

**Nursing and Midwifery Council
Fitness to Practise Committee
Substantive Order Review Meeting
3 October 2019**

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

Name of Registrant:	Hazel Bratton
NMC PIN:	90D0141E
Part(s) of the register:	Registered Nurse – Sub Part 1 Adult Nursing – 8 February 1998
Area of Registered Address:	England
Type of Case:	Misconduct
Panel Members:	Joy Julien (Chair, Lay member) Louise Suzanne Poley (Registrant member) Richard Lyne (Registrant member)
Legal Assessor:	Iain Ross
Panel Secretary:	Aoife Kennedy
Order being reviewed:	Suspension Order (6 months)
Outcome:	Striking-off Order to come into effect at the end of 21 November 2019 in accordance with Article 30 (1)

Decision on Service of Notice of Meeting

The Nursing and Midwifery Council (NMC) sent written notice of this meeting to Ms Bratton at her address, as recorded in the NMC's electronic Register, by Royal Mail 'Signed For' service and by first class post on 23 August 2019. The notice made clear that the case would be considered at a meeting and would be held in private on or after 30 September 2019 if she did not request a hearing. This notice was returned undelivered on 16 September 2019.

The panel noted that a telephone call resulting in a voicemail was left to Ms Bratton by NMC and an email sent on 22 August 2019, with no response to either.

The panel accepted the advice of the Legal Assessor.

In the light of all of the information available, the panel was satisfied that Ms Bratton has been served with notice of this meeting in accordance with the requirements of Rules 11A and 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 determined to impose a striking-off order. This order will come into effect at the end of 21 November 2019 in accordance with Article 30 (1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the third review of an order originally imposed as a conditions of practice order by a panel of the Fitness to Practise Committee on 20 July 2017. The order was reviewed and extended on 16 August 2018. It was reviewed and changed to a suspension order on 2 May 2019. The current order is due to expire at the end of 21 November 2019.

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

At the substantive hearing the panel found that Ms Bratton's fitness to practise was impaired by reason of her misconduct. It found the following allegations proved:

"That you:

- 1) In January 2014 failed to update your online cytology training. (This charge is found proved by admission)*
- 2) Between July and December 2015 obtained inadequate smear ratings of 24.2 per cent and 33.3 per cent. (This charge is found proved by admission)*
- 3) Administered an incorrect dose of Flupentixol to Patient A on:
 - a) 22 June 2015 (This charge is found proved by admission)*
 - b) 20 July 2015 (This charge is found proved by admission)*
 - c) 17 August 2015 (This charge is found proved by admission)*
 - d) 2 November 2015 (This charge is found proved by admission)*
 - e) 23 November 2015 (This charge is found proved by admission)*
 - f) 21 December 2015 (This charge is found proved by admission)*
 - g) 18 January 2016 (This charge is found proved by admission)**
- 4) On 19 August 2015, initiated a course of antibiotics for Patient I without a prescription/authorisation from a GP and/or failed to record who authorised/prescribed the prescription. (This charge is found proved by admission)*
- 5) On 15 October 2015, failed to administer a Meningitis B injection to Patient B. (This charge is found proved by admission)*
- 6) On 28 October 2015, failed to administer a Meningitis B injection to Patient J. (This charge is found proved by admission)*

- 7) *On 16 November 2015, sent Patient M's smear sample to cytology with another patient's form. (This charge is found proved by admission)*

- 8) *On 14 January 2016, incorrectly recorded that you had administered a Meningitis B vaccine in the upper arm of Patient N. (This charge is found proved by admission)*

- 9) *On 25 January 2016:*
 - a) *Administered Depo-Provera to Patient C without carrying out a pregnancy test first. (This charge is found proved by admission)*
 - b) *Administered an adult dose of Hepatitis B vaccination to a child, Patient P. (This charge is found proved by admission)*

- 10) *On 27 January 2016;*
 - a) *Administered Hepatitis B and/or Hepatitis A and/or typhoid vaccinations without recording any reasons. (This charge is found proved by admission)*
 - b) *Initiated the Hepatitis B vaccination course out of schedule. (This charge is found proved by admission)*
 - c) *Administered Depo-Provera to Patient K without carrying out a pregnancy test first. (This charge is found proved by admission)*

- 11) *On 5 February 2016;*
 - a) *Administered Depo-Provera to Patient D without carrying out a pregnancy test first. (This charge is found proved by admission)*
 - b) *Changed Patient E's treatment of Loperamide 2mg to Omeprazole 20mg without a prescription/authority from a GP and/or failed to record who authorised/prescribed the medication change. (This charge is found proved by admission)*
 - c) *Changed Patient F's treatment of Zoladex to Prostop without a prescription/authority from a GP and/or failed to record who authorised/prescribed the medication change. (This charge is found proved by admission)*

d) Failed to reduce Patient G's warfarin dose. (This charge is found proved by admission)

12) On 10 February 2016 when conducting Patient H's smear test:

a) Failed to check the identity of the patient before starting the smear test; (This charge is found proved by admission)

b) Demonstrated poor infection control techniques; (This charge is found proved by admission)

c) Delayed placing the brush in the sample pot; (This charge is found proved by admission)

d) Splashed water from the sample pot. (This charge is found proved by admission)

13) On 10 February 2016 stored patient printed labels in your mobile telephone cover. (This charge is found proved by admission)

14) On 24 February 2016, initiated a course of antibiotics for Patient L without a prescription/authority from a GP and/or failed to record who authorised/prescribed the prescription. (This charge is found proved by admission)."

