

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

**Substantive Order Review Hearing
Thursday, 19 September 2024**

Virtual Hearing

Name of Registrant: **Caroline Morrison**

NMC PIN: 08I2095S

Part(s) of the register: Registered Nurse – Sub Part 1
Adult Nursing (Level 1) – July 2012

Relevant Location: Midlothian

Type of case: Misconduct

Panel members: Mark Gower (Chair, Lay member)
Elisabeth Fairbairn (Registrant member)
Anjana Varshani (Lay member)

Legal Assessor: Charles Parsley

Hearings Coordinator: Maya Khan

Nursing and Midwifery Council: Represented by Jonathan Swain, Case Presenter

Mrs Morrison: Present and not represented

Order being reviewed: Conditions of practice order (4 months)

Fitness to practise: Impaired

Outcome: **Order to lapse upon expiry in accordance with Article 30 (1) namely at the end of 29 October 2024**

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

At the outset of the hearing, Mr Swain, on behalf of the Nursing and Midwifery Council (NMC), made a request that parts of this case be held entirely in private on the basis that proper exploration of your case involves reference to [PRIVATE]. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

You made no objection to this 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.

Having heard that there may be reference to [PRIVATE], the panel determined to hold those parts of the hearing in private in order to protect your privacy.

Decision and reasons on review of the substantive order

The panel decided to allow the order to lapse on its expiry. This will come into effect at the end of 29 October 2024 in accordance with Article 30 (1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the seventh review of a substantive order originally imposed as a 12-month suspension order on 31 May 2018. The first review took place on 29 May 2019 when the panel decided to replace the suspension order with a conditions of practice order for a period of nine months. The second review took place on 20 February 2020 when the panel decided to confirm and extend the conditions of practice order for a period of 18 months. The third review took place on 23 August 2021 when the panel decided to confirm and extend the conditions of practice order for a period of 12 months. The fourth review took place on 30 August 2022 when the panel decided to confirm, vary and extend the conditions of practice order for a period of 12 months. The fifth review took place on 14 August 2023 when the panel decided to confirm and extend the conditions of practice

order for a period of nine months. The sixth review took place on 14 May 2024 when the panel decided to confirm and extend the conditions of practice order for a period of four months.

The current order is due to expire at the end of 29 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:

1)on 20 April 2016:

a) did not conduct checks on Patient A’s McKinley pump when it was clinically appropriate to do so, namely at or around:

i)00.20

ii)04.20

b) inaccurately indicated to Ms 1 that you had conducted checks on Patient A’s McKinley pump.

c) inaccurately recorded on Patient A’s infusion chart that you had checked Patient A’s McKinley pump at or around 00.20.

2) Your actions at charge 1b) were dishonest in that you were seeking to conceal from Colleague A the fact that you had not undertaken clinically appropriate checks of Patient A’s McKinley pump at or around 00.20 and 04.20.

3) ...

4) on 30 April 2016:

a) did not sign Patient B's kardex to indicate that you had administered Patient B's prescribed Levothyroxine and Metformin at 08.00.

b) signed Patient C's kardex to indicate that you had administered Patient C's prescribed Lidocaine patches when you had not done so and/or did not record on Patient C's kardex that you had removed Patient C's prescribed Lidocaine patches during the course of your shift.

c) in respect of Patient D

i) drew up insulin without a second checker present.

ii) drew up an incorrect dose of insulin, namely 25 units when Patient D was prescribed 18 units.

iii) left the insulin syringe you intended to use on Patient D in the insulin vial having drawn up a quantity of insulin.

5) Between 01 May 2016 and 04 May 2016 retrospectively signed Patient B's drug kardex to indicate that you had administered Patient B's prescribed Levothyroxine and Metformin at 08.00.

6) Your actions at charge 5) were dishonest in that you did not make clear that your entry on Patient B's drug kardex was made retrospectively and thereby sought to mislead anyone reading the kardex into thinking it had been signed for contemporaneously.

7) On or around 24 December 2015 submitted work to Edinburgh Napier University as part of an academic module you were undertaking which was 60% copied from work previously submitted by another student.

8) *Your actions at charge 7) were dishonest in that you knew the work you had submitted was substantially copied from another student but nonetheless represented it as your own work.*

9) *Between 04 March 2016 and 03 May 2016 did not inform NHS Lothian that you had deferred your place on the Foundations in Nursing Older People module at Edinburgh Napier University following a finding of plagiarism.*

10) *Your actions at 9) were dishonest in that you had been informed by the Edinburgh Napier University that you must inform your employer of your decision to defer your place following a finding of plagiarism and by not doing so you were seeking to conceal the circumstances of your deferral from NHS Lothian.'*

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

'The panel noted that the last reviewing panel found that you had insufficient insight. The panel concluded, on the basis of today's hearing, that you still had insufficient insight.

