

Nursing and Midwifery Council
Fitness to Practise Committee
Substantive Order Review Meeting

12 February 2020

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

Name of registrant:	Karen Lynda Thompson
NMC PIN:	75K0482E
Part(s) of the register:	Registered Mental Health Nurse- Sub part 2 RN4 Level 2 (2 June1978)
Area of Registered Address:	England
Type of Case:	Misconduct
Panel Members:	Caroline Healy (Chair, Registrant member) Sue O'Sullivan (Registrant member) Richard Bayly (Lay member)
Legal Assessor:	James Holdsworth
Panel Secretary:	Catherine Acevedo
Order being reviewed:	Conditions of Practice Order (9 months)
Fitness to Practise:	Impaired
Outcome:	Striking-off order to come into effect at the end of 27 March 2020 in accordance with Article 30 (1)

Decision on Service of Notice of Meeting:

The panel considered whether notice of this meeting has been served in accordance with the rules. Rules 11A and 34 of the *Nursing and Midwifery Council (Fitness to Practise) Rules 2004, as amended* state:

'11A.(1) Where a meeting is to be held in accordance with rule 10(3), the Conduct and Competence Committee or the Health Committee shall send notice of the meeting to the registrant no later than 28 days before the date the meeting is to be held.

*34.(3) Any other notice or document to be served on a person under these Rules may be sent by—
(a) ordinary post'*

The letter of notice of this substantive meeting was sent to Mrs Thompson's address on the register on 17 December 2019. The panel is satisfied that the notice was sent more than 28 days in advance of this meeting. The panel therefore finds that notice has been served in accordance with the Rules.

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 27 March 2020 in accordance with Article 30 (1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the fourth review of a conditions of practice order, originally imposed by a Conduct and Competence Committee on 24 May 2017 for six months. The current order is due to expire on 27 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, while employed as a Band 5 Staff Nurse on the Willow Ward of West Park Hospital:

- 1. On 7 March 2014, incorrectly administered Patient B's fortnightly Haloperidol Decanoate 50mg depot injection one week before it was due.*
- 2. On 28 May 2015, incorrectly forwarded in Patient A's Kardex that her fortnightly Zuclopenthixol Decanoate 500mg depot injection was due on 4 June 2015.*
- 3. On 4 June 2015, incorrectly administered Patient A's fortnightly Zuclopenthixol Decanoate 500mg depot injection one week before it was due.*
- 4. On 4 June 2015 failed to check the inpatient notes and/or ward diary before administering the Zuclopenthixol Decanoate 500mg depot injection to ensure the Kardex for Patient A was correct.*
- 5. Between 4 June 2015 and 7 June 2015 failed to handover or escalate the medication error in respect of Patient A in a timely manner.*

6. *Between 4 June 2015 and 7 June 2015 failed to document the medication error.*

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

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

“Regarding Mrs Thompson’s insight, the panel noted that the previous panel found that she had shown no insight into her failings, nor had she evidenced any remorse or remediation. This panel noted Mrs Thompson’s reflective piece, in which she acknowledged how her failings have impacted colleagues and herself. She also stated that she wishes she could apologise to patients personally. She further provides an explanation as to why she believes such failings occurred, and upon reflection, what she should have done to prevent this. Nonetheless, the panel was not satisfied that Mrs Thompson’s reflective piece was either fully reflective, or insightful in regard to her responsibility as a registered nurse for her misconduct. The panel was concerned that Mrs Thompson continued, in her reflective piece, to place emphasis on what she said were the failings of Healthcare assistants. It was also not satisfied that Mrs Thompson has demonstrated that she has taken steps to remedy the deficiencies in her practice.

The panel noted that, despite express invitation from the previous panel, there were no references or evidence of Mrs Thompson keeping her clinical skills up to date provided to it. In the absence of this information, the panel could not be satisfied that the risk of repetition which the previous panel identified, had been minimised. The panel determined that it is imperative that Mrs Thompson provides such evidence to her regulator which, so far, she has failed to do. In light of these circumstances, the panel was satisfied that a finding of continuing impairment remained necessary on the grounds of public protection, and also on public interest grounds.”

The third reviewing panel determined 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 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 but concluded that this would be inappropriate in view of the risk of repetition already identified. This case was in any event serious, and a caution order would be neither suitable nor appropriate; nor would it be proportionate.

