

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

**Substantive Order Review Hearing  
Friday 6 September 2024**

Virtual Hearing

**Name of Registrant:** **Olga Williams**

**NMC PIN** 99Y0274E

**Part(s) of the register:** Adult Registered Nurse – Sub Part 1  
Registered Mental Health Nurse (August 2002)  
Supplementary Prescriber (September 2016)

**Relevant Location:** Buckingham

**Type of case:** Misconduct

**Panel members:** Des McMorrow (Chair, Registrant member)  
Richard Curtin (Registrant member)  
Georgina Foster (Lay member)

**Legal Assessor:** Trevor Jones

**Hearings Coordinator:** Antonnea Johnson

**Nursing and Midwifery Council:** Represented by Ms Lucie Danti, Case Presenter

**Olga Williams:** Not present and not represented

**Order being reviewed:** Suspension order (6 months)

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (4 months) to come into effect on 16 October 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 Ms Williams was not in attendance and that the Notice of Hearing had been sent to Ms Williams' registered email address by secure email on 5 August 2024.

Ms Danti, 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 Ms Williams' 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 Ms Williams 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 Ms Williams**

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

Ms Danti referred the panel to the documentation from Ms Williams which included an email dated 23 August 2024:

*'I hope this email finds you well, unfortunately i need to inform you that i will not be able to attend my hearing. I on short notice have had to travel back... Since i have been advised by my ... not be fit to attend the hearing on the 6th of September. My medical practitioner will be sending a letter to confirm my medical condition and requesting on my behalf that the hearing takes place at a later date. I am kindly asking that the panel consider an extension of the current suspension order to allow adequate time for my recovery.'*

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Ms Williams. In reaching this decision, the panel has considered the submissions of Ms Danti, the representations from Ms Williams, 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. It noted that:

- No application for an adjournment has been made by Ms Williams;
- Ms Williams has informed the NMC that she has received the Notice of Hearing and confirmed she is content for the hearing to proceed in her absence;
- 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 Ms Williams.

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

At the outset of the hearing, Ms Danti made a request that some of this case be held in private on the basis that proper exploration of Ms Williams case involves Ms Williams'... The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Ms Danti indicated that she supported the application to the extent that any reference to Ms Williams' ... should be heard in private.

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 rule on whether or not to go into private session in connection with Ms Williams' ... and when such issues are raised in order to preserve Ms Williams' privacy.

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

The panel decided to confirm and extend the current suspension order.

This order will come into effect at the end of 16 October 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 originally imposed by a panel of the Fitness to Practise Committee on 15 September 2020, for a period of 12 months. It was reviewed on 29 September 2021 when the panel replaced the suspension order with a conditions of practice order for a period of 18 months. It was next reviewed on 5 April 2023, when the panel imposed a further conditions of practice order for a period of 12 months. On 20 July 2023, the conditions of practice order was varied. The conditions of practice order was replaced with a suspension order for the period of 6 months on 11 April 2024.

The current order is due to expire at the end of 16 October 2024.

The panel is reviewing the order pursuant to Article 30(1)/30(2) of the Order.

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

*'That you, a registered nurse,*

1) *Whilst working at the Kings Heath Medical Centre*

- a) *Assessed patients inadequately on one of more of the occasions set out in Schedule 1*
- b) *Diagnosed patients incorrectly/inappropriately on one of more of the occasions set out in Schedule 2*
- c) *Prescribed medications inappropriately on one or more of the occasions set out in Schedule 3*
- d) *Kept inadequate records relating to patient consultations on one or more of the occasions set out in Schedule 4*

2) *Whilst working at the Cauldwell Medical Centre*

- a) *Assessed patients inadequately on one of more of the occasions set out in Schedule 5*
- b) *Diagnosed patients incorrectly/inappropriately on one of more of the occasions set out in Schedule 6*
- c) *Prescribed medications inappropriately on one or more of the occasions set out in Schedule 7*
- d) *...*

