

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

**Substantive Order Review Hearing
Friday 7 January 2022**

Virtual Hearing

Name of registrant: Marian Catherine Blenkiron

NMC PIN: 73D0166E

Part(s) of the register: Registered Nurse – sub part 1
Adult Nursing (9 September 1984)
Registered Nurse – sub part 2
Adult Nursing (2 June 1975)

Area of registered address: Armagh

Type of case: Misconduct

Panel members: Caroline Healy (Chair, Registrant member)
Nicola Strother Smith (Lay member)
Bernadette Nipper (Registrant member)

Legal Assessor: Charles Conway

Hearings Coordinator: Margia Patwary

Nursing and Midwifery Council: Represented by Maria Buckingham, Case
Presenter

Mrs Blenkiron: Present via telephone and unrepresented

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

Fitness to practise: Impaired

Outcome: **Conditions of practice order (12 months) to
come into effect on 16 February 2022 in
accordance with Article 30 (1)**

Decision and reasons on review of the substantive order

The panel decided to confirm the current conditions of practice order for a further period of 12 months. This order will come into effect at the end of 16 February 2022 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the seventh review of a substantive suspension order originally imposed for a period of 12 months by a Conduct and Competence Committee panel on 17 July 2017. The suspension order was reviewed on 12 July 2018 and a conditions of practice order was imposed for a period of nine months. The conditions of practice order was reviewed early on 25 October 2018 and was continued. On 18 April 2019 a panel reviewed the order and replaced the conditions of practice order with a suspension order for a period of 12 months. An early review was conducted on 14 October 2019 and a suspension order was confirmed and continued. The suspension order was last reviewed on 21 April 2020 and was replaced with a conditions of practice order for a period of nine months. The conditions of practice order was reviewed and continued on 11 January 2021 for a further 12 months.

The current conditions of practice order is due to expire at the end of 16 February 2022.

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 substantive order were as follows:

'That you, a registered nurse:

- 1. In a Curriculum Vitae provided to the Ministry of Defence in or around September 2014 for a nursing position at RAF Odiham, held yourself out to be qualified as a nurse prescriber when you were not.*
- 2. [NOT PROVED]*

3. *On 18 November 2014, arranged for Patient I to be supplied with magnesium sulphate paste when you were not qualified to prescribe this and it was not within your agreed personal formulary.*
4. *On 1 December 2014, arranged for Patient G to be supplied with microgynon when you were not qualified to prescribe this and it was not within your agreed personal formulary.*
5. *[NOT PROVED]*
6. *On 15 January 2015, incorrectly arranged for Patient D to be supplied with chloroquine and proguanil instead of atovaquone and proguanil.*
7. *On 30 January 2015, incorrectly recorded a testosterone injection administration in Patient B's records.*
8. *On 3 February 2015, incorrectly recorded a helicobacter pylori breath test result in Patient E's records.*
9. *On 3 February 2015, arranged for Patient A to be supplied with microgynon, when:*
 - 9.1. *[NOT PROVED]*
 - 9.2. *You did not obtain the date this medication had last been prescribed by a doctor.*
 - 9.3. *You did not perform and/or record a pregnancy test.*
 - 9.4. *You were not qualified to prescribe this and it was not within your agreed personal formulary.*

10. *Between approximately 1 August and 20 November 2015, did not notify Bournemouth University that you were subject to an interim conditions of practice order.*

11. *Were dishonest in your conduct alleged at charge 10 in that you knew you were required to disclose this information and deliberately chose not.*

12. *On or around 26 May 2016 provided Appolocum Agency with a surname that did not correspond to your NMC pin and/or your NMC registration.*

13. *[NOT PROVED]*

14. *Your actions in charges 12 and/or 13 above were dishonest in that you were intending to conceal from the agency you were under investigation by the NMC and subject to an interim conditions of practice order.*

15. *At an NMC interim order hearing on 1 February 2017, provided a document purporting to be from Person B when this was not the case.*

16. *Your actions in charge 15 were dishonest in that you presented a false document.*

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

The sixth 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 considered whether your fitness to practise remains impaired.

