

Conduct and Competence Committee

Substantive Order Review

Friday 12 August 2016

Nursing and Midwifery Council, Pharmaceutical Society of Northern Ireland, 73
University Street, Belfast, BT7 1HL

Name:	Ide Warren
NMC PIN:	10F1257E
Part(s) of the register:	Registered Nurse – Sub part 1 Adult – 20 May 2011
Type of case:	Lack of competence
Area of Registered Address:	Northern Ireland
Panel Members:	Barbara Stuart (Chair/Lay Member) Mary McCartney (Registrant Member) Joseph Magee (Lay Member)
Legal Assessor:	Michael Ranaghan
Panel Secretary:	Richard Webb
NMC:	Represented by Richard McLean, NMC Regulatory Legal Team
Registrant:	Not present and not represented
Order to be reviewed:	Suspension order
Decision:	Striking-off order (upon the expiry of the current order)

Proof of Service:

Notice of this hearing was sent to Ms Warren on 6 July 2016. That notice was sent by recorded delivery and by first class post to her registered address as listed on the Nursing and Midwifery Council (NMC) register. The notice made clear that the case would be heard on 12 August 2016.

The panel accepted advice from the legal assessor. The panel took account of the copies of an extract from the NMC's recorded delivery post book and submissions from Mr McLean, the case presenter on behalf of the NMC.

In light of all of the information available, the panel has determined that Notice of this hearing has been served in accordance with the requirements of Rules 11 and 34 of the Nursing and Midwifery Council Fitness to Practise Rules (2004).

Proceeding in the absence of the registrant:

The panel was provided with correspondence from Ms Warren's representatives to the NMC, the most recent an email dated 01 August 2016, which stated that Ms Warren would not be attending the hearing due to her health. In the email the solicitors invited the panel to consider previous representations submitted by the registrant.

Mr McLean stated that there has been no request for an adjournment and submitted that, in light of the documents received from Ms Warren, it would be fair and reasonable, and in the public interest, for the hearing to proceed today, despite her absence.

The panel accepted the advice of the legal assessor.

In deciding whether or not to proceed in the absence of Ms Warren the panel has exercised the utmost care and caution and has considered the factors set out in the case of R v Jones [2002] UKHL5.

The panel noted that Ms Warren has not requested that the hearing should be adjourned and there is nothing to indicate that she would attend at a later date. The panel was of the view that adjourning this statutory review today would serve no useful purpose.

Having regard to all the circumstances, the panel was satisfied that it is fair and reasonable, in the interests of justice and in the public interest to proceed today notwithstanding Ms Warren's absence.

Decision:

This is the third review of a suspension order first imposed on 7 July 2014. The order was reviewed on 9 July 2015 and the suspension order was extended for a further 12 months. The order was extended for a further 3 months at a meeting on 27 May 2016 which came into effect on the expiry of the original order in August 2016. The current order is due to expire in November 2016.

At the substantive hearing the following charges were found proved:

That you whilst employed by Mid Essex Hospitals NHS Trust as a Health Care Assistant between 23 March 2011 and 8 June 2011 and as a Staff Nurse between 9 June 2011 and 10 February 2012 on Rayne Ward, Broomfield Hospital, Chelmsford failed to demonstrate the standards of knowledge, skill and judgement required to practise without supervision as a qualified nurse and/or Band 5 staff nurse in that you:

6. On 26 October 2011,

- 6.1 *Left an unknown patient on a bed pan in a wet bed for approximately 20 minutes;*
- 6.2 *Intended to administer insulin to an unknown patient who was already receiving a sliding scale of insulin;*
- 6.3 *Did not wash the hands and/or face of the above patient.*

7. On 27 October 2011,

7.1 *Before catheterising an unknown patient, you did not change your gloves which you had used to clean the patient who had soiled herself.*

8. On 16 November 2011,

8.1 *Left a syringe of oramorph on an unknown patient's bed;*

8.2 *Did not witness the administration of the patient's oramorph;*

8.3 *Signed to say that the patient's oramorph had been administered when it had not.*

9. On 19 November 2011

9.1 *Did not adequately complete an incident form for an unknown patient who was admitted to the Hospital with a grade 4 pressure sore;*

9.2 *Did not document whether the patient's pressure sore was dressed;*

9.3 *Did not document whether the patient required a pressure relieving mattress;*

9.4 *Gave an inadequate handover in that you*

9.4.1 *...*

9.4.2. *Did not know why one of your patients was on a cardiac monitor;*

9.4.3. *Had to be supported by Ms 10.*

10. *On 21 November 2011, wrongly administered antibiotics to an unknown male patient which had been checked for administration to an unknown female patient.*

11. *On 5 December 2011, incorrectly administered Metformin 500mg to an unknown patient who was on a sliding scale of insulin.*

The previous review panel made the following comments in relation to its decision to extend the suspension order:

"The panel considered the imposition of a further period of suspension. It noted Ms Warren's desire to come off the register. The panel considered the effect of a continued suspension order on Ms Warren's health and the knowledge that she would not be in a

position to fully remediate her previous failings. However, the panel does not have the power to remove Ms Warren's name from the register until a continual period of suspension of at least two years has been imposed on her registration.

