

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

**Substantive Order Review Meeting  
Monday, 3 July 2023**

Virtual Meeting

**Name of Registrant:** Michaela Louise Beckwith

**NMC PIN** 95J0259E

**Part(s) of the register:** Registered Nurse - Sub part 1  
Adult Nursing – April 1999

**Relevant Location:** Lancashire

**Type of case:** Misconduct, Conviction and Health

**Panel members:** Sarah Lowe (Chair, Lay member)  
Tracey Chamberlain (Registrant member)  
Clive Chalk (Lay member)

**Legal Assessor:** Fiona Moore

**Hearings Coordinator:** Stanley Udealor

**Order being reviewed:** Suspension order (12 months)

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (12 months) to come into effect on  
17 August 2023 in accordance with Article 30 (1)**

## **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 Miss Beckwith's registered email address by secure email on 1 June 2023.

The panel took into account that the Notice of Meeting provided details of the review including the time, date and the fact that this meeting was heard virtually.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Miss Beckwith 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 application for hearing to be held in private**

At the outset of the hearing, the panel considered that Miss Beckwith's case involves matters relating to her health which should be kept private in accordance with Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel noted that although this was a private meeting which was not open to the public, it decided that any written reference to Miss Beckwith's health should be kept private and not made public, in accordance with Rule 19.

## **Decision and reasons on review of the current order**

The panel decided to extend the current suspension order for a period of twelve months.

This order will come into effect at the end of 17 August 2023 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive suspension order originally imposed for a period of twelve months by a Fitness to Practise Committee panel on 20 July 2022.

The current order is due to expire at the end of 17 August 2023.

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:

### **Details of misconduct charges**

*‘That you, a registered nurse:*

1) *On 28 February 2018*

a) *incorrectly administered 10mg of Oramorph medication to Patient A when their prescribed dose was 1.25 to 2.5mg pro re nata, or in the alternative,*

b) *.....*

2) *Failed to administer Co-Beneldopa medication to Patient B on*

a) *2 March 2018 at 20.00 hours;*

b) *3 March 2018 at 07.00 hours.*

3) *Failed to order Co-Beneldopa medication for Patient B on 2 March 2018 at 20.00 hours or within a reasonable time thereafter.*

4) *Failed to administer Eplenerone medication to Patient A on*

a) *3 March 2018;*

b) 4 March 2018

5) Failed to locate and/or order Eplenerone medication for Patient A on 3 March 2018.

6) Failed to notify a doctor that Patient A had not received their prescribed Eplenerone medication on

a) 3 March 2018;

b) 4 March 2018

7) Failed to co-operate with an NMC investigation in that you failed to undergo medical testing when requested to do so on a date or dates between 2 September 2019 and 28 January 2020.

8) Have or have had a health condition as set out in Schedule 1 below.

AND in light of the above, your fitness to practise is impaired by reason of your misconduct or health in relation to charges 1 to 6b), and/or your misconduct in relation to charge 7 and/or your health in relation to charge 8 above.

Private – Schedule 1

[PRIVATE]

### **Details of conviction charge**

That you, a registered nurse:

9) On 14 August 2018 were convicted at Blackpool Magistrates Court of

a) driving a car on 25 March 2018 after consuming so much alcohol that the proportion of alcohol in your blood, namely 186 milligrams of alcohol in

*100 millilitres of blood, exceeded the prescribed limit contrary to section 5(1)(a) of the Road Traffic Act and Schedule 2 to the Road Traffic Offenders Act 1988.*

*AND in light of the above, your fitness to practise is impaired by reason of your conviction in relation to charge 9 above.'*

The original panel determined the following with regard to impairment:

*'.....*

*The panel highlighted Dr 5's most recent report in [PRIVATE]:*

*" [PRIVATE]."*

*Further, the panel had no up-to-date information before it to suggest that Miss Beckwith is currently effectively managing her health issues. Miss Beckwith has [PRIVATE] and is no longer engaging in proceedings.*

