

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

**Substantive Order Review Hearing  
Wednesday, 22 November 2023**

Virtual Hearing

**Name of Registrant:** Lynnda Nicola Webster

**NMC PIN** 0711873S

**Part(s) of the register:** Registered Nurse  
Children's Nursing – September 2011

**Relevant Location:** Aberdeen

**Type of case:** Misconduct

**Panel members:** Gregory Hammond (Chair, Lay member)  
Allwin Mercer (Registrant member)  
Terry Shipperley (Registrant member)

**Legal Assessor:** Ben Stephenson

**Hearings Coordinator:** Amanda Ansah

**Nursing and Midwifery Council:** Represented by Uzma Khan, Case Presenter

**Miss Webster:** Present and represented by Jane Pothan, instructed by Anderson Strathern

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

**Fitness to practise:** Impaired

**Outcome:** **Conditions of practice order (12 months) to come into effect at the end of 24 December 2023 in accordance with Article 30 (1)**

**[PRIVATE]**

## **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 24 December 2023 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the fourth review of a substantive suspension order originally imposed for a period of three months by a Fitness to Practice Committee on 25 November 2020. This order was reviewed on 18 February 2021 and the panel decided to replace the suspension order with a conditions of practice order. This order was reviewed again on 17 November 2021 and 10 November 2022, where the order was confirmed on both occasions.

The current order is due to expire at the end of 24 December 2023.

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, whilst working on the High Dependency Unit at the Royal Aberdeen Children's Hospital ("the Hospital"):*

1. *On 14 February 2018, in relation to Patient A:*
  - a) *Administered Levetiracetam as a bolus as opposed to an infusion;*  
*and*
  - b) *Gave 120 mg of paracetamol as opposed to 90mg.*
2. *In relation to Patient X:*
  - a) *On 1 May 2018, signed the drugs kardex to confirm that Cefotaxime had been given at 6pm when it had not; and*

- b) On 2 May 2018, countersigned the kardex with a colleague's initials to confirm that Cefotaxime had been given at 6pm on 1 May 2018 when it had not.
3. In breach of the restrictions imposed on you by the Hospital on 8 May 2018:
- a) On 17 May 2018 attempted to check medication; and
- b) On 5 June 2018 carried out a set of observations and read a Patient Controlled Analgesia pump on a patient without being supervised.
4. Your actions at charge 2a were dishonest in that you knew the drug had not been given.
- Your actions at charge 2b were dishonest in that you intended to create the impression that the drug had been given and/or that a colleague had acted as the second checker.'

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

*'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 was of the view that there remains a risk of repetition in this case on the basis that you have been unable to gain employment as a registered nurse. The panel therefore noted that you have been unable to comply with the conditions currently imposed on your practice.*

*[PRIVATE].*

*This panel has not received any new information that demonstrates that the concerns around medication administration have been addressed. In light of this, this panel determined that there remains a risk of repetition. The panel therefore decided that a finding of continuing impairment is*

*necessary on the grounds of public protection and is otherwise in the public interest.*

*For these reasons, the panel finds that your fitness to practise remains impaired.'*

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

*'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 carefully considered your case and noted that you have shown insight into the concerns. It also noted that you have done a considerable amount of work in an effort to return to practise, and to be able to comply with the conditions, but given the current environment in nursing, due to the pandemic, this has proved difficult.*

*The panel took into account that you [PRIVATE] and have made a lot of progress in addressing the concerns identified. However, it noted that administering medications in a nursery is not comparable to administering medication in a hospital setting. The panel noted that you are doing your best in trying to comply with the conditions of practice order but have not had the opportunity yet to demonstrate that you are safe to administer medication within a clinical setting.*

*The last reviewing panel determined that there is a risk of repetition of the drug administration concerns found proved. This panel has not received any new information that demonstrates that the concerns around medication administration have been addressed. In light of this, this panel determined that there remains a risk of repetition. 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.'*

The third reviewing panel determined the following with regard to 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 seriousness of the case, and 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 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 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 circumstances of your case due to the progress you have made in regard to your health.*

*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 24 December 2022. 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. You must work with a registered nurse to create a personal development plan (PDP). Your PDP must address the concerns about medication administration. You must:*

- *Meet with your line manager at least every six weeks to discuss your progress towards achieving the aims set out in your PDP.*
- *Send your case officer a copy of your PDP with a report demonstrating the progress you have made, prior to any future review.*

