

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

**Substantive Hearing
2&3 March 2020**

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

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| Name of registrant: | Jane Nicola Palmer |
| NMC PIN: | 10E0128E |
| Part(s) of the register: | Registered Nurse - Sub Part 1 Adult Nurse (September 2010) |
| Area of registered address: | England |
| Type of case: | Conviction and Caution |
| Panel members: | Irene Kitson (Chair, Lay member) Richard Lyne (Registrant member) Elaine Hurry (Registrant member) |
| Legal Assessor: | Michael Hosford-Tanner |
| Panel Secretary: | Alison Martin |
| Nursing and Midwifery Council: | Represented by Richard Webb, Case Presenter |
| Mrs Palmer: | Not present and not represented in absence |
| Facts proved by admission: | 1, 2 and 3 |
| Facts not proved: | None |
| Fitness to practise: | Impaired |
| Sanction: | Striking-off order |
| Interim order: | Interim suspension order (18 months) |

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Mrs Palmer was not in attendance and that the Notice of Hearing letter had been sent to Mrs Palmer's registered address by recorded delivery and by first class post on 20 January 2020.

Further, the panel noted that the Notice of Hearing was also sent to Mrs Palmer's representative on 20 January 2020.

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

Mr Webb, on behalf of the Nursing and Midwifery Council (NMC), submitted that it 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 Palmer has been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

The panel noted that the Rules do not require delivery and that it is the responsibility of Mrs Palmer to maintain an effective and up-to-date registered address.

Decision and reasons on application for hearing to be held in private

Mr Webb made a request that the hearing be held in private on the basis that proper exploration of Mrs Palmer's case involves her health throughout. Almost all her responses and much of the correspondence with the NMC by her and her representative relates to her health [PRIVATE]. The application was made pursuant to Rule 19 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

In his email dated 28 February 2020, Mrs Palmer's representative also made a request that this case be held in private as Mrs Palmer's health is inextricably linked to her case.

Rule 19 states:

- '19.—** (1) *Subject to paragraphs (2) and (3) below, hearings shall be conducted in public.*
- (2) *Subject to paragraph (2A), a hearing before the Fitness to Practise Committee which relates solely to an allegation concerning the registrant's physical or mental health must be conducted in private.*
- (2A) *All or part of the hearing referred to in paragraph (2) may be held in public where the Fitness to Practise Committee—*
- (a) *having given the parties, and any third party whom the Committee considers it appropriate to hear, an opportunity to make representations;*
and
- (b) *having obtained the advice of the legal assessor, is satisfied that the public interest or the interests of any third party outweigh the*

need to protect the privacy or confidentiality of the registrant.

- (3) *Hearings other than those referred to in paragraph (2) above may be held, wholly or partly, in private if the Committee is satisfied—*
- (a) *having given the parties, and any third party from whom the Committee considers it appropriate to hear, an opportunity to make representations; and*
 - (b) *having obtained the advice of the legal assessor, that this is justified (and outweighs any prejudice) by the interests of any party or of any third party (including a complainant, witness or patient) or by the public interest.*
- (4) *In this rule, “in private” means conducted in the presence of every party and any person representing a party, but otherwise excluding the public.’*

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

Having heard that there will be reference to Mrs Palmer’s health and that her health is inextricably linked to her case, [PRIVATE], the panel determined that it was justified to hold all of the hearing in private.