

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

Substantive Order Review Hearing

1 February 2019

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

Name of registrant: Peter Christopher Hammond

NMC PIN: 72Y0639E

Part(s) of the register: Registered Nurse - Sub Part 1
Adult Nurse - 13 March 1975
Children's Nurse - 04 January 1977
Lecturer/Practice Educator - 20 September 1985

Area of Registered Address: England

Panel Members: Najrul Khasru (Chair, lay member)
Jennifer Laing (Registrant member)
David Newman (Lay member)

Legal Assessor: Robin Hay

Panel Secretary: Roshani Wanigasinghe

Nursing and Midwifery Council: Represented by Susan Jean, Case Presenter

Mr Hammond: Not present and not represented at the hearing

Order being reviewed: Suspension Order (6 months)

Outcome: Striking-off order to come into effect on the expiry of the current order, namely at the end of 2 March 2019 in accordance with Article 30 (1) of the Nursing and Midwifery Order 2001

Service of Notice of Hearing:

At the outset of the hearing the panel was informed that Mr Hammond was neither in attendance nor was he represented.

On 3 January 2019 notice of this hearing was sent to Mr Hammond at his registered address by recorded delivery and first class post. The panel was therefore satisfied that notice had been served in accordance with Rules 11 and 34 of The Nursing and Midwifery Council (Fitness to Practise) Rules Order of Council 2004 (as amended February 2012) (the Rules).

Proceeding in absence:

Ms Jean on behalf of the Nursing and Midwifery Council (NMC) applied for the hearing to proceed in the absence of Mr Hammond. She referred to a note of a telephone conversation on 30 January 2019 between the NMC and Mr Hammond in which he said that he “...*is not going to attend the hearing... is completely done with nursing and no longer wants to be involved with the NMC process.*”

In reaching its decision, the panel considered all the information before it, together with the submissions made by Ms Jean. It accepted the advice of the legal assessor.

The panel was satisfied that Mr Hammond was aware of today’s hearing and had chosen not to attend. There was no reason to believe that an adjournment would result in his attendance in the future. Having weighed the interests of Mr Hammond with those of the NMC and the public interest in an expeditious disposal of this hearing the panel determined to proceed in his absence.

Decision and reasons on review of the current order:

The panel decided to impose a striking-off order. This order will come into effect at the end of 2 March 2019 in accordance with Article 30 (1) of the Nursing and Midwifery Order 2001 (as amended) (“the Order”).

This is the third review of a suspension order, originally imposed by a panel of the Conduct and Competence Committee on 3 August 2016 for 12 months. It was last reviewed on 19 July 2018 when the panel imposed a further suspension order for a period of 6 months. The current order is due to expire on 2 March 2019.

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, whilst employed as a Nurse Clinical Supervisor by the South East Coast Ambulance NHS Foundation Trust, failed to demonstrate the standards of knowledge, skill and judgement required to practise without supervision as a Nurse Clinical Supervisor as set out in, but not limited to, the following charges:-

1. *Between 20 January and 11 February 2014 failed to successfully complete the informal action plan agreed on 20 January 2014 in that one or more of the following calls handled by you were non-compliant for the reasons listed in Schedule 1:*
 - 1.1. *Call reference 22494100*
 - 1.2. *Call reference 22536876*

2. *Between 11 February and 31 August 2014 failed to successfully complete the action plan agreed on 11 February, in that one or more of the following calls handled by you were non-compliant for the reasons listed in Schedule 2:*
 - 2.1. *Call reference 22737969*
 - 2.2. *Call reference 22927049*
 - 2.3. *Call reference 23032347*

3. *Between 7 September and 12 September 2014 failed to successfully complete the action plan agreed on 7 September, in that the following call handled by you was non-compliant for the reason listed in Schedule 3:*

3.1. Call reference 23053895

4. Between 20 February 2015 and 3 March 2015, failed to successfully complete the action plan agreed on 19 September 2014, in that one or more of the following calls handled by you were non-compliant for the reasons listed in Schedule 4:

4.1. Call reference 23526306

4.2. Call reference 23525115

5. Between 1 April and 21 April 2015, failed to successfully complete the action plan agreed on 1 April 2015, in that one or more of the following calls handled by you were non-compliant for the reasons listed in Schedule 5:

5.1. Call reference 23630548

5.2. Call reference 23631142

And in light of the above, your fitness to practise is impaired by reason of your lack of competence.

