

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

**Substantive Order Review Hearing
Tuesday 3 May 2022**

Virtual Hearing

Name of registrant: Ghazala Adman

NMC PIN: 06D01680

Part(s) of the register: Registered Nurse – Sub Part 1
Adult Nursing – April 2006

Relevant Location: Lancashire

Type of case: Misconduct

Panel members: Rachel Ellis (Chair, Lay member)
Ross Cheape (Registrant member)
Christopher Reeves (Lay member)

Legal Assessor: Tracy Ayling

Hearings Coordinator: Amanda Ansah

Nursing and Midwifery Council: Represented by Shekyena Marcelle-Brown, Case
Presenter

Mrs Adman: Not Present and unrepresented

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

Fitness to practise: Impaired

Outcome: **Suspension order (12 months) to come into
effect on 10 June 2022 in accordance with
Article 30 (1)**

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Mrs Adman was not in attendance and that the Notice of Hearing had been sent to Mrs Adman's registered email address on 17 March 2022.

Ms Marcelle-Brown, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the substantive order being reviewed, the time, date and joining details of the virtual hearing and, amongst other things, information about Mrs Adman's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all of the information available, the panel was satisfied that Mrs Adman has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Mrs Adman

The panel next considered whether it should proceed in the absence of Mrs Adman. The panel had regard to Rule 21 and heard the submissions of Ms Marcelle-Brown who invited the panel to continue in the absence of Mrs Adman. She submitted that Mrs Adman had voluntarily absented herself.

Ms Marcelle-Brown referred the panel to the on-table email from Mrs Adman dated 1 May 2022 in which she stated that she will not be attending. Ms Marcelle-Brown informed the panel that Mrs Adman has not been present at previous hearings and the panel have proceeded in her absence.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mrs Adman. In reaching this decision, the panel has considered the submissions of Ms Marcelle-Brown, the written representations from Mrs Adman, and the advice of the legal assessor. It has had particular regard to any relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Mrs Adman;
- Mrs Adman has informed the NMC that she has received the Notice of Hearing and confirmed she is content for the hearing to proceed in her absence;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- There is a strong public interest in the expeditious review of the case.

In these circumstances, the panel has decided that it is fair, appropriate, and proportionate to proceed in the absence of Mrs Adman.

Decision and reasons on review of the substantive order

The panel decided to replace the current conditions of practice order with a suspension order.

This order will come into effect on 10 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 for a period of 12 months by a Fitness to Practise Committee panel on 8 November 2019, by way of a Consensual Panel Determination. This order was reviewed on 2 November 2020 and the panel decided to impose a conditions of practice order for a further period of 6 months. This was reviewed again on 4 May 2021 and the panel decided to impose a conditions of practice order for a further period of 12 months.

The current order is due to expire at the end of 10 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) *On 4 December 2017 whilst working as an agency nurse at Alistre Lodge Nursing Home:*
 - a. *Signed MAR charts confirming the administration of medication prior to administering any medication to Patient A*
 - b. *Signed MAR charts confirming the administration of medication prior to administering any medication to Patient B*
 - c. *Signed MAR charts confirming the administration of medication prior to administering any medication to Patient C*
 - d. *Signed MAR charts confirming the administration of medication prior to administering any medication to Patient D*
 - e. *Signed MAR charts confirming the administration of medication prior to administering any medication to Patient E*
 - f. *Signed MAR charts confirming the administration of medication prior to administering any medication to Patient F*
 - g. *Signed MAR charts confirming the administration of medication prior to administering any medication to Patient G*
 - h. *Attempted to administer medication without being possession of the MAR charts*
 - i. *Renamed and / or relabelled medication pods*
 - j. *Did not follow the home protocol for administering covert medication*
 - k. *Crushed a tablet and / or tablets when there was no covert medication policy in place.*

- 2) *On 26 April 2018 whilst working as an agency nurse at Royal Blackburn Hospital:*