In its consideration of whether you have taken steps to strengthen your practice, the panel took into account that it has no information before it today to suggest that you have complied with the conditions of practice order nor have you provided information with regard to any completed training courses. In light of all of these circumstances, this panel determined that there is a real risk of you repeating matters of the kind found proved. The panel therefore decided that a finding of current impairment is necessary on the ground 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 sixth reviewing panel determined the following with regard to sanction:

'...

The panel next considered whether imposing a further conditions of practice order on your registration would still be a sufficient and proportionate response. The panel is mindful that any conditions imposed must be measurable and workable.

The panel determined that it would be possible to formulate practical conditions which would address the failings highlighted in this case. The panel accepted that you have been unable to comply with conditions of practice due to your current employment status but noted that you are engaging with the NMC and 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 as the original panel did that the misconduct related to poor judgement rather than clinical competence. In this case, there are 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 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 4 months, which will come into effect on the expiry of the current order, namely at the end of 29 June 2024. It decided to impose the following conditions which it considered are workable 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. *Irrespective of any previous medicines administration competence assessment, you must not administer medication unless directly supervised by another registered nurse, until deemed competent to do so unsupervised, by your line manager, mentor or supervisor (or their nominated deputy) or another appropriate identified healthcare professional. You must send your case officer evidence of your deemed competence within 7 days of signed completion.*
2. *You must create a personal development plan and share it with your line manager, mentor or supervisor (or their nominated deputy) for their agreement designed to address, as a minimum, the concerns about the following areas of your practice, addressing:*
 - a) *Medicines administration*
 - b) *Record keeping*
3. *You must meet weekly with your line manager, mentor or supervisor (or their nominated deputy) to discuss the standard of your performance and your progress towards achieving the aims set out in your personal development plan. These meetings must be documented and sent to the NMC prior to any NMC review hearing or meeting.*
4. *You must forward to the NMC a copy of your personal development plan within 14 days of the date on which these conditions become effective or the date on which you take up an appointment, whichever is sooner.*
5. *You must send a report from your line manager, mentor or supervisor (or their nominated deputy) setting out the standard of your performance and your progress towards achieving the aims set out in your personal development plan to the NMC prior to any NMC review hearing or meeting.*
6. *You must tell your case officer, within seven days of your becoming aware of:*

- *Any clinical incident you are involved in.*
 - *Any investigation started against you.*
 - *Any formal/informal disciplinary proceedings against you.*
7. *You must keep a reflective journal, using a recognised reflective framework of your return to work as a registrant. You must send your case officer a copy of the journal prior to your next review hearing.*
 8. *You must notify the NMC within 7 days of any nursing appointment (whether paid or unpaid) you accept within the UK or elsewhere and provide the NMC with contact details of your employer.*
 9. *You must, within 7 days of accepting any post or employment requiring registration with the NMC, or any course of study connected with nursing or midwifery, provide the NMC with the name/contact details of the individual or organisation offering the post, employment or course of study;*
 - a) *You must within 7 days of entering into any arrangements required by these conditions of practice provide the NMC with the name and contact details of the individual/organisation with whom you have entered into the arrangement;*
 10. *You must immediately inform the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose the conditions listed at (1) to (8) above, to them:*
 - a) *Any organisation or person employing, contracting with, or using you to undertake nursing work;*
 - b) *Your line manager;*
 - c) *Any agency you are registered with or apply to be registered with (at the time of application);*
 - d) *Any prospective employer (at the time of application) where you are applying for any nursing appointment;*

- e) *Any educational establishment at which you are undertaking a course of study connected with nursing or midwifery, or any such establishment to which you apply to take such a course (at the time of application).*

The period of this order is for 4 months. This will enable you to demonstrate a strengthening of your practice and level of insight and also monitor your compliance with the conditions.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 29 June 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. Today's panel noted that you have been in breach of the conditions in the past, but a future panel, in the event that you further breach the conditions, may no longer find a conditions of practice order the appropriate order to you.

Any future panel reviewing this case would be assisted by:

- Evidence of you adhering to the conditions of practice order*
- Keeping the NMC informed about your progress*
- Your continued attendance and engagement with the NMC*
- Copies of any online or face-to-face learning you have completed to keep your nursing skills and knowledge up to date, particularly in relation to medicines administration and record keeping;*
- Up-to-date references / testimonials from any paid and/or unpaid work'.*

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 panel has asked itself

whether you can 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 and responses from you. It has taken account of the submissions made by Mr Swain and by you.

