

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

**Substantive Order Review Hearing  
Tuesday, 18 February 2025**

Virtual Hearing

<b>Name of Registrant:</b>	Hayley Louise Lawson
<b>NMC PIN</b>	13L0428E
<b>Part(s) of the register:</b>	Registered Nurse – RNA, Adult Nurse (December 2013)
<b>Relevant Location:</b>	England
<b>Type of case:</b>	Misconduct
<b>Panel members:</b>	Andrew Harvey (Chair, lay member) Denford Chifamba (Registrant member) Michael Glickman (Lay member)
<b>Legal Assessor:</b>	Melissa Harrison
<b>Hearings Coordinator:</b>	Damie Sanni
<b>Nursing and Midwifery Council:</b>	Represented by Uzma Khan, Case Presenter
<b>Miss Lawson:</b>	Present and not represented
<b>Order being reviewed:</b>	Conditions of practice order (18 months)
<b>Fitness to practise:</b>	Impaired
<b>Outcome:</b>	<b>Conditions of practice order (12 months) to come into effect at the end of 5 March 2025 in accordance with Article 30 (1)</b>

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

At the outset of the hearing, Ms Khan, on behalf of the Nursing and Midwifery Council (NMC) made a request that this case be held in private on the basis that proper exploration of the case involves your [PRIVATE]. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

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 (2) and (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. She reiterated that regardless of the previous panel's decision as to hearing the case in private, the panel is independent and has full discretion.

Having heard the submissions of the case presenter and your comments, as well as the legal assessor's advice, the panel determined that the appropriate decision is to hold the entirety of the hearing in private. This is because matters related to your [PRIVATE] are integral to the panel's consideration of your case.

The panel determined to hold the entire hearing in private.

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

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

This order will come into effect at the end of 5 March 2025 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the first review of a substantive conditions of practice order originally imposed for a period of 18 months by a Fitness to Practise Committee panel on 8 August 2023.

The current order is due to expire at the end of 5 March 2025.

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*

1) *[PRIVATE]*

*As a consequence of your health condition:*

2) *Took medication from the hospital supplies for your own use on one or more of the following occasions.*

- a) *13 June 2021*
- b) *15 June 2021*
- c) *20 June 2021*

3) *Your actions at charge 2 above were dishonest in that you knew you were not entitled to take such medication but did so anyway.*

4) *On one or more of the following occasions, whilst on duty consumed medication which was not prescribed for you;*

- a) *13 June 2021*
- b) *20 June 2021*

5) *On 13 June 2021 left the medication cupboard unsecure:*

*AND in light of the above your fitness to practise is impaired by reason of your health*

*Schedule 1*

*[PRIVATE]*

The original panel determined the following with regard to impairment:

*[PRIVATE]*

*This finding is made to protect the public from harm which might be caused by you practising without restriction, which would involve a breach of a fundamental tenet of the profession and result in you bringing the nursing profession into disrepute, albeit that this could be involuntary on your part.*

*Additionally, the finding is made having regard to the need to uphold proper professional standards and public confidence in the profession, which would be undermined if a finding of current impairment was not made at this time.'*

The original panel determined the following with regard to sanction:

*'Having found your fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.*

*The panel took into account the following aggravating features:*

- *Stealing and taking unprescribed medication whilst on shift on a number of occasions*
- *Not fully admitting to stealing and taking medication whilst on shift when asked about it*

*The panel also took into account the following mitigating features:*

- *Addressing the stressors associated with your home life*
- *Your engagement with the NMC*

- *[PRIVATE]*
- *Your efforts to improve your personal circumstances*
- *Being open and honest with colleagues about your experience and the impact of it on your practice*

*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 placing conditions of practice on your registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel took into account the SG, in particular:*

- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *Identifiable areas of the nurse or midwife’s practice in need of assessment and/or retraining;*
- *No evidence of general incompetence;*
- *Potential and willingness to respond positively to retraining;*
- *The nurse or midwife has insight into any health problems and is prepared to agree to abide by conditions on medical condition, treatment and supervision;*