- a. *In relation to Patient Z*
- i. *Failed to provide him with adequate personal care when accompanying him to the toilet*
 - ii. *Failed to adequately maintain his dignity when accompanying him to the toilet*
 - iii. *Failed to maintain infection control in relation to your actions and / or omissions in charge 2(a) and charge 2(b) above*
 - iv. *Administered him 1mg of Lorazepam when it was not necessary and / or required*
- b. *Administered omeprazole to Patient Y at the incorrect infusion rate.'*

The original panel determined the following with regard to impairment:

'The panel had before it Mrs Adman's reflective statement, dated 11 October 2019, in which she demonstrates developing insight into her failings. Further, she has evidenced remorse for her misconduct and has been able to identify where she went wrong and what she would do differently in the future. However, the panel noted that Mrs Adman resumed practising as a registered nurse in July 2019 after a period of one year out of a clinical setting. In light of this, the panel could not be satisfied that Mrs Adman had remediated the misconduct found proved. Further, the panel could not be satisfied, that should Mrs Adman find herself within a similar pressured environment as contained within the charges, that the failings would not be repeated. The panel determined that a risk of unwarranted harm remains to patients in Mrs Adman's care, should she be permitted to practise as a registered nurse without some form of restriction.

In taking account of the above, the panel determined that Mrs Adman has not sufficiently addressed the concerns for it to be satisfied that her fitness to practise as a registered nurse is not currently impaired on the grounds of public protection. Furthermore, the panel had regard to the need to maintain confidence in the nursing profession, and to uphold proper standards of conduct and performance. It

determined that the public interest element of this case needed to be satisfied by a finding of a current impairment.

For the reasons stated above, the panel determined that Mrs Adman's fitness to practise is currently impaired on the grounds of public protection and also in the wider public interest.'

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

'The panel noted that the original panel found that whilst Mrs Adman had demonstrated developing insight into her failings, a risk of unwarranted harm to patients remained. This panel noted that it had not received any information from Mrs Adman since the original hearing. The panel therefore had no evidence as to whether Mrs Adman's insight had fully developed or whether she had been complying with the current conditions of practice order in place. In the absence of any evidence demonstrating that Mrs Adman has sufficient insight or has remediated the misconduct, the panel was of the view that there remains a risk of repetition. It 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 Adman's fitness to practise remains impaired.'

The second 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 public protection issues identified and the

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

The panel 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 Adman's practice would not be appropriate in the circumstances. 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 Mrs Adman's 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 noted that it had no information regarding Mrs Adman's current employment status, or whether she has been complying with the current conditions of practice order. The panel considered that Mrs Adman has informed the NMC that she is currently in Pakistan but did not state how long she has been there for. However, the panel accepted the very real difficulties caused by the global pandemic and the impact which this would inevitably have had upon Mrs Adman's ability to comply with this conditions of practice order.

The panel determined that, although the recent engagement by Mrs Adman has been limited, she is still engaging with the process. There is also evidence to demonstrate that she had been properly engaged with proceedings at the time of the substantive hearing and had demonstrated remorse and insight into her misconduct. The panel was therefore of the view that to impose a suspension order would be disproportionate at this stage.

The panel determined that it remains possible to formulate appropriate and practical conditions which would address the failings highlighted in this case.

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 10 June 2021. The panel was of the view that this period would afford Mrs Adman a further opportunity to engage meaningfully with the NMC, to return to the UK, to find employment and to demonstrate her compliance with the conditions of practice order.

