

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

**Substantive Order Review Meeting
Tuesday, 9 April 2024**

Virtual Meeting

Name of Registrant: Sally Rita Furlong

NMC PIN: 73A2896E

Part(s) of the register: Registered Nurse
RN1: Adult Nursing: August 1976
RN3: Adult Nursing: November 1979

Relevant Location: Kent

Type of case: Lack of competence

Panel members: Dave Lancaster (Chair, lay member)
Donna Green (Registrant member)
Paula Charlesworth (Lay member)

Legal Assessor: Tim Bradbury

Hearings Coordinator: Samara Baboolal

Order being reviewed: Suspension order (12 months)

Fitness to practise: Impaired

Outcome: **Order to lapse upon expiry in accordance with Article 30 (1), namely 25 May 2024**

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 Furlong's registered email address by secure email on 20 February 2024.

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 8 April 2024 and inviting Mrs Furlong 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 Furlong 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 impose no further order and allow the current order to lapse upon expiry. This will come into effect at the end of 25 May 2024 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the second review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 26 April 2022. This was reviewed on 19 April 2023 where the order was continued for 12 months.

The current order is due to expire at the end of 25 May 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, between 16 January 2017 and 22 July 2018 failed to demonstrate the standards of knowledge, skill and judgement to practise without supervision as a band 6 nurse in that you:

- 1) Failed to adequately supervise and support a student nurse under your mentorship*
- 2) Failed to send GP letters without delay*
- 3) Sent a letter/fax to Patient A's GP surgery when the letter/fax should have referred to Patient H who was registered at a different GP surgery*
- 4) Failed to adequately document Patient I's care plan*
- 5) Failed to complete the core assessment for Patient B*
- 6) Failed to document adequate details of Patient C's depot injection*
- 7) NOT PROVED*
- 8) Failed to promptly request a letter be sent to a patient following an assessment thereby incurred a 2 month delay*
- 9) NOT PROVED*
- 10) NOT PROVED*
- 11) Failed to ensure a patient received their depot injection on the same day each month*

12) Requested a colleague administer a depot injection to Patient C on the wrong day

13) In relation to Patient R:

- a) Failed to document 'needs and risks'
- b) Failed to adequately document the 'mental state examination'
- c) Failed to obtain the patient's signature on the care plan
- d) Having failed to obtain the signature in charge 13 c) above, failed to document any reasons why the patient had not signed
- e) NOT PROVED
- f) Failed to adequately complete areas of the RIO notes, including:
 - i. Advance care/recovery plans
 - ii. Crisis and contingency plan
 - iii. Risk assessment

14) Failed to re-arrange a follow up appointment for Patient E

15) In relation to Patient F:

- a) NOT PROVED
- b) Failed to adequately complete areas of the RIO notes, including:
 - i. Behaviour
 - ii. Speech
 - iii. Presenting situation
 - iv. Current medication

16) Failed to arrange a home medic visit for Patient G

17) In relation to Patient Q:

- a) Failed to document any discussion with the medic regarding the CT scan results
- b) Failed to arrange a meeting with the patient to deliver their diagnosis

18) *In relation to Patient N:*

- a) *Failed to arrange an ECG*
- b) *Failed to arrange a home visit wellbeing check*

19) *Failed to arrange an appointment for a wellbeing check on Patient S*

20) *In relation to Patient T:*

- a) *Failed to conduct and/or document the core assessment*
- b) *Failed to adequately document the risk assessment*
- c) *Failed to adequately document the care plan*

21) *Failed to adequately document Patient L's 'mental state examination' without prompting and assistance*

22) *NOT PROVED*

23) *In relation to Patient HH:*

- a) *Failed to discuss medication with the doctor*
- b) *Failed to discharge the patient*

24) *NOT PROVED*

25) *In relation to Patient Z, failed to adequately document details including:*

- a) *Family and personal history*
- b) *Social history*
- c) *Formulation*
- d) *Pre-morbid history*

26) *Failed to complete the 'non-compliance' section of Patient S's notes*

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

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

'The panel noted that the original panel found that Mrs Furlong had shown no insight and had taken no steps to strengthen her practice. At this meeting the panel determined that there has been no change in circumstances as the panel had received no submissions from Mrs Furlong. Therefore, the panel had no evidence before it that Mrs Furlong has shown insight or any evidence of her strengthening her practice.'

