

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

**Substantive Order Review Meeting  
10 September 2020**

Virtual Hearing

**Name of registrant:** Claire Crouch

**NMC PIN:** 10F0016W

**Part(s) of the register:** Registered Nurse (Sub Part 1)  
Adult Nursing – November 2010

**Area of registered address:** South Glamorgan

**Type of case:** Misconduct

**Panel members:** Debbie Hill (Chair, Lay member)  
Sally Glen (Registrant member)  
David Boyd (Lay member)

**Legal Assessor:** James Holdsworth

**Panel Secretary:** Edmund Wylde

**Order being reviewed:** Conditions of practice order (12 months)

**Fitness to Practise:** Impaired

**Outcome:** Order to lapse upon expiry in accordance with Article 30 (1), namely at the end of 22 October 2020

## **Decision and reasons on service of Notice of Meeting**

The panel noted at the start of this meeting that Miss Crouch was not in attendance and that the Notice of Meeting had been sent to Miss Crouch's registered email address on 30 July 2020.

Further, the panel noted that the Notice of Meeting was also sent to Miss Crouch's representative at the Royal College of Nursing (RCN) on 30 July 2020.

The panel took into account that the Notice of Meeting provided details of the substantive order being reviewed, the time, date and venue of the meeting.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Miss Crouch has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel considered that it was appropriate to review this case at a meeting. Miss Crouch's representatives at the RCN have provided written submissions and supporting documentation, and have further indicated that Miss Crouch is content for this matter to be considered at a meeting.

## **Decision and reasons on review of the substantive order**

The panel decided to allow the current order to lapse upon expiry, namely at the end of 22 October 2020, in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

At the last review hearing on 28 August 2019, Miss Crouch was subject to two conditions of practice orders, arising out of two separate NMC Fitness to Practise referrals. That

panel reviewed Miss Crouch's fitness to practise in respect of both matters and made a conditions of practice order for a period of 12 months.

The current order is due to expire at the end of 22 October 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 first of the two substantive orders were as follows:

*'That you, a Registered Nurse at the University Hospital of Wales:*

1. *[No case to answer]*
2. *[No case to answer]*
3. *On 7 January 2015 did not, in a timely fashion, inform the Nurse in Charge of the ward that Patient A has sustained a fall which occurred at approximately 1515.*
4. *On 7 January 2015 following Patient A's fall at around 1600, failed to follow the instructions of the Nurse In Charge in that you did not do one or more of the following:*
  - a) *Maintain constant observations on Patient A;*
  - b) *Complete the risk assessments;*
5. *On 07 January 2015 failed to adhere to the Health Board's Prevention and Management of Falls in Vulnerable Adults Procedure by failing to do one or more of the following:*
  - a) *Review a Falls Risk Indicator;*
  - b) *Implement and / or document your consideration of any appropriate intervention for Patient A.*
6. *[No case to answer]*

7. *[Not proved]*

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

The charges found proved which resulted in the imposition of the second of the two substantive orders were as follows:

*'That you, a registered nurse:*

1. *On 16 January 2017, ordered OxyContin and morphine sulphate tablets for Patient A when there was no clinical reason for doing so.*
2. *[NMC offered no evidence]*

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

The reviewing panel on 28 August 2019 determined the following with regard to impairment:

*The panel considered whether Miss Crouch's fitness to practise remains impaired. The panel took into account that the September 2018 panel had considered that Miss Crouch's reflective piece showed genuine insight and remorse. The panel considered that since that time Miss Crouch has demonstrated a willingness to engage with the conditions of practice orders and remediate her practice. Since the last hearing Miss Crouch had received an offer of employment from Aneurin Bevan University Health Board, but this was subsequently withdrawn. As a result, Miss Crouch has not worked as a registered nurse for a significant period of time and has not had an opportunity to put her theoretical learning and knowledge into practice and demonstrate remediation.*

*In the absence of remediation, the panel concluded that there remained a risk of repetition and therefore a finding of current impairment on the grounds of public protection remained necessary.*

*The panel also bore 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 also remained necessary.*

*For these reasons, the panel decided that Miss Crouch's fitness to practise remains impaired.*

The reviewing panel on 28 August 2019 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. Taking no action would not restrict Miss Crouch's practice and therefore not protect patients from the identified risk of harm. For these reasons the panel decided that it would be neither proportionate nor in the public interest to take no further action.*

*The panel then considered a caution order but decided that this would be inappropriate for the same reasons, as it would place no restrictions on Miss Crouch's practice.*

*The panel next considered the imposition of a further conditions of practice order. It noted that Miss Crouch had demonstrated a willingness to engage with the NMC and remediate her practice. Furthermore, the panel was of the view that conditions of practice could be formulated which would address the concerns in this case and protect patients and the wider public interest.*

*The panel noted that Miss Crouch is currently subject to two conditions of practice orders, arising out of two separate fitness to practise cases. It decided that it would*

*be fair and appropriate if these two sets of conditions were combined into one conditions of practice order which addressed the concerns from both cases.*

*Accordingly, the panel determined, pursuant to Article 30(1)(c) of the Nursing and Midwifery Order 2001, to make a conditions of practice order for a period of 12 months, which will come into effect on the expiry of the current order. It considered that 12 months was the appropriate and proportionate length of time, which would allow Miss Crouch sufficient opportunity to obtain employment as a registered nurse and demonstrate compliance with the conditions of practice.*