The panel gave careful consideration to the continuation of the current conditions of practice order. The panel determined that Mrs Thompson has been provided with ample opportunity for a two year period, to remedy her failings. In addition there was no evidence that she had tried to comply with the imposed conditions, for example, by applying for registered nursing roles. However, the panel was of the view that Mrs Thompson may not fully understand what the imposed conditions mean in terms of her practice. It noted that Mrs Thompson is unrepresented, and has previously indicated a lack of understanding in terms of the hearings process. The panel drew reference to her letter, in which she stated:

“If I am able to return back to the nursing profession...”

The panel was of the view that Mrs Thompson has indicated a degree of confusion in her correspondence, in regard to the current conditions of practice order placed upon her registration. The panel want to make it abundantly clear to Mrs Thompson that the current imposed conditions, do not prevent her from practising as a nurse. While it was noted that in the past the conditions were causing difficulty securing employment, the previous panel, which met in May 2018, modified those conditions.

The panel noted that there is nothing in the current conditions which prevents Mrs Thompson from applying for registered nursing roles, and it encourages Mrs Thompson to do so. Until a future panel has seen evidence that she has complied with the conditions, her fitness to practise will remain impaired. In the

absence of such information, a future panel may be left with no choice but to impose a striking-off order.

The panel did consider a suspension order but concluded that it would serve no useful purpose at this time. It would prevent Mrs Thompson from gaining the clinical experience needed to remediate the deficiencies in her practice.

In light of the above, the panel was satisfied that a continuation of the current conditions of practice order would be the appropriate sanction in this case. The panel have extended the order by nine months, to allow time for Mrs Thompson to seek employment, and acquire any evidence of remediation and compliance with the conditions of practice.

The panel decided to impose the following conditions which it considered are appropriate and proportionate in this case:

- 1. At any time that you are employed or otherwise providing nursing services, you must place yourself and remain under the direct supervision of a registered nurse whilst administering medication until you are signed off as competent in administering medication by your line manager, supervisor or their deputy. Direct supervision means administering medication at all times under the direct observation of another registered nurse.*
- 2. Once signed off as competent in administering medication, you must place yourself and remain under the indirect supervision of a registered nurse when administering medication. Indirect supervision means administering medications at all times on the same shift but not necessarily under the direct observation of another registered nurse who is working at all times on the same shift and physically in or on the same ward, unit, floor or home that you are working in or on. This is to facilitate advice, discussion and problem solving.*

3. *You must work with your line manager, mentor or supervisor (or their nominated deputy) to create a personal development plan designed to address the concerns about the following areas of your practice:*
 - i. *Medication administration;*
 - ii. *Record keeping; and*
 - iii. *Documentation and escalation of incidents and errors.*

4. *You must meet with your line manager, mentor or supervisor (or their nominated deputy) at least every month to discuss the standard of your performance and your progress towards achieving the aims set out in your personal development plan.*

5. *You must forward to the NMC a copy of your personal development plan within 28 days of the date on which these conditions become effective or the date on which you take up an appointment, whichever is sooner.*

6. *You must send a report from your line manager, mentor or supervisor (or their nominated deputy) setting out the standard of your performance and your progress towards achieving the aims set out in your personal development plan to the NMC at least 14 days before any NMC review hearing or meeting.*

7. *You must allow the NMC to exchange, as necessary, information about the standard of your performance and your progress towards achieving the aims set out in your personal development plan 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.*

8. *You must disclose a report not more than 28 days old from your line manager, mentor or supervisor (or their nominated deputy) setting out the standard of your performance and your progress towards achieving the aims set out in your personal development plan to any current and*

prospective employers (at the time of application) 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.

9. *You must tell the NMC within 7 days of any nursing appointment (whether paid or unpaid) you accept within the UK or elsewhere, and provide the NMC with contact details of your employer.*

10. *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.*

11. (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, 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.*

12. *You must immediately tell the following parties that 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 (11) above, to them.*
 - i. *Any organisation or person employing, contracting with, or using you to undertake nursing work.*
 - ii. *Any agency you are registered with or apply to be registered with (at the time of application) to provide nursing services.*
 - iii. *Any prospective employer (at the time of application) where you are applying for any nursing appointment.*
 - iv. *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).

