

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

Substantive Order Review Hearing

Tuesday, 6 February 2024 and Friday 9 February 2024 (handing down only)

Virtual Hearing

Name of Registrant: Jennifer Quashie

NMC PIN 00C10210

Part(s) of the register: Adult Nursing Level 1
24 February 2000

Relevant Location: East Sussex

Type of case: Lack of competence

Panel members: Melissa D'Mello (Chair, Lay member)
Sophie Kane (Registrant member)
Angela O'Brien (Registrant member)

Legal Assessor: Gerard Coll (Tuesday, 6 February 2024)
George Alliot (Friday, 9 February 2024)

Hearings Coordinator: Samara Baboolal

Nursing and Midwifery Council: Represented by Jemima Lovatt, Case Presenter (Tuesday, 6 February 2024) Represented by Bianca Huggins, Case Presenter (Friday, 9 February 2024)

Miss Quashie: Present and unrepresented (Tuesday, 6 February 2024) Not present and unrepresented (Friday, 9 February 2024)

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

Fitness to practise: Impaired

Outcome: **Suspension order (6 months) with a review to come into effect immediately in accordance with Article 30 (2)**

Decision and reasons on review of the substantive order

The panel decided to impose a suspension order of six months.

This order will come into effect immediately in accordance with Article 30(2) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 15 February 2023.

The current order is due to expire at the end of 15 March 2024.

The panel is reviewing the order pursuant to Article 30(2) 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 after 17 May 2019 spoke to Colleague A dismissively and/or rudely when she offered you help.
2. On 22 May 2019;
 - a. [PRIVATE].
 - b. Failed to warn Patient D that you were going to administer clexane injection, before you did so;
 - c. Failed to ask Patient D where on her body she wanted the clexane injection to be administered.
 - d. You were rude to Patient D;
3. [PRIVATE].
 - a. [PRIVATE].

b. [PRIVATE].

4. [PRIVATE].

a. [PRIVATE].

b. [PRIVATE].

5. On 7 August 2019;

a. Removed pillows from Patient G's bed which were there to provide him with support and comfort when he was in pain;

b. [PRIVATE].

c. [PRIVATE].

6. On or after 7 August 2019;

a. Raised your voice at Patient H's family and/or visitor/s;

b. Walked away from Patient H and/or his family member/s stating 'I can't handle this' or words to that effect;

7. [PRIVATE].

8. [PRIVATE].

9. On or after 8 February 2020; a. Were rude and/or abrupt to Patient J, and/or and/or b. [PRIVATE]. c. Spoke to Patient J belittlingly.

10. On 9 February 2020 administered long acting Lontec to an unknown patient when short acting Lontec was prescribed.

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

The original panel determined the following with regard to impairment:

'The panel found that patients were caused emotional harm as a result of your lack of competence. Your lack of competence had

breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

Regarding insight, the panel considered your reflective piece but were of the view that it was not specific enough to the incidents that occurred, instead you talk in general terms of what you will do differently but do not talk about the triggers to your behaviours or how you will cope if you were in other stressful situations. The panel acknowledged the significant and serious issues in your private life at the time of these events, but were of the view that you have not demonstrated how you will recognise your need for support in the future nor have you fully recognised the impact your mental health had on your practice at the time.

In its consideration of whether you have taken steps to strengthen your practice, the panel took into account the relevant training you have undertaken. The panel determined that the concerns raised are remediable but you have not demonstrated insight by reflecting on how you will translate your learning into practice. The panel noted that you have not provided any reflections on the training courses you undertook in December 2022 and there is no evidence of you analysing the journals/articles, that Dr Akinoshun said you had read over the past three years.

The panel is of the view that there is a risk of repetition based on your insight which is not yet fully developed, to mitigate the risk of repetition, despite not having any similar concerns arise in the past three years. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC are to protect, promote and maintain the health safety and well-being of the public and patients, and to uphold/protect the wider public interest, which includes promoting and maintaining public confidence

in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel determined that, in this case, a finding of impairment on public interest grounds was required.

Having regard to all of the above, the panel was satisfied that your fitness to practise is currently impaired.'

The original panel determined the following with regard to sanction:

'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 your engagement throughout the NMC hearing, the online training you have completed and the 'back to nursing programme' you fulfilled to be successfully reinstated on the NMC register in 2018. It therefore considered that you would be willing to comply with conditions of practice.

The panel had regard to the fact that these incidents happened a long time ago and that there is some evidence that progress is being made and that you have been practising safely over the past three years. The panel was of the view that it was in the public interest that, with appropriate safeguards, you should be able to return to practise as a nurse.

