

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

**Substantive Order Review Hearing
Friday 20 August 2021**

Nursing and Midwifery Council
Virtual Hearing

Name of registrant:	Helen Carole Woods
NMC PIN:	02I0142W
Part(s) of the register:	Nursing – Sub Part 1 RNMH - Mental Health – September 2005
Area of registered address:	Newport
Type of case:	Lack of competence
Panel members:	Dale Simon (Chair, Lay member) Christine Callender (Registrant member) Dr Natasha Duke (Lay member)
Legal Assessor:	Laura McGill
Panel Secretary:	Elena Nicolaou
Nursing and Midwifery Council:	Represented by Isabelle Knight, Case Presenter
Miss Woods:	Not present and unrepresented
Order being reviewed:	Suspension order (6 months)
Fitness to practise:	Impaired
Outcome:	Striking off order to come into effect at the end of 29 September 2021 in accordance with Article 30(1).

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Miss Woods was not in attendance and that the Notice of Hearing had been sent to Miss Woods' registered address by recorded delivery and by first class post on 21 July 2021.

The panel had regard to the Royal Mail 'Track and trace' printout which showed the Notice of Hearing was delivered to Miss Woods' registered address on 18 August 2021. It was signed for against the printed name of 'Miss Helen Carole Woods'.

Miss Woods confirmed she had received the Notice of Hearing bundle via a phone call between her and the NMC, on 19 August 2021.

The panel took into account that the Notice of Hearing provided details of the substantive order being reviewed, the time, date and venue of the hearing and, amongst other things, information about Miss Woods' right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

Ms Knight, 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 Miss Woods has been served with notice of this 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 any registrant to maintain an effective and up-to-date registered address.

Decision and reasons on proceeding in the absence of Miss Woods

The panel next considered whether it should proceed in the absence of Miss Woods. The panel had regard to Rule 21 and heard the submissions of Ms Knight who invited the panel to continue in the absence of Miss Woods. She submitted that Miss Woods had voluntarily absented herself.

Ms Knight referred the panel to the communications log between Miss Woods and the NMC, dated 13 August 2021, which stated:

'She confirmed she wouldn't be attending her hearing on 20 August, and that she doesn't have documents to send to the panel'.

Ms Knight also referred the panel to the communications log between Miss Woods and the NMC, dated 19 August 2021, which stated:

'She confirmed that she isn't attending the hearing...'

The panel accepted the advice of the legal assessor.

The panel decided to proceed in the absence of Miss Woods. In reaching this decision, the panel considered the submissions of Ms Knight and the advice of the legal assessor. It had particular regard to any relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Miss Woods;
- Miss Woods has informed the NMC that she has received the Notice of Hearing and confirmed she is content for the hearing to proceed in her absence;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- There is a strong public interest in the expeditious review of the case.

In these circumstances, the panel decided that it is fair, appropriate and proportionate to proceed in the absence of Miss Woods.

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 29 September 2021 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the sixth review of a substantive order, originally a conditions of practice order, imposed for a period of 12 months by a panel of the Conduct and Competence Committee on 28 February 2017. This order was first reviewed on 16 February 2018 by a panel of the Fitness to Practise Committee (FtPC), where a new conditions of practice order was imposed for a period of 15 months. At the second review on 14 May 2019, a panel of the FtPC imposed another conditions of practice order for a period of 12 months. On 26 May 2020, a FtPC panel reviewed the order and extended the conditions of practice order by a further 6 months. On 12 November 2020, a panel of the FtPC replaced the conditions of practice order with a suspension order for a period of three months. At the last review on 19 February 2021, the suspension order was extended for another six months.

The current order is due to expire at the end of 29 September 2021.

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 as a Registered Mental Health Nurse by Aneurin Bevan University Health Board failed to demonstrate the standard of knowledge, skill and judgement required for practice without supervision as a Registered Nurse in that:

1. *You failed to demonstrate the required skills in the administration of medication in that you:*
 - 1.1. *On one or more occasions on or before 12 September 2014 administered depot medication without it being checked;*

