

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

**Interim Order Review Hearing
Wednesday, 27 March 2024**

Virtual Hearing

Name of Registrant:	Mark Peter Barry
NMC PIN	89C0608E
Part(s) of the register:	Nurses part of the register Sub part 1 Nurses part of the register Sub part 2 RN1: Adult nurse, level 1 (17 December 1993) RN2: Adult nurse, level 2 (06 April 1993)
Relevant Location:	London
Panel members:	Rachel Cook (Chair, lay member) Rachel Jokhi (Registrant member) James Hurden (Lay member)
Legal Assessor:	Andrew Granville-Stafford
Hearings Coordinator:	Jack Dickens
Nursing and Midwifery Council:	Represented by Lucie Danti, Case Presenter
Mr Barry:	Not present and not represented at this hearing
Interim order to be reviewed:	Interim conditions of practice order (18 months)
Outcome of review:	Interim conditions of practice order confirmed

Decision and reasons on interim order

The panel decided to confirm the current interim conditions of practice order.

The panel was of the view that the public would remain suitably protected by the implementation of the following conditions:

‘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 nursing practice to one substantive employer which must not be an agency.
2. [PRIVATE]
3. You must not be the nurse in charge on any shift, or the sole nurse on duty.
4. You must ensure that you are directly supervised by another registered nurse for your first month when you return to work.
5. Following your month of direct supervision, you must not provide unsupervised clinical care until you have been assessed as competent to do so by the lead nurse in the department in which you are working.
6. You must meet with your line manager/mentor/supervisor every two weeks to discuss your clinical practice in particular regard to:
 - a) Assessment of patients.
 - b) Accurate record keeping.
 - c) Escalation of deteriorating patients.

Prior to any review, you must provide your NMC case officer with a report from your line manager/mentor/supervisor regarding the above concerns.

7. [PRIVATE]

8. [PRIVATE]

9. 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.

10. 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.

11. 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.

12. 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.

13. 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 panel decided to confirm this interim conditions of practice order and it will run for the remainder of the current interim order.

Unless Mr Barry's 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, Mr Barry or the 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, the reviewing panel may revoke the interim order or any condition of it, it may confirm the interim conditions of practice order, or vary any condition of it, or it may replace the interim conditions of practice order with an interim suspension order.

In certain circumstances, it may be possible for the interim conditions of practice order to be reviewed by a reviewing panel at an administrative meeting. Mr Barry's case officer will write to him about this in due course.

A panel of the Fitness to Practise Committee has still to deal with the allegations made against Mr Barry. The NMC will keep Mr Barry informed of developments in relation to that issue.

This will be confirmed to Mr Barry in writing.

That concludes this determination.