

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

**Substantive Order Review Hearing
Tuesday 14 January 2025**

Virtual Hearing

Name of Registrant: Wendy Carol Bramley

NMC PIN: 79J3203E

Part(s) of the register: Nurses part of the register Sub part 2
RN2: Adult nurse, level 2 (20 April 1982)

Nurses part of the register Sub part 1
RN8: Children's nurse, level 1 (13 September 1998)

Relevant Location: Hull

Type of case: Misconduct/Lack of competence

Panel members: Francesca Keen (Chair, Lay member)
Diane Gow (Registrant member)
Philippa Hardwick (Lay member)

Legal Assessor: Gaon Hart

Hearings Coordinator: Sophie Cubillo-Barsi

Nursing and Midwifery Council: Represented by Mary Kyriacou, Case Presenter

Mrs Bramley: Not present and unrepresented

Order being reviewed: Suspension order (6 months)

Fitness to practise: Impaired

Outcome: **Striking-Off order to come into effect at the expiry of the current order 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 Bramley was not in attendance and that the Notice of Hearing had been sent to Mrs Bramley's registered email address by secure and encrypted email on 16 December 2024.

The Notice of Hearing was also sent to Mrs Bramley by recorded delivery on 17 December 2024. The panel had regard to the Royal Mail 'Track and trace' printout which showed the Notice of Hearing was delivered to Mrs Bramley's registered address on the same date. It was signed for against the printed name of 'Bramley'.

Ms Kyriacou, 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 Bramley's 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 Bramley 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 Bramley

The panel next considered whether it should proceed in the absence of Mrs Bramley. The panel had regard to Rule 21 and heard the submissions of Ms Kyriacou who invited the panel to continue in the absence of Mrs Bramley.

Ms Kyriacou submitted that there had been no engagement at all by Mrs Bramley with the NMC in relation to today's proceedings and, as a consequence, there was no reason to believe that an adjournment would secure her attendance on some future occasion.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mrs Bramley. In reaching this decision, the panel has considered the submissions of Ms Kyriacou 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:

- Mrs Bramley has not engaged with the NMC and has not responded to any of the letters sent to her about this hearing;
- No application for an adjournment has been made by Mrs Bramley;
- 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 Bramley.

Decision and reasons on review of the substantive order

The panel decided to impose a striking off order.

This order will come into effect at the expiry of the current order, namely 22 February 2025, in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a substantive order, a conditions of practice order having originally been imposed for a period of 12 months by a Fitness to Practise Committee panel on 22 July 2022 and took force on 23 August 2022 (after the appeal period). This was reviewed on 5 July 2023 and a further conditions of practice order was imposed for a

period of 12 months. That order was reviewed on 20 August 2024 and the conditions of practice order was replaced with a six month suspension order.

The current order is due to expire at the end of 22 February 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

1) *On or around 19 July 2017 attended Patient Z's home outside of working hours. (PROVED BY ADMISSION)*

2) *On or around 20 July 2017;*

a) *Attended Patient Z's home outside of working hours. (PROVED BY ADMISSION)*

b) *Did not call for emergency assistance/ an ambulance for Patient Z. (PROVED BY ADMISSION)*

c) *Transported Patient Z to the hospital/ Accident & Emergency in your personal motor vehicle. (PROVED BY ADMISSION)*

3) *On or around 19/20 July 2017 failed to refer Patient Z to safeguarding in a timely manner. (PROVED BY ADMISSION)*

4) *On or around 5 February 2018;*

a) *Did not ensure that a safety needle was correctly disposed of in the sharps bin. (PROVED BY ADMISSION)*

b) *Did not ensure that a syringe was correctly disposed of in the sharps bin. (PROVED)*

c) *Did not ensure that a patient's clinic pack was correctly disposed of.*
(PROVED BY ADMISSION)

5) *On or around 14 April 2018 prepared/ drew up an incorrect dose of medication into a syringe for administration.* **(PROVED BY ADMISSION)**

And in light of the above your fitness to practise is impaired by reason of your misconduct.

