

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

Substantive Order Review Hearing

14 February 2020

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

Name of registrant: Mrs Stacey Aram

NMC PIN: 10I1229E

Part(s) of the register: Registered Nurse – sub part 1
Adult Nursing (11 September 2010)
Health Visitor (1 January 2015)
Community Practitioner Nurse Prescriber (2
January 2015)

Area of Registered Address: England

Type of Case: Misconduct

Panel members: Hilary Nightingale (Chair, lay member)
Anita Underwood (Registrant member)
Gillian Seager (Lay member)

Legal Assessor: William Hoskins

Panel Secretary: Kelly O'Brien

Nursing and Midwifery Council: Represented by Leeann Mohamed, Case
Presenter

Mrs Aram: Not present and not represented

Order being reviewed: Suspension Order for 3 months

Fitness to Practise: Impaired

Outcome: Striking-off order to come into effect at the end
of 14 March 2020 in accordance with Article
30(1)

Decision on Service of Notice of Hearing

The panel was informed at the start of this hearing that Mrs Aram was not in attendance and that written notice of this hearing had been sent to her registered address by recorded delivery and by first class post on 14 March 2020.

The panel took into account that the notice letter provided details of the allegation, the time, dates and venue of the hearing and, amongst other things, information about Mrs Aram's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

Ms Mohamed, on behalf of the Nursing and Midwifery Council (NMC), submitted the NMC had complied with the requirements of Rules 11 and 34 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004, as amended ("the Rules").

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mrs Aram has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

Decision on proceeding in the absence of the Registrant

Ms Mohamed invited the panel to proceed in Mrs Aram's absence. Ms Mohamed referred the panel to the email correspondence between Mrs Aram and the NMC dated 23 January 2020 which confirms that Mrs Aram will not be attending, and that she is content to for the hearing to proceed in her absence.

The panel then considered proceeding in the absence of Mrs Aram. 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 Ms Mohamed, on behalf of the Nursing and Midwifery Council (NMC). The panel accepted the advice of the legal assessor.

The panel had regard to the email from Mrs Aram to the NMC dated 23 January 2020 which states:

“I am now a school teacher so work school hours so will be unable to attend the video session aswell. Please go ahead with the hearing. If I can help in anyway please let me know. I will forward any documents I have to yourself or via the post”

In the circumstances the panel was satisfied that Mrs Aram was aware of today’s hearing and it is of the view that she has chosen voluntarily to absent herself. The panel had no reason to believe that an adjournment would result in Mrs Aram’s attendance. The panel noted that the order is due to expire on 14 March 2020. Having weighed the interests of Mrs Aram with those of the NMC and the public interest in an expeditious disposal of this hearing the panel determined to proceed in Mrs Aram’s absence.

Having regard to Mrs Aram’s clearly expressed intention not to attend, and the apparent absence of any further representations from her, the panel began to hear the case at about 11:45, rather than at the advertised start time of 13:30. The case was not expected to conclude before 13:30 in any event, so that if any representations were made before then the panel would be able to take them into account.

No representations were received before the panel commenced its deliberations. However, while the panel was deliberating Ms Mohamed, the case presenter, received a bundle of documents from Mrs Aram which has apparently been sent by Mrs Aram to the relevant case officer on 12 February 2020. This was within the period allotted by the NMC for the receipt of such documents. As soon as Ms Mohamed became aware of the existence of these documents she notified the panel which received the documents and considered them. Ms Mohamed made a further submission in relation to the documents, and the legal assessor advised in relation to the position.

The panel accepted the legal advice which was to the effect that it must begin its consideration of the question of impairment and sanction anew, taking into account the documents it had now received.

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 14 March 2020 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 15 November 2018 for 12 months. The first reviewing panel imposed a suspension order for a period of 3 months on 1 November 2019. The current order is due to expire at the end of 14 March 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, a registered nurse:

1. *in respect of Patient A:*

1.1. *recorded that you had completed a Looked After Children review on 16 January 2017, when you had not done so.*

1.2. *recorded that you had weighed Patient A on 16 January 2017, when you had not done so.*

2. ...

3. ...

