

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

**Substantive Order Review Hearing
Thursday, 11 April 2024**

Virtual Hearing

Name of Registrant: Olga Williams

NMC PIN 99Y0274E

Part(s) of the register: Registered Nurse – Sub Part 1
Mental Health Nursing – May 2002
Nurse Independent/Supplementary Prescriber –
September 2016

Relevant Location: West Northamptonshire

Type of case: Misconduct

Panel members: Judith Webb (Chair, lay member)
Sarah Freeman (Registrant member)
David Boyd (Lay member)

Legal Assessor: Robin Hay

Hearings Coordinator: Flynn Cammock-Nicholls

Nursing and Midwifery Council: Represented by Ben D’Alton, Case Presenter

Ms Williams: Present and not represented at the hearing

Order being reviewed: Conditions of practice order (12 months)

Fitness to practise: Impaired

Outcome: **Suspension order (6 months) to come into effect at the end of 16 April 2024 in accordance with Article 30 (1)**

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

At the outset of the hearing, Mr D'Alton, on behalf of the Nursing and Midwifery Council (NMC), made an application that parts of this hearing be held in private on the basis that proper exploration of your case involves reference to matters relating to your family and private life. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

You indicated that you did not oppose the application.

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 that it would go into private session as and when matters relating to your family and private life are raised to protect the privacy of you and your family.

Decision and reasons on review of the substantive order

The panel decided to replace the current conditions of practice order with a suspension order.

This order will come into effect at the end of 16 April 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the fourth review of a substantive order initially imposed as a suspension order for a period of 12 months by a panel of the Fitness to Practise Committee on 15 September 2020. 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 current order is due to expire at the end of 16 April 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, 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 third reviewing panel determined the following with regard to impairment:

'The panel considered whether your fitness to practise remains impaired.

The panel was concerned to note that your insight appears to have diminished considerably since the previous hearing. You told the panel that you did nothing wrong and that you only admitted to the charges to make your life easier. The panel considered that you have taken no responsibility for the fact that you were found to

have engaged in misconduct, and you believe you are being punished by these proceedings. As you do not accept that your practice was not of the required standard and have been unable to secure employment, you have been unable to take steps to strengthen your practice. Accordingly, the panel finds that there is a real risk of repetition and determined that a finding of continuing impairment is necessary on the grounds of public protection.

The panel accepted the previous panel's finding that impairment on public interest grounds is no longer required.

For these reasons, the panel finds that your fitness to practise remains impaired.'

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

'Having found your fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel's powers are set out in Article 30 of the Order. The panel has taken into account the NMC's published guidance on sanctions ('the SG'). It 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 the light of its finding of current impairment. 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 determined that due to the seriousness of the case and the public protection concerns that have 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 considered 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 confirming or varying the current 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 and workable.

Although the panel was concerned to note your diminished insight, it determined that a conditions of practice order remains the appropriate and proportionate order to address the level of risk in this case, and that any sanction more severe would be disproportionate. The panel was satisfied that indirect supervision remains reasonable and necessary, given the seriousness of the misconduct found proved in this case and your very limited insight at this hearing. It has acknowledged your concern that condition 3 of the current order is discouraging employers from hiring you. The panel noted that condition 3 is not unreasonable or impracticable as a condition of practice. It, however, decided to amend the wording of the condition to provide greater clarity.

Accordingly, the panel has varied the current conditions of practice order with immediate effect, pursuant to Article 30(2) of the Order. The panel is satisfied that the following varied conditions of practice will suitably protect the public and uphold the public interest:

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 limit your nursing practice to one substantive employer, which must not be an agency.*
- 2. You must not work as a non-medical prescriber outside of the areas of mental health and substance misuse services.*

3. *You must ensure that you are supervised by another registered nurse 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, another registered nurse.*
4. *You must work with your workplace line manager, mentor or supervisor (or their nominated deputy) to create a personal development plan (PDP). Your PDP must address the concerns about assessing patients, diagnosing patients, prescribing medication and record keeping.*
 - a. *You must send your case officer a copy of your PDP prior to the next NMC review hearing.*
 - b. *Meet with your workplace line manager, mentor or supervisor (or their nominated deputy) at least monthly to discuss your progress towards achieving the aims set out in your PDP.*
 - c. *Send your case officer a report from your workplace line manager, mentor or supervisor (or their nominated deputy), prior to the next NMC review hearing. This report must show your progress towards achieving the aims set out in your PDP.*
5. *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.*
6. *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.*
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.'*

Decision and reasons on current impairment

The panel first considered whether your fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has said that the question which will help decide fitness to practise is whether a nurse can practise kindly, safely, and professionally. In considering this case, the panel has carried out a comprehensive review of the order in the light of the current circumstances. Whilst it has noted the decision of the previous panels, this panel has exercised its own judgement as to current impairment.

The panel has had regard to all the documentation before it, including the NMC bundle. It has taken account of the submissions made by Mr D'Alton and by you, as well as the advice of the legal assessor.

Mr D'Alton outlined the background of the case and referred to the decisions of previous panels. He submitted that the initial charges found proved, which resulted in the imposition of the current substantive order, were serious. He submitted that you have not demonstrated remediation or insight into the areas of concern identified, in that you previously admitted to the charges, but have now changed your position and now maintain

your innocence to all the charges found proved. He submitted that a risk of repetition remains and that a finding of continuing impairment is necessary on the grounds of public protection and public interest.

On the matter of sanction, Mr D'Alton submitted that a conditions of practice order is currently unworkable due to your lack of insight. He informed the panel that the NMC's initial position today was that the panel should make a striking-off order. However, after a preliminary discussion with you, that position has changed. He submitted that the panel should impose a suspension order for a period of six months, to allow you further time to prepare for a future review. He submitted that it would be fair to allow you proper time to seek legal advice and prepare a response for a substantive order review hearing in about six months, at which the NMC intends to seek a striking-off order.

[PRIVATE].

You made submissions to the panel. You outlined your account of the background of the case. You maintained your innocence of all charges which were found proved at the substantive hearing in September 2020, and submitted that the only reason you previously admitted to the charges was because the regulatory process was making your life so difficult.

You said that you have raised a formal complaint about the way the NMC has handled your case and are considering making an appeal to the High Court.

You said that you have been unable to find employment because of your current conditions of practice order. The supervision requirements of the current order are too onerous and that you would oppose any striking-off order sought by the NMC at a future hearing.

In response to panel questions, you clarified that you supported the NMC's position that today's panel should impose a suspension order for six months, in that it would give you time to prepare a defence against a striking-off order which the NMC intends to seek at a future review hearing.

The panel accepted the advice of the legal assessor.

The panel was not bound by the decisions of previous panels. It has comprehensively reviewed the case.

The panel considered whether your fitness to practise remains impaired. In reaching its decision, it 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.

In making its decision on whether your fitness to practice remains impaired, the panel did not consider your ongoing complaint about the way the NMC has handled your case or your intention to appeal to the High Court.

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.

Decision and reasons on 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.

It 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).

Before the end of the period of suspension, another panel will review the order in line with Article 30.

Additionally, you or the NMC may ask for the substantive order to be reviewed early if any new evidence becomes available that may be relevant to the order.

This will be confirmed to you in writing.

That concludes this determination.