That you, a registered nurse, whilst employed by City Health Care Partnership (CHCP), failed to demonstrate the standards of knowledge, skill, and judgement required to practise without supervision as a band 5 nurse, in that you:

6) *Did not record details of your visit to Patient Z's home on 19 July 2017 until 26 July 2017.* **(PROVED BY ADMISSION)**

7) *Did not record details of your visit to Patient Z's home on 20 July 2017 until 26 July 2017.* **(PROVED BY ADMISSION)**

8) *On or around 1 December 2017 did not make contemporaneous records regarding the insertion of a Nasogastric Tube.* **(PROVED BY ADMISSION)**

9) *On or around 19 December 2017 did not make contemporaneous records regarding the application of an absorbent wound dressing.* **(PROVED BY ADMISSION)**

10) *On or around 22 March 2018*

a) *Did not make contemporaneous records until 5 days after visiting a patient.* **(PROVED BY ADMISSION)**

b) *On one or more occasion did not make contemporaneous records of a within 24 hours.* **(PROVED BY ADMISSION)**

11) *On or around 31 May 2019, failed to ensure that you had completed 17 allocated Looked After Child reports/reviews.* **(PROVED BY ADMISSION)**

12) *Did not complete/satisfy the objectives of an action plan formally implemented on or around December 2017. (PROVED BY ADMISSION)*

13) *Did not complete/satisfy the objective of an action plan formally implemented in or around 11 July 2018. (PROVED BY ADMISSION)*

And in light of the above your fitness practise is impaired by reasons of your lack of competence.'

The original panel found that Mrs Bramley's actions in charges 2b, 2c, 4 and 5 constituted misconduct, and those in charges 6 to 13 showed a lack of competence.

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

'The panel noted that the last reviewing panel found that Mrs Bramley had limited insight and her misconduct and lack of competence put patients at risk of harm. This panel noted that Mrs Bramley has not engaged with these proceedings other than to state that she does not want her practice to be restricted. The panel noted the email dated 09 August 2024 in which Mrs Bramley states:

'I will not be employed under restricted practice. I want this over...'

It also noted the email from Mrs Bramley on 19 July 2024 which she stated:

'I am responding and confirming that I have received and read the report. As you are aware I have never been happy with this result. I was told it would be over in 18 months. I admitted to everything in the first decision. Nothing has changed, I have nothing to add. My career in nursing of 36 years ended the day I got the letter. You have sent the same report as the last 4 years , nothing has changed or investigated by the NMC in that time . COVID [sic] is no excuse at this time . No new information has been collected by NMC . I feel humiliated and I want it completing, 5 years is unnecessary and totally unacceptable amount of time . '

The panel has had no evidence before it today of any insight, remorse or strengthening of practice by Mrs Bramley. It determined that there has been no material change of circumstances since the last review hearing and that a risk of repetition remains. 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 both to protect patients and also to meet 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 Bramley's fitness to practise remains impaired.'

The second reviewing panel determined the following with regard to sanction:

'The panel did consider imposing no further sanction and allowing the order to lapse upon expiry with a finding of impairment on Mrs Bramley's record. This would mean that Mrs Bramley would no longer be on the register if she was to seek to return to the register, she would need to satisfy the Registrar that she was fit to practice. However, the panel had conflicting information from Mrs Bramley's on her intention to practise as a registered nurse. In her email dated 19 July 2024 Mrs Bramley said 'that her career in nursing of 36 years ended the day she got the letter' and in her email on 9 August 2024 she said 'I will not be employed under restricted practice. However, in another email on 9 August 2024 Mrs Bramley stated, 'I would like to return to practice'.

The panel therefore determined that it would be unsatisfactory to allow the order to lapse upon expiry.

It then considered the imposition of a caution order but determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Mrs Bramley's 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 regarded the failings which were found to be misconduct to be relatively minor, but considered that Mrs Bramley’s lack of competence was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. As a result 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 Mrs Bramley’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 noted that Mrs Bramley has not engaged with the conditions of practice order since its imposition on 22 July 2022. Mrs Bramley’s emails to the NMC suggest strongly that she is unwilling to practice in accordance with any conditions which might be imposed upon her practice. It noted the emails from Mrs Bramley on 9 August 2024 in which she states:

‘...I will not be employed under restricted practice.’

‘I’m not applying for nursing positions; I’m not being supervised as a band 5 that would be total humiliation...’

On this basis, the panel concluded, while a conditions of practice order is in principle workable, it is no longer the appropriate order in the present circumstances.

