

**Nursing and Midwifery Council**  
**Fitness to Practise Committee**  
**Substantive Order Review Hearing**  
**30 May 2019**

Nursing and Midwifery Council, 61 Aldwych, London WC2B 4AE

<b>Name of registrant:</b>	Ivy Edna Billingsley
<b>NMC PIN:</b>	07F2830E
<b>Part(s) of the register:</b>	Sub part 1 RNA: Adult nurse (1 December 2007)
<b>Area of Registered Address:</b>	England
<b>Type of Case:</b>	Misconduct
<b>Panel Members:</b>	Irene Kitson (Chair, Lay member) Shorai Dzirambe (Registrant member) Razia Karim (Lay member)
<b>Legal Assessor:</b>	Nicholas Levisieur
<b>Panel Secretary:</b>	Aoife Kennedy
<b>Registrant:</b>	Not present and not represented in her absence
<b>Nursing and Midwifery Council:</b>	Represented by Richard Webb, Counsel for NMC Regulatory Legal Team
<b>Order being reviewed:</b>	Suspension Order (12 months)
<b>Outcome:</b>	Striking Off Order, to come into effect at the end of 10 July 2019 in accordance with Article 30 (1)

## **Service of Notice of Hearing**

The panel was informed at the start of this hearing that Ms Billingsley was not in attendance, nor was she represented.

The panel was informed that the notice of this hearing was sent to Ms Billingsley on 30 April 2019 by recorded delivery and first class post to her registered address.

The panel accepted the advice of the legal assessor.

In the light of the information available the panel was 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**

The panel then considered proceeding in the absence of Ms Billingsley. The panel was mindful that the discretion to proceed in absence is one which must be exercised with the utmost care and caution.

The panel considered all of the information before it, together with the submissions made by Mr Webb, on behalf of the Nursing and Midwifery Council (NMC). The panel accepted the advice of the legal assessor.

Mr Webb drew the panel's attention to an email and telephone note, both dated 30 May 2019, which show the NMC's attempts to contact Ms Billingsley.

Mr Webb submitted that notice has been served to Ms Billingsley's registered address and she should be aware of today's hearing. He submitted that Ms Billingsley has voluntarily absented herself, and there is nothing to suggest that an adjournment would secure her attendance at a future hearing. Mr Webb submitted

that the current substantive order is due to expire at the end of 10 July 2019, and that an expeditious disposal of this hearing is in the public interest.

The panel accepted the advice of the legal assessor.

The panel considered that Ms Billingsley was sent notice of today's hearing and has not engaged with these proceedings. The panel is satisfied that Ms Billingsley has not provided the NMC with her current address and contact details as she is required to do. The panel is therefore satisfied that she has disengaged with these proceedings. In these circumstances, the panel had no reason to believe that an adjournment would result in Ms Billingsley's attendance. Having weighed the interests of Ms Billingsley with those of the NMC and the public interest in an expeditious disposal of this hearing the panel determined to proceed in Ms Billingsley's 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 10 July 2019 in accordance with Article 30 (1) of the Nursing and Midwifery Order 2001 (as amended) (“the Order”).

This is the second review of a suspension order, originally imposed by a Fitness to Practise panel on 8 June 2017 for 12 months. The order was reviewed on 30 May 2018 and extended for a further period of 12 months. The current order is due to expire on 10 July 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 Band 5 staff nurse at Salisbury District Hospital

1. Between 2 June 2015 and 1 July 2015 did not complete assessments of your clinical skills in relation to aseptic technique.
2. On 2 July 2015 you failed to provide the required standard of care to Patient E in that you;
  - a. Signed Patient E’s medical records indicating you had administered Patient E’s medication when you had not
  - b. Failed to store Patient E’s medication securely in that you left Patient E’s medication in a drugs pot, next to Patient E’s bed
  - c. Failed to realise Patient E was not competent and/or able to administer his own medication

- d. Failed to administer Patient E's beta blocker (solatol hydrochloride) during morning medication round
- e. Failed to record in Patient E's medical records any clinical reason for having not administered the medication/s
- f. Failed to escalate Patient E's deteriorating state when Patient E had an early warning score of 4
- g. Failed to carry out hourly observations of Patient E

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

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

“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 Billingsley's fitness to practise remains impaired. It noted that the previous panel had made a number of suggestions regarding information which may assist this panel. Mrs Billingsley has not provided any of this information, nor has she engaged in any form with the NMC since the substantive meeting in June 2017. In the absence of any new information regarding Mrs Billingsley's insight, remorse or remediation, this panel concluded that her fitness to practise remains impaired for the reasons given by the substantive panel in June 2017.”

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

“The panel next considered substituting the current suspension order with a conditions of practice order. It noted, as the substantive panel did, that Mrs

Billingsley's misconduct related to identifiable areas of her nursing practice. This panel agreed that it may therefore be possible to formulate conditions which would adequately protect the public. However, Mrs Billingsley has not engaged with these NMC proceedings and this panel could therefore not be satisfied that Mrs Billingsley would comply with any conditions imposed on her registration. It therefore concluded that a conditions of practice order would not be workable.