The panel determined that you demonstrated limited insight and took into account the emails between you and your NMC case officer dated 10 November 2020 and 5 October 2020. The panel considered that you minimised the seriousness of the findings against you when you categorised them as ‘only admin faults,’ or misunderstandings. The panel noted that you do not appear to have demonstrated genuine remorse into your actions and it concluded that your insight remained limited.

In its consideration of whether you have remedied the failings in your practice, the panel took into account your submissions and the written submissions from your representative dated 11 January 2021. The panel also noted the training you said you have undertaken, however you did not provide any documentary evidence of this. Nor did you provide any reference or reports in respect of the shifts you completed at St Francis Private Care Home. The panel determined that you have not demonstrated that any learning you have undertaken has been embedded into your practice.

The panel determined that you have not remediated the failings in your practice and concluded that there therefore remains a risk of repetition and a consequent risk of harm to patients.

The panel has received no new information since the last review hearing to indicate that you have addressed any of the concerns. In light of this, this panel determined that you are 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 was of the view that members of the public would be concerned if you were allowed to practise without restriction. As such, the panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.’

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

'The panel determined that a conditions of practice order remains appropriate and proportionate and would address the failings highlighted in this case. The panel accepted that you have been unable to comply with current conditions of practice due to your current employment status but it noted that you have been engaging with the NMC and have already made attempts to seek employment.'

The panel was of the view that a further conditions of practice order is sufficient to protect patients and the wider public interest, noting as the original panel did that, you have engaged with the NMC and have demonstrated your efforts to seek employment. The panel also noted that you wish to return to nursing and concluded that a further period of conditions of practice will allow you the opportunity to find employment, to demonstrate full compliance with the conditions and will allow you further time to develop your insight and further reflect.'

Decision and reasons on current impairment

The panel has considered carefully whether your 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 on-table bundle. It has taken account of the submissions made by Miss Buckingham on behalf of the NMC and your submissions. Miss Buckingham provided the panel with the background facts of the case and directed the panel to the relevant pages in the NMC bundles.

Miss Buckingham outlined the background to your case, the charges found proved at the original substantive hearing, and the decision of previous reviewing panel. She also referred the panel to the previous panel's decision in relation to impairment and sanction at the original substantive hearing.

Miss Buckingham asked where you are working currently, and you stated that you are volunteering at a hardware shop in Northern Ireland. You further stated that you had worked briefly in a care home, but this job was terminated as you did not have clearance in Northern Ireland to work with vulnerable adults. You stated that you had completed the annual mandatory training requirement.

You further stated that you have been offered a new job role as a Practice Nurse in Kent. You stated that the employers are aware of your current conditions in place and are willing to support you in your role. You stated that you had not yet accepted the job offer as you were waiting for the outcome of today's hearing. You said that if you were given a further conditions of practice order you will take the job and comply with the conditions of practice.

Miss Buckingham asked you how you felt about the charges that have been proved against you. You stated that you do not understand why some of the findings had been incorrect and some of the findings were based on a misunderstanding. Miss Buckingham asked if you were aware of the impact of the medication errors on patients and if you understood the risks imposed. You replied that you are very careful to avoid medication errors and that you would not prescribe medication.

Miss Buckingham submitted you have shown some insight in relation to what you need to do to and if you were to take the job offered to you it would be your responsibility to comply with the conditions of practice order. Miss Buckingham further stated in relation to your training that there were no certificates, or emails confirming the courses you have undertaken and therefore Miss Buckingham stated that there has been no remediation of the misconduct and there is a risk of repetition of the original charges which were very serious.

Miss Buckingham submitted that your fitness to practise remains impaired, and an order remains necessary on the grounds of public protection and is also necessary on the grounds of public interest.

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 your fitness to practise remains impaired.