- *Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- *The conditions will protect patients during the period they are in force; and*
- *Conditions can be created that can be monitored and assessed.*

*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 would be willing to comply with conditions of practice.*

*The panel had regard to the fact that these incidents happened two years ago, other than these incidents, you have had an unblemished career as a nurse. The panel was of the view that it was in the public interest that, with appropriate safeguards, you should be able to return to practise as a nurse.*

*Balancing all of these factors, the panel determined that the appropriate and proportionate sanction is that of a conditions of practice order.*

*The panel then went on to consider whether a suspension order would be proportionate but, taking account of all the information before it, and of the mitigation provided, it concluded that this would be disproportionate.*

*Having regard to the matters it has identified, the panel has concluded that a conditions of practice order will mark the importance of maintaining public confidence in the profession and will send to the public and the profession a clear message about the standards of practice required of a registered nurse.*

*The panel determined that the following conditions 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 restrict your nursing practice to one substantive employer.*
2. *You must not without direct supervision be involved in the handling, prescribing, dispensing or administering any opioids drugs, or any controlled drugs.*
3. *You must ensure that you are not the sole nurse in charge at any time you are working on shift.*
4. *[PRIVATE]*
5. *[PRIVATE]*
6. *[PRIVATE]*
7. *[PRIVATE]*
8. *[PRIVATE]*
9. *[PRIVATE]*
10. *[PRIVATE]*
11. *[PRIVATE]*
12. *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.*
13. *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.*

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

- a) *The Wirral University Teaching Hospital NHS Foundation Trust or any other substantive employer*
- b) *Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.*

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

- a) *Any clinical incident you are involved in.*
- b) *Any investigation started against you.*
- c) *Any disciplinary proceedings taken against you.*

*16. 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) *The Wirral University Teaching Hospital NHS Foundation Trust or any substantive 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 up to 18 months.*

*Before the order expires, 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:*



- *Evidence of testimonials related to your professional practice*
- *Evidence of training on medication management, in particular management of opioids and drugs and stress within the workplace*
- *Updated evidence of any training undertaken*

## **Decision and reasons on current impairment**

The current panel has carefully considered 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 the documentation before it, including the proof of service bundle, the NMC bundle, the on-table document from NMC and your written statement. It has taken account of the submissions made by Ms Khan on behalf of the NMC and your evidence under affirmation.

Ms Khan provided the panel with a background of the history of your case and a summary of the charges found proved. She also outlined the conditions of practice order imposed by the last panel.

Ms Khan informed the panel that since the condition of practice order was made, you have demonstrated progress by maintaining employment as a band 3 healthcare assistant (HCA) in the accident and emergency department. However, you have not provided the panel with any information that could assist it in deciding whether you are still impaired and whether the conditions of practice previously imposed have been complied with.

Ms Khan submitted that the onus of proving that you are no longer impaired lay on you. She stated that you have neither provided a reflective piece nor given details as to the management of your [PRIVATE] and any coping mechanisms. Ms Khan further submitted that there is nothing before the panel to evidence your engagement with an occupational health practitioner or General Practitioner (GP) and that your written statement does not

address the concerns that necessitated the current order. She therefore invited the panel to find that you are still impaired on public interest grounds.

Furthermore, Ms Khan informed the panel that there are concerns about your insight and [PRIVATE]. She submitted that the risk of repetition and relapse remains and for public protection reasons, you should be found still impaired.

Ms Khan invited the panel to confirm and continue the current condition of practice order to allow you to develop insight and to remediate your current impairment.

The panel also had regard to your written statement and oral evidence. You told the panel that the last 18 months have been challenging for you. You said that you have been unable to find employment as a registered nurse and that you are currently focused on passing your driving test so that you can seek nursing employment in another hospital or in a community setting in a wider geographical area.