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. This will allow Mrs Bramley to decide whether she wishes to try to return to nursing. If she does, she will have one further opportunity to fully engage

with the NMC, develop and demonstrate her insight, and take steps to remediate and strengthen her practice. If she does not, she will be able to make her intentions clear to the NMC.

As Mrs Bramley has not been subject to a substantive order for two years, a striking-off order is not yet available in respect of her lack of competence. The panel determined that given that Mrs Bramley's misconduct was not fundamentally incompatible with remaining on the NMC register, a striking-off order in relation to misconduct would not be appropriate.

The panel therefore makes a suspension order for a period of six months. It is satisfied that this order, for this period, is the appropriate and proportionate sanction.

This suspension order will take effect upon the expiry of the current conditions of practice order, namely at the end of 22 August 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 extend the order or make a different order, it may revoke the order or reduce its length, or it may replace the order with another order for the duration of its current term. It may also make no order at all with the result that the order lapses upon expiry and Mrs Bramley would then cease to be registered.

The panel stressed that any future reviewing panel will need clarity on Mrs Bramley's future intentions regarding returning to nursing. If Mrs Bramley decided she wants to try to return to nursing this panel would emphasise the importance of her full engagement with the NMC, including her participation in the next review hearing. For Mrs Bramley to be able to speak to the panel is likely to be of assistance both to her self and to the panel.

In these circumstances any future panel reviewing this case would be assisted by:

- *A reflective statement which addresses*
 - *Mrs Bramley's insight as to what went wrong and how she would deal with similar circumstances in the future;*
 - *How Mrs Bramley's failings impacted on patient safety and the reputation of the profession;*
 - *What steps Mrs Bramley has taken to improve her practice in the following areas, in her current role:*
 - *record keeping*
 - *medication administration*
 - *patient safety*
- *Testimonials from Mrs Bramley's current employer that focus on her:*
 - *Current record keeping practices;*
 - *Current medication administration practices*
- *Evidence of relevant training'*

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Bramley'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, including the NMC bundle. It has also taken account of the submissions made by Ms Kyriacou.

Ms Kyriacou provided the panel with a background to Mrs Bramley's case. She highlighted the suggestions made by the last reviewing panel, as to what today's panel would be assisted by. Ms Kyriacou stated that none of those suggestions have been complied with and that Mrs Bramley has failed to provide this panel with information as to her future intentions to return to nursing practice.

Ms Kyriacou submitted that in the absence of any remediation and/or developing insight, the risk of repetition in Mrs Bramley's case remains. She reminded the panel that Mrs Bramley has been subject to a substantive order since 23 August 2022 and that, as of today, a striking off order is a sanction available to the panel. Ms Kyriacou also referred the panel to the NMC's guidance on '*Standard reviews of substantive order before they expire*', specifically:

'The panel will then go on to consider what has happened in the nurse, midwife or nursing associate's practice since the last hearing or meeting, and will take into account the following factors:

- Has the nurse, midwife or nursing associate complied with any conditions imposed? What evidence has the nurse, midwife or nursing associate provided to demonstrate this? What is the quality of that evidence and where does it come from?*
- Does the nurse, midwife or nursing associate show insight into their failings or the seriousness of any past misconduct? Has their level of insight improved, or got worse, since the last hearing?*
- Has the nurse, midwife or nursing associate taken effective steps to maintain their skills and knowledge? Does the nurse, midwife or nursing associate have a record of safe practice without further incident since the last hearing?*
- Does compliance with conditions or the completion of required steps demonstrate that the nurse, midwife or nursing associate is now safe to practise unrestricted, or does any risk to patient safety still remain?'*

However, Ms Kyriacou submitted that none of the above factors are apparent in Mrs Bramley's case.

Ms Kyriacou invited the panel to find that Mrs Bramley's fitness to practise remains impaired on both public protection and public interest grounds. She submitted that should the current order be extended, it is unlikely that Mrs Bramley will be able to return to unrestricted practice within a reasonable period of time and in this regard referred the panel to the NMC's guidance on '*Removal from the register when there is a substantive order in place*', namely:

'There is a persuasive burden on the professional at a substantive order review to demonstrate that they have fully acknowledged why past professional performance was deficient and through insight, application, education, supervision or other achievement sufficiently addressed the past impairments.