- 1.2. *On two occasions on or before 12 September 2014 failed to administer Clozapine to Patient A;*
- 1.3. *On 14 September 2014 incorrectly recorded that you had administered Paracetamol to Patient B;*
- 1.4. *On 14 September 2014 failed to record that you had administered Paracetamol to Patient C;*
- 1.5. *On 5 October 2014 attempted to administer 300mgs Gabapentin to Patient D instead of the prescribed 100mgs;*
- 1.6. *On 7 October 2014 attempted to give Patient E's inhaler to Patient F*
- 1.7. *On 13 April 2015 or 26 June 2015 administered 2 x 400mg Ibruprofen instead of 2 x 200mg Ibuprofen to Patient G;*
2. *Between 13 September 2014 and 15 October 2014 you were not assessed as competent to administer medication;*
3. *On 13 April 2015 or 26 June 2015 you were not assessed as competent to administer medication;*

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

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

'The panel considered whether your fitness to practise remains impaired. The panel took into account your submissions and noted that you continue to work as a healthcare assistant but have not been working for a number of months [PRIVATE]

The panel took into account the recommendations made by the previous reviewing panel in November 2020. The panel was of the view that that there has been no new information before it today to demonstrate any evidence of insight or remediation. The panel noted that there has been no further reflective piece, no testimonial or reference from your current employers and there is no evidence that you have kept your skills or knowledge up to date. The panel also noted that there has been nothing to indicate that you have addressed any of the concerns identified relating to medicine administration and no evidence of remediation.

In the absence of any evidence of remediation or insight the panel concluded that a finding of current impairment on public protection grounds continued to be required for the same reasons as identified by the previous reviewing panel.

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 your fitness to practise remains impaired’.

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

‘Having found your 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 or to impose a caution order but concluded that this would be inappropriate. The panel was of the view that given the lack of evidence regarding your insight and remediation and given that you have not practised as a registered nurse since 2014, an order that does not restrict your

practice would not be appropriate in the circumstances. The panel decided that it would be neither proportionate nor in the public interest to take no action or to impose a caution order.

The panel next considered whether conditions of practice on your registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind your submissions and noted that despite being subject to a conditions of practice order for a number of years, you considered these conditions to be unworkable. The panel was of the view that the conditions that had previously been put in place could have been workable and were appropriate and were required to protect the public. The panel was therefore not able to formulate less onerous conditions of practice at this stage and considered that a conditions of practice order therefore would serve no useful purpose.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow you further time to fully reflect and provide a future reviewing panel with tangible evidence of your willingness to remediate your practice. The panel concluded that a further 6 month suspension order would be the appropriate and proportionate response [PRIVATE]. It noted that a further period of suspension would also give you time to look into a return to practice course and to provide information about your intentions to return to work as a registered nurse and to demonstrate a clear pathway of how you will go about it.

The panel noted that these proceedings have now been ongoing for over three years and there has been no progress. Each review panel has made clear in its determination what would be required to assist the next review panel but you have not addressed any of these requirements despite often indicating a willingness to do so. The panel gave serious consideration to a striking-off order and it noted that there has been a persistent lack of remediation and insight and varying levels of engagement with the NMC since 2017. However, it decided that it would be disproportionate to move to a striking-off order at this stage given that you attended the hearing today, you have indicated that you wish to return to nursing practice and have not been in a position to work [PRIVATE]. The panel therefore determined to

provide you with what may be considered a final opportunity to demonstrate some proactive, tangible progress to another panel.

The panel determined therefore that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of 6 months which would provide you with sufficient time to provide the information and evidence which has been repeatedly requested and demonstrate to a future panel that you have taken some meaningful steps towards remediation and insight.

This suspension order will take effect upon the expiry of the current suspension order, namely at the end of 29 March 2021 in accordance with Article 30(1).

Before the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- *Your continued engagement with the NMC.*
- *Demonstration of your commitment to remediating your competence.*
- *A clear progressive plan towards resuming your practice as a registered nurse.*
- *Evidence that you have kept your nursing skills and knowledge up to date, which can include any online training or reading, along with evidence of you attempting to remediate the concerns identified.*
- *A further reflective piece (for example, using a recognised model such as Gibbs) in relation to the concerns identified in 2017.*
- *References or testimonials from any recent employers, whether in a paid or unpaid position'.*

Decision and reasons on current impairment

The panel has considered carefully whether Miss Woods's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined

fitness to practise as Miss Woods' 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 had regard to all of the documentation before it, including the NMC bundle. It has taken account of the submissions made by Ms Knight on behalf of the NMC.

Ms Knight referred the panel to the bundle which gave the background to the case. She submitted that the NMC were taking a neutral position on the type of order in this case.