*The panel reached the view that there is a risk of repetition based on Miss Beckwith's continuing health issues, and the absence of her engagement in proceedings and the absence of any evidence of remediation and/or insight to show that Miss Beckwith has developed strategies to prevent repetition of the situation that led to the charges. 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; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.*

*In view of Miss Beckwith's conviction and misconduct, alongside the health concerns in this case, the panel determined that a finding of impairment on public interest grounds is also required.*

*Having regard to all of the above, the panel was satisfied that Miss Beckwith's fitness to practise is currently impaired.'*

The original panel determined the following with regard to sanction:

*'.....*

*The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:*

- A single instance of misconduct but where a lesser sanction is not sufficient;*
- No evidence of harmful deep-seated personality or attitudinal problems;*
- In cases where the only issue relates to the nurse or midwife's health, there is a risk to patient safety if they were allowed to continue to practise even with conditions; and*

*The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register.*

*It did go on to consider whether a striking-off order would be proportionate due to its findings in relation to Charge 7 and Charge 9, the conviction charge. However, taking account of all the information before it, and of the mitigation provided, the panel concluded that it would be disproportionate. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in Miss Beckwith's case to impose a striking-off order.*

*Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction.*

*The panel noted the hardship such an order will inevitably cause Miss Beckwith. However, this is outweighed by the public interest in this case.*

*The panel considered that this order is necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.*

*The panel determined that a suspension order for a period of 12 months was appropriate in this case to protect the public and address the public interest.'*

## **Decision and reasons on current impairment**

The panel has considered carefully whether Miss Beckwith'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, included in 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 Miss Beckwith's fitness to practise remains impaired.

The panel considered the concerns about Miss Beckwith's nursing practice to be serious and that they pose a real risk to patients' safety and public protection. It noted that there

was no new information before the panel to indicate that Miss Beckwith's fitness to practise is no longer impaired nor any material change of circumstances since the original hearing. [PRIVATE] nor further engaged with the NMC.

[PRIVATE]

... her limited engagement with the NMC and her failure to strengthen her nursing practice, there remains a risk of repetition and consequent risk of harm to the public.

The panel therefore determined that a finding of continuing impairment was 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. It was of the view that a fully informed member of the public, aware of the proven charges in this case, would be very concerned if she were permitted to practise as a registered nurse without restrictions. 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 Miss Beckwith's fitness to practise remains impaired on public protection and public interest grounds.

### **Decision and reasons on sanction**

Having found Miss Beckwith'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 whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. 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 Miss Beckwith'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 considered that Miss Beckwith's failings were 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 a conditions of practice on Miss Beckwith's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

[PRIVATE] 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 Miss Beckwith's failings.

The panel considered the imposition of a further period of suspension. [PRIVATE] It further noted the email from Miss Beckwith to the NMC dated 28 January 2020 where she had indicated her desire to leave the NMC Register. The panel was of the view that a suspension order would allow Miss Beckwith further time to reflect [PRIVATE] and demonstrate steps to strengthen her nursing practice. It will also enable her to decide if she wants to continue practising as a registered nurse or to apply for a voluntary removal. The panel concluded that a further suspension order for a period of twelve months would be the appropriate and proportionate response.

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 twelve months.

The panel did consider a striking-off order, however it decided that this would be disproportionate at this stage.

The panel also considered whether it was appropriate to allow the current suspension order to lapse, given that Miss Beckwith's registration is only active because of the ongoing suspension order. The panel noted that this is only likely to be appropriate where a registrant is engaging with the NMC and where she has given a clear indication of her future career plans away from nursing. Accordingly, the panel determined that in the circumstances of this particular case, it would not be appropriate to allow the order to lapse at this time, as Miss Beckwith is not currently engaging, and there is no up to date indication of her future intentions as regards her nursing career.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 17 August 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.

Any future panel reviewing this case would be assisted by:

- Evidence of further engagement with the NMC.
- [PRIVATE]
- Confirmation of Miss Beckwith's future career plans with regards to her nursing practice or alternative career.

This will be confirmed to Miss Beckwith in writing.

That concludes this determination.