The panel determined that you had demonstrated limited insight when it took into account the emails between you and your NMC case officer and the live evidence you gave today. The panel noted that you do not appear to accept full responsibility for your actions and you had not had the opportunity to demonstrate remediation as you have been unable, as yet, to work as a nurse for any length of time.

In its consideration of whether you have remedied the failings in your practice, the panel took into account your submissions. The panel also noted the training you said you have undertaken, however you did not provide any documentary evidence of this. Nor did you provide any screenshots or emails to support the existence of training certificates or results of the assessments undertaken.

The panel determined that you have not remediated the failings in your practice and concluded that there therefore remains a risk of repetition and a consequent risk of harm to patients.

The panel has received limited information since the last review hearing to indicate that you have addressed any of the concerns. In light of this, this panel determined that you are 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.

For these reasons, the panel finds that your fitness to practise remains impaired.

Decision and reasons on 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 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 public protection issues identified, an order that does not restrict your 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 your 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 imposing a further conditions of practice order on your registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

The panel determined that a conditions of practice order remains appropriate and proportionate and would address the failings highlighted in this case. The panel accepted that you have been unable to comply with current conditions of practice due to your current employment status, but it noted that you have been engaging with the NMC and that you are ready to accept employment.

The panel was of the view that to impose a suspension order or a striking-off order would be disproportionate and would not be a reasonable response in the circumstances of your case given your level of engagement and your intention to return to nursing.

Accordingly, the panel determined, pursuant to Article 30(1)(c) 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, namely at the end of 16 February 2022. It decided to impose the following conditions which it considered are appropriate and proportionate in this case:

‘For the purposes of these conditions, ‘employment’ and ‘work’ mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, ‘course of study’ and ‘course’ mean any course of educational study connected to nursing, midwifery or nursing associates.’

1. At any time that you are employed or otherwise providing nursing services, you must place yourself and remain under the supervision of a workplace line manager, mentor or supervisor nominated by your employer, such supervision to consist of:
 - a. Working at all times on the same shift as, but not necessarily under the direct observation of, a registered nurse of band 6 or above who is physically present in or on the same ward, unit, floor or home that you are working in or on.
 - b. Fortnightly meetings for the first 3 months following the commencement of employment as a nurse or midwife to

2. 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. Medicines Management
 - b. Assessment of risk and management of patients
 - c. Prioritisation of workload
 - d. Record keeping and use of clinical systems

3. You must provide to the reviewing panel a reflective piece detailing your learning and experience since returning to practice in relation to the regulatory concerns set out in condition 2.

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 as a nurse or midwife.
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 allow the NMC to exchange, as necessary, information about the standard of your performance and your progress towards achieving the aims set out in your personal development plan with your line manager, mentor or supervisor (or their nominated deputy) and any other person who is or will be involved in your retraining and supervision with any employer, prospective employer and at any educational establishment.
8. You must keep us informed about anywhere you are working by:
 - a. Telling your case officer within seven days of accepting or leaving any employment.
 - b. Giving your case officer your employer's contact details.
9. You must keep us informed about anywhere you are studying by:
 - a. Telling your case officer within seven days of accepting any course of study.
 - b. Giving your case officer the name and contact details of the organisation offering that course of study.
10. You must immediately give a copy of these conditions to:
 - a. Any organisation or person you work for.
 - b. Any agency you apply to or are registered with for work.
 - c. Any employers you apply to for work (at the time of application).

- d. Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.
- e. Any current or prospective patients or clients you intend to see or care for when you are working independently.

11. You must tell your case officer, within seven days of your becoming aware of:

- a. Any clinical incident you are involved in.
- b. Any investigation started against you.
- c. Any disciplinary proceedings taken against you

The period of this order is for 12 months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely at the end of 16 February 2022 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well you have complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- Documentary evidence of any up-to-date training you have undertaken;
- References or testimonials from any work you have undertaken including from either paid or unpaid roles.

This will be confirmed to you in writing.

That concludes this determination.