You informed the panel that you are a changed person, that you are fully supported and have a new mindset. You also said that you now have stability at home and as such have no need for [PRIVATE] and that in any event you have people you can rely on for support.

In addition to this, you told the panel that although you [PRIVATE], you do not have documentation to this effect.

You informed the panel that you were overwhelmed by disappointment after your last unsuccessful job interview in August and decided to leave nursing as reflected in your written statement. You therefore did not take steps to comply with the requirements of your conditions of practice order for testing and medical evidence. However, you have now decided to fight for your profession and qualifications as a nurse and fully intend to undertake testing and produce the required evidence.

You said you understand that your previous dishonesty does not look good to the public and that it put patients and the public at risk.

In conclusion, you told the panel that you understand that the NMC still thinks that you are a risk to the public but that you are no longer a risk. You went on to explain that you just want a chance to prove this.

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 original panel found that you had limited insight. At this hearing the panel found that you are developing insight as to [PRIVATE] and what you can do to improve it. However, you have not demonstrated sufficient understanding of why what you did was wrong and how this impacted negatively on the reputation of the nursing profession and how your actions have impacted on the public and place patients at risk.

The panel considered the totality of the statement you have submitted and your oral evidence and found that there has been progress with regard to your reflection. However, you have not yet produced a detailed reflective piece demonstrating your understanding of the impact of your conduct on the profession and the public which would have helped the panel determine your insight.

In its consideration of whether you have taken steps to strengthen your practice, the panel took into account the fact that you are currently working as a band 3 HCA in an accident and emergency department, but you have not provided information as to what you are doing to maintain your nursing skills. The panel noted that certificates of mandatory or other training could have been helpful in determining what you are doing to strengthen your practice, but these were not produced.

The original panel determined that you were liable to repeat matters of the kind found proved. Today's panel has received no objective information in the form [PRIVATE].

The panel was satisfied that you are capable of practising kindly. However, it was concerned as to whether you could practise safely and professionally given that there was no evidence that conditions 4, 6, 9, and 11 had been complied with. In the absence of compliance with these conditions, the panel considered that the risk of repetition remains.

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 nor would it protect patients and the public.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, 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 nor would it protect patients and the public.

The panel next considered whether imposing a 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 partially complied with current conditions of practice, and you have expressed your willingness to comply with any conditions imposed.

The panel was of the view that a 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. 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 would be wholly disproportionate and would not be a reasonable response in the circumstances of your case as it would not give you the opportunity to strengthen your practice and would deprive the profession of an otherwise competent nurse.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to extend the current conditions of practice order for a period of 12 months. This will give you sufficient time to comply with the conditions.

This order will come into effect on the expiry of the current order, namely at the end of 5 March 2025. 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 restrict your nursing practice to one substantive employer.
2. You must not without direct supervision be involved in the handling, prescribing, dispensing or administering any opioids drugs, or any controlled drugs.
3. You must ensure that you are not the sole nurse in charge at any time you are working on shift.
4. [PRIVATE]
5. [PRIVATE]
6. [PRIVATE]
7. [PRIVATE]
8. [PRIVATE]
9. [PRIVATE]
10. [PRIVATE]
11. [PRIVATE]
12. 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.
13. 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.

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

- a) The Wirral University Teaching Hospital NHS Foundation Trust or any other substantive employer
- b) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.

15. You must tell your case officer, within seven days of you becoming aware of:

- a) Any clinical incident you are involved in.
- b) Any investigation started against you.
- c) Any disciplinary proceedings taken against you.

16. 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) The Wirral University Teaching Hospital NHS Foundation Trust or any substantive 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 up to 12 months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 5 March 2025 in accordance with Article 30(1).

Before the order expires, 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.

You may also request an early review of this order if your circumstances change.

Any future panel reviewing this case would be assisted by:

- Your attendance at the review hearing.
- Testimonials from your current employer and/or colleagues related to your professional practice.
- Evidence of any relevant training undertaken.

This will be confirmed to you in writing.

That concludes this determination.