4. *between January and March 2017, did not maintain adequate records in respect of one or more patients in that you:*

4.1. *kept records in your RIO electronic diary which were inconsistent with records kept in your paper diary.*

- 4.2. *cut and paste from previous records when conducting assessments and/or making entries in the RIO progress notes*
5. *Your actions as set out at charge 1 were dishonest in that you knew you had not conducted a Looked After Children review and/or weighed Patient A on 16 January 2017 and you intended to mislead anyone reading Patient A's records into believing you had done so.*
6. ...
7. ...

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

The panel considered the information that had been provided since the substantive hearing. The panel had regard to Mrs Aram's letter, in which she apologised for not having previously engaged with her case, and explained that this was due to her personal circumstances. The panel considered that within this letter, Mrs Aram made attempts to address some of her failings, namely in relation to record keeping. Mrs Aram apologised for her actions and stated that she understood the importance of record keeping in terms of protecting the public. Mrs Aram went on to set out steps she had taken to address these failings, including improving her own record keeping, conducting research through the Royal College of Nursing ("RCN"), reading articles and going through the NMC's Code of Conduct and identifying where she had made mistakes.

Having regard to the letter, the panel considered that Mrs Aram had demonstrated some remorse for her failings and that she was beginning to demonstrate insight into them. However, the panel noted that Mrs Aram's dishonest behaviour, which arose out of the record keeping failings, was another element of her misconduct, and nowhere in her letter did she appear to address this. The panel also did not consider that Mrs Aram had demonstrated the impact of her failings (in relation to record keeping as well as the associated dishonesty) had on patients, families, her colleagues and on the reputation of the nursing profession. Whilst Mrs Aram had made attempts to improve her record keeping practice through theoretical learning, at no point had she set out what she had

learnt from these steps and how she would apply any learning to her future practice to prevent her failings from reoccurring. The panel also noted that Mrs Aram had not provided any testimonials, in relation to any work she had undertaken, or from any individuals who knew Mrs Aram and could comment on her character.

The panel therefore considered that whilst it was positive that Mrs Aram had recently engaged with the NMC's proceedings, had demonstrated some remorse and had taken some steps to improve her record keeping practice, her insight could only be described as developing at this stage. The panel therefore considered that Mrs Aram had not fully remediated her misconduct, and therefore a risk of repetition remains. The panel determined that a finding of impairment remains 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. Whilst the panel was encouraged by the fact that Mrs Aram had engaged with these proceedings, and had begun to take steps to demonstrate remorse and some insight into her failings and to remediate the misconduct, it considered that she still had yet to remediate her misconduct in full, in particular the dishonesty. The panel considered that dishonest behaviour is serious, and therefore determined that a finding of impairment also remains necessary on public interest grounds, in order to uphold proper standards for members of the nursing profession and to send a clear message about the behaviour expected of registered nurses.

For these reasons, the panel finds that Mrs Aram's fitness to practise is currently impaired.

The first reviewing panel went on to determine the following with regard to sanction:

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

seriousness of the case. The panel determined that taking no action would not protect the public and it would not satisfy the public interest.

The panel then considered whether to impose a caution order, but concluded that this would also be inappropriate in view of the risk of repetition identified and the seriousness of the case. The panel determined that imposing a caution order would not protect the public and it would not satisfy the public interest.

The panel next considered whether to impose a conditions of practice order. The panel considered that whilst Mrs Aram had begun to take steps to address her clinical failings, namely in relation to record keeping, she had not addressed her dishonest behaviour. The panel considered that this was a behavioural issue for which it was not possible to formulate practicable and workable conditions. Furthermore, the panel noted that within Mrs Aram's letter she did not provide any information regarding her future intentions with reference to the nursing profession. In these circumstances, the panel did not consider that workable and practicable conditions could be formulated which would suitably protect the public and satisfy the public interest.

The panel next considered whether to impose a further suspension order. The panel considered that a suspension order would protect the public whilst upholding confidence in the nursing profession as well as declaring and upholding proper professional standards for registered nurses. The panel considered that a further suspension order would allow Mrs Aram time to reflect further on her failings, and to specifically address how the remedial steps she has undertaken would prevent future record keeping failings of this kind, as well as addressing the dishonesty and the impact her misconduct had on patients, families, colleagues and on the reputation of the nursing profession.

