

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

**Substantive Order Review Meeting
Monday 17 February 2025**

Virtual Meeting

Name of Registrant:	Patricia Boyle
NMC PIN	82Y0152S
Part(s) of the register:	Nurses part of the register Sub part 1: RNA: Adult nurse, level 1 (24 April 2013) Nurses part of the register Sub part 2: RN7: General nurse, level 2 (30 November 1983)
Relevant Location:	East Renfrewshire and North Lanarkshire
Type of case:	Misconduct
Panel members:	Janet Fisher (Chair, Lay member) Jan Bilton (Lay member) Sally Thomas (Registrant member)
Legal Assessor:	Angus Macpherson
Hearings Coordinator:	Rebecka Selva
Order being reviewed:	Conditions of practice order (6 months)
Fitness to practise:	Impaired
Outcome:	Order to lapse upon expiry in accordance with Article 30 (1), namely 6 April 2025

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 Boyle's registered email address by secure email on 14 January 2025.

The panel took into account that the Notice of Meeting provided details of the review, that the review meeting would be held no sooner than 17 February 2025 and invited Mrs Boyle 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 Mrs Boyle 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 allow the current order to lapse upon expiry. This order will come into effect at the end of 6 April 2025 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the sixth review of a substantive conditions of practice order originally imposed for a period of 6 months by a Fitness to Practise Committee panel on 6 December 2019. This was reviewed on 29 May 2020 and the reviewing panel extended and varied the conditions of practice order for nine months. On 26 February 2021, the reviewing panel extended and varied the conditions of practice order for 18 months. On 26 August 2022, the reviewing panel extended and varied the conditions of practice for a further 12 months. On 18 September 2023 extended the conditions of practice order for a period of 12 months to come into effect from 6 October 2023. On 30 August 2024 the last reviewing panel imposed a conditions of practice order for 6 months.

The current order is due to expire at the end of 6 April 2025.

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:

At Greenlaw Grove Care Home:

1. ...
2. *On 14 December 2017 while conducting the medication round on the Lethington Unit:*
 - a) *You missed two signatures on the MAR Chart for the morning medication for resident SU5. **Proved by admission***
 - b) *You missed signature(s) and/or added the running total(s) incorrectly on the MAR Chart(s) for the morning medication(s) for a number of unknown residents. **Proved by admission***
3. *You failed to administer Simvastatin to resident SU2 on:*
 - a) *21 December 2017 **Proved by admission***
 - b) *22 December 2017 **Proved by admission***
4. *On 28 December 2017 you administered Paracetamol to resident SU3 but signed the MAR Chart indicating it had been administered on 29 December 2017. **Proved by admission***
5. *On 28 December 2017 you failed to administer an antibiotic to resident SU6. **Proved by admission***

At Millbrae Care Home:

6. *On 9 February 2018 you failed to complete an incident form after you found resident SU1 lying on the floor with a head wound. **Proved***
7. *On 10 February 2018 you failed to inform and/or handover to Colleague A that you found resident SU1 lying on the floor with a head wound. **Proved***
8. *You failed to indicate that your entry dated 9 February 2018 in resident SU1's Daily/Nursing Notes was written retrospectively on 11 February 2018. **Proved by admission***
9. *On the night shift 9/10 February 2018 you left the medication trolley open in the dining room. **Proved by admission***
10. *On the night shift 9/10 February 2018 you misplaced the medication pod keys. **Proved by admission***
11. *On the night shift 9/10 you took 4 and a half hours to complete the medication round for both floors. **Proved by admission***
12. *You signed over the signature(s) of Colleague B for the morning and/or tea time medication(s) for resident SU4 on 10 and/or 11 February 2018. **Proved by admission***

AND in light of the above, your fitness to practise is impaired by reason of your Misconduct.'

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

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

The panel noted that the last reviewing panel found that Mrs Boyle had insufficient insight. The last reviewing panel also found that Mrs Boyle had not taken

appropriate steps to strengthen her practice and that she was liable to repeat matters of the kind found proved.

Today's panel has received no new information to the contrary. In light of this, this panel determined that Mrs Boyle has limited insight, has not strengthened her practice and 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.

For these reasons, the panel finds that Mrs Boyle's fitness to practise remains impaired.'

The fifth 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 seriousness of the case. The panel decided that it would be neither proportionate nor would it be sufficient to protect the public 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 Boyle's practice would not be appropriate in the circumstances.