*The panel therefore 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 supervision of a registered nurse who may be a workplace line manager, mentor or supervisor nominated by your employer until you have been deemed competent by that person. This supervision must consist of a minimum of 150 hours of direct supervision.*
- 2. Within 7 days of you being signed off as competent you must send written evidence of this to the NMC.*
- 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:*
  - a) communication,*
  - b) documentation,*
  - c) risk assessing,*
  - d) escalation of concerns*
  - e) medicines management and administration*
- 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 you take up an appointment.*
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 every 3 months and at least 14 days before any NMC review hearing or meeting.*
7. *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.*
8. *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.*
9. a) *You must within 7 days of accepting any post of employment requiring registration with the NMC, or any course of study connected with nursing or midwifery, 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.*
10. *You must immediately tell the following parties 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 (9) above, to them*

- a) Any organisation or person employing, contracting with or using you to undertake nursing work*
- b) Any agency you are registered with or apply to be registered with (at the time of application) to provide nursing services*
- c) Any prospective employer (at the time of application) where you are applying for any nursing appointment*
- d) 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 a course (at the time of application).*

### **Decision and reasons on current impairment**

The panel has considered carefully whether Miss Crouch'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, including the NMC bundle and the written responses from Miss Crouch's representative at the RCN which included:

- Written submissions dated 25 August 2020;
- A personal statement from Miss Crouch;
- Evidence of non-nursing training course enquiries; and
- Evidence of Miss Crouch's current non-nursing employment.

In the written submissions dated 25 August 2020, Miss Crouch's representative provides an account of Miss Crouch's current circumstances and continued employment outside nursing, and submits the following:

*Since the last review hearing the registrant has taken the time to consider her future in nursing, and after careful consideration, she has taken the decision to leave her nursing career behind her. It is therefore her wish for her name to no longer appear on the register. This is not a decision that she has come to lightly, but one that she is committed to.*

...

*The registrant accepts that her fitness to practice [sic] remains impaired, as she has not had the opportunity to fully remediate her practice, due to her being unable to secure a role within healthcare.*

*We invite the panel to consider that a strike off order is disproportionate in this case where the original panel and subsequent panels did not consider that the registrant's actions were incompatible with remaining on the register and therefore resisted the imposition of a strike off order at those stages.*

*In the circumstances, we respectfully invite the panel to find the registrant's fitness to practise impaired, but that the substantive order should be revoked. The registrant applies for this under article 30(2) and 30(4)(e) of the Nursing and Midwifery Order.*

...

*We submit that there is no reason to question the registrant's good faith in asserting her intention not to practise again in the future. Even if she did intend to return to nursing now or in the future, she would have to satisfy the Registrar that she was of sufficient good character and good health to practise, and satisfy the Registrar that she was capable of safe and effective practice (in light of the possibility that her practice might be impaired). The order was made to protect the public, but the public is entirely protected by revocation of the order. Accordingly all the legitimate goals of the NMC would be met by that decision, and as that decision would be the least restrictive decision to make, anything more would be disproportionate. The panel is invited to revoke the order and allow this case to close.*

*If the panel is unconvinced by any of these submissions such that it is not minded to revoke the order, then it is invited to impose an order short of strike-off, and provide recommendations as to what the registrant might do to persuade a future panel that revocation is appropriate.*

The panel 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 Crouch's fitness to practise remains impaired. Miss Crouch has not practised as a registered nurse since 2017, and has not therefore been able to engage with her conditions of practice order or had the opportunity to fully remediate the failings identified in her nursing practice. The panel considered there to have been no material change in the level of risk in this case since the last review hearing.

For these reasons, the panel finds that Miss Crouch's fitness to practise remains impaired, on both public protection and public interest grounds.

### **Decision and reasons on sanction**

Having found Miss Crouch'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 and thereby allow the order to lapse upon its expiry. It had regard to the relevant NMC guidance.

The panel bore in mind that, from the information before it, Miss Crouch has clearly taken the decision to leave her nursing career behind and has taken steps to develop her career

outside of nursing, with no intention of returning to the profession. It considered that Miss Crouch accepts that her fitness to practise is currently impaired, that her registration is only active due to these proceedings, and that she has outlined her future plans away from nursing to this panel in her statement.

The panel reminded itself of its finding of impairment on both public protection and public interest grounds. It considered that, were it to allow the order to lapse upon expiry, the public would remain adequately protected; if Miss Crouch were to attempt to return to the register, she would have to persuade the Registrar in respect of that matter – who would have full knowledge of this panel’s finding of current impairment. The panel also considered that allowing the current order to lapse upon expiry would, in the circumstances of this case, adequately and proportionately address the public interest in this matter. An informed member of the public would not lose confidence in the regulatory process or the nursing profession if such a course of action were to be taken.

Having determined that to take no action and allow the current order to lapse would adequately protect the public and address the public interest, the panel considered that to impose a more onerous sanction would be disproportionate and inappropriate – to do so would not be the least restrictive course of action appropriate to the circumstances.

The panel considered whether to revoke the current order with immediate effect, but considered that to do so would be inappropriate to the circumstances of the case, which does not fall into the exceptional category of matters where such action would be appropriate.

Therefore the panel determined that the substantive conditions of practice order will be allowed to lapse at the end of the current period of imposition, namely the end of 22 October 2020 in accordance with Article 30(1).

This will be confirmed to Miss Crouch in writing.

That concludes this determination.