The panel considered whether to impose a striking-off order. The panel noted that whilst there was still reflective work to be carried out on Mrs Aram's part in order to fully remediate her misconduct, she had recently engaged with these proceedings, demonstrated remorse and some insight, and taken steps to improve her record keeping practice in the future. The panel therefore considered that a striking-off order would be disproportionate at this stage, and would serve

no useful purpose, as a suspension order would allow Mrs Aram further time to demonstrate full insight, in order to facilitate her return to safe and effective nursing practice.

The panel therefore determined that a short suspension order is appropriate and proportionate in the circumstances of this case. The panel considered that a suspension order for three months would provide Mrs Aram with sufficient time to further reflect on her failings and their impact on patients, families, colleagues and on the reputation of the nursing profession. In particular it would allow Mrs Aram time to reflect on her dishonest behaviour, and to set out what she has learnt and how she would prevent similar misconduct from reoccurring.

In accordance with Article 30(1) of the Order, this suspension order will come into effect upon the expiry of the current order, namely at the end of 14 December 2019.

This order will be reviewed prior to its expiry. The reviewing panel may revoke the order, allow the order to lapse, extend the order or replace the order with another order.

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

- *Mrs Aram's continued engagement with the NMC's proceedings and/or attendance at the review hearing;*
- *A reflective piece to address, but not limited to, the following:*
 - *Mrs Aram's explanation for why the dishonesty arose, her insight into this and how she would prevent dishonest behaviour from reoccurring;*
 - *What Mrs Aram has learnt from the steps she has undertaken to improve her record keeping practice and how she would apply this learning to prevent repetition of the misconduct in the future;*
 - *The impact Mrs Aram's overall misconduct had on patients, families, colleagues and on the reputation of the nursing profession.*

- *Any other steps Mrs Aram has taken to keep her nursing knowledge up to date;*
- *Mrs Aram's future intentions with regard to the nursing profession;*
- *Testimonials or references from any work Mrs Aram has undertaken, whether paid or unpaid, including character references from individuals who know Mrs Aram, whether arising from her voluntary work or otherwise.*

Decision on current fitness to practise

This panel has considered carefully whether Mrs Aram'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 judgement as to current impairment.

The panel had regard to all of the documentation before it, including the email correspondence from Mrs Aram to the NMC dated 23 January 2020, a reflective piece and testimonials sent to the NMC on 12 February 2020, and an earlier undated letter from Mrs Aram (uploaded on to the NMC's system on 28 October 2019).

Ms Mohamed invited the panel to find that Mrs Aram's fitness to practise remains currently impaired. Ms Mohamed referred the panel to the email correspondence from Mrs Aram dated 23 January 2020 which confirms that she is working as a teacher. Ms Mohamed referred the panel to Mrs Aram's reflective piece. She noted that Mrs Aram has not addressed the question of dishonesty, and still refuses to accept her dishonesty. Ms Mohamed therefore submitted that the position has not changed in relation to Mrs Aram's insight into her dishonesty at the date of the last review hearing, and the risk of repetition remains. Ms Mohamed invited the panel to find Mrs Aram's fitness to practise currently impaired on both public protection and public interest grounds.

In relation to sanction, Ms Mohamed invited the panel to consider the least restrictive sanction necessary, however reminded the panel that a striking-off order was open to it. Ms Mohamed submitted that a further period of suspension may serve no useful purpose, as Mrs Aram has not expressed an understanding of the impact of her failings, and the necessity of honesty and integrity in the profession. Ms Mohamed submitted that the lack of insight remains. Ms Mohamed said that Mrs Aram is now undertaking a teaching career although she does express a wish to return to nursing. In the circumstances, Ms Mohamed submitted that despite Mrs Aram's intention to return to

nursing, this is not the first review of the order, and she has still not fully remediated or shown sufficient insight. In the circumstances, Ms Mohamed submitted that a striking-off order would be appropriate and proportionate given the public protection concerns and Mrs Aram's lack of insight or remediation.

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 Mrs Aram's fitness to practise remains impaired.

