

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

**Substantive Order Review Meeting
Wednesday, 17 February 2021**

Virtual Hearing

Name of registrant: Amai Carla Gold

NMC PIN: 00C1834E

Part(s) of the register: Registered Nurse – Sub Part 1
Adult Nursing – March 2003

Area of registered address: Birmingham

Type of case: Lack of competence

Panel members: Anthony Kanutin (Chair, lay member)
Claire Rashid (Registrant member)
Clive Chalk (Lay member)

Legal Assessor: Mark Ruffell

Panel Secretary: Xenia Menzl

Order being reviewed: Suspension order (6 months)

Outcome: **Striking-off order to come into effect at end of
26 March 2021 in accordance with Article 30
(1)**

Decision and reasons on service of Notice of Meeting

The panel noted at the start of this meeting that Mrs Gold was not in attendance and that the Notice of Meeting had been sent to Mrs Gold's registered e-mail address on 5 January 2021.

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 Mrs Gold 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).

Decision and reasons on review of the substantive order

The panel decided to replace the current suspension order with a striking-off order.

This order will come into effect at the end of 26 March in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a substantive suspension order originally imposed for a period of nine months by a Fitness to Practise Committee panel on 26 November 2018. This was first reviewed on 13 August 2019 and extended for 12 months. It was then reviewed again on the 24 August 2020 and extended for a further six months. The current order is due to expire at the end of 26 March 2020.

The panel is reviewing the order pursuant to Article 30(2) of the Order.

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

'That whilst you were employed as a Band 5 Registered Nurse by Birmingham Women's and Children's NHS Foundation Trust between 3 December 2013 to 26 May 2016 failed to demonstrate the standard of knowledge, skill and judgement required for practice without supervision as a Registered Nurse in that:

1. On 20 April 2014 you put a patient sticker on the wrong patient records.

2. Between 17-18 May 2014 in relation to Child L you;

2.1 Did not ensure that Child L was seen by a resident medical officer before being admitted to the ward.

2.2 You did not document the following:

2.2.1 Food and fluid intake

2.2.2 ...

2.2.3 ...

2.2.4 ...

2.3 Did not document why you were unable to and/or did not record Child L's blood pressure and/or capillary refill time.

3. ...

4. On 2 August 2014 you transferred a patient without administering a prescribed fluid bolus.

5. On a date unknown in August 2014 you incorrectly dispensed Amoxicillin rather than the prescribed Flucloxacillin.

6. On or around 9 September 2014 you;

- 6.1 *Were unable to calculate the correct dosage of paracetamol for a child*
- 6.2 *Were not able to draw up the correct amount of paracetamol in a syringe.*
7. *On 21 June 2015 you;*
- 7.1 *Brought the wrong patient (Child N) to a cubicle*
- 7.2 *Did not recognise that Child N was deteriorating*
- 7.3 ...
- 7.4 ...
- 7.5 *Incorrectly scored Child N as '0' on the 'Tissue Viability Respiratory record'.*
- 7.6 *Did not set up the Humidified oxygen for Child N in a timely manner*
8. *On 24 June 2015 you;*
- 8.1 ...
- 8.2 *Did not make adequate notes and/or observations of patient care for Baby K.*
9. ...
10. *On 16 August 2014 selected a pre-mixed bag of fluid to administer to a patient which was not correct.*
11. ...
12. *On a date unknown in August 2015 you removed an anaesthetic circuit from a patients bed prior to their transfer.*

That whilst you were employed as a Band 5 Registered Nurse Pre-Registered Nurse by Birmingham Jewish Community Care Home between

12 September 2016 to 14 October 2016 failed to demonstrate the standard of knowledge, skill and judgement required for practice without supervision as a Registered Nurse in that:

13. ...

14. *On the following dates you made the following medication administration errors;*

14.1 ...

14.2 ...

14.3 ...

14.4 ...

14.5 ...

14.5.1 *On 13 October 2016 you did not sign for Bisacodyl and Docusate but administered to Patient E.*

14.5.2 *On 13 October 2016 you did not sign for Senna but administered it to Patient F.*

14.5.3 *On 13 October 2016 you did not sign for Bisacodyl but administered it to Patient G.*

14.6 *You did not administer Carbimazole and Bisacodyl to Patient G on*

14.9.1 ...

14.9.2 ...