At this current time, the panel concluded that a further three month suspension order would be the appropriate and proportionate response. This order would be reviewed again after such a time when Ms Warren had been suspended from the register for a continual period of two years. At the next review hearing, the powers of the panel would include making a striking-off order and Ms Warren's representatives would be able to make appropriate submissions in this regard.

Accordingly, the panel will extend the suspension order for a further period of three months to take effect upon the expiration of the current order at the end of 5 August 2016, in accordance with Article 30(1) of the Order.

In this regard, the panel invites the NMC to schedule the next review hearing of Ms Warren's suspension order on a date as near to 6 August 2016 as possible."

The review panel today heard the submissions of Mr McLean and considered all the relevant documentary evidence put before it including that provided by Ms Warren.

The panel accepted the advice of the legal assessor.

The panel had regard to the documentation Ms Warren has provided to previous reviewing panels.

The panel took into consideration the medical evidence which detailed the extent of Ms Warren's ongoing health issues. The information before the panel was that, due to the complexities of Ms Warren's health issues, she is not fit to work as a registered nurse.

The panel also considered a letter from Ms Warren's representatives, dated 7 July 2015, which stated that due to the longstanding nature of Ms Warren's health condition, her health will not improve to a point where she will ever be in a position to address the

matters regarding her practice which led to her suspension. The letter stated that, in light of Ms Warren's health, it is "fair and reasonable now to allow Ms Warren's voluntary resignation never to practise as a nurse and this commitment achieves the intended aim of the RCN and the CC&C to protect the public whilst taking cognisance of her severe medical history and the inevitability that she will never work again."

The panel also acknowledged Ms Warren's enquiries regarding Voluntary Removal from the register due to the nature of her health condition but is aware that this option is not available to Ms Warren. The legal assessor also advised the panel that this option is not possible in the circumstances of this case.

The panel accepted that due to Ms Warren's debilitating health condition, she has not been able to address any of the reviewing panel's suggestions and most likely will not be able to in the future.

The panel has borne in mind that its primary function is to protect patients and has also considered the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The original panel found that Ms Warren lacked competence in the most basic of nursing duties and that this lack of competence presented a risk of harm to patients. As Ms Warren has been unable to demonstrate any remediation or insight into her lack of competency, the panel finds that Ms Warren's fitness to practise remains impaired.

The panel considered the range of sanctions available to it, set out in the NMC's Indicative Sanctions Guidance (June 2012), and applied the principle of proportionality.

The panel first considered whether to take no action or to impose a caution but concluded that this would be inappropriate in view of Ms Warren's inability to remediate her previous failings as a result of her health condition.

The panel next considered the imposition of a conditions of practice order. The panel was of the view that a conditions of practice order would not be appropriate or workable as Ms Warren is not in a position to practise as a nurse at this time.

The panel next considered a suspension order. The panel noted that Ms Warren has been subject to a suspension order for over two years. Due to her health, Ms Warren has not been able to demonstrate remediation into her lack of competence during this time and the panel concluded that she remains a significant risk to patients. In these circumstances the panel concluded that a further suspension order would serve no purpose.

The panel next considered a striking off order. It noted Ms Warren's desire to come off the register voluntarily. The panel considered the effect of a continued suspension order on Ms Warren's health in the knowledge that she would not be in a position to remediate her previous failings. The panel also bore in mind the original finding at the substantive hearing that Ms Warren's lack of competence concerned areas of basic nursing skills. Ms Warren's health is such that it is highly unlikely she will be able to address the issues with her practice to the extent that her removal from the register is no longer necessary. Extending the current suspension order would serve no useful purpose and would merely prolong this matter unnecessarily for Ms Warren.

The panel considered the wider public interest which includes the protection of the public, maintenance of public confidence in the profession and the regulator, and the declaring and upholding of proper standards of conduct in the profession.

In light of all the above, panel concluded that a striking off order was appropriate and proportionate in the circumstances of this case.

The panel concluded that the striking off order should take effect upon expiry of the current order under Article 30(1) (b) of the Nursing and Midwifery Order 2001.