3) *Whilst working at the Coventry NHS Walk-In Centre you*

- a) *Assessed patients inadequately on one of more of the occasions set out in Schedule 9*
- b) *Diagnosed patients incorrectly/inappropriately on one of more of the occasions set out in Schedule 10*
- c) *Prescribed medications inappropriately on one or more of the occasions set out in Schedule 11*
- d) *Kept inadequate records relating to patient consultations on one or more of the occasions set out in Schedule 12*

4) *Presented or allowed to be presented, a Curriculum Vitae which contained incomplete information about your education history in that you*

*4a) represented that you had an BSc in 'Minor Illness Management' from Bucks New University when you did not receive any credits for the module 'Minor Illness Management'*

*4b) represented that you had an MSc in Minor Injuries Management from Anglia Ruskin University when*

*4bi) there is no record of the University conferring an MSc Qualification to you and/or*

*4bij) ...*

*5) Your conduct at Charge 4 above demonstrated a lack of integrity in that it presented a misleading impression of your academic history and/or skill to prospective employers.'*

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

*'The panel determined that, because you have not worked as a nurse for eight years, you have not had the opportunity to comply with the current conditions or to demonstrate a period of safe practice. The panel considered your denial of the charges found proved and determined that your insight has diminished since the initial substantive hearing. It determined that you have not remedied the areas of concern identified in your practice and that you remain liable to repeat matters of the kind found proved. It determined that a finding of continuing impairment is therefore 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. It determined that a well-informed member of the public would be concerned if your fitness to practice was found not impaired, given that*

*you currently deny the charges found proved and maintain that you are innocent of any misconduct. The panel determined that 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 first considered whether to take no action but concluded that this would be inappropriate in view of the public protection issues identified. The panel decided that it would be neither proportionate nor in the public interest to take no further action.*

*The panel then considered the imposition of a caution order but again determined that, due to the public protection issues identified, an order that does not restrict your 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 determined that your 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 imposing a 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. It determined that, because you deny the charges found proved, a conditions of practice order is no longer practicable in this case. It concluded that no workable conditions of practice could be formulated which would protect the public or satisfy the wider public interest.*

*The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest.*

*Accordingly, the panel determined to impose a suspension order for the period of six months. It determined that six months would allow you sufficient time to prepare your case prior to the next review hearing at which the NMC intends to seek a striking-off order, as well as sufficient time to attend to your personal affairs. It determined that a suspension order for a period of six months is the most appropriate and proportionate sanction available.*

*This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 16 April 2024 in accordance with Article 30(1).'*

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

The panel has considered carefully whether Ms Williams' 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 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. It has taken account of the submissions made by Ms Danti on behalf of the NMC. She submitted that there is a persuasive burden on Ms Williams to demonstrate she is no longer impaired. Ms Danti referred the panel to the case of *Abrahaem v GMC* 2008, EWHC 183, paragraph 23 states:

*'In practical terms, there is a persuasive burden, so it is a persuasive burden on the practitioner. At a review to demonstrate that he or she has fully acknowledged why past professional performance was deficient and through insight application, education, supervision, or other achievement sufficiently addressed the past impairments.'*

Ms Danti referred the panel to email correspondence from the NMC to Ms Williams on 5 August 2024 requesting an update as regards gaining representation, to which there is no response from Ms Williams on this matter.



Ms Danti also referred the panel to email correspondence from Ms Williams dated 23 August 2024 as evidenced in the proceeding in absence.

Ms Danti submitted that Ms Williams had engaged with the NMC as it relates to providing updates to her recent circumstances however, had not provided...

Ms Danti submitted that in the original substantive hearing Ms Williams had, under affirmation, accepted the charges found proved and had expressed remorse. In subsequent reviews Ms Williams later denied the charges found proved and stated she had done this to make her life easier.

Ms Danti submitted to the panel that Ms Williams had not provided the panel with evidence of a reflective statement, no evidence of insight, no evidence of the steps taken to strengthen her practice, no references, no testimonials. Thus there is an indication Ms Williams continues to be impaired on both public protection and public interest grounds and there is no basis on which her impairment has been remedied by her.

