

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

**Substantive Order Review Meeting  
Thursday 30 June 2022**

Virtual Meeting

**Name of registrant:** **Deborah Jane Bannister-Horrocks**

**NMC PIN:** 78D0129E

**Part(s) of the register:** Registered Nurse – Sub Part 2  
Adult Nursing – (August 1980)  
  
Registered Nurse – Sub Part 1  
Adult Nursing – (June 1991)

**Relevant Location:** East Lothian

**Type of case:** Misconduct

**Panel members:** Anthony Griffin (Chair, lay member)  
Shorai Dzirambe (Registrant member)  
Alison Hayle (Lay member)

**Legal Assessor:** Michael Levy

**Hearings Coordinator:** Alice Byron

**Order being reviewed:** Suspension order (6 months)

**Outcome:** **Striking off order to come into effect on 25  
August 2022 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 Bannister-Horrocks was not in attendance and that the Notice of Meeting had been sent to Mrs Bannister-Horrocks' registered email address on 19 May 2022.

The panel took into account that the Notice of Meeting provided details of the review including the time, dates 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 Bannister-Horrocks 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).

The panel noted that the Rules do not require proof of delivery and that it is the responsibility of any registrant to maintain an effective and up-to-date registered address.

## **Decision and reasons on review of the current order**

The panel decided to impose a striking off order. This order will come into effect at the end of 25 August 2022 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the second review of a substantive suspension order originally imposed for an initial period of 12 months by a Fitness to Practise Committee panel on 27 January 2021. This was reviewed on 17 January 2022 and a further suspension order for a period of six months was imposed.

The current order is due to expire at the end of 25 August 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 whilst working at Tyneholme Stables Care Home:*

*1. Failed to investigate / report the concerns / matters set out in*

*Schedule A:*

*a. appropriately or adequately;*

*b. promptly*

*2. Your conduct at any and/or all of charge 1 above:*

*a. Lacked integrity, in that you sought to cover up / conceal the events in question;*

*b. ...*

*And in light of the above your fitness to practise is impaired by reason of your misconduct.*

#### **Schedule A**

*i) Missing medication including oxycodone and / or codeine phosphate;*

*ii) A video / 'Snapchat' communication showing Resident B and / or members of staff on 24 April 2017;*

*iii) ...*

*iv) ...*

*v) ...'*

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

*The panel considered whether Mrs Bannister-Horrocks' fitness to practise remains impaired.*

*The panel noted that the original panel found that there was little evidence of meaningful insight by Mrs Bannister-Horrocks. At this hearing the panel noted the lack of information before it today to suggest that Mrs Bannister-Horrocks has developed any insight into the facts found proved.*

*In its consideration of whether Mrs Bannister-Horrocks has taken steps to strengthen her practice, the panel took into account that in line with her lack of engagement, Mrs Bannister-Horrocks has not provided a reflective statement that details how she may have strengthened her practice.*

*The original panel determined that Mrs Bannister-Horrocks was liable to repeat matters of the kind found proved. Today's panel did not receive any information from Mrs Bannister-Horrocks to suggest that this position has changed. In light of this, this panel determined that Mrs Bannister-Horrocks 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 was of view that this position is exacerbated by the fact that Mrs Bannister-Horrocks has been given an opportunity to engage, but has chosen not to.*

*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 Bannister-Horrocks' fitness to practise remains impaired.*

The first 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 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 Mrs Bannister-Horrocks' 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 Mrs Bannister-Horrocks' 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 Mrs Bannister-Horrocks' 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 the seriousness of the facts found proved at the original hearing, as well as Mrs Bannister-Horrocks' non-engagement, and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mrs Bannister-Horrocks' misconduct.*

*The panel considered the imposition of a further period of suspension. It took into account that the substantive suspension order was imposed in order to allow Mrs Bannister-Horrocks the time she needs to reflect on the original panel's findings as to her misconduct and take steps to remediate. The panel considered that in the last 12 months, Mrs Bannister-Horrocks has not followed the original panel's recommendations, provided any meaningful engagement with the NMC or attended the today's hearing. It had no information before it today to suggest that Mrs Bannister-Horrocks intends to engage in the future.*

