

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

**Interim Order Review Hearing  
Friday 31 January 2025**

Virtual Hearing

<b>Name of Registrant:</b>	<b>Brendan James Phair</b>
<b>NMC PIN</b>	19E0007C
<b>Part(s) of the register:</b>	Nurses part of the register Sub part 1 RN3: Mental health nurse, level 1 (2 May 2019)
<b>Relevant Location:</b>	England
<b>Panel members:</b>	Adrian Ward (Chair, Lay member) Jacqueline Metcalfe (Registrant member) Georgina Wilkinson (Lay member)
<b>Legal Assessor:</b>	Marian Gilmore KC
<b>Hearings Coordinator:</b>	Hazel Ahmet
<b>Nursing and Midwifery Council:</b>	Represented by Nawazish Choudhury, Case Presenter
<b>Mr Phair:</b>	Not present and not represented at the hearing
<b>Interim order to be reviewed:</b>	Interim conditions of practice order (18 months)
<b>Outcome of review:</b>	Interim conditions of practice order confirmed and continued.

**Decision and reasons on interim order**

## **Decision and reasons on interim order**

In all the circumstances the panel has concluded, on the basis of the information before it, that there remains a real risk of harm. Accordingly, the panel concluded that due to the seriousness of the allegations, which are wide ranging and involve vulnerable adults, attitudinal concerns, and matters of dishonesty; in this matter an interim order remained necessary on the grounds of public protection. The panel determined that there has been no further development in terms of Mr Phair's insight into his dishonesty or his allegations, however, did note that he has been complying with the conditions which have been placed on his practice.

The panel determined that an interim order is also otherwise in the public interest to maintain public confidence in the professions and to declare and uphold proper standards of conduct. The panel also took into consideration that some of these allegations were broadcasted on a BBC Panorama documentary episode. A well-informed member of the public would expect a registered nurse facing such allegations, to have an interim order imposed on their practice.

The panel next considered whether an interim conditions of practice order remains the appropriate and proportionate order in this case. The panel considered whether the current interim conditions of practice order would continue to provide the required level of public protection. The panel determined that there having been no material change in the circumstances of the case, an interim conditions of practice order remains appropriate and proportionate in order to maintain public protection and meet the public interest. The panel was of the view that the public would remain suitably protected by the implementation of the following conditions:

*'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 confine your practice as a registered nurse to one substantive employer at any time.
  
2. You must tell any prospective employer at the time of recruitment that:
  - a. you are subject to conditions imposed by this order;
  - b. that these conditions will continue pending determination of professional regulatory proceedings that are being brought against you; and
  - c. that you give your consent for your employer to seek further details concerning your professional regulatory proceedings from the NMC if the employer is minded to do so.
  
3. You must not be the sole nurse in charge at any time that you are providing nursing services.
  
4. You must meet with your line manager or supervisor fortnightly, to discuss:
  - a. Professional conduct
  - b. Record keepingA report on these and your compliance with these conditions must be sent to the NMC prior to any review meeting or hearing.
  
5. You must keep a reflective practice profile. The profile will:
  - Detail cases where you undertake or assist with challenging patients.
  - Set out the nature of the care given and how you responded to the situation.
  - Include reflection on all of the regulatory concerns and how you address these concerns in your current practice and ensure against repetition.
  - Contain feedback from your line manager or supervisor. You must send your case officer a copy of the profile every month. This profile must be presented to the panel at any future hearing or meeting reviewing these conditions.
  
6. You must keep the NMC 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.

7. You must immediately give a copy of these conditions to:

- a. Any organisation or person you work for.
- b. Any employers you apply to for work (at the time of application).
- c. Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.

8. 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.

9. 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 panel decided to confirm this interim conditions of practice order and it will run for the remainder of the current interim order.

Unless Mr Phair's case has already been concluded, this interim order must be reviewed before the end of the next six months and every six months thereafter. Additionally, Mr Phair or the NMC may ask for the interim order to be reviewed if any new evidence becomes available that may be relevant to the interim order.

At any review, the reviewing panel may revoke the interim order or any condition of it, it may confirm the interim conditions of practice order, or vary any condition of it, or it may replace the interim conditions of practice order with an interim suspension order.

In certain circumstances, it may be possible for the interim conditions of practice order to be reviewed by a reviewing panel at an administrative meeting. Mr Phair's case officer will write to him about this in due course.

A panel of the Fitness to Practise Committee has still to deal with the allegations made against Mr Phair. The NMC will keep Mr Phair informed of developments in relation to that issue.

This will be confirmed to Mr Phair in writing.

That concludes this determination.