Name of applicant: Susan A Bellamy
Former NMC PIN: 74Y1374E
Former part(s) of the register: Registered Nurse – Sub part 2 Adult (September 1976)
Area of Registered Address: England
Panel Members: Anne Owen (Chair, Registrant member)
                Jayanti Durai (Lay member)
                Allwin Mercer (Registrant member)
Legal Assessor: Gillian Hawken
Panel Secretary: Jonathan Storey
Mrs Bellamy: Present but not represented
Nursing and Midwifery Council: Represented by Ruth-Ann Cathcart, Case Presenter
Outcome: Application for restoration granted subject to you completing a return to practice course
This is a hearing of your first application for restoration to the register of the Nursing and Midwifery Council (NMC). On 13 June 2013, a panel of the Conduct and Competence Committee directed that your name be removed from the NMC’s register based on its findings with regard to the facts of your case and that your fitness to practise was impaired. This application has been made by you in accordance with Article 33 of the Nursing and Midwifery Order 2001 (the Order), as at least five years have now elapsed since the date of your strike-off.

At this hearing, the panel may reject your application or it may grant your application unconditionally. It may also grant your application subject to you satisfying the requirements of Article 19(3) and it may make a conditions of practice order.

The panel considered your application for restoration to the NMC’s register.

**Background**

At the material time, you were the Home Manager at Southwold Nursing Home (the Home), one of a number of homes owned and managed by Anchor Homes. The Home was a 41 bedded nursing home for the elderly. On 10 March 2010, the NMC received a referral from a Care Specialist Team Manager for Anchor Homes in relation to your practice, regarding a number of concerns.

Patient A was a resident at the Home. On 15 April 2009, extensive unexplained bruising was discovered. Following the discovery of the unexplained bruising of Patient A on or around 15 April 2009, you did not carry out an adequate investigation into the cause of the bruising. Further, nor did you adequately document any investigation carried out following the discovery of the bruising or notify the Care Quality Commission (CQC) in accordance with Regulation 37 or Manchester City Council Safeguarding team in a timely fashion.

Between 10 January 2008 and 16 June 2009, you did not ensure that all continence assessments were completed in the Home as required by the specialist continence service. It was also found that you did not ensure that there was effective medication
management within the Home. In your capacity as Home Manager, you did not supervise Ms 1, your deputy, adequately in relation to the matters giving rise to the charges.

You were suspended from the Home following an internal investigation. You did not attend a disciplinary hearing, as you resigned from your post.

The panel at the substantive hearing considered the following charges:

That you, whilst working as home manager for Anchor Homes at Southwold Nursing Home (the Home):

1. in relation to Patient A you:
   a. did not carry out an adequate investigation following the discovery, on or around 15 April 2009, of unexplained bruising;
   b. did not adequately document the investigation carried out following the discovery of the bruising;
   c. did not notify the Care Quality Commission in a timely fashion following the discovery of the bruising;
   d. did not notify Manchester City Council Safeguarding Team in a timely fashion of the bruising

2. between 10 January 2008 and 16 June 2009 did not ensure that continence assessments were completed for all residents at the Home;

3. did not ensure that there was effective medication management within the Home;

4. did not adequately supervise Deputy Manager [Ms 1] in that you did not ensure that she undertook the tasks set out at:
   a. 1a above;
   b. 1b above;
   c. 1c above;
d. 1d above;
e. 2 above;
f. 3 above;

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

You did not attend the substantive hearing. However, you made admissions to charges 1b, 2, 3 and 4 (in its entirety) in writing. The panel at the substantive hearing found all of the remaining charges proved.

In making its decision on impairment, the panel at the substantive hearing stated the following:

“The Panel had regard to Mrs Bellamy’s submissions that there was no abuse and that she did not believe that Patient A was put at risk or suffered any injury. Through her failure to understand and appreciate the risk of harm to Patient A and other residents at the Home, as a result of an unexplained injury, the Panel considers that Mrs Bellamy has in the past and is liable in the future to act so as to put patients at unwarranted risk of harm. The Panel determined that although Mrs Bellamy admitted most of the allegations against her, she does not fully accept responsibility for her failings and this suggests a lack of insight and an attitudinal issue on her part which the Panel considers would be difficult to remedy.

