Conduct and Competence Committee

Substantive Order Review Meeting

05 May 2017

Nursing and Midwifery Council, 2 Stratford Place, Montfichet Road, London, E20 1EJ

Name of Registrant Nurse: Michelle Dawn Dredge

NMC PIN: 07E1266E

Part(s) of the register: Registered Nurse – sub part 1
Adult- November 2007

Area of Registered Address: England

Panel Members: Eileen Skinner (Chair/Lay member)
Claire Gill (Registrant member)
Thomas Woods (Lay member)

Legal Assessor: Monica Daley

Panel Secretary: Marina Jones

Order being reviewed: Suspension order (6 months)

Outcome: Striking off order to come into effect at the end of 15 June 2017, in accordance with Article 30 (1)
**Decision on Service of Notice of Meeting:**

The panel was informed that written notice of this hearing had been sent to Mrs Dredge’s registered address by recorded delivery and by first class post on 13 March 2017. Royal Mail “Track and Trace” documentation confirmed that the notice of meeting was sent to Mrs Dredge’s registered address by recorded delivery on that date.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mrs Dredge has been served with notice of this meeting in accordance with the requirements of Rule 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 strike Mrs Dredge off the register. This order will come into effect at the end of 15 June 2017 in accordance with Article 30 (1).

This is the second review of a suspension order originally imposed by a panel of the Conduct and Competence Committee on 13 November 2015 for 12 months. The order was extended for 6 months on 01 November 2016. The current order is due to expire on 15 June 2017.

The panel is reviewing the order pursuant to Article 30(1) of the Nursing and Midwifery Order 2001 (the Order).

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

That you, a registered nurse whilst employed by Glenside Healthcare Services as the Service Manager of Pembroke Lodge:

1. On or around 29 November 2013, having been informed that Patient A had been verbally abused by Staff Member A, failed to report and/or escalate the matter in a timely manner to a clinical service manager.

2. On or around 17 January 2014, having been made aware that Patient A had been hospitalised following the incorrect fitting of a catheter by Staff Member B:
   a. failed to report and/or escalate the matter to a clinical service manager
   b. NOT PROVED
   c. failed to ensure an incident report form was completed

3. After 17 January 2014, in respect of Staff Member B:
a. NOT PROVED

b. failed to prevent them from fitting catheters in patients until deemed competent to do so

c. NOT 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:

This reviewing panel first considered whether Mrs Dredge’s fitness to practise is currently impaired. The panel considered the facts found proved by the panel at the substantive hearing and the reasons for these findings.

The panel determined that Mrs Dredge did not appear to have made any attempt to engage with the NMC process including at the substantive hearing. It further noted she did not send any written submissions to the NMC prior to the substantive hearing.

This panel has seen no written submissions from Mrs Dredge and no information has been given to the panel to suggest that there have been any attempts by Mrs Dredge to remediate her failings.

In the absence of any new information, the reviewing panel is therefore left to consider whether the findings of fact made by the substantive panel, which amounted to misconduct, continue to establish current impairment. The panel has concluded that, given the absence of any information before this panel that Mrs Dredge’s failings have been remediated, there would be an ongoing risk to the public if she were to return to practise unrestricted.

The first reviewing panel determined the following with regard to sanction:
Having decided that Mrs Dredge’s fitness to practise is impaired, the panel considered what sanction, if any, it should impose in respect of her registration. In reaching its decision on sanction, the panel has considered all the information that has been placed before it.

The panel also took into account the aggravating and mitigating factors that were determined by the substantive panel.

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the risk of repetition identified and potential seriousness of that risk. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

The panel then considered whether to impose a caution order but concluded that this would be inappropriate in view of the identified risk of repetition and the potential risk of harm to the public. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel then considered whether to impose a conditions of practice order. The panel found that it was unable to formulate workable conditions that would be complied with by Mrs Dredge due to her lack of engagement in the NMC process to date. The panel had not been provided with any information relating to Mrs Dredge’s current employment.

The panel considered the imposition of a further period of suspension. Taking all the evidence into account, including the fact that Mrs Dredge has not attempted to remediate her failings, the panel considered that a striking off order is the only likely option in the future should she continue to fail to engage with NMC proceedings. However, it considered that a suspension order for a further period of six months, at this stage, would give Mrs Dredge further time to reflect and engage with the NMC process if she does wish to return to nursing.

