.

In reaching its decision, the panel was mindful of the need to protect the public, to maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether Mrs Cantrell's fitness to practise remains impaired.

The panel had no evidence before it to suggest a change in the circumstances. It noted that there has been a lack of engagement from Mrs Cantrell since her email to the NMC in April 2022.

The panel had regard to the screenshot of the NMC Register in the Notice of Meeting Bundle which indicates that Mrs Cantrell is not practising as a nurse at this time, and she has not notified the NMC of any employment as a nurse, which is a requirement of the conditions. In the panel's view it is likely that that Mrs Cantrell has not been working as a nurse and has therefore not engaged with the Conditions of Practice order imposed by the original panel in September 2023. It further determined that there is no evidence before it to suggest that Mrs Cantrell has any insight into the clinical concerns that were identified, or that she has strengthened her practice in any other way such as further training.

In the light of this, the panel determined that Mrs Cantrell 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 also 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 Cantrell's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Cantrell'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 noted that Mrs Cantrell did not attend the Substantive Hearing and the previous panel imposed a Conditions of Practice order with the intention that this would enable her to re-engage with the NMC process and demonstrate that she can return to safe nursing practice. However, Mrs Cantrell has not re-engaged with the process and the panel had no evidence before it to determine that there has been a change in the circumstances of this case.

The panel was aware that at the time of the Substantive Hearing Mrs Cantrell was only active on the NMC Register because of the substantive order and is currently only active because the substantive order is being reviewed. In the light of this, the panel decided that it would be in the public interest to allow the substantive conditions of practice order to expire, which will end her registration. It determined that the public would be adequately protected as the finding of current impairment would remain against her name and these matters would be further considered by the Registrar should she attempt to rejoin the register in the future.

The panel is satisfied that this is the appropriate and proportionate course and adequately protects the public and the public interest. In the panel's view, in the circumstances of this case, to impose a further order on Mrs Cantrell's registration is unnecessary for either public protection or the public interest.

In accordance with Article 30(1), the substantive conditions of practice order will lapse upon expiry, namely the end of 24 October 2024.

This will be confirmed to Mrs Cantrell in writing.

That concludes this determination.

