

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

**Substantive Order Review Hearing  
21 August 2020**

Virtual Hearing

**Name of registrant:** Miss Karen Blake

**NMC PIN:** 00B1074O

**Part(s) of the register:** Registered Nurse- Sub Part 1  
Adult Nursing-17 January 2000

**Area of registered address:** England

**Type of case:** Lack of competence

**Panel members:** Dr Richardo Childs (Chair, lay member)  
Ms Carole Panteli (Registrant member)  
Mr David Evans (Lay member)

**Legal Assessor:** Mr Sanjay Lal

**Panel Secretary:** Mr Leigham Malcolm

**Nursing and Midwifery Council:** Represented by Mr Alastair Kennedy, NMC Case  
Presenter

**Miss Blake:** Present and represented by Ms Priya Khanna,  
instructed by the Royal College of Nursing

**Order being reviewed:** Conditions of Practice Order (12 months)

**Fitness to practise:** Impaired

**Outcome:** Striking-off Order

## Decision and reasons on review of the substantive order

The panel decided to replace the current conditions of practice order with a striking-off order. This order will come into effect at the end of 25 September 2020 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the seventh review of a conditions of practice order originally imposed by a panel of the Conduct and Competence Committee on 20 November 2013 for 12 months. The current order is due to expire at the end of 25 September 2020. 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 by North West London Hospitals NHS Trust ("the Trust") at Northwick Park Hospital ("the Hospital") working on Fletcher Ward ("the Ward") [as amended]:*

1. *On 13 April 2011:*
  - a. *[...]*
  - b. *[...]*
2. *On 5 May 2011, failed to maintain the dignity of Patient B, in that you left the patient in the bathroom sitting on the toilet with the door open (although this charge was found proved it was found that it did not amount to misconduct).*
3. *[...]*
4. *[...]*

*That you, whilst employed by North West London Hospitals NHS Trust ("the Trust") at Northwick Park Hospital ("the Hospital") working on Fletcher Ward*

*(“the Ward”) failed to demonstrate the standards of knowledge, skill and judgment required to practise without supervision as a Band 5 Staff Nurse [as amended]:*

5. *On 11 April 2011, did not follow infection control policy in that you put a used apron in a domestic waste bin instead of a clinical waste bin*
6. *On 13 April 2011:*
  - a. *[...]*
  - b. *Failed to respond to a deterioration in Patient A’s condition whilst washing her*
7. *On 21 April 2011, during a drugs round:*
  - a. *Did not check patient observation charts before commencing a medication round*
  - b. *Did not check an unknown patient’s identity before checking their drug chart*
  - c. *Did not check the expiry date on a dose of Ferrous Fumerate before administering to an unknown patient*
  - d. *Touched medication with your bare hands*
  - e. *Failed to complete the drug round within a reasonable period of time*
8. *On 28 April 2011, failed an oral drug assessment, in that you:*
  - a. *Did not check an unknown patient’s identity before checking their drug chart [as amended]*

- b. *Did not check a patient's allergies before administering medication*
  - c. *Did not properly assess a patient to see if the patient could take their own medication*
  - d. *Did not prioritise a patient being transferred before carrying out a drug round*
  - e. *Failed to complete the drugs round within a reasonable period of time*
9. *On 5 May 2011, failed a second oral drug assessment, in that you:*
- a. *Did not put Augmentin liquid back in the fridge when you had finished using the medication*
  - b. *Failed to complete the drugs round within a reasonable period of time*

*AND, in light of the above, your fitness to practise is impaired in relation to charges 1 – 4 by reason of your misconduct and/or in relation to charge 5 – 9 by reason of your lack of competence.*

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

*This panel has considered carefully whether your 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, including the bundle of documents provided by you containing a letter to the panel dated 1 August 2019, a testimonial from a healthcare assistant at your current place of work, and a*

*number of emails demonstrating your applications for nursing positions. It has taken account of the submissions made by Mr Adedeji on behalf of the NMC and those made by Ms Stephenson, on your behalf.*