Decision on current fitness to practise
The panel has considered carefully whether Mrs Dredge’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. It has noted the decision of the last panel. However, it has exercised its own judgment as to current impairment.

The panel has had regard to all of the documentation before it.

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 Dredge’s fitness to practise remains impaired and considered the judgement of Mrs Justice Cox in the case of NMC v Grant at paragraphs 74 and 76. It found limbs a), b) and c) of paragraph 76 engaged.

The panel noted that Mrs Dredge has not engaged with the NMC process, including her substantive hearing. The panel has no information before it from Mrs Dredge.

The panel determined that there was no evidence of any material change in circumstances since the original panel’s findings that “Mrs Dredge has limited, if any, insight”. The panel has no evidence that Mrs Dredge has developed any insight into her failings or that she has taken any steps to remediate them. The panel noted that the original panel provided Mrs Dredge with a list of recommendations that may assist future reviewing panels in making a decision on her fitness to practise, but she has not met these.

In the circumstances, the panel considers that there is a real risk of repetition of Mrs Dredge’s misconduct which could place patients at risk of harm. It therefore determined that her fitness to practise remains impaired and that some restriction on her practice is necessary in order to protect the public.
Determination on sanction

Having found Mrs Dredge’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 29 of the Order. The panel has also taken into account the NMC’s Indicative Sanctions Guidance (ISG) 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 was of the view that the aggravating and mitigating factors outlined by the original panel still apply, namely:

The panel considered the aggravating and mitigating factors in this case. It found the following to be aggravating factors:

- **The extreme vulnerability of Patient A**
- **The charges relate to two separate safeguarding incidents**
- **Actual patient harm**
- **Mrs Dredge’s decision to instruct staff that all incident forms and concerns would go through her, and her subsequent failure to act on this**
- **As a manager, her failure to protect the best interests of her patients and staff at the Lodge**
- **Mrs Dredge’s limited insight and remorse**

The panel found the following to be mitigating factors:

- **The evidence before the panel that Mrs Dredge was previously a good nurse**
- **No previous disciplinary issues or regulatory referrals**
- **Mrs Dredge’s engagement with the investigation and disciplinary hearing at Glenside**
- **Mrs Dredge’s early admission of fault in some areas during the investigation by Glenside**
The panel also considered that Mrs Dredge’s continued and sustained lack of engagement in these proceedings is now an additional aggravating factor.

The panel first considered whether to take no action but concluded that this would be inappropriate. To take no further action would not place restrictions on Mrs Dredge’s practice and so would not protect the public.

The panel then considered whether to impose a caution order but concluded that this would be inappropriate in view of the risk of repetition identified. To impose a caution order would not place restrictions on Mrs Dredge’s practice and so would not protect the public.

The panel next considered a conditions of practice order. The panel had no evidence to suggest that Mrs Dredge would comply with any conditions and could not formulate any that would be workable in these circumstances. In any event, given the fact that the failings in this case have not been remediated, the panel considered that a conditions of practice order would not sufficiently protect the public, or uphold public confidence in the profession.

The panel next considered imposing a further suspension order. It took into account the fact that Mrs Dredge has been under a suspension order for a period of 18 months and has not engaged with the NMC proceedings either before the substantive order was imposed or since.

This panel noted the previous panel’s decision on sanction that “a striking off order is the only likely option in the future should she continue to fail to engage with NMC proceedings”. Whilst this panel has reached its own decision in this matter, it considered that the previous panel alerted Mrs Dredge to the strong possibility that her continued failure to engage might lead to her erasure. This panel has noted that the charges arose out of incidents that occurred in 2013 and 2014 and that, despite the passage of time, there is no evidence of further insight or remediation. The panel was of the view that Mrs Dredge has had sufficient opportunity to start to engage and develop insight into her failings but she has not done so. The panel determined that a further period of suspension would serve no purpose and was of the view that public confidence in the
NMC as a regulator would be undermined if Mrs Dredge was not removed from the register, given her continued lack of engagement.

The panel therefore imposed a striking off order.

This decision will be confirmed to Mrs Dredge’s in writing.

That concludes this determination.