*2. You must keep the NMC informed about anywhere you are working by:*

- a. Telling your case officer within seven days of accepting or leaving any employment.*
- b. Giving your case officer your employer's contact details.*

*3. You must keep the NMC informed about anywhere you are studying by:*

- a. Telling your case officer within seven days of accepting any course of study.*
- b. Giving your case officer the name and contact details of the organisation offering that course of study.*

*4. You must immediately give a copy of these conditions to:*

- a. Any organisation or person you work for.*
- b. Any agency you apply to or are registered with for work.*
- c. Any employers you apply to for work (at the time of application).*
- d. Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.*
- e. Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity.*

*5. You must tell your case officer, within seven days of your becoming aware of:*

- a. Any clinical incident you are involved in.*

- b. *Any investigation started against you.*
- c. *Any disciplinary proceedings taken against you.*

6. *You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:*

- a. *Any current or future employer.*
- b. *Any educational establishment.*
- c. *Any other person(s) involved in your retraining and/or supervision required by these conditions.'*

### **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 responses from you. It has taken account of the submissions made by Ms Khan on behalf of the NMC. She submitted that the order should continue in order to continue protecting patients and as it is in the wider public interest. You have been trying to gain employment in the nursing field and provided evidence of this. She submitted that once the panel hears everything it may be able to determine that you remain impaired given your inability to practise.

Ms Khan informed the panel that you are currently working as a Children's Practitioner and studying at university and have provided evidence of courses that you have attended and have given you up-to-date knowledge. She submitted that the panel is aware that you have now been out of nursing since May 2018, a substantial time, and during that period you have been unable to work as a registered nurse. Given that



nothing has realistically changed since the last review hearing except the fact there seems to be perhaps more positivity in potentially securing a role, the order should continue in its current form.

The panel also had regard to submissions from Ms Pothan on your behalf. She referred the panel to the on-table documentation including a reflective statement you provided, a reference, and some training certificates. She invited the panel to confirm the current substantive conditions of practice order in its current form.

Ms Pothan informed the panel that you have been a qualified nurse since 2011 and since the conditions of practice order has been in place, you have continued to apply for nursing roles. Unfortunately, this has been difficult due to the COVID-19 pandemic, the lasting effects of that pandemic and the limited resources of the NHS since the last review hearing on 10 November 2022. She submitted that, despite this, you continued to apply for nursing roles, and this shows your commitment and desire to return to the nursing profession.

Ms Pothan also informed the panel that you applied for a bank paediatric nursing role in February 2023 and were successful following an interview in March 2023. You made efforts to obtain references, get access to online learning, and began to undertake the necessary training required for the role. The training, however, was provided to you sporadically over a few months and you were required to complete this alongside your work and family commitments. [PRIVATE].

Ms Pothan submitted that in October 2023, you applied for the role again and the application closed on 31 October 2023. She informed the panel that you are currently waiting to receive a response as the application is still under review, and between the end of the first application and the most recent application, you proactively sought assistance and support from the Royal College of Nursing to get back into a nursing role, which demonstrates your commitment.

Ms Pothan informed the panel that you also applied for a social work masters degree. In the meantime, due to the closeness of this role to nursing, you are determined to return

to nursing and have been working in social work to continue to gain experience whilst applying for nursing roles until you are able to do so. During this time, you have continued to work as a Children's Practitioner within social work services where you work as part of a team supporting young people and families. You also work as a support worker and within this role you assess personal care and other care required in a non-clinical context.

Ms Pothan submitted that these roles have allowed you to continue expanding upon your experience working with children and providing support to vulnerable people, which are transferable skills you can use when you return to a paediatric nursing role. She further submitted that you have continued to reflect on the concerns and recognise the importance of doing this in your future practice. You have previously accepted and admitted all charges, and accepted your fitness to practice was impaired. You accepted responsibility for your actions and recognised the seriousness of your actions.

Ms Pothan submitted that as you clearly recognise the issues relating to the charges, there is less risk of repetition. She informed the panel that the last reviewing panel was satisfied that the dishonesty aspects of the charges have been remediated as far as they ever can be, and you continue to bear this in mind. Ms Pothan referred the panel to your reflective statement and a reference from your line manager in your Support Worker role who advised that you are *"upfront and honest about [your] ongoing NMC case"* and you are able to use your previous experience and knowledge to deal with any unexpected issues that may arise. Your line manager also confirmed that she has not received any concerns and she herself has no concerns about your working practice.

