

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

**Substantive Order Review Hearing  
Tuesday 3 October 2023**

Virtual Hearing

**Name of Registrant:** Gillian Hood

**NMC PIN** 14A1235E

**Part(s) of the register:** Nursing, Sub Part 1 RNMH  
Registered Nurse - Mental Health (10 March 2014)

**Relevant Location:** Tyne and Wear

**Type of case:** Misconduct

**Panel members:** Rachel Ellis (Chair, Lay member)  
Richard Lyne (Registrant member)  
Helen Kitchen (Lay member)

**Legal Assessor:** Michael Levy

**Hearings Coordinator:** Debbie Olawore

**Nursing and Midwifery Council:** Represented by Louisa Simpson, Case Presenter

**Miss Hood:** Present and not represented at the hearing

**Order being reviewed:** Conditions of practice order (18 months)

**Fitness to practise:** Impaired

**Outcome:** **Conditions of practice order (12 months)  
to come into effect at the end of 8 November 2023 in  
accordance with Article 30 (1)**

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

The panel decided to extend the current conditions of practice order for 12 months.

This order will come into effect at the end of 8 November 2023 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the second review of a suspension order originally imposed for a period of 6 months by a Fitness to Practise Committee panel on 8 October 2021. This was reviewed on 30 March 2022 when the panel replaced the suspension order with conditions of practice order for a period of 18 months.

The current order is due to expire at the end of 8 November 2023.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

The charges found proved by way of admission which resulted in the imposition of the substantive order were as follows:

*'That you, a registered nurse:*

1. *On or around 18 February 2017 shouted at Service User 2 **[PROVED]***
2. *On or around 23 September 2017 in relation to Patient 1:*
  - a. *Said "you will pick it up" or words to that effect; **[PROVED]***
  - b. *Took items from the sink and banged them down on the bench; **[PROVED]***
  - c. *Snatched items from Patient 1; **[PROVED]***
  - d. *...**[NOT PROVED]***
  - e. *Stopped Patient 1 from leaving the area by:*
    - i. *holding her arm; **[PROVED]***
    - ii. *standing in her way; **[PROVED]***

- f. Said to other patients “see, she [Patient 1] is only doing this due to her mum not ringing,” or words to that effect. **[PROVED]**

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

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

*‘The panel acknowledged your character reference from your line manager at the retail fulfilment centre and that you have engaged with today’s proceedings. However, the panel was of the view that there remains a risk of repetition as you have not demonstrated any evidence of strengthening your practice or sufficient insight into what went wrong with your practice. It noted that you stated that you wish to return to nursing and that you are remorseful in relation to your misconduct, but you had not reflected fully on what caused the misconduct, how you could assure the panel it would not be repeated in a nursing environment, and the impact your misconduct had on psychologically vulnerable patients, on your colleagues and on the public’s confidence in the nursing profession. It determined that your insight is developing but is not sufficient to reduce the risk of repetition and therefore a finding of current impairment is necessary on 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 the seriousness of your misconduct has already been addressed by the six months suspension order and a finding of continued impairment on public interest grounds is no longer required.*

*For these reasons, the panel finds that your fitness to practise remains impaired on public protection grounds alone’.*

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

*'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 your practice would not be appropriate in the circumstances.*

*The panel considered substituting the current suspension order with a conditions of practice order. Despite the seriousness of your misconduct, there has been evidence produced to show that you demonstrated remorse and have developed limited insight into your failings. You indicated that you wish to return to nursing and would comply with any conditions of practice.*

*The panel was satisfied that it would be possible to formulate practicable and workable conditions that, if complied with, may lead to your unrestricted return to practice and would serve to protect the public.*

*The panel decided that the public would be suitably protected by the implementation of the following conditions of practice:*

*'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 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.*
  
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 must limit your nursing practice to a single employer that must not be an agency.*
  
7. *You must ensure that you are supervised any time you are working as a nurse. Your supervision must consist of working at all times on the same shift and in the same unit, but not always directly observed by, a registered nurse.*
  
8. *You must work with your line manager/supervisor/mentor to create a personal development plan (PDP). Your PDP must address the concerns about your communication skills, conflict resolution and stress management. You must:*
  - a) *Send your case officer a copy of your PDP within two weeks of commencing nursing employment.*
  - b) *Meet with your supervisor at least monthly to discuss your progress towards achieving the aims set out in your PDP.*
  - c) *Provide evidence that you have undertaken training in communication skills, conflict resolution and stress management and demonstrate how you have reflected on these and how they have been incorporated in your nursing practice.*
  - d) *Send your case officer a report from your supervisor every six months. This report must show your progress towards achieving the aims set out in your PDP.*
  
9. *You must provide a reflective piece 28 days before the review of this order for the panel demonstrating your insight into the misconduct found proved and the impact that it had on patients, the wider profession and the public.'*

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

The panel has considered carefully whether your 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, and the on-table bundle. It has taken account of the submissions made by Ms Simpson on behalf of the NMC, and submissions from you. Ms Simpson provided the panel with the background facts of the case and directed it to the relevant pages in the NMC bundles. She also directed the panel to the decision of the previous reviewing panel.

