

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

**Substantive Order Review Meeting
Friday 21 July 2023**

Virtual Hearing

Name of Registrant: Alison Mary Morris

NMC PIN 9111612E

Part(s) of the register: Registered Nurse – Sub Part 1
RN1: Adult Nurse – 1 August 1995

Relevant Location: West Suffolk

Type of case: Misconduct

Panel members: Caroline Jones (Chair, Registrant member)
Laura Scott (Registrant member)
Robert Cawley (Lay member)

Legal Assessor: Charles Apthorp

Hearings Coordinator: Amie Budgen

Mrs Morris: Was not present and was not represented

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

Fitness to practise: Impaired

Outcome: **Conditions of practice order (12 months)**

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 Morris's registered email address by secure email on 3 May 2023.

The panel took into account that the Notice of Meeting provided details of the review including the time, dates 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 Mrs Morris 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 a further conditions of practice order for a period of 12 months. This order will come into effect at the end of 28 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 conditions of practice order originally imposed for a period of length by a Fitness to Practise Committee panel on 29 July 2022.

The current order is due to expire at the end of 28 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:

'That you, a registered nurse between March 2019 and 27 November 2019:

1) Failed to maintain accurate records in that you failed to:

- a) *Send letters to patients in a timely manner or at all;*
- b) *Record clinical notes in patient records;*
- c) *Record documents in patient records.*

2) *On or around 2 April 2019 failed to escalate concerns regarding a patient with deteriorating mental health who was indicated as a high risk of suicide.*

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

The original panel determined the following with regard to impairment:

'The panel finds that patients were put at risk of physical and emotional harm as a result of Mrs Morris's misconduct. Mrs Morris's misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

Regarding insight, the panel had no evidence before it to indicate that Mrs Morris had demonstrated any insight into her failings. The panel had no evidence of reflection from Mrs Morris nor was she engaging with the NMC's investigatory process. Mrs Morris attended a number of meetings aimed at remedying her conduct at a local level, but made no attempt to do so after these meetings were held. The panel had no evidence of any retraining or steps taken by Mrs Morris to strengthen her practice in areas where she was deficient.

The panel was satisfied that the misconduct in this case is capable of being remedied. Therefore, the panel carefully considered the evidence before it in determining whether or not Mrs Morris has taken steps to strengthen her practice. The panel took into account that when similar concerns were previously raised in 2017 regarding Mrs Morris's conduct, she appropriately addressed them and strengthened her practice.

The panel is of the view that there is a risk of repetition based on the fact that Mrs Morris has repeated the concerns and there appears to be a pattern of behaviour

developing in regards to failing to complete patient records. 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.

The panel determined that a finding of impairment on public interest grounds is also required because the trust the public have in the profession and its regulator would be undermined if no action is taken. The panel was of the view that in light of the charges, the public would expect some action to be taken in order to ensure safe and good practice is upheld.

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

The original panel determined the following with regard to sanction:

'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 Morris'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 Mrs Morris's 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 placing conditions of practice on Mrs Morris'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 took into account the SG, in particular:

- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *Identifiable areas of the nurse or midwife's practice in need of assessment or retraining;*
- *No evidence of general incompetence;*
- *Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- *The conditions will protect patients during the period they are in force; and*
- *Conditions can be created that can be monitored and assessed.*

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 had regard to the fact that other than these incidents, Mrs Morris has had an extensive career of 17 years as a nurse. The panel was of the view that it was in the public interest that, with appropriate safeguards, Mrs Morris should be able to return to safe and effective practise as a nurse.

Balancing all of these factors, the panel determined that 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 or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of this case because it considered there may be other reasons it was not yet aware of, why Mrs Morris had failed to undertake her responsibilities as a senior nurse. It considered that conditions will give Mrs Morris the opportunity to address her behaviour and rectify her practice, whilst not depriving the public of her extensive nursing experience.

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.

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 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.**

- 2. You must keep the NMC 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.**

- 3. 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**

4. *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.*

5. *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*

6. *You will send your case officer evidence that you have successfully completed record keeping and, risk management and escalation training.*

7. *You must work with your line manager to create a personal development plan (PDP). Your PDP must address the concerns about record keeping and, risk management and escalation. You must:*
 - a) *Send your case officer a copy of your PDP before any review.*
 - b) *Meet with your line manager at least fortnightly to discuss your progress towards achieving the aims set out in your PDP and include a record of such meetings.*
 - c) *Send your case officer a report from your line manager every month. This report must show your progress towards achieving the aims set out in your PDP.*

The period of this order is for 12 months.

Before the end of the period of the order, a panel will hold a review hearing to see how well Mrs Morris has complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- *Mrs Morris's engagement with the NMC process and attendance at future review hearings.*
- *A reflective piece demonstrating insight into the failings and steps to be taken to remediate the concerns.'*

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Morris'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 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 Morris's fitness to practise remains impaired.

The panel noted that the original panel found that Mrs Morris had insufficient insight. At this meeting the panel determined that Mrs Morris has still not provided evidence of insight, an understanding of how her actions put the patients at a risk of harm, nor an understanding of why what she did was wrong and how this impacted negatively on the reputation of the nursing profession.

In its consideration of whether Mrs Morris has taken steps to strengthen her practice, the panel took into account that Mrs Morris has not provided the NMC with any evidence of strengthened practice, noting that there has been no correspondence from Mrs Morris since August 2022 when the original substantive conditions of practice was imposed.

The original panel determined that Mrs Morris was liable to repeat matters of the kind found proved. Today's panel has received no new information to suggest that Mrs Morris is now not liable to repeat matters of the kind found proved at the original substantive hearing. In light of this the panel determined that Mrs Morris 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.

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 Morris's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Morris'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 Mrs Morris'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 Mrs Morris's 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 Mrs Morris's 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 next considered the continuation of the current conditions of practice order. It took into account that Mrs Morris has not engaged with the NMC since the imposition of the conditions of practice order on 29 July 2022 and there is no information before it to conclude that Mrs Morris has complied with any conditions imposed upon her practice.

The panel determined however, that based on the charges found proved at the original substantive hearing, the conditions of practice imposed were workable and proportionate. On this basis, the panel concluded that the imposition of the same conditions of practice order for a further 12 months and determined that this additional time would allow Mrs Morris to provide a future panel with evidence of her strengthened practice and compliance with the conditions of practice order.

The panel determined therefore that extending the current conditions of practice order is the appropriate sanction which would both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a further conditions of practice order for a period of 12 months. It considered this to be the most appropriate and proportionate sanction available.

The conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 28 August 2023, in accordance with Article 30(1).

Before the end of the period of conditions of practice order, 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:

- Mrs Morris's engagement with the NMC process and attendance at future review hearings.
- A reflective piece demonstrating insight into the failings and steps to be taken to remediate the concerns.

This will be confirmed to Mrs Morris in writing.