The panel considered the information that had been provided since the substantive hearing. The panel had regard to Mrs Aram's reflective piece which continues to deny her dishonesty. The panel recognised that Mrs Aram was entitled to maintain her position but was concerned that she still does not provide any detailed reflection on the importance of honesty and integrity in the profession. The panel considered that Mrs Aram, in her most recent reflective piece, and in her undated letter which was available to the previous reviewing panel, has demonstrated some insight into her record keeping failings. The panel considered that Mrs Aram's reflective piece does not consider how she would prevent dishonest behaviour occurring the future, and the impact of her failings on the reputation of the profession. The panel concluded that Mrs Aram has developing insight into her record keeping failings but insufficient insight into the implications of the dishonesty which was found proved.

The panel had regard to the reference and testimonials from current colleagues who all speak very highly of Mrs Aram's teaching abilities and her character. However, the panel have noted that each of these were undated and unsigned and do not indicate that the writer is aware of the allegation of dishonesty. The panel noted that Mrs Aram has made some attempts to maintain her nursing knowledge by attending a first aid course, diabetes course, safeguarding training and well as keeping in touch through reading. The panel considered that at this stage Mrs Aram has not fully remediated her

failings. It bore in mind that it is of course difficult to remediate whilst not working in the profession currently.

The panel therefore concluded that Mrs Aram had not fully remediated her misconduct, and therefore a risk of repetition remains. The panel determined that a finding of impairment remains 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 considered that Mrs Aram still had yet to fully remediate and show full insight into her misconduct, in particular the dishonesty. The panel considered that dishonest behaviour is serious, and therefore determined that a finding of impairment also remains necessary on public interest grounds, in order to uphold proper standards for members of the nursing profession and to send a clear message about the behaviour expected of registered nurses.

For these reasons, the panel finds that Mrs Aram's fitness to practise is currently impaired.

Determination on sanction

Having found Mrs Aram'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 30 of the Order. The panel also took into account the NMC's Sanctions Guidance ("SG") and 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 first considered whether to take no action but concluded that this would be inappropriate in view of the risk of repetition identified and the seriousness of the case. The panel determined that taking no action would not protect the public and it would not satisfy the public interest. The panel considered that a caution order would be inappropriate for the same reasons.

The panel next considered whether to impose a conditions of practice order. The panel considered that Mrs Aram is not working in the profession currently. The panel considered Mrs Aram has not addressed or provided sufficient insight into her dishonest behaviour, which is a behavioural issue for which it was not possible to formulate practicable and workable conditions. In these circumstances, the panel did not consider that workable and practicable conditions could be formulated which would suitably protect the public and satisfy the public interest at this stage.

The panel next considered whether to impose a further suspension order. The panel noted that Mrs Aram, despite the opportunity given by the previous reviewing panel, has still not demonstrated sufficient insight into her dishonesty. This panel noted that the previous substantive panel imposed a suspension order for a period of 3 months to allow Mrs Aram the opportunity to engage and provide evidence of insight, remediation and remorse and express a willingness to return to nursing. The panel noted that Mrs Aram has attempted to comply with the recommendations, by providing an up to date reflective piece and testimonials but her overall insight and remediation remains lacking. However, the panel considered that the original charges date back to 2017, and were very serious charges. The panel considered that dishonesty is particularly serious and undermines trust and confidence in, and has a damaging effect on, the nursing profession.

The panel considered that whilst a suspension order would protect the public, however at this stage, the panel was not persuaded that it would not serve any useful purpose. The panel considered that Mrs Aram's insight into the dishonesty, which is the most serious charge in this case, is still lacking despite the opportunity afforded to her by the previous panel to reflect. The panel was of the view that Mrs Aram still does not understand the full impact and consequences of her dishonesty. The panel considered that an order should not be permitted to continue indefinitely without sufficient evidence of remediation or insight.

The panel determined that it was necessary to take action to prevent Mrs Aram from practising in the future, should she choose to do so, and concluded that the only sanction that would adequately protect the public and serve the public interest was a

striking-off order. The panel considered that at this stage a striking-off order is necessary to maintain professional standards, and is in the public interest.

This decision will be confirmed to Mrs Aram in writing.

That concludes this determination.