

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

Substantive Order Review Meeting

27 March 2020

Nursing and Midwifery Council, Virtual Meeting

Name of registrant: Carolyn Ann Hancock

NMC PIN: 06I1424E

Part(s) of the register: Registered Nurse – Adult (RNA)
20 September 2007
Sub part 1

Area of Registered Address: England

Type of Case: Misconduct

Panel Members: Andrew Gell (Chair, lay member)
Sophie Kane (Registrant member)
Michael Duque (Registrant member)

Legal Assessor: Nigel Ingram

Panel Secretary: Sophie Cubillo-Barsi

Order being reviewed: Suspension Order – 12 months

Fitness to Practise: Impaired

Outcome: Striking off order to come into effect at the
expiry of the current order 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 Miss Hancock's address on the register on 22 January 2020. 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.

The panel also noted that there has been no response from Miss Hancock in relation to the notice of this meeting.

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 8 May 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 conditions of practice order, originally imposed by a Fitness to Practise Committee on 5 January 2018 for 12 months. The order was reviewed on 28 March 2019 and replaced with a 12 month suspension order. The current order is due to expire on 8 May 2020.

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

The charge found proved which resulted in the imposition of the substantive order was as follows:

That you, a registered nurse, on 15th April 2016 at the Royal Free Hospital;

- 1. Failed to demonstrate adequate clinical skills and/or knowledge in respect of Patient A's nil by mouth assessment.*

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

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

The panel considered whether Miss Hancock's fitness to practise remains impaired.

The substantive panel found that a finding of impairment was needed both to protect patients and mark the public interest in this case. It nonetheless found that Miss Hancock's misconduct was remediable.

This panel agrees, however, in this case Miss Hancock has never engaged with the NMC, so there is no material before the panel that Miss Hancock has addressed any of the concerns identified by the last reviewing panel or has taken any steps to remediate.

For those reasons this panel is satisfied that Miss Hancock's fitness to practice remains impaired for the reason of public protection alone. The panel concluded that the public interest concerns had been appropriately marked.

The second 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 not be proportionate 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 identified and seriousness of the case. The panel decided that it would not be proportionate to impose a caution order.

The panel next considered the continuation of a conditions of practice order. In light of the fact that Miss Hancock has not engaged with her regulator, the panel considered that continuation of conditions of practice order was no longer workable. In all the circumstances the panel considered that a conditions of practice order is no longer the appropriate order in this case. The panel concluded that no workable conditions of practice could be formulated which would protect the public.

The panel determined, therefore, that a suspension order is the appropriate sanction that would protect the public. Accordingly, the panel determined to impose a suspension order for a period of 12 months. It considered this to be the most appropriate and proportionate sanction available. This suspension order will take effect upon the expiry of the current conditions of practice order, namely at the end of 8 May 2019 in accordance with Article 30 (1) of the Nursing and Midwifery Order 2001.

The panel also considered the sanction of strike off, but was satisfied that this was not the only sanction available and that it would not be proportionate in all the circumstances.

Decision on current fitness to practise

The panel has considered carefully whether Miss Hancock'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.

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 Miss Hancock's practise remains impaired.

The panel noted that Miss Hancock has been subject to a substantive order since January 2018. The panel had no evidence before it as to Miss Hancock's insight and it determined that there is nothing to suggest that Miss Hancock has remediated the misconduct found proved. The panel therefore concluded that there remained a high risk of repetition. It concluded, on this basis, that Miss Hancock's fitness to practise remains impaired on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC are to protect, promote and maintain the health, safety and well-being of the public and patients, and to uphold/protect the wider public interest, which includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions. The panel determined that, in this case, a finding of impairment on public interest grounds was also required. It considered that a member of the public would be concerned if Miss Hancock's fitness to practise was found not impaired following the panel's finding of misconduct and in the absence of any remediation and/or insight in relation to that misconduct.

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

Determination on sanction

Having found Miss Hancock'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 revoking the current order or imposing a caution order. It concluded that neither order would be appropriate, in view of the risk of repetition identified and the seriousness of this case. The panel decided that it would be neither proportionate nor in the public interest to revoke the current order or to impose a caution order.

The panel considered substituting the current suspension order with a conditions of practice order. The panel noted that Miss Hancock was previously made subject to a condition of practice order. Miss Hancock did not engage during the 15 month period that she was subject to a conditions of practice order and so provided no evidence to suggest that she would cooperate or comply with that order. Given Miss Hancock's lack of engagement, the panel finds that it has no evidence before it that would suggest that she would respond to any future conditions imposed. While the charges found proved are capable of remediation, the panel determined that there were no workable conditions which could be formulated that would sufficiently protect the public and address the public interest concerns in Miss Hancock's case. The panel therefore determined that such an order would be inappropriate

The panel next considered imposing a further suspension order. The panel noted that Miss Hancock has not demonstrated any insight into her previous failings. Further, Miss Hancock has not engaged with the NMC since January 2018. The panel was of the view that considerable evidence would be required to show that Miss Hancock no longer posed a risk to the public. The panel determined that a further period of suspension would not serve any useful purpose in the circumstances. It was of the view that in light of Miss Hancock's non-engagement over the last 27 months, continuing these regulatory proceedings unnecessarily would not be in the public interest. Further, the panel determined that Miss Hancock's continued lack of engagement could evidence an underlying attitudinal problem. The panel therefore determined that it was necessary to take action to prevent Miss Hancock from practising 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 Miss Hancock in writing.

That concludes this determination.