*The panel carefully considered whether a further period of extension would be sufficient or whether it should impose a striking off order at this stage. However it took into account that this is the first review of the substantive order and that there has been some, albeit limited engagement from Mrs Bannister-Horrocks about her attendance at the hearing today. The panel also noted that there is no information about Mrs Bannister-Horrocks' future intentions to engage with the NMC or return to nursing practice. The panel determined that Mrs Bannister-Horrocks should be afforded at least one further period of suspension to allow her further time to fully reflect on her previous misconduct and provide information of whether she will attempt to strengthen her practice, or intends to return to nursing practice.*

*A future reviewing panel may consider imposing a striking off order if it finds that a further period of suspension would not serve any useful purpose in all of the circumstances. The panel therefore strongly recommends that Mrs Bannister-Horrocks considers and notifies the NMC of her future intentions with regards nursing practice in advance of the next review hearing and engages appropriately.*

*The panel concluded that a further six months suspension order would be the appropriate and proportionate response and would afford Mrs Bannister-Horrocks adequate time to further develop her insight, take steps to strengthen her practice or inform a future reviewing panel of her intentions.*

*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 six months which would provide Mrs Bannister-Horrocks with an opportunity to engage with the NMC. It considered this to be the most appropriate and proportionate sanction available.*

*This suspension order will take effect upon the expiry of the current suspension order, namely the end of 25 February 2022 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:*

- *Mrs Bannister-Horrocks' participation in any hearing;*
- *A reflective statement detailing her understanding of the impact of her misconduct upon residents, colleagues, and the nursing profession; and*
- *Information from Mrs Bannister-Horrocks about her future intentions regarding nursing practice.*

## **Decision and reasons on current impairment**

The panel has considered carefully whether Mrs Bannister-Horrocks' 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 which contains the decisions of the substantive panel on 27 January 2021, and the reviewing panel on 17 January 2022.

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 Bannister-Horrocks' fitness to practise remains impaired.

The panel noted that the last reviewing panel found that it had no information before it to determine Mrs Bannister-Horrocks' level of insight or remorse into her failings, nor had it received evidence which demonstrated any attempts made by Mrs Bannister-Horrocks to strengthen her practice. At this meeting the panel had no evidence of any meaningful engagement over the period in which Mrs Bannister-Horrocks has been suspended from nursing, and therefore she has not demonstrated any evidence of insight, remorse or strengthened practice since the substantive hearing. In light of this, the panel determined that Mrs Bannister-Horrocks has not taken any steps, as suggested by the previous panel, to reflect on her failings and strengthen her practice.

The last reviewing panel determined that Mrs Bannister-Horrocks was liable to repeat matters of the kind found proved. Today's panel has received no new information to suggest that Mrs Bannister-Horrocks' risk of repetition has diminished since the suspension order was imposed on 27 January 2021. In light of this the panel determined that Mrs Bannister-Horrocks is still liable to repeat matters of the kind found proved and found this risk of repetition to be very high. 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 Bannister-Horrocks' fitness to practise remains impaired.

## Decision and reasons on sanction

Having found Mrs Bannister-Horrocks' 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 Mrs Bannister-Horrocks' 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 Mrs Bannister-Horrocks' 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 on Mrs Bannister-Horrocks' 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 the seriousness of the facts found proved at the original hearing, alongside Mrs Bannister-Horrocks' lack of meaningful engagement since the substantive hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mrs Bannister-Horrocks' misconduct.

The panel has received no information in respect of Mrs Bannister-Horrocks' current circumstances and her future intentions in respect of her career. In view of Mrs Bannister-

Horrocks' lack of engagement, the panel considered that any conditions of practice order would not be workable and would serve no useful purpose.

The panel next considered imposing a further suspension order. The panel noted that Mrs Bannister-Horrocks has not shown remorse for her misconduct. Further, Mrs Bannister-Horrocks has not demonstrated any insight into her previous failings. The panel was of the view that considerable evidence would be required to show that Mrs Bannister-Horrocks no longer posed a risk to the public. Mrs Bannister-Horrocks has entirely disengaged with the NMC and the regulatory process. In light of this, the panel determined that a further period of suspension would not serve any useful purpose. The panel determined that it was necessary to take action to prevent Mrs Bannister-Horrocks 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.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 25 August 2022 in accordance with Article 30(1)

This decision will be confirmed to Mrs Bannister-Horrocks in writing.

That concludes this determination.