Mr Swain outlined the background of the case to the panel. He referred the panel to the email correspondence from you dated 5 July 2024 where you informed your NMC case officer that you had dropped down to a Band 3 position for personal reasons and you were unsure whether it would be appropriate to have another NMC review hearing in these circumstances. He referred the panel to your email dated 26 August 2024 which stated:

'With regards to my registration I have decided to give up my registration and am now currently employed as a Band 3 within...'

In a further email dated 29 August 2024 you clarified your job title, you stated:

'My full job title is clinical support worker band 3...'

Mr Swain invited the panel to find that your fitness to practise remains currently impaired as was previously found. He submitted that there were a number of serious concerns identified in the initial decision of the panel from 2019 and the charges were serious including matters relating to dishonesty and the administration of drugs.

Mr Swain submitted that there has been limited opportunity in some respects for you to engage with the conditions of practice order [PRIVATE]. He submitted that when you were in a nursing role you had limited opportunity to engage with the conditions and you have now dropped down to a Band 3 role working as a Clinical Support Worker.

Mr Swain submitted that as you are not working in a registered nursing role at this stage you are not in a position to remediate the issues identified in your practice. He submitted

that in these circumstances, there has been no change in essence to the previous finding of the panel on 14 May 2024 and you have had no opportunity to substantively engage with the conditions of practise order that was extended by a further four months.

Mr Swain submitted that as you have expressed no desire to continue your registration in your email dated 26 August 2024, no purpose would necessarily be served by extending the current conditions of practise order and therefore the panel may wish to consider allowing the order to lapse. He referred the panel to the relevant NMC guidance, REV-3h, which highlights that where an individual no longer wishes to be on the register and is only on the register, but for the order in place, a review panel can allow the order to expire. He submitted that your registration is only active due to these proceedings and the public would continue to remain protected by the finding of impairment if the panel were to allow the order to lapse today.

You told the panel that you have no intentions of ever returning to practise as a nurse. You said that you are very happy with your role as a Band 3 Clinical Support Worker, and you do not have to worry about administering drugs. You said that you only have another six or seven years to work and you have no intention of reapplying to return to the register.
[PRIVATE].

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 little appears to have changed since the last review, the only material change being that you have now declared that you do not wish to continue with your nursing career. It considered that you have been afforded the opportunity to continue practising as a nurse since 2019, albeit with conditions. You have, to your credit, attended each of the NMC proceedings over a protracted period, and in the past you have expressed a willingness to take steps to remedy your practice. [PRIVATE] The panel was

mindful that dishonesty is difficult to remediate and that you had not complied with any of the recommendations given to you by the previous reviewing panel which included producing evidence of any online or face-to-face learning completed to keep your nursing skills and knowledge up to date and any references or testimonials. The panel also noted that it did not have any evidence of you taking steps to strengthen your practice or address the identified concerns, for example by producing a reflective journal.

The panel further noted that you have now expressed your clear intention to not return to nursing. The panel was mindful that you have not worked as a nurse unrestricted since 2016. The panel noted that you have not provided evidence of having strengthened your practice to address the concerns identified. These concerns are serious and relate to the failure to ensure safe medication management, the failure to ensure sufficient record keeping and dishonesty. In light of your intention not to return to practice, there appeared to be no realistic prospect of the failings being addressed. Therefore, this panel has concluded, for similar reasons as the last reviewing panel, that there is still a risk of repetition and your fitness to practise remains impaired. It therefore determined that a finding of impairment remained 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 practice. The panel determined that a well-informed member of the public aware of the facts in this case, in that you have failed to address the concerns raised over a period of six years. Whilst [PRIVATE], in the panel's view you could have made greater efforts to address the concerns to enable you to return to practise unrestricted. 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.

In reaching this decision, the panel took into account parts of 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'*. The guidance states:

'In most circumstances nurses, midwives or nursing associates who are subject to a substantive suspension or conditions of practice order, but no longer wish to continue practising, should be allowed to be removed from the register.'

The panel noted that:

- Your registration is only active because of the substantive order being in place.
- You have made clear your intention not to return to nursing.
- The panel can no longer conclude that there is any prospect of you returning to safe unrestricted practice within a reasonable period of time.
- A striking off order would nevertheless be disproportionate in the circumstances.

The panel noted that the public will be protected because the panel has made a clear finding that your Fitness to Practise is currently impaired, and this will be evident to the Registrar should they be required to consider any future application made by you to re-join the Register. Furthermore, you are not practising as a Registered Nurse, and you have stated that you are very happy with your role as a Band 3 Clinical Support Worker and therefore you do not pose a risk to the public.

Accordingly, the substantive conditions of practice order will be allowed to lapse at the end of the current term, namely at the end of 29 October 2024 in accordance with Article 30(1).

This decision will be confirmed to you in writing.

That concludes this determination.