

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

**Substantive Order Review Hearing  
Monday, 25 July 2022**

Virtual Hearing

<b>Name of registrant:</b>	<b>Sarah Sumner</b>
<b>NMC PIN:</b>	06F0869E
<b>Part(s) of the register:</b>	Registered Nurse – Sub-part 1 Adult Nursing – 28 September 2006
<b>Relevant Location:</b>	Manchester
<b>Type of case:</b>	Misconduct
<b>Panel members:</b>	Richard Youds (Chair, Lay member) Anne Phillimore (Lay member) Angela O'Brien (Registrant member)
<b>Legal Assessor:</b>	Oliver Wise
<b>Hearings Coordinator:</b>	Philip Austin
<b>Nursing and Midwifery Council:</b>	Represented by Anthony James, Case Presenter
<b>Miss Sumner:</b>	Present but not represented
<b>Order being reviewed:</b>	Suspension order (12 months)
<b>Fitness to practise:</b>	Currently Impaired
<b>Outcome:</b>	<b>Striking-off order to come into effect upon expiry of the current order, namely, at the end of 20 August 2022, in accordance with Article 30 (1)</b>

## **Decision and reasons on application for hearing to be held in private**

At the outset of the hearing, Mr James, on behalf of the Nursing and Midwifery Council (“NMC”), made a request that the entirety of the hearing be held in private on the basis that proper exploration of this case involves reference to your health and personal circumstances. This application was made pursuant to Rule 19 of the NMC (Fitness to Practise) Rules 2004, as amended (“the Rules”).

You agreed with the application.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

Rule 19 states:

- 19.—(1) Subject to paragraphs (2) and (3) below, hearings shall be conducted in public.
- (2) Subject to paragraph (2A), a hearing before the Fitness to Practise Committee which relates solely to an allegation concerning the registrant’s physical or mental health must be conducted in private.
  - (2A) All or part of the hearing referred to in paragraph (2) may be held in public where the Fitness to Practise Committee—
    - (a) having given the parties, and any third party whom the Committee considers it appropriate to hear, an opportunity to make representations; and
    - (b) having obtained the advice of the legal assessor, is satisfied that the public interest or the interests of any third party outweigh the need to protect the privacy or confidentiality of the registrant.
- (3) Hearings other than those referred to in paragraph (2) above may be held, wholly or partly, in private if the Committee is satisfied—

(a) having given the parties, and any third party from whom the Committee considers it appropriate to hear, an opportunity to make representations; and

(b) having obtained the advice of the legal assessor, that this is justified (and outweighs any prejudice) by the interests of any party or of any third party (including a complainant, witness or patient) or by the public interest.

(4) In this rule, “in private” means conducted in the presence of every party and any person representing a party, but otherwise excluding the public.

Having heard that much of the evidence presented will refer to your health and personal circumstances, the panel determined to hold the entirety of the hearing in private. The panel was of the view that the public interest in these parts of the case being aired in public session is outweighed by the need for privacy in this respect.

### **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 20 August 2022, in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (“the Order”).