Ms Knight submitted that there has been no significant change since the last review hearing took place. She referred the panel to the communications log between Miss Woods and the NMC, which confirmed that Miss Woods has been unsuccessful in applying for jobs. She highlighted that it was concerning considering Miss Woods stated in the phone call, dated 19 August 2021, that this is due to her conditions of practice order, when in fact she is subject to a suspension order. Ms Knight submitted that there is a lack of insight in relation to Miss Woods' engagement with the NMC.

Ms Knight submitted that Miss Woods remains impaired, and that there is no evidence to indicate that the concerns have been remedied. She highlighted that the previous panel gave recommendations that would benefit a future panel, however Miss Woods has not complied with these and no information has been provided for the panel today. Ms Knight submitted that there is no indication that Miss Woods is actively engaging with the NMC's proceedings and no evidence of a reflective piece or online training being undertaken.

Ms Knight invited the panel to consider the NMC's guidance before making its decision. She informed the panel that it could impose a further period of suspension to give Miss Woods more time to engage. Alternatively, she submitted that it could consider a striking off order as considered by previous panels, due to the significant length of time Miss Woods has not engaged.

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 Woods' fitness to practise remains impaired.

The panel took into account all of the information before it today. The panel took into account that the concerns are serious, wide ranging and relate to the fundamental skills of a registered nurse. The panel considered that previous panels have given recommendations for Miss Woods to comply with, however she has not done this or provided any further information. The panel took into account the significant length of time since the substantive order was imposed and considered that Miss Woods has shown no real effort or progress of remediation or insight. It was of the view that Miss Woods has shown a negative approach towards the NMC's proceedings and her level of insight and attitude towards these proceedings seems to have deteriorated further. It noted that there has been no significant change in circumstances since the previous review hearing.

The panel took into account the communications log, dated 19 August 2021, which stated:

'Nobody has been willing to take on the responsibility of her conditions of practice order'.

The panel found it concerning that Miss Woods is under the impression that she has a conditions of practice order imposed when in fact she has a suspension order in place, and raised the question of her insight, engagement and whether she has been reading the correspondence sent to her from the NMC.

The last reviewing panel determined that Miss Woods was liable to repeat matters of the kind found proved. Today's panel considered that there has been no active engagement from Miss Woods and no further information has been provided in relation to the previous panel's recommendations. In light of this, this panel determined that Miss Woods is still liable to repeat matters of the kind found proved. The panel 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 Miss Woods' fitness to practise remains impaired.

Decision and reasons on sanction

Having found Miss Woods 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 but concluded that this would be inappropriate in view of the seriousness of the case. 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 again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Miss Woods' practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that Miss Woods' case was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. 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 Miss Woods' registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel considered that Miss Woods had four conditions of practice orders imposed previously. The panel

therefore concluded in light of Miss Woods' failure to comply with these conditions, that she would be unlikely to engage with a fifth conditions of practice order.

The panel next considered imposing a further suspension order. The panel noted that Miss Woods has not shown remorse for her failings. Further, Miss Woods has not demonstrated any insight into her previous failings. The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances.

The panel was of the view that the concerns have been ongoing for a significant period of time and there has been no efforts of remediation and a lack of insight shown by Miss Woods. The panel also took into account that Miss Woods has been disengaged from the regulatory proceedings and has continuously not complied with the recommendations as set out by previous panels. It considered that Miss Woods has not provided the panel with any further information and there has been no change since the previous hearing. It was of the view that a further period of suspension would not be likely to make any significant difference in these circumstances.

The panel took into account that Miss Woods has not worked as a registered nurse since 2014 and that she stated within her phone call with the NMC, dated 19 August 2021, that *'she has always had the desire to return to nursing but not the means'*. However, the panel was of the view that there is nothing to show that Miss Woods is keen to return to nursing due to her continuous lack of engagement, despite having several opportunities and a significant amount of time to do so. It was of the view that continued failure to remediate is incompatible with remaining on the NMC register.

Miss Woods' actions have raised regulatory concerns about her professionalism and commitment to the upholding of standards of a registered nurse. In light of Miss Woods' continued disregard of her regulator, non-compliance with her conditions of practice orders, and reluctance to complete a return to nursing course, the panel was of the opinion that a striking off order was the appropriate sanction. The panel determined that the only sanction that would adequately protect the public and serve the public interest 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 29 September 2021 in accordance with Article 30(1).

This decision will be confirmed to Miss Woods in writing.

That concludes this determination.