

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

**Substantive Order Review Meeting
Thursday 15 October 2020**

Nursing and Midwifery Council
Virtual Meeting

Name of registrant: Mrs Karen Marie Chance

NMC PIN: 82C1885E

Part(s) of the register: Registered Midwife – February 1989
Registered Nurse – Sub Part 1
Adult Nursing – March 1986

Area of registered address: Buckinghamshire

Type of case: Misconduct and lack of competence

Panel members: Nick Cook (Chair, lay member)
Gill Mullen (Lay member)
Susan Field (Registrant member)

Legal Assessor: Ben Stephenson

Panel Secretary: Ruth Bass

Order being reviewed: Suspension order (6 months)

Fitness to practise: Impaired

Outcome: Striking off order to come into effect at the end of 27 November 2020 in accordance with Article 30 (1)

Decision and reasons on service of Notice of Meeting

Notice of this meeting was sent to Mrs Chance on 23 June 2020 by email to an email address which she had provided to the Nursing and Midwifery Council (NMC). The panel was satisfied that notice had been served, as advised by the legal assessor, in compliance and accordance with Rules 11 A and 34 of The Nursing and Midwifery Council (Fitness to Practise) Rules Order of Council 2004 (as amended 2012) (the Rules).

The panel was also satisfied that this matter is suitable to be dealt with at a meeting as opposed to a hearing, taking into account that Mrs Chance was informed that her matter would be dealt with at a meeting unless she indicated that she would like the matter heard at a hearing. Mrs Chance has not engaged with the NMC in this regard.

Decision and reasons on review of the substantive order

The panel decided to impose a striking off order. This order will come into effect at the end of 27 November 2020 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the fifth review of a conditions of practice order, originally imposed by a Conduct and Competence Committee panel on 25 January 2017 for 12 months. That order was first reviewed on 1 February 2018 and the conditions of practice order was continued and extended for a period of three months. The second review was held on 20 April 2018 and the third on 23 April 2019. On both of these occasions, the conditions of practice order was continued and extended for a period of 12 months. The conditions of practice order was last reviewed on 16 April 2020 and replaced with a suspension order for a period of 6 months.

The current order is due to expire at the end of 27 November 2020.

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

The charges found proved by way of admission which resulted in the imposition of the substantive order were as follows:

‘That you, whilst employed by Milton Keynes Hospital NHS Foundation Trust as a Community Midwife:

- 1 *Failed to maintain patient confidentiality in that you:*
 - 1.1 *Between 21 July 2014 and 6 August 2014 stored patient records pertaining to approximately 412 patients in your car;*
 - 1.2 *Between an unknown date and 14 August 2014 kept a file containing patient identifiable information at your home.*

2. *Failed to demonstrate the standards of knowledge, skill and judgement required to practise without supervision as a Community Midwife in that you, whilst subject to an LSA Practice Programme which commenced on 6 July 2015:*
 - 2.1 *Failed to write up short reflections on each of the study days attended since the commencement of the LSA Practice Programme;*
 - 2.2 *Failed to complete a daily activity journal for each occasion worked in clinical practice;*
 - 2.3 *Failed to complete a reading log;*
 - 2.4 *Failed to write up short reflections on clinical activities;*
 - 2.5 *Failed to complete audits of 5 sets of your own records and write up a short report;*
 - 2.6 *Failed to achieve a pass grade on the academic component of the LSA Practice Programme.*

AND in light of the above your fitness to practise is impaired by reason of your misconduct in respect of charge 1 and/or lack of competence in respect of charge 2.”

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

The panel considered whether Mrs Chance's fitness to practise remains impaired.

The panel had regard to the previous review panel's findings and took account of the fact that Mrs Chance did not attend the review hearing in April 2019. It did, however, note that Mrs Chance had engaged with the NMC prior to that hearing and had not attended due to personal reasons. Mrs Chance had provided no correspondence to the NMC prior to this review meeting.

The panel had regard to the fact that Mrs Chance has not submitted anything in relation to her insight into her failings or any evidence of an attempt at remediation which she could have undertaken while under the restriction of a conditions of practice order. The panel had no information as to whether Mrs Chance has attempted to find work as a Registered Midwife since the conditions were made. Further, it had no information as to whether she had found employment in a non-nursing role.

The panel concluded that, due to the lack of any evidence to the contrary, Mrs Chance has not remediated her failings or made any attempt to do so. It took account of the conditions of practice that were made by the previous panel and also the recommendations that would assist this panel and noted that none of these documents had been provided. It further noted that the NMC wrote to Mrs Chance January 2020 to inform her that a meeting would be taking place after 10 April. It had been made clear that she would need to contact the NMC if she wished to put documents before a panel or have her case heard at a hearing in which she could attend. Despite her previous engagement, Mrs Chance has not responded to this letter.

The panel therefore concluded that Mrs Chance's fitness to practise remains impaired on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the midwifery 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 Chance's fitness to practise remains impaired.

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

The panel determined therefore that a suspension order is the only appropriate sanction which would both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of six months. It considered this to be the most appropriate and proportionate sanction available. The panel was of the view that this period of time would allow Mrs Chance to re-engage with the NMC and make clear the steps that she is currently making in relation to her midwifery career.

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Chance'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. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel has had regard to all of the documentation before it, namely the NMC bundle.

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 Chance's fitness to practise remains impaired.

The panel had regard to the fact that Mrs Chance had not provided any evidence of insight or remediation to the last three reviewing panels, and had not provided any evidence of the same to this panel either. Mrs Chance has not provided any information to this panel as to the reason for her non-engagement. In the absence of any evidence demonstrating that Mrs Chance now has sufficient insight or that she has remedied the misconduct and lack of competence issues, the panel was of the view that there remains a risk of repetition. It therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel has borne 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 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 Chance's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Chance'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 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 seriousness of the case and the public protection issues identified. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not

restrict Mrs Chance's practice would not be appropriate in the circumstances. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice on Mrs Chance's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. Although the panel was of the view that the misconduct and lack of competence identified was capable of remediation by way of compliance with a conditions of practice order, it determined that such an order was not workable or appropriate. The panel had regard to the fact that Mrs Chance had been subject to conditions of practice in the past but had not engaged with them. The panel also had regard to the fact that it had no information regarding Mrs Chance's current employment status or whether she had been keeping up to date with her nursing and/or midwifery practice skills. In light of Mrs Chance's continued non-engagement, the panel concluded that a conditions of practice order is not workable or the appropriate order in this case.

The panel next considered imposing a further suspension order. The panel noted that Mrs Chance has failed to demonstrate that she has sufficient insight and that she has remedied her practice since the substantive hearing which took place on 27 January 2017. It also took into account the fact that there has been no engagement with her regulator since the review hearing of 23 April 2019. Mrs Chance has not provided the panel with any reason for her non-engagement and the panel was of the view that a further period of suspension would not serve any useful purpose in all of the circumstances. The panel therefore determined that the only sanction that would adequately protect the public and serve the public interest at this stage was a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely at the end of 27 November 2020 in accordance with Article 30(1).

This decision will be confirmed to Mrs Chance in writing.

That concludes this determination.