Ms Simpson submitted that you have not provided any evidence of remediation, or reflective piece before today's panel. She submitted that you have put patients at unwarranted risk of harm, brought the profession into disrepute and you have breached the fundamental tenets of your profession. She submitted there is a persuasive burden on every registrant in a review hearing to demonstrate that they have sufficiently addressed their impairment through insight, education, supervision, or other achievement. She submitted that the panel should be considering whether you have complied with the interim conditions of practice order. She submitted that you have not provided any reflective piece and you have not developed the level of insight required at this stage.

Ms Simpson submitted that your fitness to practise remains impaired on the grounds of public protection. She submitted that you have not taken sufficient steps to strengthen your practice, therefore the risk identified by the previous panel remains. She submitted that it is the NMC's position that your fitness to practise remains impaired at this stage. Ms Simpson submitted that in regard to sanction, taking no action and a caution order would be inappropriate because of the public protection concerns. She submitted that in order to ensure that the public is protected the panel would need to impose some form of restriction on your practice.

Ms Simpson submitted that a suspension order or a striking off order would be disproportionate at this stage as you have engaged with the NMC proceedings, and you have demonstrated a level of remorse in relation to what went wrong. She submitted that you need to be given further opportunity to fully develop an adequate level of insight and to address what went wrong by undertaking training courses. Ms Simpson then submitted that the proportionate order is to impose a further conditions of practice order for a period of 9 or 12 months to give you the opportunity to demonstrate remediation and to develop full insight into the concerns in this case.

You told the panel that since the imposition of the conditions of practice order, you have found it hard obtaining a nursing role. You told the panel that you have deep regret as to how you handled the situation, and you sincerely apologise for your misconduct. You told the panel that you acknowledge that your behaviour was uncalled for and unacceptable. You told the panel that you have been trying to secure a new nursing role, however you have been unsuccessful on all occasions because of the restrictions on your practice.

You told the panel that this situation has caused [PRIVATE], and you now doubt your ability as a nurse. You told the panel that the current restrictions on your practice have made you realise that you were wrong in the way that you acted and have led you to reflect on your nursing career. You told the panel that you wished you had handled the situation very differently as it is your responsibility as a registered nurse to take full accountability for your actions. You told the panel that you are currently a delivery driver and that is not what you want to do. You explained that after a brief search you are unable to find any course on communication skills, and you expressed your desire to return to nursing.

You told the panel that you have not undertaken any additional training online because you are not very good with technology, and you have found it very difficult to use. You told the panel that the length of time that the conditions of practice were imposed for has restricted you from getting employment.

You told the panel that if a similar issue were to arise again, you would be more understanding towards the patient, you would be calmer and not raise your voice, and you

would try to understand what the patient is struggling with and show more empathy towards them.

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 your fitness to practise remains impaired.

The panel noted that the last reviewing panel found that you had developing insight. Today's panel noted that you had continued to develop your insight, However, it was of the view that you had not developed sufficient insight into what went wrong with your practice, why it went wrong and its impact on patients, colleagues, and the profession to ensure it does not occur again.

In its consideration of whether you have taken steps to strengthen your practice, the panel noted that you have not undertaken any additional relevant training on communication skills, conflict resolution and stress management. The panel noted that you were remorseful, but you had not reflected fully on what caused the misconduct and how you can assure the panel that it would not be repeated.

The panel was of the view that there remains a risk of repetition as you have not demonstrated any evidence of strengthening your practice. It determined that your insight is not sufficient to reduce the risk of repetition and therefore a finding of current impairment is necessary on 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 not required.

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

## **Decision and reasons on 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 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 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 determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted that you have been unable to comply with conditions of practice due to your current

employment status, but you are engaging with the NMC and remain willing to comply with any conditions imposed.

The panel was of the view that a further conditions of practice order is sufficient to protect patients. In this case, there are conditions that could be formulated which would protect patients during the period they are in force.

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 your case. Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of 12 months, which will come into effect on the expiry of the current order, namely at the end of 8 November 2023. It decided to impose the following conditions which it considered 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 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.

3. 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 must limit your nursing practice to a single employer that must not be an agency.
  
7. You must ensure that you are supervised any time you are working as a nurse. Your supervision must consist of working at all times on the same shift and in the same unit, but not always directly observed by, a registered nurse.
  
8. You must work with your line manager/supervisor/mentor to create a personal development plan (PDP). Your PDP must address the concerns about your communication skills, conflict resolution and stress management. You must:
  - a) Send your case officer a copy of your PDP within two weeks of commencing nursing employment.
  - b) Meet with your supervisor at least monthly to discuss your progress towards achieving the aims set out in your PDP.
  - c) Provide evidence that you have undertaken training in communication skills, conflict resolution and stress management and demonstrate how you have reflected on these and how they have been incorporated in your nursing practice.
  - d) Send your case officer a report from your supervisor every six months. This report must show your progress towards achieving the aims set out in your PDP.

The period of this order is for 12 months. The panel was of the view that this would give you sufficient time to obtain work in a healthcare setting and demonstrate that you have strengthened your practice and further developed your insight.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 8 November 2023 in accordance with Article 30 (1).

Before the end of the period of the order, a panel will hold a review hearing to see how well you have 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:

- A reflective piece demonstrating your insight into the misconduct found proved and the impact that it had on patients, the wider profession, and the public.
- Any references or testimonial which particularly comment on your communication skills, conflict resolution and stress management.

This will be confirmed to you in writing.

That concludes this determination.