Ms Pothan submitted that it is unfortunate that that you have been unable to attain a nursing role prior to this review hearing. However, you are hopeful that your recent application will be successful, and you are committed to fulfilling all the training requirements necessary to return to that role. She submitted that you deserve to use this experience and knowledge you have learnt from the process to return to a career that you enjoy.

Ms Pothan submitted that whilst the conditions of practice order was in place, although not clinical practice, you took part in peer observations and one to one reviews with your line managers and have therefore proved you are able and willing to comply with the personal development plan and line manager meetings condition in the conditions of practice order.

Ms Pothan reminded the panel of its power to confirm, revoke or vary the current substantive conditions of practice order. She submitted that the present risk to members of the public has not increased, you continue to fully engage with the NMC hearing process, and your commitment to return to the nursing profession can be demonstrated by the various job applications and the training you have undertaken. She further reminded the panel that the public interest must be at the forefront of any decision to take action, but any action today must go no further than is necessary and she submitted that any more severe sanction than is currently in place would be disproportionate at this stage.

Ms Pothan submitted that you accept that the conditions are on the lighter side and are hopeful that the NHS will be able to accommodate the same in the nursing post that you have recently applied for. She invited the panel to continue the conditions of practice order with no changes for a further 12 months.

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 developing insight. At this hearing, the panel was of the view that you have continued to develop your insight and you provided a detailed reflective statement in which you acknowledge your actions. The panel also considered the positive reference received by your line manager and the fact

that you have undertaken up-to-date training in Drug Dosage Calculations, and mandatory training courses to maintain your theoretical nursing knowledge, providing evidence of this by way of certificates, and your willingness to continue undertaking relevant training.

In its consideration of whether you have taken steps to strengthen your practice, the panel took into account the additional relevant training you have undertaken. However, you have not been able to strengthen your practice regarding the clinical aspects of the charges given that you have not been working as a registered nurse since May 2018. The panel acknowledges your efforts in attempting to obtain a role that will enable you to comply with the conditions of practice order, despite the difficulty you have faced in doing so. The panel notes that you are keen to get back into nursing and acknowledges that the skills you have developed in your current roles are transferable.

The last reviewing panel determined that you were liable to repeat matters of the kind found proved. Today's panel has heard no new information that undermines this. In light of this, this panel determined that you remain liable to repeat the clinical failings 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 and the need to protect the public. 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 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 the current conditions are appropriate and practicable, and 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 you are engaging with the NMC and are willing to comply with them.

The panel was of the view that a further conditions of practice order is sufficient to protect patients and the wider public interest, noting, as the original panel did, that there was no evidence of general incompetence and no deep-seated attitudinal problems.

The panel was of the view that to impose a suspension order would be wholly disproportionate and would not be a reasonable response in the circumstances of your

case because of your engagement with the proceedings, the insight you have shown, and your desire to return to nursing.

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 24 December 2023. It decided that the following existing conditions remain 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. You must work with a registered nurse to create a personal development plan (PDP). Your PDP must address the concerns about medication administration. You must:

- Meet with your line manager at least every six weeks to discuss your progress towards achieving the aims set out in your PDP.
- Send your case officer a copy of your PDP with a report demonstrating the progress you have made, prior to any future review.

2. You must keep the NMC informed about anywhere you are working by:

- a. Telling your case officer within seven days of accepting or leaving any employment.
- b. Giving your case officer your employer's contact details.

3. You must keep the NMC informed about anywhere you are studying by:

- a. Telling your case officer within seven days of accepting any course of study.

- b. Giving your case officer the name and contact details of the organisation offering that course of study.
  
4. You must immediately give a copy of these conditions to:
  - a. Any organisation or person you work for.
  - b. Any agency you apply to or are registered with for work.
  - c. Any employers you apply to for work (at the time of application).
  - d. Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.
  - e. Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity.
  
5. You must tell your case officer, within seven days of your becoming aware of:
  - a. Any clinical incident you are involved in.
  - b. Any investigation started against you.
  - c. Any disciplinary proceedings taken against you.
  
6. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:
  - a. Any current or future employer.
  - b. Any educational establishment.
  - c. Any other person(s) involved in your retraining and/or supervision required by these conditions.

The period of this order is for 12 months which will give you sufficient time to work through your PDP, if you are successful in your current job application.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 24 December 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.

Any future panel reviewing this case would be assisted by:

- Your continued engagement with the process;
- Evidence of professional development, including documentary evidence of completion of the above mentioned PDP; and
- Testimonials from a line manager or supervisor that detail your current work practice.

This will be confirmed to you in writing.

That concludes this determination.