Schedule 1

Call reference	Date of call	Reason call was deemed non-compliant
22494100	23 January 2014	<ul style="list-style-type: none">• The call was not duplicated in line with the Enhanced Triage Procedure.
22536876	13 February 2014	<ul style="list-style-type: none">• Did not probe the patient's general health• Did not fully validate the call• Did not correct the pathway from arm injury, penetrating to the wound pathway

Schedule 2

Call reference	Date of call	Reason call was deemed non-compliant
22737969	29 May 2014	<ul style="list-style-type: none">• Used a leading question• The registrant did not ensure that the name of the town was confirmed by the caller.

		<ul style="list-style-type: none"> • Did not document that the patient had been vomiting since the previous night, had been hiccupping all day, that the patient had been previously admitted to hospital for aspirated pneumonia, or that the GP had seen the patient but the patient had deteriorated since. • Took the incorrect pathway through the system, selecting 'Vomiting and/or Nausea' instead of 'Bringing up Blood'. • Did not escalate the call to a clinician after 3 'not sure' answers were submitted.
22927049	28 July 2014	<ul style="list-style-type: none"> • Did not probe the issue with pins and needles in the patient's arm to establish potential nerve impairment; • Lack of probing around whether the patient had sustained any other injuries from the fall; • An inappropriate time-frame set;
23032347	31 August 2014	<ul style="list-style-type: none"> • Failed to duplicate call resulting in delay for the patient to receive emergency assistance;

Schedule 3

Call reference	Date of call	Reason call was deemed non-compliant
23053895	9 September 2014	<ul style="list-style-type: none"> • Did not probe to ascertain the reason for the fall; • Did not validate for signs of shock through confirmation of the torso skin temperature, did not validate whether the patient felt unwell before the injury occurred, and did not validate whether the injury was within 7.5cm of the wrist or elbow.

		<ul style="list-style-type: none"> • Did not record reasoning for downgrading the disposition from within 60 minutes to within 2 hours; • Did not ask whether the patient's slurred speech was normal;
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Schedule 4

Call reference	Date of call	Reason call was deemed non-compliant
23526306	3 March 2015	<ul style="list-style-type: none"> • Did not select 'severe pain' stem in the Pathways system despite the report that the patient was on her hands and knees, rocking due to the pain; • Recorded 'no' to the question relating to bruising or bleeding under the skin when this question was not answered by the caller; • Did not demonstrate active listening as incorrect information was repeated back to the caller; • Asked multiple questions as one, which could affect the accuracy of the information gathered.
23525115	3 March 2015	<ul style="list-style-type: none"> • Did not probe about the patient's breathing even though it was mentioned that the patient was blue around the lips; • Did not assess the call through the breathing pathway; • Told the caller an ambulance was on its way before a disposition was reached.

Schedule 5

Call reference	Date of call	Reason call was deemed non-compliant
23630548	13 April 2015	<ul style="list-style-type: none"> • Incorrectly followed the choking pathway

		when the information provided did not indicate choking. When a clinician listening into the call advised not to follow the choking route and instead to triage breathing problems, this advice was not noticed or followed;
23631142	14 April 2015	<ul style="list-style-type: none"> • Did not probe to see whether the patient had been given a course of action to follow after being discharged from hospital; • Did not confirm the address and input the address into the system incorrectly, resulting in disposition being sent to the wrong address; • Recorded no to the question is there any pain going to the arm, neck or jaw, when the patient's answer was 'yeh I've got pains all over my body now'.

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

“The panel has considered carefully whether Mr Hammond’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. It has taken account of the submissions made by Ms Paisley on behalf of the NMC.

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 Mr Hammond's fitness to practise remains impaired. The last reviewing panel determined that Mr Hammond was liable to repeat matters of the kind found proved. This panel has not received any new information before it to show that Mr Hammond has taken steps to remediate his failings. In light of this the panel determined that Mr Hammond's lack of competence remains a risk to the public.

