

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

**Substantive Order Review Meeting
Friday 29 April 2022**

Virtual Meeting

Name of registrant: Douglas Steven Plume

NMC PIN: 94I0950E

Part(s) of the register: Registered Nurse – Sub Part 1
Mental Health Nursing - September 1997

Area of registered address: Somerset

Type of case: Misconduct

Panel members: Rachel Childs (Chair– Lay member)
Helen Chrystal (Registrant member)
Barry Greene (Lay member)

Legal Assessor: James Holdsworth

Hearings Coordinator: Vicky Green

Order being reviewed: Suspension order (6 months)

Fitness to practise: Impaired

Outcome: Striking off order to take effect at the end of 11
June 2022 in accordance with Article 30 (1)

Decision and reasons on service of Notice of Meeting

In response to the current COVID-19 crisis, emergency changes were made to the Nursing and Midwifery Council (Fitness to Practise) Rules 2004, as amended (the Rules). The emergency changes allow for the Notice of Meeting (the Notice) to be sent by the Nursing and Midwifery Council (NMC) by email instead of by recorded delivery post. This email must be sent securely to a confirmed registered email address for the registrant and/or representative.

The panel noted at the start of this meeting that Mr Plume was not in attendance and that the Notice had been sent to his confirmed registered email address on 16 March 2022.

The panel took into account that the Notice provided details of the substantive order being reviewed and that the NMC proposed that this review would take place by way of a meeting. The panel noted that if Mr Plume did not request a hearing then a meeting will go ahead no sooner than 25 April 2022.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mr Plume has been served with notice of this hearing in accordance with the requirements of Rules 11A and 34. The panel noted that Mr Plume has not responded to the Notice and he has not requested that this review take place by way of a hearing.

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 11 June 2022 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a substantive conditions of practice order, originally imposed by a panel of the Fitness to Practise Committee on 13 May 2020, for a period of six months. This was reviewed on 19 October 2020 when a further conditions of practice order was

placed for another 12 months. On 24 November 2021 the last reviewing panel decided to replace the conditions of practice order with a suspension order for a period of 6 months.

The current order is due to expire at the end of 11 June 2022.

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, a registered nurse:

1. In respect of Patient A:

- a) On 3 September 2018 failed to administer Flixonase nasal spray or, in the alternative, failed to sign the MAR chart to record that Flixonase nasal spray had been administered;*
- b) On 24 September 2018 administered Pregabalin without a witness present*

2. On 7 September 2018, in respect of Patient B:

- a) Failed to administer two 10mg Diazepam tablets;*
- b) Recorded in the Drugs Liable to Misuse ('DLM') book that two doses of Diazepam had been administered;*
- c) Failed to record the administration of Pregabalin in the DLM book.*

3. On 12 October 2018, administered Patient C's medication to Patient D.

4. On 19 November 2018, administered Patient F's two 30mg Codeine Phosphate tablets to Patient E.'

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

'The panel noted the only new information before it was contained in an email by the registrant to the NMC on the 1 November 2021 which stated:

'I will not be attending this hearing. The reason being since this incident as I previously informed the NMC I have retired from Nursing and have little interest in ever returning to this career that involves listening to allegations from organisations that are so obviously dishonest...The profession I joined over 20 years ago is no longer one I wish to belong to... I would suggest you take me off the register as I previously suggested, so that you don't have to spend any more of the hard earned money my former Nurse colleagues pay to the NMC for this waste of time.'

The panel also noted that no steps have been taken by Mr Plume to demonstrate any further remediation or insight since the date of the substantive hearing. Mr Plume has not reassured the panel that he has developed any meaningful insight into the damaging impact which his actions and behaviour have had on public confidence in the profession. The panel further noted that there has been no compliance from Mr Plume with the conditions of practice nor the previous panel's suggestions.

The panel determined there remains an ongoing risk to the public and to public confidence in the profession and it concluded that Mr Plume's fitness to practise remains impaired by reason of his misconduct. 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 therefore determined that, in this case, a finding of current impairment on public protection and public interest grounds is required.'

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

'Having considered this option carefully the panel determined that whilst it seems clear that Mr Plume has retired and wishes to leave the nursing profession, it remains unclear as to his plans for the future. For this reason, the above criteria could not be fully satisfied and the panel concluded that the option to allow the order to expire was therefore inappropriate.

