

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

**Substantive Order Review Hearing  
Thursday 14 December 2023**

Virtual Hearing

**Name of Registrant:** Angela Coley

**NMC PIN** 06Y0083E

**Part(s) of the register:** Mental Health Nurse, level 1 (26 September 2006)

**Relevant Location:** Birmingham

**Type of case:** Misconduct

**Panel members:** David Crompton (Chair, Registrant/Lay member)  
Marian Robertson (Registrant member)  
Suzanna Jacoby (Lay member)

**Legal Assessor:** Robin Ince

**Hearings Coordinator:** Rim Zambour

**Nursing and Midwifery Council:** Represented by Laura Holgate, Case Presenter

**Mrs Coley:** Present and not represented

**Order being reviewed:** Conditions of practice order (6 months)

**Fitness to practise:** Impaired

**Outcome:** **Conditions of practice order (12 months to come into effect on 22 January 2024 in accordance with Article 30 (1))**

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

At the outset of the hearing, Ms Holgate made a request that parts of this case be held in private [PRIVATE]. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

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.

The panel determined to go into private session as and when matters [PRIVATE] are mentioned.

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

The panel decided to confirm the current conditions of practice order

This order will come into effect at the end of 22 January 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the fourth review of a substantive conditions of practice order originally imposed for a period of 24 months by a Fitness to Practise Committee panel on 21 June 2019. The conditions of practice order was reviewed and extended for 12 months on 15 June 2021. The conditions of practice order was reviewed again on 9 June 2022 when a conditions of practice order was imposed for a period of 12 months. The conditions of practice order was reviewed on 12 June 2023 when a condition of practice order was imposed for a period of 6 months.

The current order is due to expire at the end of 22 January 2024.

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, while employed at Cambian Cedars Mental Health Rehabilitation Service;*

1. *On 1 February 2016 administered one or more medications to service users at Cambian Cedars but failed to sign the corresponding medication administration cards to record that medication had been given*  
**Proved by admission**

2. *On 3 April 2016, in relation to Patient A, you;*

a. *Attempted to cut a 500mg sodium valproate tablet, with the intention of administering 500mg and 250mg of sodium valproate which would have added up to a dose of 750mg (an overdose), when in fact the required dose was 700mg,*

**Proved**

b. *Administered an incorrect dose of 600mg sodium valproate, when the required dose was 700mg,*

**Proved by admission**

c. ...

d. *Did not contact the doctor on-call for advice, as you were directed to after your medication error described in 2.b above*

**Proved by admission**

3. *On 3 April 2016 in relation to Patient B you ;*

a. *recorded in the patient's medication card that they had received insulin when you had information to indicate he may not have taken the insulin you had given him,*

**Proved**

b. ...

c. *you failed to act on the direction of the on-call doctor to immediately refer Patient B to hospital*

**Proved**

4. *On 9 April 2016 and/or 15 May 2016 failed an Administration of Medication Competency Assessment*

**Proved in respect of the assessment dated 9 April 2016**

**No case to answer in respect of the assessment dated 15 May 2016**

*And in light of the above your fitness to practise is impaired by reason of your misconduct in respect of charges 1 to 3 and by reason of your lack of competence in respect of charge 4.'*

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

*'The panel in reaching its decision had regard to the decision of the previous reviewing panel, where it was found that Mrs Coley had not developed any insight and reflected on her practise. At this hearing, the panel was of the view that there was no new information before it to suggest that there has been a change of circumstances in this case. The panel noted that Ms Coley has not provided any information to demonstrate any compliance with the previous conditions of practice order.*

*In its consideration of whether Mrs Coley has taken steps to strengthen her practice, the panel took into account that it has no reflections, references or evidence of any training undertaken that would suggest there has been sufficient insight or developments in regard to the regulatory concerns.*

*The panel also took into account that Mrs Coley has not provided any new information today as to whether she is currently practising as a nurse. The panel*

*had regard to the information provided by Mrs Coley at the last review hearing that she was not practising as a nurse at that time. The panel was of the view that Mrs Coley therefore has not provided the NMC with any evidence of compliance with the clinical elements of the conditions of practice order as she has not been practising.*