The panel took into account Mr Hammond's email to the NMC dated 19 July 2018 which stated that:

"I regret that I will not be attending today's hearing...I have made mistakes and most ambulance service clinicians... will admit to having made errors of judgement in a knife-edge occupation...I have already put all those wonderful hard-working years of nursing behind me and I now wish to move on as they say."

The panel had borne in mind that its primary function was to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance.

For these reasons, the panel finds that Mr Hammond's fitness to practise remains impaired."

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

"Having found Mr Hammond'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 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 risk of repetition identified and seriousness of the case. 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 neither proportionate nor in the public interest, and would not protect the public.

The panel next considered replacing the current order with a conditions of practice order. This panel agreed with the previous reviewing panel that it would not be able to formulate workable or practicable conditions that would manage the wide-ranging lack of competence that has been identified in Mr Hammond's practice. The panel concluded that, as Mr Hammond had informed the NMC that he did not wish to return to nursing, conditions of practice would not be appropriate.

The panel next considered imposing a further suspension order. It reminded itself that, at this time, it could not impose a striking-off order. Mr Hammond has not demonstrated any evidence of remediation of his previous failings. The panel was of the view that considerable evidence would be required to show that Mr Hammond's lack of competence no longer posed a risk to the public. It concluded that a further 6 month suspension order would be the only appropriate and proportionate response."

Decision on current fitness to practise:

The panel first considered whether Mr Hammond'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 the case, the panel has carried out a comprehensive review of the order in the light of the current circumstances. It has considered the decision of the last panel, but it has exercised its own judgment about current impairment.

Ms Jean submitted that Mr Hammond had still not addressed the concerns of the previous reviewing panel. There was nothing to indicate that he had taken any remedial steps in relation to the concerns about his practice. She referred the panel to the last review where Mr Hammond indicated that “he intends to retire when he reaches 70, late next year”, and to the recent telephone note. She said that this panel may now strike him off as he has now been suspended for a continuous period of 2 years. She submitted that the panel should do so.

In reaching its decision, the panel considered all the information before it together with the submissions of Ms Jean. It accepted the advice of the legal assessor. It exercised principles of proportionality at all times.

The panel was aware of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

Mr Hammond had made it clear that he did not intend to return to nursing practice. Consequently, he has not taken any steps to remedy his failings. In these circumstances, the panel concluded that there remains a risk of repetition of similar behaviour. It therefore determined that a finding of impairment remained necessary on the grounds of public protection and is otherwise in the public interest in order to maintain confidence in the profession and to declare and to maintain proper standards of conduct and behaviour.

The panel has therefore determined that Mr Hammond’s fitness to practice remains impaired by reason of his lack of competence.

Determination on sanction:

The panel then considered what if any sanction it should impose. The panel had in mind the NMC's Sanctions Guidance ("SG") and bore in mind that the purpose of a sanction is not to be punitive, although 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 risk of repetition and the seriousness of the case. Lack of competence of this nature demands a sanction.

The panel then considered a caution order but concluded that this would also be inappropriate and would not be sufficient to protect the public.

The panel next considered a conditions of practice order. It had regard to the fact that any conditions imposed must be practicable, measurable and workable. Mr Hammond has clearly indicated that he no longer wished to work as a registered nurse. Therefore no practicable or workable conditions could be imposed.

The panel therefore considered a suspension order. Such an order would protect the public, however Mr Hammond has now been suspended for over two years. He has not remedied his failings. Moreover, he has clearly indicated that he no longer wishes to work as a registered nurse. The panel therefore concluded that a further period of suspension would serve little purpose.

The shortcomings in Mr Hammond's practice were wide ranging, serious, and would have caused harm to patients. Mr Hammond has now been suspended for a continuous period of two years, and has not taken any steps to remedy his failings. The panel has concluded that the only appropriate and proportionate sanction, sufficient to protect the public and to address the public interest is that of a striking off order.

This decision will be confirmed to Mr Hammond in writing.