Mrs Bellamy has not attended these proceedings as is her right and to which the Panel draws no adverse inference. She has made written submissions and the Panel notes that she has had a long career with no previous referrals to the NMC. She also submits a reference from Harbour Healthcare, her current employer.

The Panel found this reference to be insufficiently detailed and did not specifically address the issues and concerns of the Panel nor did it give the
Panel confidence that Mrs Bellamy had learnt from her failings at the Home and consequently consider there is a risk of repetition. The Panel consider that Mrs Bellamy has shown a lack of insight and understanding. The Panel is satisfied that public confidence in the nursing profession and in the regulatory process would be undermined were it not to make a finding of impairment in this case, bearing in mind the serious nature of the matters found proved, involving frail, vulnerable and elderly residents.

Accordingly, in all the circumstances the Panel has concluded that Mrs Bellamy's fitness to practise is currently impaired by reason of her misconduct.”

The panel at the substantive hearing went on to say with regard to sanction:

“The panel determined that Mrs Bellamy deliberately chose not refer the unexplained bruising of Patient A to CQC or Manchester City Council Safeguarding Team. The panel found that she had been informed that there was a possible fracture but she chose not to notify the appropriate bodies and as a result she deliberately behaved in a way which put patients at risk of potential harm. Further, the panel found that Mrs Bellamy argued with [Ms 1] against such a referral which resulted in delayed notification to the appropriate bodies and a delayed investigation into the cause of the bruising. This delay put Patient A and other residents at the Home at serious risk of harm. Mrs Bellamy abused Patient A’s trust in her, as Home Manager. She failed to ensure the Home was a safe environment for the patient and the other residents. Patient A was a vulnerable, frail, bedbound and elderly resident of the Home who was unable to speak for herself. Mrs Bellamy has shown a persistent lack of insight into her actions in the four years since the incidents, as demonstrated in her written submissions to the panel. In her submissions she appears to be defensive and aggressive in her denial that Patient A had suffered or was at risk of harm. The panel is of the view that this shows a lack of respect to Patient A and the NMC as regulator.

The panel is of the view that Mrs Bellamy’s actions are so serious as to be fundamentally incompatible with her remaining on the Register. The panel
concluded that a suspension order would not adequately protect patients, nor be appropriate, neither would it be sufficient to protect the public interest or uphold the standards of and maintain public confidence in the nursing profession.

In considering the appropriate sanction the panel balanced the interests of Mrs Bellamy with the protection of patients and the wider public interest. Whilst the protection of patients is of paramount importance the panel considered whether a lesser sanction would be adequate to protect patients. The panel, in considering Mrs Bellamy’s interests, took account of the fact that she may lose her current employment were she to be struck off or suspended, but also took into account the fact that not all types of nursing home required their managers to be registered nurses. The panel considered that the public interest and the protection of patients in this case outweighed Mrs Bellamy’s own interests. Accordingly, referring to the ISG a lesser sanction than a strikeoff order would not adequately protect patients, or the wider public interest.

The panel has therefore determined that a striking-off order is the only appropriate and proportionate sanction in this case. The panel is mindful of the potential impact that such an order would have on Mrs Bellamy in terms of financial, personal and professional hardship. Nevertheless, the panel is of the view that the interests of the public and its protection outweigh the interests of Mrs Bellamy herself. The panel concluded that Mrs Bellamy’s actions have demonstrated fundamental departures from the relevant standards as set out in the code, and that public confidence in the nursing profession and in the NMC as its regulator would be undermined were the panel not to impose a striking-off order.”

**Submissions and evidence**

This panel had regard to the submissions of Ms Cathcart, on behalf of the NMC. It also took account of your submissions, your sworn evidence, your application for restoration submitted to the NMC (which included three written references) as well as certificates of training you have completed since your removal from the register.
Ms Cathcart, on behalf of the NMC, outlined the background of the case and the facts that led to your name being struck off the register. She referred this panel to the previous panel’s decision which resulted in you removal from the NMC’s register, and reminded the panel of the test set out in Article 33(5) of the Order.