*The panel also had regard to the previous panel's recommendations to aid Mrs Coley in strengthening her practice and showing compliance with the conditions of practice order. Today's panel has received no new information. Given that today's panel has no evidence to demonstrate remediation of the original concerns, and no evidence of any further developed insight, this panel determined that Mrs Coley remains liable to repeat matters of the kind found proved and 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 Coley's fitness to practise remains impaired.'*

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

*'The panel next considered whether imposing a further conditions of practice order on Mrs Coley'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 determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case.*

*The panel noted that Mrs Coley did not attend today's hearing, nor has she provided any information to suggest that she has demonstrated previous*

*compliance and engagement since the previous review hearing of this order on 9 June 2022, at which Mrs Coley was present.*

*The panel was of the view that the present conditions of practice order is sufficient to protect patients and the wider public interest.*

*The panel very carefully considered whether or not a suspension order or striking-off order was appropriate and proportionate, but the panel was not completely satisfied at this present moment in time that a suspension order or striking-off order was proportionate nor in the public interest.*

*Accordingly, the panel determined, pursuant to Article 30(1)(c) to extend the current conditions of practice order for a short period of 6 months, which will come into effect on the expiry of the current order, namely at the end of 22 July 2023. This is a shorter period than the previous review panels decided upon due to the extensive period that these conditions have already been in place. 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 all times you must remain under the indirect supervision of a work place line manager, mentor or supervisor nominated by your employer. Such supervision is to consist of working at all times on the same shift as another registered nurse who is physically present in or on the same ward, unit, floor, home or site that you are working on.*
- 2. You must not carry out any administration of medication unless directly supervised by a registered nurse. Such supervision must remain in place until you have successfully completed a medication administration and record keeping course, as approved by your employer and have been*

*formally assessed as competent by a registered nurse following a minimum of six supervised drug rounds.*

3. *You must work with your line manager, mentor or supervisor to create a Personal Development Plan designed to remedy deficiencies in your practice, namely:*
  - a. *Medication administration & management*
  - b. *Escalation*
  - c. *Diabetes management*
4. *You must meet with your line manager, mentor or supervisor every 4 weeks 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 these conditions become effective or the date on which you take up an appointment, whichever is sooner.*
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 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 tell the NMC within 14 days of any nursing or midwifery appointment (whether paid or unpaid) you accept within the UK or elsewhere, and provide the NMC with contact details of your employer.*
9. *You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 14 days of you receiving notice of them.*
  - a. *You must within 14 days of accepting any post of 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.*
  - b. *You must within 14 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.*
10. *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 agency you are registered with or apply to be registered with (at the time of application) to provide nursing services*
  - c) *Any prospective employer (at the time of application) where you are applying for any nursing appointment*
  - 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 a course (at the time of application).*

*The period of this order is for 6 months.'*

## **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 on-table document.

The panel has taken account of the submissions made by Ms Holgate on behalf of the NMC.

Ms Holgate took the panel through the background of the case and referred it to the relevant papers. She first turned the panel's attention to the on-table bundle where you had provided information about your plans to open a business offering practical skills-based training workshops and seminars to adults and children suffering with depression and trauma. She informed the panel that this is a proposal for a business you intend to set up and that you are currently employed in the care sector.

Ms Holgate also referred the panel to your reflective statement as suggested by the previous panel where you address what happened, evaluate and analyse the situation and then go on to explain how you would deal with the situation differently in the future. Ms Holgate also referred the panel to the positive testimonials and evidence of your training. Ms Holgate noted that there is not much information about what the training included and on the face of it, it does not appear to be related directly to the charges in this case.

Ms Holgate submitted that it is clear you have made some positive progress since the last review in terms of developing your insight and understanding of the concerns raised. However she submitted that there is insufficient evidence before the panel today to demonstrate compliance with the clinical elements of the conditions of practice order.

Ms Holgate submitted that it is for the panel to review the evidence before it and determine whether it is satisfied that you have reflected and have had full insight into the concerns raised. If the panel find your fitness to practise not currently impaired, Ms Holgate submitted that it should allow the existing order to expire in January 2024. However, if the panel finds your fitness to practise currently impaired, Ms Holgate submitted that the current conditions of practice remain appropriate, workable and proportionate. Further, that they do not prevent you from seeking to obtain employment as a nurse should you wish to do so.