The original panel determined that Mrs Furlong was liable to repeat matters of the kind found proved. Today's panel has received no new information to suggest that this risk has changed. In light of this the panel determined that Mrs Furlong 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 Furlong's fitness to practise remains impaired.'

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

'Having found Mrs Furlong'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 100 '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 did consider allowing the order to lapse. The panel considered the following NMC Guidance (REV-3H) 'Allowing orders to expire when a nurse or midwife's registration will lapse':

'The nurse, midwife or nursing associate will need to give the panel a clear explanation of their plans for the future away from nursing. Such information is only likely to be available if the nurse is in contact with us so it will be important for panel's to consider if the nurse is fully engaging with the process before deciding to take this option'.

It considered the brief correspondence from Mrs Furlong dated 31 May 2022 and 2 October 2022 in which she indicated that she does not want to work as a registered nurse again and that she is retired. However, the panel determined that there was no clear explanation provided in this correspondence. Furthermore, the panel noted that Mrs Furlong has not engaged with the NMC since October 2022, and determined that she has not been fully engaging in the process as outlined in the Guidance above.

Therefore, the panel concluded that to allow for the order to lapse is not appropriate at this stage.

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 Furlong's practice would not be appropriate in the circumstances. 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 Mrs Furlong's 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 Mrs Furlong's lack of competence. The panel has received information that Mrs Furlong does not intend to return to practise as a nurse. In view of Mrs Furlong's briefly stated indication that she does not intend to return to nursing, her lack of engagement with the NMC, the panel considered that any conditions of practice order would not be workable and would serve no useful purpose.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mrs Furlong further time to fully engage with the NMC and to provide further detail in relation to her intention to retire from nursing practice or to reflect on her previous failings.

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 12 months would provide Mrs Furlong with an opportunity to properly engage with the NMC. 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 25 May 2023 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. If Mrs Furlong provides more detailed information in line with the NMC's Guidance around her intention to retire, she can ask for an early review of this matter.

Any future panel reviewing this case would be assisted by:

- Mrs Furlong's engagement with the NMC by providing clear indications of her future intentions.'*

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Furlong'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.

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 Furlong's fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Mrs Furlong had demonstrated insufficient insight. At this meeting the panel noted that Mrs Furlong had disengaged with the NMC process and has not demonstrated any insight as a result.

In its consideration of whether Mrs Furlong has taken steps to strengthen her practice, the panel noted that Mrs Furlong has not been undertaking work as a registered nurse. It had regard to an email correspondence from Mrs Furlong, dated 20 February 2024, which states:

‘[PRIVATE]’

The last reviewing panel determined that Mrs Furlong was liable to repeat matters of the kind found proved. Today's panel has received no new information which changes this risk of repetition. In light of this the panel determined that Mrs Furlong remains liable to repeat

matters of the kind found proved. The panel therefore decided that a finding of continuing impairment remains necessary on the grounds of public protection.

For this reason, the panel finds that Mrs Furlong's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Furlong'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 had regard to its previous findings on impairment in coming to this decision. It bore in mind that its primary purpose was to protect the public and maintain public confidence in the nursing profession and the NMC as its regulator. In this case, there were concerns regarding Mrs Furlong's clinical practice. However, the panel took into account that no further action is the most appropriate order as Mrs Furlong has repeatedly and unequivocally stated that she is retired, and that she does not wish to return to work in nursing, [PRIVATE]. She has disengaged with the NMC process and indicated that she '[PRIVATE]. In an email, dated 20 February 2024, Mrs Furlong states:

[PRIVATE] so (sic) will not be looking for work'

The panel noted that Mrs Furlong only remains on the NMC register as a result of this order.

The panel noted that public protection would be maintained despite there being no sanction in place. Mrs Furlong would no longer be on the register, and if she did wish to rejoin the register, the panel's finding of impairment will be notified to the Registrar, and Mrs Furlong would have to demonstrate that she no longer poses a risk to patients and the public to be readmitted to the register.

The substantive suspension order will be allowed to lapse at the end of the current period of imposition, namely the end of 25 May 2024 in accordance with Article 30(1).

This will be confirmed to Mrs Furlong in writing.

That concludes this determination.