Balancing all of these factors, the panel determined that the appropriate and proportionate sanction is that of a conditions of practice order.

The panel was of the view that to impose a suspension order would be wholly disproportionate and would not be a reasonable response in the circumstances of your case.

Having regard to the matters it has identified, the panel has concluded that a conditions of practice order will mark the importance of maintaining public confidence in the profession, and will send to the public and the profession a clear message about the standards of practice required of a registered nurse.

In making this decision, the panel carefully considered the submissions of Ms Adeyemi in relation to the sanction that the NMC was seeking in this case. However, the panel considered that you should be provided with the opportunity to develop and demonstrate your insight into why these incidents occurred and what you have learnt that will assist you, should you again experience a period of significant stress.

The panel determined that the following conditions 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.

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 of band 6 (or equivalent) or above*
- Monthly meetings with your line manager to discuss your performance. These are to be recorded and sent to your NMC case officer every three months.*

You must inform the NMC of who your line manager is.

2. You must work with your line manager to create a personal development plan (PDP). Your PDP must address the concerns about your communication skills and managing stress. You must:

- Send your case officer a copy of your PDP no later than one month after starting the conditions of practice order.
- Send your case officer a report from your line manager every three months. This report must show your progress towards achieving the aims set out in your PDP and include the monthly meetings.

3. 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.

4. 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.

5. 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.

6. *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.*

7. *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 12 months.

Any future panel reviewing this case would be assisted by:

- *A reflective piece demonstrating your insight into management of stress, triggers to behaviour and how to recognise and manage these*
- *Reflective and insight of communication skills*
- *Your engagement and attendance at a future NMC hearing*
- *References and testimonials from your current managers and colleagues*
- *Any evidence of further relevant training.'*

Decision and reasons on current impairment

The panel heard and accepted the advice of the legal assessor.

The panel had particular regard to the NMC guidance on 'Standard reviews of substantive orders before they expire' REV-3a (last updated on 14 April 2021) and 'Insight and strengthened practice' FTP-13 (last updated 14 April 2021).

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. It has noted the decision of the last panel, but this panel has exercised its own judgement as to current impairment.

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 your fitness to practise remains currently impaired.

The panel considered that you now have a little insight and, for the first time, have taken the opportunity in these proceedings to apologise to your patients, colleagues, and your regulator. However, it remains concerning that your insight is limited, as evidenced in both your reflective piece and oral submissions, and that it continues to be primarily focused on your own perspective, needs and self-interest. You make very little reference to the potential effects your actions have had on patients, their families, your colleagues, your regulator or the reputation of the nursing profession. The information that you have been working in breach of your conditions of practice only emerged slowly, bit by bit, during the course of the hearing after extensive direct questioning from the panel. As such, the panel found that your engagement with the NMC and this panel has been less than full and frank.

The panel determined that you have breached Condition 1 and Condition 2, thereby putting patients and the public at unwarranted risk of harm. The panel also noted that during your oral submissions, there was inconsistency in your statements regarding compliance with the conditions, which raises additional concerns about your

commitment to comply with imposed conditions, integrity, your commitment to patient safety and the NMC Code. During your oral submissions, you initially claimed full compliance with all the conditions. However, upon further, very specific questioning by the panel, it was eventually revealed, in a piecemeal manner, that you had worked both unsupervised as the sole registered nurse on the premises for 1.5 – 2 hours during each day shift and during four-night shifts. You admitted that you were aware that this was not in line with the conditions of practice, and you said that you felt uncomfortable doing so due to concerns for public protection. You did not appear to recognise the gravity of your actions nor that working as the sole nurse on the premises could impact on patient safety, bring the profession into disrepute and imply that you were not operating within the NMC Code.

The panel were of the view that, had it not persisted in asking you very specific, direct questions regarding whether and when you had been working unsupervised, that this information would not have been forthcoming from you.

The panel further found that you had failed to comply with Condition 2, as you did not create a Personal Development Plan (PDP) with your line manager and submit it to the NMC within the stipulated timeframe. Although you said you had produced a handwritten PDP in August 2023, you only shared with your family and not your line manager, the panel found that this did not meet the requirements of the condition. The content of the handwritten PDP was also found to be generic and self-focused, lacking specific focus on the charges found proved and the needs of the patients.

The panel highlighted that both your reflective piece and your oral submissions regarding the substantive hearing charges were generic and lacked specificity on what you have learnt and what changes you will implement to protect the public. Additionally, the panel observed that you continue to deflect blame onto others particularly in relation to comments documented in your supervision records, even though you had signed and dated those records without any indication that you disputed the contents.