The panel decided to continue the following conditions which it considered remained appropriate, reasonable 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. You must not administer medication until you have been signed off as competent to do so by your line manager, mentor, or supervisor (or their nominated deputy).*
- 2. Once signed off as competent to administer medication you must keep a monthly personal development log detailing one medication round you have undertaken. It must be signed by a supervisor and contain feedback from them on how you carried out the round.*
- 3. You must ensure that you are supervised by a registered nurse any time you are working. Your supervision must consist of: working at all times on the same shift as, but not always directly observed by, a registered nurse of band 6 or above.*
- 4. You must work with your employer to create a personal development plan (PDP). Your PDP must address the concerns about patient care and medication management and administration.*
- 5. You must meet with your line manager, mentor, or supervisor (or their nominated deputy) at least once every month to discuss the standard of your performance and your progress towards achieving the aims set out in your personal development plan.*

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 prior to any NMC review hearing or meeting.*
7. *You must tell the NMC within 7 days of any nursing appointment (whether paid or unpaid) you accept within the UK or elsewhere, and provide the NMC with contact details of your employer.*
8. *You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 7 days of you receiving notice of them.*
9. *You must within 7 days of accepting any post or employment requiring registration with the NMC, or any course of study connected with nursing or midwifery, provide the NMC with the name/contact details of the individual or organisation offering the post, employment or course of study.*
10. *You must within 7 days of entering into any arrangements required by these conditions of practice provide the NMC with the name and contact details of the individual/organisation with whom you have entered into the arrangement.*
11. *You must immediately tell the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose the conditions listed at (1) to (10) above, to them:*
 - a) *Any organisation or person employing, contracting with, or using you to undertake nursing work;*
 - b) *Any prospective employer (at the time of application) where you are applying for any nursing appointment; and*
 - d) *Any educational establishment at which you are undertaking a course of study connected with nursing or midwifery, or any such establishment to which you apply to take such a course (at the time of application).*

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Adman'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. It has taken account of the submissions made by Ms Marcelle-Brown on behalf of the NMC. She submitted that Mrs Adman's fitness to practise remains impaired on the grounds of public protection and public interest and informed the panel that Mrs Adman is aware of what would have assisted the panel today, yet has not provided it. Ms Marcelle-Brown submitted that there has not been any new information to undermine the continuing necessity of this order and that Mrs Adman's fitness to practise remains impaired. She submitted that the burden is on Mrs Adman to prove she is not impaired but in the absence of any information the panel are not able to assess and address whether the issues outlined at the substantive hearing have been remediated appropriately.

Ms Marcelle-Brown referred the panel to the email from Mrs Adman dated 1 May 2022 in which Mrs Adman stated that she is not able to attend the hearing, has already submitted statements, and has no new information since 2019 to provide. She informed the panel that Mrs Adman is not currently working and submitted that there is no evidence of Mrs Adman complying with the conditions, neither has she provided any evidence of insight or training.

Ms Marcelle-Brown informed the panel by way of update since the last review that Mrs Adman has been subject to a separate NMC referral for which she is currently subject to an interim suspension order which was imposed on 8 January 2022.

The panel asked for further details in relation to the second referral including the nature of the allegations, the date on which they are alleged to have occurred, and whether the

previous panel was aware of the interim suspension order, as this pre-dated the previous review. Ms Marcelle-Brown asked for some time to obtain this information. The panel retired and upon return, Ms Marcelle-Brown provided a copy of the case examiner's decision for the second referral along with Mrs Adman's response to this. The case examiners found there was a case to answer regarding the allegations of a breach of the current conditions of practice order, and also an allegation of dishonesty which relate to Mrs Adman working as a registered nurse during the period December 2019 to July 2020.

Ms Marcelle-Brown further submitted that despite the clarity of the allegations in the second referral the charges have not been found proved and an alleged breach of the conditions of practise order is yet to be determined by the Fitness to Practise Committee after hearing evidence. She also submitted that this panel's knowledge of these unresolved concerns should indicate Mrs Adman's fitness to practise is currently still impaired. She outlined that the new referral relates to an alleged breach of the conditions of practise order in that Mrs Adman was working and took a number of shifts at a home via an agency that she appears to be the sole director of. Mrs Adman also allegedly failed to alert her employer of the conditions of practise order against her, administered medication whilst not being signed off and provided her employer with a falsely attained competency of medicines management certificate on 3 June 2020. Ms Marcelle-Brown informed the panel that Mrs Adman was confronted about this breach on 9 June 2020 and denied knowledge of it and the conditions of practice order.