While Suspension Orders and Conditions of Practice Orders can be varied or extended, 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...

2. Lapse with impairment

Where the professional would no longer be on the register but for the order in place, a reviewing panel can allow the order to expire or, at an early review, revoke the order. Professionals in these circumstances will automatically be removed from the register, or lapse, upon expiry or revocation of the order. The panel will record that the professional remains impaired. A panel will allow a professional to lapse with impairment where: ...

Circumstances where lapse with impairment is likely to be appropriate include where

- a professional has shown limited engagement and/or insight, but this is reasonably attributable to a health condition; or*
- there has been insufficient progress*
 - in cases involving health or English language; or*
 - in other cases, where the lack of progress is attributable wholly or in significant part to matters outside the professional's control (e.g. health, immigration status, the ability to find work or other personal circumstances).'*

Ms Kyriacou stated that none of the factors stated are apparent in Mrs Bramley's case, and therefore it would not be appropriate to allow the current order to lapse with a finding of impairment. Ms Kyriacou submitted that Mrs Bramley has made negligible progress

towards addressing the issues regarding her fitness to practise, despite the burden being upon her to do so. In this regard, she invited the panel to impose a striking off order, given Mrs Bramley's lack of engagement, reflection, remediation and insight.

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 Mrs Bramley's fitness to practise remains impaired.

The panel did not have any evidence before it to suggest that Mrs Bramley had complied with the recommendations made by the previous reviewing panel. Despite Mrs Bramley's failings being capable of remediation, today's panel had no information before it to evidence that she had taken any steps to begin strengthening her practice. Additionally, Mrs Bramley has failed to demonstrate an understanding of how her misconduct impacted those in her care and the reputation of the nursing profession, as is the burden upon her. To the contrary, it appeared from the information before the panel, that since the last review hearing Mrs Bramley has ceased engaging with the NMC, her regulator in relation to these proceedings.

In the absence of any evidence demonstrating developing insight, remorse and/or remediation on behalf of Mrs Bramley, the panel determined that she remains 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. To do otherwise, would undermine the public confidence in the profession, given the seriousness of the failings found proved and Mrs Bramley's lack of engagement and insight shown.

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

Decision and reasons on sanction

Having found Mrs Bramley'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 first considered taking no further action and allowing the order to lapse upon expiry with a finding of impairment on Mrs Bramley's record. This would mean that Mrs Bramley would no longer be on the register and if she was to seek to return to the register, she would need to satisfy the Registrar that she was fit to practice. However, after having regard to the NMC's guidance (REV 3h), namely '*Removal from the register when there is a substantive order in place*', the panel determined that it would not be appropriate to allow the order to lapse upon expiry as the lack of engagement and/or insight is not apparently due to matters of health, nor external issues impacting Mrs Bramley's capability to comply, according to the information before the panel. It also determined that it would be inappropriate to revoke the current order for the same reasons.

The panel next considered replacing the current order with a conditions of practice order. However, given Mrs Bramley's previous failure to comply with such an order, her lack of engagement with the process, and her indication in August 2024 that she would refuse to do so again in the future, the panel determined that a conditions of practice order would not be a sufficient and/or appropriate response.

The panel next considered imposing a further suspension order. It noted its findings that Mrs Bramley has failed to demonstrate developing insight into and/or remediation of her failings, despite having ample opportunity to do so. The panel was of the view that evidence would be required to show that Mrs Bramley no longer posed a risk to the public. It determined that a further period of suspension would not serve any useful purpose in all of the circumstances as there is nothing to suggest that a further period of suspension is

likely to result in Mrs Bramley meaningfully engaging with the NMC including addressing the concerns surrounding her fitness to practise. The panel determined that it was necessary to take action to prevent Mrs Bramley from putting patients at an unwarranted risk of harm and concluded that the time had now been reached where the only sanction that would adequately protect the public and serve the public interest was a striking-off order. In forming this view, the panel had regard to the principle of proportionality and determined that the detriment encountered by Mrs Bramley from being struck off was outweighed by public interests.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 22 February 2025 in accordance with Article 30(1).

This decision will be confirmed to Mrs Bramley in writing.

That concludes this determination.