A future reviewing panel would be assisted by:

- *Mrs Thompson's attendance, either in person or via telephone or video-link;*
- *An update on Mrs Thompson's current employment situation;*
- *Evidence of recent experience in a healthcare setting;*
- *Evidence of job applications for registered nursing roles;*
- *Up to date references relating to the quality of Mrs Thompson's work within a healthcare setting;*
- *Evidence of any recent learning undertaken, either face to face or online;*
- *A written reflection in relation to the separate responsibilities of Registered Nurses and Healthcare assistants.*

The panel encourages Mrs Thompson to attend any future hearings. This can be either in person, or remotely via telephone or video-link. Legal representation is not a requirement for attending NMC hearings.”

Decision on current fitness to practise

The panel has considered carefully whether Mrs Thompson'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 decisions of the previous panels and in particular 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 meeting bundle and emails from Mrs Thompson dated 26 May 2019 and 19 December 2019.

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 Thompson's fitness to practise remains impaired.

Regarding Mrs Thompson's insight, the panel noted that the last panel was not satisfied that Mrs Thompson had fully reflected, or shown insight in regard to her responsibility as a registered nurse for her misconduct. At this hearing the panel did not see any information to demonstrate that Mrs Thompson has developed any further insight into her misconduct.

In its consideration of whether Mrs Thompson has remedied her practice, the panel took into account the email dated 19 December 2019. In this email Mrs Thompson states that she has been unable to secure work as a nurse since the imposition of the conditions of practice order. The panel has received no other information regarding Mrs Thompson's current employment. The panel had seen no information about whether she has managed to find work in a healthcare setting or any evidence of attempts to secure nursing employment. The panel noted Mrs Thompson said in her email:

"I am stating that I am giving up the profession once and for all, I had an unblemished record until all of this happened I have enjoyed my nursing career. I will wait for the meeting on the date stated and receive the outcome then I do not want anymore correspondence whatsoever regarding this. You can take my pin number and take me of the register once and for all (sic). I have tried to sort this out but to no avail".

The panel was of the view that there has been no material change since the order was last reviewed and that Mrs Thompson has effectively stated that she has no intention of remediating the concerns or of returning to nursing practice.

The panel noted that, despite express invitation from previous panels, there were no references, updates of her current employment situation, evidence of experience in a healthcare setting or job applications or evidence of Mrs Thompson keeping her clinical skills up to date. In the absence of this information, the panel could not be satisfied that the risk of repetition which the previous panels have identified, had been reduced or minimised.

In light of these circumstances, the panel was satisfied that a finding of continuing impairment remained necessary on the grounds of public protection, and also on public interest grounds.

Determination on sanction

Having found Mrs Thompson'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 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 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 but concluded that this would be inappropriate in view of the risk of repetition already identified. This case was in any event serious, and a caution order would be neither suitable nor appropriate; nor would it be proportionate.

The panel considered continuing the current conditions of practice order. The panel determined that Mrs Thompson has been provided with ample opportunity for almost 3 years, to remedy her failings through four conditions of practice orders. In addition there was no evidence that she had tried to comply with the imposed conditions.

The panel received information from Mrs Thompson's email that she does not intend to remediate the concerns identified or return to practise as a nurse. In view of her clear

intention not to return to nursing the panel considered that a further conditions of practice order would no longer serve any useful purpose.

The panel next considered imposing a suspension order. The panel noted that Mrs Thompson does not intend to return to nursing and has not provided evidence of remorse for her misconduct, any remedial steps taken or of further insight into her failings. Further, Mrs Thompson has made it clear that she does not intend to engage with NMC proceedings in the future. In these circumstances the panel determined that a period of suspension would not serve any useful purpose.

This is the fourth review of a conditions of practice order spanning a period of 2 years and 9 months during which time no evidence of any attempt to address the areas of concern highlighted has been provided.

In addition, Mrs Thompson was made aware of the possible imposition of a striking-off order in her last substantive order review.

The panel determined that given Mrs Thompson's stated intent is not to return to nursing and therefore has no intention of remediating, the only sanction that would now adequately protect the public and serve the public interest is a striking-off order. The panel therefore directs the registrar to strike Mrs Thompson's name off the register.

In accordance with Article 30 (1) of the Nursing and Midwifery Order 2001 this striking-off order will come into effect upon the expiry of the existing suspension order, namely 27 March 2020.

This decision will be confirmed to Mrs Thompson in writing.

That concludes this determination.