You provided evidence under oath. You told the panel that, since being struck-off the register, you have managed a post office, which involves serving the community. You stated that, as part of this role, you are subject to regular Disclosure and Barring Services checks, and manage a number of staff. In addition to this, you informed the panel that you became a trade union representative in order to access appropriate health and safety courses in the workplace. You have become involved in your bowls club and are now a safeguarding officer for Cheshire County.

You outlined to the panel changes in safeguarding that have occurred since your being struck-off, and commented that the standards to which you were subject in 2009 (the time of your misconduct) have continued to change. You stated that you have done your best to keep up with these changes by attending face-to-face, and home study, courses and reading material published by the Royal College of Nursing.

You stated that your previous employer, who provided a reference for this hearing, is willing to rehire you if you are able to be restored to the register. You further stated that you would accept being subject to a period of supervision, if required by this panel.

You described the huge impact that your actions had on Patient A, her family, Ms 1 (who was also subject to a substantive hearing before the Conduct and Competence Committee), your colleagues, and the wider nursing profession. You stated that, in hindsight, it is right that you were struck-off the register.

You told the panel that nursing is the only career that you have done that you love, and have a “big passion” about it. In particular, you stated that you love caring for people and putting together care plans so as to best facilitate that care. You further stated that, if your name was restored to the register, you would like to work with elderly people providing basic nursing care, and not in a managerial role. You told the panel that, prior
to being struck-off, you had 30 years’ nursing experience, and feel that the public and patients can benefit from your empathy, and the quality of care that you provide.

Following your evidence, Ms Cathcart provided a summary to the panel, and submitted that it is a matter for its professional judgment as to whether you are a fit and proper person and should be allowed to be restored to the NMC’s register. You made no further submissions.

The panel accepted the advice of the legal assessor.

The legal assessor reminded the panel of the test, as provided in Article 33(5) of the Order. First, you must satisfy the panel that you satisfy the requirements of Articles 9(2)(a) (approved qualification and prescribed education, training and experience) and 9(2)(b) (capable of safe and effective practice). Second, you must satisfy the panel that, having regard in particular to the circumstances which led to the making of the striking-off order, you are a “fit and proper person to practise as a registered nurse”. The legal assessor advised the panel that it is for you to satisfy the panel of these two matters, and it is for the panel to use its own independent judgment as to whether it is so satisfied.

The legal assessor also referred the panel to the case of *GMC v Nooh* [2017] EWHC 2948 (Admin), which states that it is appropriate for panels hearing applications for restoration to consider where, on the spectrum of seriousness, the conduct which led to the original striking-off now falls.

**Decision on the application for restoration**

The panel considered your application for restoration to the NMC’s register very carefully. It decided to allow your application subject to your successful completion of a return to practice course.

In reaching its decision, the panel recognised its statutory duty to protect the public as well as maintain public confidence in the reputation of the profession, which includes the
declaring and upholding of proper professional standards. The panel bore in mind that the burden was upon you to satisfy it that you are a fit and proper person who is able to practise safely and effectively as a nurse. In this regard, the panel considered guidance published by the NMC entitled *Deciding on applications for restoration*.

The panel considered your oral evidence to be credible, open and honest. The panel considered that, through your oral evidence, you displayed humility, a passion for nursing, and a willingness to appropriately retrain should you be allowed to return to nursing.

The panel noted nearly six years have elapsed since you were struck-off, and that this is your first application for restoration to the NMC’s register.

The panel first considered the extent to which you have demonstrated insight and remediation into the concerns which led to the striking-off order. As part of your oral evidence, you stated that you accepted the rulings and the sanction made by the original panel. You apologised to this panel for your misconduct, and emphasised that your actions were a “huge mistake”. The panel considered that, although you have not provided a written reflection for this hearing, it is clear that you have reflected upon your original actions which led to the striking-off order being imposed. The panel also considered that, as part of your oral evidence, you didn’t make excuses for your actions, and accepted responsibility for your actions. You were able to state the impact of your actions on Patient A and her family, other residents at the Home, your colleagues, and the nursing profession as a whole.