*Mr Adedeji submitted that, despite your attempts to secure employment as a nurse, you have been unsuccessful, and therefore have been unable to comply with your current conditions of practice order. In the light of this, he submitted that you have been unable to remediate the concerns identified by previous panels, and that your fitness to practise remains impaired. Mr Adedeji submitted that sanction was a matter for the panel, but that there was a requirement for some form of restriction.*

*Ms Stephenson submitted that you accept that your fitness to practise remains impaired. She informed the panel that you have applied for a number of nursing roles but have not yet successfully secured a post. Ms Stephenson told the panel that you have been working as a healthcare assistant in a care home, where you care for elderly patients. She submitted that your continued engagement with NMC proceedings, your applications for nursing roles, and your current role as a healthcare assistant all demonstrate your passion for and continuing commitment to nursing. Ms Stephenson submitted that a 12 month extension of the current conditions of practice order would provide you a further opportunity to secure employment as a nurse and remediate your practice.*

*Upon further questioning from the panel as to what an extension of the current order would achieve, Ms Stephenson informed the panel that you have chased up testimonials from your current employer, but have not yet received these. She told the panel that you have completed a number of training courses provided by your current employer, and that you have undertaken reading to keep your nursing knowledge up to date. Ms Stephenson submitted that it is not due to a lack of effort that you have not yet secured employment as a nurse, but due to a number of unsuccessful attempts. She submitted that you will continue with your attempts to secure employment as a nurse and that, the longer you have to do this, the more likely you are to secure a job. Ms Stephenson accepted that it is within the panel's power to impose a suspension or striking-off order at this stage, but submitted that it*

*would be disproportionate given your continued engagement and attempts to comply with your conditions of practice order.*

*The panel accepted the advice of the legal assessor, who referred to the cases of: Adeyemi v GMC [2012] EWHC 425 (Admin); Arora v GMC [2012] EWHC 1560 (Admin); and Ogbonna-Jacob v NMC [2013] EWHC 1595 (Admin).*

*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 your fitness to practise remains impaired.*

*The panel was encouraged by your engagement with these proceedings. It noted that you have been working as a healthcare assistant, and took into account the documents provided by you, including your letter to the panel. However, you did not provide any references or feedback from your line manager. The only testimonial you provided was from a colleague who is also a healthcare assistant. In addition, the panel considered that your letter to the panel did not demonstrate insight into the concerns raised by the previous panels. The panel took into account Ms Stephenson's submissions that you accept that you are currently impaired and that you have been unable to remediate without securing employment as a registered nurse. This panel had no information before it to demonstrate that you are no longer impaired. Therefore, the panel decided that a finding of impairment on the grounds of public protection was required.*

*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. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.*

*For these reasons, the panel finds that your fitness to practise remains impaired.*

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

*Having found your 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 30 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.*

1.

2. *The panel first considered whether to take no action or impose a caution order but concluded that this would be inappropriate in view of the absence of any evidence of remediation, and would not adequately protect the public. The panel decided that it would be neither proportionate nor in the public interest to take no further action or impose a caution order.*

3.

*The panel next considered whether placing a further conditions of practice order on your registration would be appropriate. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel is of the view that the concerns raised by previous panels could be addressed by a conditions of practice order, and that practical and workable conditions could be formulated which would adequately protect the public. The panel therefore considered that a conditions of practice order was appropriate, but with varied conditions, some of which could be met working in your current role as a healthcare assistant. This panel would have favoured making a shorter conditions of practice order of six months, due to the considerable amount of time already afforded to you to remediate your failings. However, when it went on to consider the practicalities surrounding your return to practice, it considered that six months would not provide adequate time. It therefore considered that twelve months would be appropriate and proportionate in the circumstances to allow you a further opportunity to return to practice.*

*This panel seriously considered the higher sanctions in this case. It considered that a suspension order would serve no useful purpose as it would prevent you from*

*remediating your practice. It gave serious consideration, to a striking-off order, given that you have been subject to a conditions of practice order for five years. However, in view of the case law referred to by the legal assessor and Ms Stephenson's submissions on your behalf, it considered that a striking-off order may be disproportionate at this stage given your engagement and stated efforts at securing employment as a registered nurse.*

