

**Nursing and Midwifery Council  
Investigating Committee**

**New Interim Order Hearing  
Wednesday, 17 April 2024**

Virtual Hearing

<b>Name of Registrant:</b>	<b>Mark Craig Foulger</b>
<b>NMC PIN:</b>	91D1322E
<b>Part(s) of the register:</b>	Registered Nurse Adult - RNA - May 2000
<b>Relevant Location:</b>	Sutton
<b>Panel members:</b>	Nariane Chantler (Chair, Registrant member) Jenny Gough (Registrant member) Sandra Norburn (Lay member)
<b>Legal Assessor:</b>	Robin Hay
<b>Hearings Coordinator:</b>	Eyram Anka
<b>Nursing and Midwifery Council:</b>	Represented by Eleazar Anyene, Case Presenter
<b>Mr Foulger:</b>	Present and represented by John Mackell, counsel instructed by Royal College of Nursing (RCN)
<b>Interim order directed:</b>	<b>Interim conditions of practice order (18 months)</b>

## Decision and reasons on interim order

The panel decided to make an interim conditions of practice order for a period of 18 months.

The panel has determined that the following conditions are proportionate and appropriate:

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 limit your practice to one substantive employer which must not be an agency.
2. You must not be the nurse in charge of any shift.
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.
4. You must have fortnightly meetings with your mentor, line manager or supervisor to discuss your conduct and behaviour in the workplace with particular reference to:
  - a. Professional boundaries at work
  - b. Communications and collaboration with all colleagues within the multi-disciplinary team
  - c. Local policies in regard to bullying, harassment and equality and diversity.
5. Prior to the any review hearing you must send the NMC a report from your mentor, line manager or supervisor who must be a registered

nurse, regarding your conduct and behaviour in the workplace as per Condition 4.

6. 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.
  
7. 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.
  
8. You must immediately give a copy of these conditions to:
  - a) Any organisation or person you work for.
  - b) Any employers you apply to for work (at the time of application).
  - c) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.
  
9. 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.

10. 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.

Unless your case has already been concluded, this interim order must be reviewed before the end of the next six months and every six months thereafter. Additionally, you or the Nursing and Midwifery Council (NMC) may ask for the interim order to be reviewed if any new evidence becomes available that may be relevant to the interim order.

At any review a panel may revoke the interim order or any condition of it, it may confirm the interim order, or vary any condition of it, or it may replace the interim conditions of practice order with an interim suspension order.

The NMC Case Examiners are yet to decide whether there is a case to answer in relation to the allegations made against you. The NMC will write to you when the case is ready for the next stage of the fitness to practise process.

This will be confirmed to you in writing.

That concludes this determination.