The panel also had regard to your oral evidence. You stated the following in response to both Ms Holgate's and the panel's questions:

- You have been trying to keep up with certain skills.
- You completed the first part of a mathematics course but couldn't finish it [PRIVATE].
- You last practised as a nurse in 2019.
- You worked in a care-related role in 2021 to prevent homelessness.
- You would like to return to nursing practice, specifically in a prison setting as you [PRIVATE] are interested in this sector.
- You have completed courses related to safeguarding, record keeping and getting to know the type of clients you would work with in prison, but these were not related to nursing clinical practice.
- You would like to undertake further training, specifically in relation to medications, epilepsy and diabetes. You do a lot of reading around this but have not completed courses yet.
- You have tried applying for clinical roles as a nurse, but the conditions of practice order is making it difficult for you to obtain employment as a nurse. You said that you tried to be as flexible as you could but have not yet been given an opportunity.

Finally, you stated that you appreciate the NMC has to protect the public but are unclear how to tackle your current difficulties in obtaining employment as a nurse and do not feel you are getting any closer than you were at the beginning.

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 noted that the last reviewing panel found that you had developing insight. At this hearing you provided the panel with a reflective piece. The panel determined that whilst this was helpful generally, it was lacking in substance and did not directly address the charges in order to demonstrate you can practise safely.

In its consideration of whether you have taken steps to strengthen your practice, the panel took into account the additional training you have undertaken, but determined that there is little evidence to show how you have implemented it into your practice.

The last reviewing panel determined that you were liable to repeat matters of the kind found proved. Today's panel has not received any new information to suggest that you have sufficiently remediated or strengthened your practice. 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 determined that, in this case, a finding of continuing impairment on public interest grounds is also required.

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 it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted that you have been unable to comply with the conditions of practice due to your current employment status but that you are engaging with the NMC and are willing to comply with any conditions imposed.

The panel was of the view that a further conditions of practice order is sufficient to protect patients and the wider public interest. In this case, there are conditions that could be formulated which would protect patients during the period they are in force.

The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the current circumstances of your case. The panel decided that the public will be adequately protected and public confidence in the nursing profession and the NMC as regulator can be maintained by the imposition of a conditions of practice rather than a suspension order.

However, the panel would say that, as you have been subject to a conditions of practice order for some four years now, a future reviewing panel might take a different view and decide to impose a more severe sanction upon you.

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 22 January 2024. 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 all times you must remain under the indirect supervision of a work place line manager, mentor or supervisor nominated by your employer. Such supervision is to consist of working at all times on the same shift as another registered nurse who is physically present in or on the same ward, unit, floor, home or site that you are working on.
2. You must not carry out any administration of medication unless directly supervised by a registered nurse. Such supervision must remain in place until you have successfully completed a medication administration and record keeping course, as approved by your employer and have been

formally assessed as competent by a registered nurse following a minimum of six supervised drug rounds.

3. You must work with your line manager, mentor or supervisor to create a Personal Development Plan designed to remedy deficiencies in your practice, namely:
  - d. Medication administration & management
  - e. Escalation
  - f. Diabetes management
4. You must meet with your line manager, mentor or supervisor every 4 weeks 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 these conditions become effective or the date on which you take up an appointment, whichever is sooner.
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 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 tell the NMC within 14 days of any nursing or midwifery appointment (whether paid or unpaid) you accept within the UK or elsewhere, and provide the NMC with contact details of your employer.
9. You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 14 days of you receiving notice of them.
  - a. You must within 14 days of accepting any post of 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.
  - b. You must within 14 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.
10. 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:
  - e) Any organisation or person employing, contracting with or using you to undertake nursing work
  - f) Any agency you are registered with or apply to be registered with (at the time of application) to provide nursing services
  - g) Any prospective employer (at the time of application) where you are applying for any nursing appointment
  - h) 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 a course (at the time of application).

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 the end of 22 January 2024 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 has 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:

- Continued engagement with the NMC and attendance at the next review hearing.
- A more developed reflective piece directly related to the charges found proved.
- Evidence of training directly related to the charges and how you would put your learning from the training courses into your future nursing practice.
- Recent testimonials.
- Further information about where you see your future.

This will be confirmed to you in writing.

That concludes this determination.