The panel then considered the imposition of a further period of suspension. It noted that this was the first review of Mrs Billingsley's substantive order and the failings which led to the imposition of the order were, in the panel's view, capable of remediation, should Mrs Billingsley choose to do so. The panel considered that a further period of suspension would allow Mrs Billingsley more time to fully reflect on her misconduct and afford her a further opportunity to engage with the NMC.

The panel considered a striking-off order but concluded that this would be disproportionate at this time. Mrs Billingsley's misconduct was not fundamentally incompatible with remaining on the register, it was capable of remediation, and this is only the first review of the substantive order. In these circumstances, the panel decided that a striking-off order was disproportionate.

The panel therefore determined that a suspension order for the maximum period of 12 months was the appropriate and proportionate order in this case, which would allow Mrs Billingsley adequate opportunity to engage with the regulatory process and provide evidence of her efforts to remediate her misconduct.

At the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

This panel wishes to make it clear to Mrs Billingsley that, although it has decided at this review that a striking-off order is currently disproportionate, if she continues to disengage from the regulatory process any future reviewing panel may conclude that this lack of engagement, together with a continued lack of insight and a failure to remediate her practice, is fundamentally incompatible with ongoing registration, and decide to impose a striking-off order.

A future reviewing panel may be assisted by:

- Mrs Billingsley's participation and attendance at any review hearing;
- A written reflective piece from Mrs Billingsley addressing the impact of her actions on patients, colleagues, the public and the wider nursing profession;
- Evidence of any training undertaken or other steps taken to remediate her practice;
- Up-to-date testimonials and/or references from any current employers.”

## **Decision on current fitness to practise**

This panel has considered carefully whether Ms Billingsley'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 had regard to all of the documentation before it, and took account of the submissions made by Mr Webb, on behalf of the Nursing and Midwifery Council ("NMC").

Mr Webb submitted that nothing has been put forward by Ms Billingsley since the previous review hearing which would change the findings of the previous reviewing panel. He submitted that Ms Billingsley has disengaged from these proceedings and has not demonstrated remorse, insight, or remediation. He submitted that her fitness to practise remains impaired.

The panel 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 Ms Billingsley's fitness to practise remains impaired. It had no new information before it from Ms Billingsley to demonstrate any insight, remorse, or remediation.

The panel considered that, since the previous review hearing, Ms Billingsley has disengaged from NMC proceedings and this panel had no new information before it which would change the findings of the previous panel. The panel was concerned with Ms Billingsley's disengagement from the NMC process, and concluded that she

had not demonstrated that she is safe to practise, nor that she no longer poses a risk to patients.

The panel concluded that there remains a risk of repetition of the misconduct in question, and that a finding of impairment remains necessary on the 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 and midwifery professions and upholding proper standards of conduct and performance. The panel determined that a finding of current impairment on public interest grounds is also required.

For these reasons, the panel is satisfied that Ms Billingsley's fitness to practise remains impaired.

### **Determination on sanction**

Having found Ms Billingsley'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 in relation to sanction are set out in Article 30 of the Order. The panel also had regard to the NMC's Sanctions Guidance. It bore in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel considered that it would be neither appropriate nor proportionate to take no further action and allow the current order to lapse, or to impose a caution order in light of the risk of repetition identified.

For the same reasons as those identified by the previous reviewing panel, this panel considered that it was not possible at this time to formulate workable conditions of practice which would be sufficient to protect the public from the risk of harm. The panel has not received any evidence which would enable it to conclude that Ms

Billingsley would be willing to engage with conditions of practice. The panel concluded that a conditions of practice order is not appropriate or workable in this case.

The panel then considered whether a further suspension order would be appropriate and proportionate. It took into account the previous reviewing panel's reasons that a suspension order would allow Ms Billingsley further time to re-engage with the NMC's proceedings. This panel has seen no evidence that Ms Billingsley is willing to engage with these proceedings and remediate her practice. This panel therefore was not satisfied that Ms Billingsley would make use of a further period of suspension to re-engage. For these reasons, the panel considered that a further suspension order would not be appropriate.

The panel then considered whether strike-off was appropriate and proportionate in the circumstances. It noted that the previous reviewing panel stated in its determination, which would have been sent to Ms Billingsley, that a strike-off would be available to any future reviewing panel. This panel considered that, given Ms Billingsley's persistent failure to demonstrate a commitment to and engage with the process of remedying the failings identified in her practice, it regretfully concluded that striking off Ms Billingsley's name from the register was the only appropriate and proportionate option available to the panel.

The striking-off Order will take effect from the expiry of the current order at the end of 10 July 2019 in accordance with Article 30(1) of the Order.

This decision will be confirmed to Ms Billingsley in writing.

That concludes this determination.