

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

Substantive Order Review Hearing

Tuesday, 11 February 2020

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

Name of registrant:	Julia Denise Redfern
NMC PIN:	13I5337E
Part of the register:	Registered Nurse – Sub-part 1 Adult Nursing – September 2013
Area of Registered Address:	England
Type of Case:	Lack of Competence
Panel Members:	Sophie Lomas (Chair, Lay member) Amy Noakes (Registrant member) Jane McLeod (Lay member)
Legal Assessor:	Andrew Young
Panel Secretary:	Philip Austin
Registrant:	Not present and not represented in absence
Nursing and Midwifery Council:	Represented by Helen Lavery, Case Presenter
Order being reviewed:	Suspension Order (3 months)
Fitness to Practise:	Currently impaired
Outcome:	Striking-off order to come into effect upon expiry of the current order, namely, at the end of 13 March 2020, in accordance with Article 30(1)

Service of Notice of Hearing

The panel was informed at the start of this hearing that Mrs Redfern was not in attendance, nor was she represented in her absence.

The panel was informed that the notice of this hearing was sent to Mrs Redfern on 23 December 2019 by recorded delivery and first class post to her registered address. The Royal Mail Signed For service confirmed that the notice of hearing was delivered to Mrs Redfern's registered address on 24 December 2019 and signed for by 'REDFERN'.

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 Mrs Redfern. 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 Lavery, on behalf of the Nursing and Midwifery Council ("NMC"). The panel accepted the advice of the legal assessor.

Ms Lavery submitted that no application to adjourn has been made by Mrs Redfern. She informed the panel that Mrs Redfern has a history of not engaging with the NMC, as the NMC last had contact from her in 2018.

The panel noted that there had been no response from Mrs Redfern in relation to the notice of hearing. It was mindful that Mrs Redfern has not engaged with the NMC since 2018.

Mrs Redfern had been sent notice of today's hearing and the panel was satisfied that she was aware of today's hearing. The panel concluded that Mrs Redfern had chosen to voluntarily absent herself, and concluded that she has disengaged from the NMC process. The panel had no reason to believe that an adjournment would result in Mrs Redfern's attendance. Having weighed the interests of Mrs Redfern with those of the NMC and the public interest in an expeditious disposal of this hearing, the panel determined to proceed in Mrs Redfern'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 13 March 2020 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (“the Order”).

This is the third review of a substantive order first imposed by a panel of the Fitness to Practise Committee on 15 November 2017. On that occasion, the panel decided to impose a suspension order for twelve months. This order was reviewed on 31 October 2018 and the suspension order was extended for a further twelve months. At the last review hearing on 4 November 2019, a panel decided to impose a suspension order for three months. The current order is due to expire at the end of 13 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, whilst employed by Royal Derby Teaching Hospitals NHS Trust, and whilst subject to a Performance Improvement Plan between 14 September 2015 until May 2016:

- 1) Failed to demonstrate the standard of knowledge, skill and judgment required for practice without supervision as a Registered Nurse. Examples of your failings include, but are not limited to, one or more of the matters set out in Schedule 1.

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

SCHEDULE 1

- 1) You failed a formal drug assessment on 4 December 2015 (RC/17)

- 2) At a meeting on 21 January 2016 you admitted that you felt your drug knowledge was not sufficient to pass an assessment (YT/7)
- 3) At a meeting on 25 January 2016 you demonstrated limited knowledge of colon function and the associated use of stool softeners (YT/8)
- 4) On 5 February 2016 during a mock drug assessment, you were prevented by intervention from a colleague, from administering medication to a patient whose wrist band showed a different hospital number (YT/10)
- 5) You failed a formal drug assessment on 6 February 2016. Your failings included, but were not limited to the following concerns:
 - a. You were unable to identify common complications arising from drug-related medical emergencies (YT/11)
 - b. You did not carry out positive patient checks
 - c. You did not check expiry dates on all the medications
 - d. You tried to order medication that had been stopped
 - e. You prepared medication from a patient hospital number on the prescription sheet which was different to the patient wristband
- 6) On 22 February 2016 you demonstrated a number of concerns in relation to medication administration for patients (YT/15)
- 7) In the Staff Support Record of 1 March 2016, the following concerns were noted with you practice (YT/17):
 - a. You had attempted to omit a drug that the relevant patient needed to take
 - b. You were distracted by a patient during a medication round
 - c. You forgot to administer a nebuliser that you had signed for
 - d. You went to omit a medication that was present
- 8) In the Staff Support Record for 8 March 2016, the following concerns were noted:

- a. Your colleague needed to explain to you the intramuscular injections including what equipment was needed to draw up the dose, Aseptic Non-Touch Technique, and the sites of administration
 - b. You did not adjust the dosage of paracetamol based on the patient weighing less than 50kg
- 9) You failed a formal drug assessment on 9 March 2016. Your failings included, but were not limited to the following:
 - a. You failed to check for patient allergies in the patient records, and the presence of a wrist band
 - b. You signed for a drug that you had not administered
- 10) In the Staff Support Record dated 6 April 2016 (YT/21), the following concerns were noted:
 - a. You missed a patient medication, digoxin
- 11) You failed a formal drug assessment on 18 April 2016
- 12) The notes in relation to 19 and 20 April reflect the following concerns:
 - a. That you were failing to check for patient's medications in the personal lockers and were therefore omitting medications which were available
 - b. You used a blunt needle rather than a filter needle to draw up a dose of medication from a glass vial
- 13) On 8 May 2016, you were unable to identify what group of medications Ramipril belonged to
- 14) You failed an informal drug assessment on 22 May 2016"

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

“There is no information before it from Mrs Redfern. There is no reflective piece, no evidence of how she has kept her knowledge of nursing practice up to date and no testimonials from any employer. She appears to have disengaged from the NMC adjudication process. There is no evidence of remediation or any development of insight. In light of the lack of information from Mrs Redfern the panel concluded that nothing has changed since the last review. Given the wide-ranging and serious nature of the charges admitted by Mrs Redfern the panel concluded that a finding of continuing impairment is necessary on the grounds of public protection.