In the circumstances the panel have concluded that to take no action would be inappropriate in view of the seriousness of the case. The panel decided that such a course would not protect the public nor be in the public interest.

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 Mr Plume's 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 Mr Plume's misconduct 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 a caution would not protect the public nor be in the public interest.

The panel next considered whether a conditions of practice on Mr Plume's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. In addition, the panel took note of the fact that Mr Plume has failed to comply with any of the conditions in the existing or original condition of practice orders over the past 18 months and therefore it could have no confidence he will do so in future, particularly when considering his comment in the email dated on 1 November 2021. The panel bore in mind the seriousness of Mr Plume's misconduct and concluded that a conditions of practice order would not adequately protect the public nor the public interest. On this basis, the panel concluded that a conditions of practice order is no longer the appropriate order in this case.

The panel considered the imposition of a period of suspension. It was of the view that a suspension order would allow Mr Plume further time to fully reflect on his misconduct and will provide him with the opportunity to clearly articulate his plans beyond nursing. The panel concluded that a 6 month suspension order would be the appropriate and proportionate response and would afford Mr Plume adequate time to further develop his insight and engage with the NMC. The panel determined

therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest.

The panel did consider a strike-off order but determined that at this stage this period of suspension will give Mr Plume the opportunity to meaningfully engage with the NMC.

This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 11 December 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.'

Decision and reasons on current impairment

The panel has considered carefully whether Mr Plume'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 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 Mr Plume's fitness to practise remains impaired.

The panel noted that the last contact from Mr Plume was on 1 November 2021 in which he stated the following in an email to the NMC:

'I will not be attending this hearing. The reason being since this incident as I previously informed the NMC I have retired from Nursing and have little interest in ever returning to this career that involves listening to allegations from organisations that are so obviously dishonest...The profession I joined over 20 years ago is no longer one I wish to belong to... I would suggest you take me off the register as I previously suggested, so that you don't have to spend any more of the hard earned money my former Nurse colleagues pay to the NMC for this waste of time.'

The panel was of the view that it has no evidence before it to suggest that Mr Plume had addressed the shortcomings in his practice or demonstrated any insight (other than his admissions to the charges and admission of impairment at the substantive hearing) into his misconduct. The panel was of the view that, given the lack of information and meaningful engagement from Mr Plume since the substantive hearing, the risk of repetition and consequent risk of harm to the public remains. 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 Mr Plume's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr Plume'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. It noted that in the last communication from Mr Plume he stated that he did not wish to return to nursing practice. The panel had regard to the NMC guidance on *'Allowing orders to expire when a nurse or midwife's registration will lapse'* and noted that whilst Mr Plume's registration is only active because of the suspension order, in view of Mr Plume's lack of engagement, it was not satisfied that he would not return to practice if the order lapsed. The panel therefore determined that allowing the order to lapse would not protect the public. The panel also 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 clinical concerns and consequent public protection issues identified, an order that does not restrict Mr Plume's 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 Mr Plume's misconduct 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 order on Mr Plume's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel was of the view that clinical errors can usually be addressed by a conditions of practice order, however, in view of Mr Plume's lack of meaningful engagement and failure to comply with two previous conditions of practice order, it concluded that a conditions of practice order would not be workable and would not adequately protect the public or satisfy the public interest.

The panel gave careful consideration to imposing a further suspension order. The panel noted that Mr Plume has not taken the opportunity offered by the previous suspension order to re-engage with the NMC. It had no evidence before it of developing insight into his misconduct. The panel was of the view that considerable evidence would be required to show that Mr Plume no longer posed a risk to the public. The panel determined that a

further period of suspension and its associated costs would not serve any useful purpose in all of the circumstances and would not be in the public interest. Mr Plume has been afforded ample opportunity over the last two years to engage with the NMC and to address the concerns about his clinical practice but he has chosen not to do so.

The panel determined that it was necessary to take action to prevent Mr Plume from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order. In reaching this decision, the panel had particular regard to Mr Plume's email in November 2021 in which he asked the NMC to *'take [him] off the register'*. The panel considered that this demonstrated that Mr Plume was not inclined to work with the NMC so that he could return to safe practice.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 11 June 2022 in accordance with Article 30(1).

This decision will be confirmed to Mr Plume in writing.

That concludes this determination.