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

The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel noted that this was the most appropriate sanction as there was no evidence of deep-seated attitudinal issues. It considered that matters of the kind found proved were capable of being remediated and patients would not be put at risk

during the period in which the order is enforced. The panel noted that Mrs Boyle had expressed that she was disengaging from the NMC process but that it lacked information regarding whether she wanted to remain in the nursing profession. The panel determined that a further conditions of practice order would meet the public protection requirements and provide time for Mrs Boyle to confirm her future professional plans.

The panel considered that to impose a suspension order, or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of Mrs Boyle's case because whilst the misconduct was serious, it was capable of being remediated.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of six months, which will come into effect on the expiry of the current order, namely at the end of 6 October 2024. It decided to impose the following conditions which it considered 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.' supervision must consist of working at all times on the same shift as, but not always directly observed by a registered nurse.

- 1. You must ensure that you are supervised at any time you are working. Your supervision must consist of working at all times on the same shift as, but not always directly observed by a registered nurse.*
- 2. You must not be the only registered nurse on duty.*
- 3. You must not be the nurse in charge of a shift.*
- 4. You must complete at least four medication rounds where you are directly supervised by a registered nurse who should evidence this in*

writing. This should demonstrate your competence in administering, storing and recording medication. Written evidence of this must be provided by you to the NMC prior to any review hearing.

- 5. You must work with your line manager to create a development log which must address the concerns identified about your medication management, record keeping and communication. You must meet with your line manager at least once a month to review your performance. Your log must be signed by yourself and your manager at or shortly after each meeting and must contain specific feedback on your performance. Written evidence of this must be provided by you to the NMC prior to any review hearing.*
- 6. You must complete further training in medication management, record keeping and communication. Upon completion you must also provide dated, written evidence of your successful completion together with evidence of the learning objectives covered in this training. Written evidence of this must be provided by you to the NMC prior to any review hearing.*
- 7. 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.*
- 8. 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.*
- 9. 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.*
- e) *Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity*

10. 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.*

11. 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 up to six months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 6 October 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 Mrs Boyle has 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. The panel noted that Mrs Boyle may wish to request an early review of the order under Article 30(2) if she no longer wishes to practise as a nurse and wishes to allow her registration to

lapse upon the expiry of the order. However, it would be the decision of the reviewing panel.

Any future panel reviewing this case would be assisted by:

- *Clarification on Mrs Boyle's intention to practise.*
- *Reflective piece focusing on the impact of her actions on the risk of harm to patients and the impact on the profession and the public.*
- *References or testimonials from her current employer, including where she is not working as a Band 5 nurse.*
- *Further evidence of her seeking employment in which the conditions of practice order would apply. ‘*

Decision and reasons on current impairment

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

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 nothing appears to have changed since the last review, the only material change being the passage of time since the previous review hearing in which Mrs Boyle declared her disengagement with this process. It considered that Mrs Boyle has

been afforded the opportunity to continue practising as a nurse since 2019, albeit with conditions. Mrs Boyle, to her credit, attended NMC proceedings over a protracted period, and in the past expressed a willingness to take steps to remedy her practice. The panel was mindful that Mrs Boyle has not complied with any of the recommendations given to her by the previous reviewing panel which included producing evidence of any steps taken to keep her nursing skills and knowledge up to date and any references or testimonials. The panel also noted that it did not have any evidence of Mrs Boyle taking steps to strengthen her practice or address the identified concerns.

The panel was mindful that Mrs Boyle has not worked as a nurse unrestricted since 2019. The concerns are serious and relate to the failure to ensure safe medication management, and the failure to ensure sufficient record keeping.

The last reviewing panel determined that Mrs Boyle was liable to repeat matters of the kind found proved. Today's panel has received no new information of further insight, training or examples of remediation. The panel noted that at the last review hearing Mrs Boyle stated her intention to disengage from the process and therefore it found the risk of repetition high and subsequent risk of harm to also be high. In light of this the panel determined that Mrs Boyle 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 Mrs Boyle's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Boyle 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 time the professional must be allowed to practise without restriction or they must leave the register. It is neither in the interests of the public nor the professional's own interests that they are kept in limbo.'

The panel noted that:

- Mrs Boyle's registration is only active because of the substantive order being in place.
- Mrs Boyle has made clear her intention of disengagement on 30 August 2024.
- The limited amount of progress being made towards Mrs Boyle becoming fit to practise.
- The panel can no longer conclude that there is any prospect of Mrs Boyle 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 by its clear finding that Mrs Boyle's Fitness to Practice is currently impaired, and this will be evident to the Registrar should they be required to consider any future application made by Mrs Boyle to re-join the Register. Furthermore, Mrs Boyle is not practising as a Registered Nurse and therefore does 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 6 April 2025 in accordance with Article 30(1).

This will be confirmed to Mrs Boyle in writing.

That concludes this determination.