

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

**Substantive Order Review Hearing
Wednesday, 26 July 2023**

Virtual Hearing

Name of Registrant: Kelly Marie Hamilton

NMC PIN 1111275E

Part(s) of the register: Nursing – Sub Part 1
Adult Nursing – December 2013

Relevant Location: West Sussex

Type of case: Conviction/Caution

Panel members: Rachel Carter (Chair, Registrant member)
Robert Fish (Lay member)
Colin Sturgeon (Lay member)

Legal Assessor: Angus Macpherson

Hearings Coordinator: Elena Nicolaou

Nursing and Midwifery Council: Represented by Alex Davidson, Case Presenter

Miss Hamilton: Present and unrepresented

Order being reviewed: Conditions of Practice Order (12 months)

Fitness to practise: Impaired

Outcome: **Varied Conditions of Practice Order (2 years) to come into effect at the end of 3 September 2023 in accordance with Article 30 (1)**

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

At the outset of the hearing, Mr Davidson on behalf of the Nursing and Midwifery Council (NMC) made an application that this case be held in private on the basis that proper exploration of your case involves reference to your health. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

You indicated that you supported 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.

Having heard that there will be reference to your health, the panel determined to hold the entirety of the hearing in private in order to protect your right to privacy and confidentiality.

Decision and reasons on review of the substantive order

The panel decided to vary and extend the current conditions of practice order.

The panel 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. [PRIVATE].

2. [PRIVATE].

3. [PRIVATE].

4. You must inform the NMC of any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 14 days of you receiving notice of them.
5. You must within 14 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.
6. You must immediately inform 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 5 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);
 - c) 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).

The period of this order is for two years.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 3 September 2023 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.

This will be confirmed to you in writing.

That concludes this determination.