The panel considered that, since being struck-off, you have worked as a manager at a post office. When asked why you didn’t wish to continue working in a caring setting, you told the panel that you didn’t think anyone would employ you as a carer, given that you had been struck-off. You said that you decided to wait until you had served your sanction. The panel considered this to be an open and candid response. The panel noted that, as part of your current role, you are in a position of responsibility, dealing with potentially vulnerable people in a process-oriented job, subject to stringent
government regulation. The panel considered that being successful in such a role requires a level of honesty and integrity, which you have demonstrated.

Even though you have not worked in a healthcare setting since being struck-off the register, the panel appreciated that you have taken steps to qualify as a trade union representative in order to attend several face-to-face courses in safeguarding. The panel also noted that, following your training, you are now a safeguarding lead for Cheshire County, through your local bowls club. The panel considered that you were able to outline recent changes in safeguarding procedures to it, as a result of this training and further research (for example, documents from the Royal College of Nursing). The panel appreciated your humility in that you accept the need to attend a return to practice course to ensure that you are able to practise safely, especially with regard to medication administration.

When asked about how you would approach similar situations in the future, you were able to give sufficiently detailed answers, including regarding situations where you may be under significant stress. You outlined how you would prioritise in a busy situation, whilst ensuring all patients were safe. In particular, you stressed the importance of accurate record keeping, especially with regard to care plans. When presented with an example by the panel where you may need to report a safeguarding incident to the relevant authority, the panel appreciated your steadfastness in ensuring that such a concern would be reported, even if your line manager disagreed.

For these reasons, the panel considered that your insight is at a sufficient standard, and you have remediated the original concerns to the best of your ability, given that you have not worked in a healthcare setting since being struck-off. As such, the panel considered that you are capable of safe and effective nursing practice.

The panel went on to consider whether public confidence in the nursing profession would be undermined if you were restored to the register. The panel reminded itself that there is a spectrum of concerns which may lead to a nurse being struck-off the register. At one end, some cases may be just serious enough to end in a striking-off order. At the
other, there may be cases which are so serious that it may be difficult to see how a nurse could ever be restored to the register.

In your case, the panel considered that, in the spectrum of cases which merit striking-off, your case fell at the lower end. The panel noted that, in the four years between your referral and the original substantive hearing, you reflected upon, and changed, your attitude and nursing practice. In addition, your previous employer has indicated that he is willing to rehire you as a regional nurse, should your application for restoration be successful.

In making its decision as to whether you are a fit and proper person to practise as a registered nurse, the panel had regard to the public interest. The panel considered that you are a nurse who accepted that you breached fundamental tenets of the profession, and changed your practice and attitude accordingly. The panel considered that members of the public, with a full knowledge of this case, would be satisfied that you have not been able to practise as a registered nurse for nearly six years, as a result of your actions. The panel further considered that, as you have worked in a position of responsibility during this time, proactively taken steps to act as a safeguarding lead, and attempted to remediate your failings, that there is a public interest in restoring your name to the NMC’s register.

For these reasons, the panel considered that you are a fit and proper person to practise as a registered nurse, and decided to grant your application for restoration.

In deciding to grant your application for restoration, the panel bore in mind that you have not practised as a registered nurse since 2013, and that you no longer meet the requirements for registering with the NMC on this basis. However, the panel decided to allow your application for restoration subject to your completion of a return to practice course and paying the prescribed fee which satisfies the requirements of Article 19(3) and Article 33(7)(a) of the Order.
These articles state:

“The Council may by rules require persons who have not practised or who have not practised for or during a prescribed period, to undertake such education or training or to gain such experience as it shall specify in standards.

…

On granting an application for restoration, the Committee shall direct the Registrar to register the applicant in the relevant part of the register on his satisfying any requirements imposed under paragraph (6) and on payment of the prescribed fee.”

The panel did not consider it necessary to impose a conditions of practice order as an additional requirement of registration, namely that you pass a return to practice course and pay the prescribed fee.

This decision will be confirmed to you in writing.

That concludes this determination.