*The panel therefore determined to impose the following conditions:*

- 1. At any time that you are employed as a registered nurse, you must place yourself and remain under the supervision of a workplace line manager, mentor or supervisor who shall be nominated by your employer who shall be a Registered Nurse, such supervision to consist of direct supervision when administering medication until such time as you have satisfactorily completed a medicines administration assessment undertaken by a registered nurse;*
- 2. If employed as a registered nurse you should be supervised indirectly at all times by another registered nurse, such supervision to consist of working on the same shift but not necessarily under the direct observation of the registered nurse who is physically present in or on the same ward, unit, floor or whom that you are working in or on;*
- 3. You must send a report from your current line manager, mentor or supervisor, and/or future employers (or their nominated deputy), setting out the standard of your performance within any healthcare role, and your progress to the NMC, at least 14 days before any NMC review hearing or meeting.*
- 4. You must send evidence of your professional development within the healthcare setting, including full details of courses, certificates, and reflections on any other learning, or other steps you have taken to keep your*

*clinical knowledge up to date. This should be sent to the NMC at least 14 days before any review hearing or meeting.*

5. *You must allow the NMC to exchange, as necessary, information about the standard of your performance and your progress with your line manager, mentor or supervisor (or their nominated deputy) and any other person who is or will be involved in your retraining and supervision with any employer, prospective employer and at any educational establishment.*
  
6. *You must tell the NMC within 7 days of any nursing or midwifery appointment (whether paid or unpaid) you accept within the UK or elsewhere, and provide the NMC with contact details of your employer.*
  
7. *You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 7 days of you receiving notice of them.*
  
8. *a) You must within 7 days of accepting any post or employment requiring registration with the NMC, or any course of study connected with nursing or midwifery, provide the NMC with the name/contact details of the individual or organisation offering the post, employment or course of study.*  
  
*b) You must within 7 days of entering into any arrangements required by these conditions of practice provide the NMC with the name and contact details of the individual/organisation with whom you have entered into the arrangement.*
  
9. *You must immediately tell the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose the conditions listed at (1) to (8) above, to them.*

- *Any organisation or person employing, contracting with, or using you to undertake nursing work.*
- *Any agency you are registered with or apply to be registered with (at the time of application) to provide nursing services.*
- *Any prospective employer (at the time of application) where you are applying for any nursing appointment.*
- *Any educational establishment at which you are undertaking a course of study connected with nursing or midwifery, or any such establishment to which you apply to take such a course (at the time of application).*

*You should be aware that, in the absence of sufficient new evidence at the next review of this order there is a possibility that your sanction may increase, including the possibility of a striking-off order. This order allows you a further chance to progress and demonstrate to a panel your remediation in relation to the concerns in your nursing practice.*

*This conditions of practice order will be reviewed before it expires, unless you or the NMC requests the order to be reviewed at an earlier date.*

## **Decision and reasons on current impairment**

The panel has considered carefully whether your 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. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel has had regard to all of the documentation before it, including the NMC bundle, documentation provided by you, and the oral submissions of both Mr Kennedy, on behalf of the Nursing and Midwifery Council, and Ms Khanna, on your behalf.

Mr Kennedy submitted that there was no information available today to suggest that you have developed full insight nor that you have remediated the concerns identified around your nursing practice. He highlighted that you have failed to provide a reflective statement and submitted that the references and testimonial you have provided were 'generic' and did not reflect on your clinical knowledge.

Mr Kennedy submitted that in the absence of full insight and remediation your fitness to practise remains impaired. He submitted that in view of your lack of effort, the number of years that have now passed, and the previous panel's clear warning that you may be struck-off, the time had now come to draw your case to an end by imposing a striking-off order.

You gave evidence under affirmation.

You accepted that your fitness to practise is currently impaired. You told the panel that you made a number of applications for nursing posts between August 2019 and March 2020. However, they were all unsuccessful. Further, you informed the panel of job application that you have made since March 2020 of which you are still to hear back from. You informed the panel of the barriers to you gaining employment as a registered nurse, namely, that you do not own a computer and do not have internet access at home. You therefore rely on public library facilities to make job applications, and these facilities have been closed since March 2020 due to the coronavirus pandemic.