The panel had regard to the training certificates you have supplied and the list of course in your reflective piece however noted that there is no explanation of what

you have learnt from them or how that learning will impact your actions and behaviours.

Furthermore, while you appear to have good recognition of your own stress, there is a lack of clear understanding of how that stress affects your communication with others. The panel had regard to the comments in your supervision records at the Home, for example:

'...Jennifer stated that she is being supported by her care team but there are times that she feels they are not following her instructions. We discussed this at length...'

and

'...she also had some difficulties with her communication...'

and

'... Jennifer stated that she still has some concerns about staff following her instructions... Jennifer and I discussed some of her communication with the Ops. Manager during a staff meeting and that this had been blunt and not appropriate for the time/place. Jennifer stated that she can come across as blunt sometimes but meant no offence. We discussed this at length, Jennifer explained that at times her manner can be taken in the wrong context but she is aware of this and will ensure that this doesn't happen in future...'

[PRIVATE].

In light of the foregoing, the panel is of the view that as your insight is limited and as you have not remediated the charges found proved, there remains a significant risk of repetition. 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. It considered that members of the public would be concerned to learn that a member of the profession was allowed to return to unrestricted practice when there are deficiencies in insight and remediation and that you have knowingly breached your conditions of practice from the outset.

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

Decision and reasons on sanction

The panel had regard to the NMC Sanctions Guidance (SG).

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case and 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 seriousness of the case, and 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 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 imposing a further 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.

The panel took into account your evidence and oral submissions. You informed the panel that your representative had clarified the meaning of condition 1 in the original substantive hearing in February 2023, explicitly stating that you had been told you could not be the sole nurse on duty on the premises. The NMC case coordinator had also conveyed to you that working alone was not permitted. Despite this, the panel noted that you worked for approximately 1.5-2 hours a day on most day shifts you worked and additionally on at least four-night shifts. When asked about working unsupervised, you explained in your submissions that you had attended multiple interviews but were unable to secure a job due to the restrictions in the conditions of practice order. Consequently, you felt compelled to work unsupervised to avoid losing your job.

The panel has determined that, given this context, the existing conditions of practice are not practical, workable or proportionate. Your assertion of compliance does not align with your actions, and there has been a lack of timely and candid communication with the NMC regarding your breaches.

On this basis, the panel concluded that a conditions of practice order is no longer practicable and appropriate in this case. The panel concluded that no workable conditions of practice could be formulated which would protect the public or satisfy the wider public interest.

The panel had regard to the Conditions of Practice Order guidance Ref: SAN-3c which states '*A nurse, midwife or nursing associate must comply with the conditions of a conditions of practice order. It's a serious problem if they don't, and it could mean the panel reviewing the order will replace the conditions with a suspension order, or make a striking-off order.*'

The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest. After careful consideration, the panel has determined that a six-month period will provide you with an opportunity to reflect on your conduct and develop your insight. The panel also

expressed concern regarding your rather dismissive attitude towards these proceedings, and your conduct in knowingly and repeatedly breaching your conditions of practice and the NMC Code.

The panel noted that despite your eventual admission to breaching the conditions of practice you still believed yourself to be compliant 96% of the time. The panel also noted the aggravating factors identified by the substantive hearing panel.

The panel accepted that the imposition of a suspension order will have serious reputational and financial consequences for you but determined that the public interest outweighs your interest.

Accordingly, the panel determined to impose a suspension order for the period of six months, with a review. It considered this to be the most appropriate and proportionate sanction available. This suspension order will replace the current conditions of practice order with immediate effect in accordance with Article 30(2).

Since this is a competence case, and you have not had a two-year period of conditions of practice and/ or suspension, a striking off order is not currently available.

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.

Any future panel reviewing this case would be assisted by:

- Your attendance at any future hearing.
- A reflective statement sent to the NMC 14 days in advance of the hearing which demonstrates your understanding of your actions in the charges found proved and your subsequent breaches of your

conditions of practice, their impact on others and what steps you have taken to work towards strengthening your practice.

- a) patient's health and welfare
 - b) Relatives of patients
 - c) Your colleagues
 - d) Your regulator
 - e) public confidence in the nursing profession
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- Evidence of how you have maintained your nursing knowledge and how this will impact your practice in the future.
 - Testimonials from your line managers in either paid or unpaid work.

This will be confirmed to you in writing.

That concludes this determination.