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

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

'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 had regard to the fact that Mrs Gold's only communication with the NMC since the last review hearing has been to enquire whether she can assist as a nurse with the Covid-19 pandemic whilst making no attempt to address her failings.

The panel had regard to the recommendations made by the last reviewing panel and the substantive panel. It noted that Mrs Gold has again, provided no evidence of any attempt to comply with those recommendations. The panel was of the view that Mrs Gold has not demonstrated any further insight in to the original allegations. Further, Mrs Gold has not provided any evidence of remediation. The panel therefore determined that she is 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 Mrs Gold's fitness to practise remains impaired.'

The last 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 to the public identified. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

The panel then considered whether to impose a caution order but concluded that this would also be inappropriate in view of the risk to the public 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 Mrs Gold's registration would be a sufficient and appropriate response. The panel had regard to the fact that Mrs Gold had not provided any evidence of insight or remediation. It therefore had no information regarding her suitability to return to some form or practice. The panel also had regard to Mrs Gold's continued lack of engagement, and was of the view that her attitude in this respect would make any conditions unworkable in any event.

The panel determined to impose a suspension order. It noted that a suspension order is the only available sanction, given that Mrs Gold has not been suspended for a continuous period of 2 years, and as such cannot be struck off the Register at this stage. It determined that a further period of suspension would allow Mrs Gold a further opportunity to fully reflect on her previous failings and provide evidence of remediation.

The panel concluded that a further 6 month suspension order would be the appropriate and proportionate response and would afford Mrs Gold, if she was so minded, adequate time to develop her insight and evidence remediation should she wish to return to practice as a nurse.

The panel determined therefore that a suspension order for 6 months, is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest.'

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Gold'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.

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 Gold's fitness to practise remains impaired.

The panel had regard to the recommendations made by the last two reviewing panels and the substantive panel. As an independent panel it is tasked with a current review of all of the information provided. However, it noted that Mrs Gold has still not provided any evidence of any attempt to provide the NMC with a reflective piece, up to date references or evidence of any training undertaken. The panel noted that Mrs Gold has not re-engaged with the proceedings despite the guidance at the last hearing in August 2020. The panel concluded that it had no evidence of remediation, insight or remorse before it. It determined that Mrs Gold is still liable to repeat the matters of the kind found proved. The panel determined that therefore 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 Gold's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Gold'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 but concluded that this would be inappropriate in view of the risk to the public identified. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

The panel then considered whether to impose a caution order but concluded that this would also be inappropriate in view of the risk to the public 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 Mrs Gold's registration would be a sufficient and appropriate response. The panel had regard to the fact that Mrs Gold had not provided any evidence of insight or remediation. It therefore had no information regarding her suitability to return to some form or practice. The panel also had regard to Mrs Gold's continued lack of engagement, and was of the view that her attitude in this respect would make any conditions unworkable in any event.

The panel next considered extending the current suspension order. It noted that Mrs Gold has not provided the panel with any evidence showing she has developed insight, remediated or had plans to remediate her practice or engaged with the NMC proceedings. The panel was of the view that considerable evidence would be required to show that Mrs Gold no longer posed a risk to the public. The panel noted that the previous panel determined that:

'It noted that a suspension order is the only available sanction, given that Mrs Gold has not been suspended for a continuous period of 2 years, and as such cannot be struck off the Register at this stage. It determined that a further period of suspension would allow Mrs Gold a further opportunity to fully reflect on her previous failings and provide evidence of remediation.'

However, the panel noted that Mrs Gold has failed to re-engage in the process and to date no further documentation has been sent. It noted that Mrs Gold's last communication with the NMC was an enquiry whether she can assist as a nurse with the Covid-19 pandemic whilst making no attempt to address her failings. The panel also noted that Mrs Gold has been subject to a substantive order for a period longer than two years, meaning all sanctions, including strike-off were available to it.

The panel noted that registrants have a duty to engage with their regulator. The panel determined that the failure to engage with the proceedings in a meaningful way raises fundamental questions about Mrs Gold's professionalism as a registered nurse and adds to the regulatory concerns already found proven. It therefore determined, given Mrs Gold's non-engagement, that a further period of suspension would not serve any useful purpose in all of the circumstances.

The panel determined that the public interest will be best served by not prolonging proceedings with another period of suspension and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order. The panel determined that such an order was necessary to maintain public confidence in the profession.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 26 March 2021 in accordance with Article 30(1).

This decision will be confirmed to Mrs Gold in writing.

That concludes this determination.