You told the panel that you practised as a registered nurse for over 20 years and you wish to do so again in the future. You told the panel that your current job, as a Health Care Assistant (HCA), which you have held for the past seven years, keeps you connected to the caring profession. You informed the panel that you have, sometime in the recent past, undertaken online learning in areas relating to time management and infection control.

In response to questions by Mr Kennedy and the panel you clarified that you have not sought development training in your current role, nor were you able to provide documents of any recent appraisals from your role as a HCA.

Mr Kennedy highlighted the absence of any appraisal documents, training records, or any information at all to suggest that you have full insight or that you have remediated the concerns identified around your nursing practice. He submitted that you continue to fail to take proactive steps to return to unrestricted nursing practice and you continue to fail to seek opportunities to advance. He submitted that there was very little before the panel, or in anything that the panel had heard, to indicate that you are likely to make any real progress any time in the future.

Ms Khanna, on your behalf, submitted that it is not right to say that you are beyond achieving insight and remediation and she highlighted the previous panel's decision that it would have been disproportionate to strike you off the register at that time given your engagement in proceedings. Ms Khanna reminded the panel of the barriers that you face and that you rely on public facilities to make job applications.

Ms Khanna acknowledged that you have a long way to go in developing your insight and remediation and she submitted that that journey can only be made by you practising as a registered nurse with the support of a conditions of practice order. She told the panel that you are a dedicated nurse, as evidenced by your engagement in the regulatory process and your commitment to providing care through your work as a HCA.

Ms Khanna invited the panel to impose a further conditions of practice order with a review. She proposed more stringent conditions and suggested a condition requiring you to evidence that you are actively seeking a return to practice course along with evidence of training certificates.

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 your fitness to practise remains impaired. It bore in mind the attempts that you have made to secure a post as a registered nurse and the applications that you said that you made. It considered the barriers that you face and that

you rely on public computers/internet facilities to make job applications. It also bore in mind that you have continued to participate in these regulatory proceedings and that you have demonstrated commitment to providing care through your work as a HCA.

However, the panel noted that there was no evidence before it of full insight or remediation. The panel reached the view that you have continually failed to demonstrate full insight, and there is little indication that your insight into the concerns is developing or has developed sufficiently over the past seven years. It considered your lack of awareness of the impact of your actions upon patients and colleagues to be particularly worrying. The panel therefore decided that your fitness to practise remains impaired 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, in this case, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that your fitness to practise remains impaired.

### **Decision and reasons on sanction**

Having found your 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 30 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 to the public identified. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the risk to the public identified, an order that does not restrict your practice would not be appropriate in the circumstances.

The panel next considered whether a conditions of practice on your registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel was of the view that there were no workable conditions given the length of time that you have already had to develop your insight and to demonstrate efforts to remediate the deficiencies in your nursing practice, such as, undertaking medicines training.

The panel took into account the NMC's letter in regard to its mistake on the register as well as the Covid-19 pandemic on your ability to secure a nursing role. However, on balance, the panel took the view, that the continued failure to develop sufficient insight outweighed the obstacles to you securing employment.

The panel was aware of the barriers you face and the current pandemic which will of course have impacted your ability to remediate. Even with these factors in mind, the panel determined that your efforts so far - to remediate the concerns with your nursing practice – had been unsatisfactory and insufficient. For example, you have not considered approaching your current employer to explore if they may be able to assist with any form of remediation, despite working with them for a number of years and receiving annual appraisals. The panel had no confidence that you would be able to develop sufficient insight or remediate the concerns identified anytime in the near future.

The panel next considered imposing a suspension order. It bore in mind that you have in the past been subject to a suspension order, and, in the circumstances of your case the panel determined that a further period of suspension would not serve any useful purpose.

In the circumstances, the panel concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order. The panel therefore directs the registrar to strike your name off the register.

This striking-off order will take effect upon the expiry of the current conditions of practice order, namely the end of 25 September 2020 in accordance with Article 30(1).

This will be confirmed to you in writing.

That concludes this determination.