As to sanction Ms Danti submitted that lesser sanctions would not protect the public nor meet the gravity of this case and that a conditions of practice order would be inappropriate given Ms Williams' engagement to date which suggests she may be unable or unwilling to comply with a conditions of practice order. If the panel were to be unwilling to continue with the suspension order, which would none the less protect the public and public interest, then the NMC's position is that a strike off order should be considered and referred to the panel to the case of *Busari v NMC* 2016 EWHC 2547 which states:

*'It was not considered to be unfair or disproportionate for a reviewing panel to impose a striking off order where previous sanctions had been tried and failed to address the underlying issue.'*

*The court in bursary found that the panel had been entitled to conclude that, given the registrant had had five years to reflect on and address our previous their previous failings, a striking off order was appropriate. In that case, it was five years.'*

Ms Danti further invited the panel to consider the case of *Macavei v General Dental Council* 2015 EWC 581 which states:

*'In my judgment, the committee had ample evidence to conclude that they were dealing with a registrant whose attitude to criticism and defects in her practice, together with her response to offers to help her over a period of some years, showed that she had little insight into her problems.*

*Against that background, the committee were entitled to conclude that they could not be confident that the public would be protected by an approach less than assure.'*

Ms Danti also referred the panel to the case of *PSA v NMC Philomena* Judge 2017 EWCHC 817 which states:

*'There was in truth new evidence of suppose as opposed to unsupported wishful thinking that given more time, the registrant might develop insight. The fact that she was a nurse of considerable, unblemished experience does not assist the committee in that regard.'*

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 Ms Williams' fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Ms Williams had insufficient insight. At this hearing the panel determined that there was no new evidence of Ms Williams' developing insight or that she had taken steps to strengthen her practice. The panel were of the view that Ms Williams had not had any meaningful engagement with the NMC to demonstrate she had addressed the charges found proved.

The panel considered Ms Williams' recent circumstances as it relates to...

The panel had regard to NMC submissions highlighting some of the charges found proved, and Ms Williams' evidence before earlier panels accepting the charges in full. Ms Williams later denied some of the original charges stating she had admitted them originally because it made life easier to do so. The panel addressed concerns of Ms Williams' change of stance and her acceptance of the charges found proved were under affirmation, and the affect that this has on her insight.

In its consideration of whether Ms Williams has taken steps to strengthen her practice, the panel took into account that they had not been provided with a reflective statement, no evidence of insight, no evidence of the steps taken to strengthen her practice, no references and no comprehension of Ms Williams' job or her time management throughout the suspension period or her previous conditions of practice.

The last reviewing panel determined that Ms Williams was liable to repeat matters of the kind found proved. This panel has received no further information or indication from Ms Williams in relation to her fitness to practise. In light of this, this panel determined that Ms Williams 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 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 Ms Williams' fitness to practise remains impaired.

## Decision and reasons on sanction

The panel decided to impose a further suspension order for the period of four months.

Having found Ms Williams' 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 Ms Williams' 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 Ms Williams' 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 Ms Williams' 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 Ms Williams' misconduct. In light of Ms Williams' limited engagement the panel had no assurance or confidence that she would comply with such an order at this time.

The panel considered the imposition of a further period of suspension. It was of the view that an extension to the existing suspension order would allow Ms Williams further time to fully reflect on her previous misconduct. It considered that Ms Williams needs to gain a full understanding of how the misconduct 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 suspension order would be the appropriate and proportionate response and would afford Ms Williams adequate time to further develop her insight and take steps to strengthen her practice. It would also give Ms Williams an opportunity to approach past and current colleagues to attest to her integrity in her workplace assignments since the substantive hearing.

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 four months, which would provide Ms Williams with an opportunity to fully engage with the NMC and to provide evidence of her medical status and treatment plan along with a reflective piece demonstrating insight. 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 16 October 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 reflective piece that provides insight into your understanding of the charges found proved, the impact on the reputation of the nursing profession and the NMC and the potential harm to patients
- Testimonials from your current or most recent employer
- Indication of your intention to return to practice as a nurse

The panel did consider the NMC's submission as to strike off but acceded to Ms Williams' request for more time to present her case to a reviewing panel. At this time and for this reason, the panel considered that to move to a strike off order would be unfair or disproportionate.

This will be confirmed to Ms Williams in writing.

That concludes this determination.