The last reviewing panel determined the following with regards to impairment:

"The panel noted that the concerns identified in Miss Bratton's practice related to serious and wide ranging failings in fundamental aspects of nursing practice. The panel noted that Miss Bratton had not engaged with the NMC since 18 August 2018, and therefore no evidence had been provided of any compliance with the current conditions of practice order or the recommendations made by the previous panel. In light of Miss Bratton's disengagement the panel was unable to consider the issues of insight or any potential remediation. The panel determined that there had been no material change in circumstances since the order was last reviewed. The panel therefore determined that given the serious nature of the misconduct in this

case and the lack of remediation, there was a high risk of repetition. The panel concluded that a finding of impairment remained necessary on the grounds of public protection.

The panel bore in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel determined that a finding of impairment remained necessary on public interest grounds.

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

The last reviewing panel determined the following with regards to sanction:

"The panel then considered whether to impose another conditions of practice order. The panel considered that it remained possible to identify areas of Miss Bratton's clinical practice in need of reassessment and retraining. However, the panel noted that Miss Bratton had not engaged with the NMC's proceedings since the imposition of the current conditions of practice order, and therefore there was no evidence of a willingness on her part to comply with and respond positively to conditions. The panel had no information in relation to Miss Bratton's current personal or professional circumstances. The panel concluded that it was no longer possible to formulate practicable and workable conditions of practice, and that such an order would not be appropriate or proportionate.

The panel next considered whether to impose a suspension order. The panel considered that a period of suspension was the most appropriate and proportionate sanction to protect the public and satisfy the public interest. The panel also considered that this would give Miss Bratton an opportunity to re-engage with the NMC's proceedings, and demonstrate her future intentions with regard to the nursing profession.

The panel considered whether to impose a striking-off order, having regard to the NMC's SG, but determined that this would be disproportionate at this time. A period of 6 months would provide Miss Bratton with the opportunity to re-engage with these proceedings. This order will come into effect on the expiry of the order, namely at the end of 22 May 2019.

A future panel reviewing this suspension order will have the option of revoking the order, allowing the order to lapse on expiry or replacing the order with another order. That panel will also have the option of imposing a more severe sanction, namely that of a striking-off order.

A future reviewing panel may be assisted by evidence of the following:

- Miss Bratton's attendance at the next hearing
- Up to date references or testimonials;
- Evidence of professional development; including documentary evidence of completion of any online course or training relevant to the remediation of your impaired fitness to practise.
- Miss Bratton's indication of her future intentions with regard to the nursing profession."

Decision on current fitness to practise

The panel has considered carefully whether Ms Bratton'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 noted that Ms Bratton had disengaged from proceedings and therefore it had no new information since the previous review hearing.

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 Ms Bratton's fitness to practise remains impaired.

The panel noted that the concerns identified in Miss Bratton's practice related to serious and wide ranging failings in fundamental aspects of nursing practice. The panel noted that Miss Bratton had not engaged with the NMC since 18 August 2018, and therefore the panel has not been provided with evidence of what she has been doing since the previous review hearing, of any insight or of any remediation. In light of Miss Bratton's disengagement the panel was unable to consider the issues of insight or any potential remediation. The panel determined that there had been no material change in circumstances since the order was last reviewed. The panel therefore determined that given the serious nature of the misconduct in this case and the lack of remediation, there was a high risk of repetition. The panel concluded that a finding of impairment remained necessary on the grounds of public protection.

The panel bore in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel determined that a finding of impairment remained necessary on public interest grounds.

For these reasons, the panel finds that Miss Bratton's fitness to practise remains impaired.

Determination on sanction:

Having found Miss Bratton'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 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 the associated risk to patient safety. The panel then considered whether to impose a caution order but concluded that this would be inappropriate because a caution order would not provide the appropriate degree of protection to patients.

The panel then considered whether to impose a conditions of practice order. 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 Bratton 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 Bratton further time to re-engage with the NMC's proceedings. This panel has seen no evidence that Ms Bratton is willing to engage with these proceedings and remediate her practice since she attended the first review in August 2018. She has not engaged in any form since that date. This panel therefore was not satisfied that Ms Bratton would make use of a further period of suspension to re-engage. For these reasons, the panel considered that a further suspension order would serve no useful purpose, and 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 Bratton, that a strike-off would be available to any future reviewing panel. This panel considered that, given Ms Bratton's persistent failure to demonstrate a commitment to and engage with the process of remedying the failings identified in her practice, and regretfully concluded that striking off Ms Bratton's name from the register was the only appropriate and proportionate sanction available to the panel.

The striking-off Order will take effect from the expiry of the current order at the end of 21 November 2019 in accordance with Article 30(1) of the Order.

This decision will be confirmed to Ms Bratton in writing.

That concludes this determination.