The panel had borne in mind 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 determined that Mrs Redfern’s fitness to practise remains impaired.”

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

“The panel has made a finding that Mrs Redfern’s fitness to practise is impaired on the grounds of public protection and public interest. Mrs Redfern is no longer engaging with the NMC and therefore has not provided evidence to demonstrate remediation nor a sufficiently developed insight into her shortcomings. For this reason the panel has concluded that it would not be appropriate to take no further action or to issue a caution order. Either of these actions would allow Mrs Redfern to practise without restriction when the panel has already concluded that she has not remediated the clinical shortcomings in her practice.

The panel next considered a conditions of practice order. As Mrs Redfern has not engaged with the NMC process the panel concluded that it had no evidence of a willingness to comply with a conditions of practice order.

The panel considered whether to impose a further suspension order and concluded that such an order was proportionate and appropriate, as the lesser sanctions do not provide sufficient public protection. Further, a lesser sanction would not satisfy the public interest in this case. The panel concluded that as there has been no engagement since the substantive hearing, a further suspension order of three months is appropriate. This will give Mrs Redfern an opportunity to engage if she so wishes.

The panel noted that a striking off order was not available at this stage, but will be available to the next reviewing panel.

The panel considered that a future reviewing panel would be assisted by:

- Mrs Redfern's engagement with the NMC;
- A reflective piece setting out Mrs Redfern's further reflections on her failings, and her commitment to return to practice;
- Evidence of how she has kept her knowledge of nursing practice up to date;
- Testimonials from her current or previous employer."

Decision on current fitness to practise

The panel has considered carefully whether Mrs Redfern'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, including the NMC hearing bundle. It has taken account of the submissions made by Ms Lavery, on behalf of the NMC.

Ms Lavery invited the panel to find that Mrs Redfern's fitness to practise as a registered nurse remains currently impaired on the grounds of public protection and public interest.

Ms Lavery submitted that as Mrs Redfern has not engaged with the NMC since the substantive hearing, there is no new evidence to suggest that she has further developed her insight, or taken the opportunity to address the concerns in her nursing practice. Ms Lavery also submitted that Mrs Redfern has not complied with any of the recommendations made by the previous reviewing panel as to what may assist a future panel.

Ms Lavery invited the panel to consider whether a suspension order remains an appropriate and proportionate sanction in the circumstances of this case. She submitted that these matters have been ongoing since 2017, and Mrs Redfern has had repeated opportunities to address the concerns but has chosen not to do so. She submitted that Mrs Redfern has not demonstrated any desire or willingness to take the necessary steps to enable her to return to the nursing profession.

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 Mrs Redfern's fitness to practise remains impaired.

The panel noted that the charges were serious and wide-ranging. It also noted that they relate directly to Mrs Redfern's clinical practice.

The panel considered that Mrs Redfern has made no attempts to remediate her nursing practice, or develop her insight since the substantive hearing. It noted that she has not complied with the recommendations of the previous reviewing panel and that she has not contacted the NMC since 2018. She therefore appears to have disengaged from the NMC process.

The panel considered that Mrs Redfern has had a significant period of time to reflect on her failings and remediate the deficiencies in her nursing practice, yet she does not appear to have done so.

In light of the above, the panel determined that Mrs Redfern has not been able to demonstrate that she is safe to return to nursing practice without some form of restriction. It determined that there is a real risk of repetition of a similar set of events occurring in the future. Therefore, the panel found that Mrs Redfern's fitness to practise as a registered nurse remains impaired on the grounds of public protection as an unwarranted risk of harm to patients in her care remains.

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 Mrs Redfern's fitness to practise remains impaired.

Determination on sanction

Having found Mrs Redfern'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 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 the 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 inappropriate in view of the risk of repetition identified and the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered the imposition of a conditions of practice order. Whilst the panel considered the concerns to be capable of remediation as they relate to Mrs Redfern's clinical practice, it determined that it would not be possible to formulate workable conditions to allow Mrs Redfern to return to the nursing profession with conditions on her NMC registration as she is not currently engaging with the NMC. In these circumstances, the panel was not satisfied that a conditions of practice order would adequately address the wider public interest elements of this case.

The panel next considered imposing a further suspension order. The panel noted that Mrs Redfern has been subject to suspension orders since 10 November 2017, and that she has had numerous opportunities to engage with the NMC and remediate the concerns identified, but has failed to do so. The panel considered Mrs Redfern to have made no progress since the last review hearing, where it was expressed by a panel that a future reviewing panel would have the power to impose a striking off order. The panel noted from its decision on impairment, that Mrs Redfern has not remediated the concerns identified, nor has she developed her insight further, or taken the opportunity to provide any further information which may have been of assistance to the panel. Instead, the panel considered that Mrs Redfern has disengaged from the NMC. In having regard to the above, whilst a further suspension order would satisfy the public protection concerns, the panel was not satisfied that it would sufficiently address the wider public interest elements of this case.

In the circumstances, the panel determined that a further period of suspension would not serve any useful purpose. The panel determined that it was necessary to take action to prevent Mrs Redfern from practising as a registered nurse in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order.

This decision will be confirmed to Mrs Redfern in writing.

That concludes this determination.