Ms Marcelle-Brown submitted that considering the risk previously found on both grounds the panel may think that as concerns are yet to be resolved and there is now an alleged breach of the conditions of practice order and alleged dishonesty, there continues to be impairment and potential lack of insight. She further submitted that the concerns are very serious as Mrs Adman has been accused of deliberately misleading her employer and they activate the public interest, however the panel's decision on sanction shouldn't be solely based on these new concerns and the fact that Mrs Adman is currently subject to an interim suspension order in relation to the second referral.

Ms Marcelle-Brown further submitted that due to the seriousness of the allegations it would be in the public interest and ensure the public are protected if the order in place was changed to a suspension order given that there is an increased risk to the public in light of

the concerns, and no insight or steps have been taken by Mrs Adman to remediate them or any of the concerns that the original panel had in relation to this matter.

The panel heard and accepted the advice of the legal assessor. This included reference to the NMC guidance “Reviews where an interim order is in place” dated 12 October 2018.

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 Adman’s fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Mrs Adman had developing insight at the time of the substantive hearing. At this hearing, the panel noted Mrs Adman’s email outlining her non-attendance at today’s hearing. It also noted that she has not worked in a clinical setting since July 2020 and has not provided any evidence of remediation or an attempt to address the concerns that have been raised. The panel considered Mrs Adman’s previous and very limited responses. It also noted in an email dated 14 February 2022 in relation to the second referral against her, Mrs Adman referred to the concerns in the substantive hearing as “techically misttakes” [sic] which appeared to undermine any insight she had previously demonstrated.

In its consideration of whether Mrs Adman has taken steps to strengthen her practice, the panel took into account Mrs Adman’s limited responses and determined that she had not sufficiently addressed the concerns. In addition to this, Mrs Adman has been subject to a conditions of practice order for 2 and a half years without providing any evidence in relation to strengthening her practice or remedying any of the concerns raised.

The last reviewing panel determined that Mrs Adman was liable to repeat matters of the kind found proved. Today’s panel has heard no information that undermines the previous panel’s decision. Additionally, it heard about a second referral which suggested that Mrs Adman had breached the conditions of practice order in place shortly after it was imposed in November 2019. In light of this, this panel determined that Mrs Adman 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 Adman's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Adman'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 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 Adman'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 Mrs Adman'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 imposing a conditions of practice order on Mrs Adman's 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 noted that Mrs Adman has made no effort to remediate the concerns and has only engaged with the NMC to advise of her non-attendance at previous hearings as well as at today's hearing. In addition to this, it is the panel's view that Mrs Adman appears to have undermined any previous insight and dismissed the concerns identified as technicalities. The panel is of the view that Mrs Adman has been made aware of what has been required of her at each stage, but has not taken the steps identified to demonstrate strengthened practice.

On this basis, the panel concluded that a conditions of practice order is no longer practicable in this case. The panel concluded that no workable conditions of practice could be formulated which would protect the public or satisfy the wider public interest.

The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of 12 months which would provide Mrs Adman with an opportunity to engage with the NMC and attempt to demonstrate insight and some form of remediation. It considered this to be the most appropriate and proportionate sanction available. The panel's decision to impose this sanction was further strengthened by the information it heard about the second referral which relates to an alleged breach of the current conditions of practice order. Although these allegations are yet to be proved, they are very serious and the panel's decision to impose this sanction factored in this information; they were an additional but not a deciding factor.

This suspension order will take effect upon the expiry of the current conditions of practice order, namely the 10 June 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:

- Evidence of continuing professional development (CPD).
- Meaningful engagement with the NMC.
- Attendance at the next hearing.
- Information on any steps taken to strengthen practice e.g. training courses.
- Any indication on intentions regarding her nursing career.
- Up to date references and testimonials for any employment whether paid or unpaid, and whether or not in a healthcare setting.

This will be confirmed to Mrs Adman in writing.

That concludes this determination.