

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

**Substantive Order Review Meeting  
Tuesday 3 June 2025**

Virtual Meeting

<b>Name of Registrant:</b>	Jillian Marie Burchell
<b>NMC PIN:</b>	07E2954E
<b>Part(s) of the register:</b>	Registered Nurse – Mental Health (RNMH) 27 September 2007
<b>Relevant Location:</b>	Surrey
<b>Type of case:</b>	Lack of competence
<b>Panel members:</b>	Caroline Rollitt (Chair, Lay member) Angela O'Brien (Registrant member) Chanelle Gibson-McGowan (Lay member)
<b>Legal Assessor:</b>	Angus Macpherson
<b>Hearings Coordinator:</b>	Emily Mae Christie
<b>Order being reviewed:</b>	Conditions of practice order (18 months)
<b>Fitness to practise:</b>	Impaired
<b>Outcome:</b>	<b>Order to lapse with impairment upon expiry in accordance with Article 30 (1), namely at the end of 18 July 2025</b>

### **Decision and reasons on service of Notice of Meeting**

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Miss Burchell's registered email address by secure email on 23 April 2025.

Further, the panel noted that the Notice of Meeting was also sent to Miss Burchell's representative at the Royal College of Nursing (RCN) on 23 April 2025.

The panel took into account that the Notice of Meeting provided details of the review that the review meeting would be held no sooner than 2 June 2025 and inviting Miss Burchell to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Miss Burchell has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 (as amended) (the Rules).

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

The panel noted the written submissions from the RCN regarding this case falling under Rule 19(2).

The legal assessor reminded the panel that Rule 19 only pertains to hearings as meetings are held in private without parties present. The legal assessor informed the panel that making a decision in relation to Rule 19 would not be necessary.

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

The panel decided to allow the order to lapse with impairment upon expiry of the current order in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (as amended) (the Order).

This is the second effective review of a substantive conditions of practice order originally imposed for a period of 18 months by a Fitness to Practise Committee panel on 20 June 2022. This was reviewed on 2 January 2024 where the panel extended the conditions of practice order for a further 18 months.

The current order is due to expire at the end of 18 July 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, registered nurse:*

*Between March 2018 and February 2019 failed to demonstrate the standards of knowledge, skill, and judgement required to practise without supervision as a Band 5 nurse, in that you:*

- 1. On 2 March 2018, administered Pregabalin to Patient A when it was prescribed to be administered from 3 March 2018;*
- 2. On 4 March 2018, administered Tramadol to Patient B without a prescription;*
- 3. On 25 July 2018, administered medication to Patient C without a supervisor present, when you knew you were not permitted to administer medication on your own;*
- 4. On 14 November 2018, upon completing a Nurse Dispensing assessment, you were instructed to undertake the assessment again due to gaps in your knowledge;*

5. *Whilst subject to a capability plan, between 20 August 2018 and 13 February 2019, failed to demonstrate you were competent in the following areas:*
- a. medicines management;*
  - b. acting as shift leader.*

*And in light of the above your fitness to practise is impaired by reason of your lack of competence.'*

The original panel determined the following with regard to impairment:

*'The panel then considered whether Miss Burchell's fitness to practise is currently impaired by reason of lack of competence. The panel determined that Miss Burchell's fitness to practise is currently impaired on public protection and public interest grounds. The panel noted that due to the long period of interim suspension, Miss Burchell has not had a recent opportunity to address the concerns in practice as a registered nurse. The panel considered that the shortcomings found proved are capable of remediation. In this respect the panel endorsed paragraphs 35 to 57 of the provisional CPD agreement.'*

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

*'The original panel determined that Miss Burchell was liable to repeat matters of the kind found proved. Today's panel has received no new information to undermine the findings of the original panel. In light of this the panel determined that there remains a risk of repetition by Miss Burchell of the conduct that was 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 Miss Burchell's fitness to practise remains impaired.'*

The first reviewing panel determined the following with regard to sanction:

*'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 Miss Burchell's 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...' The panel considered that Miss Burchell's lack of competence was not in this category 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 or varied conditions of practice order on Miss Burchell's 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 Miss Burchell has been unable to comply with the conditions of practice [PRIVATE] but is engaging with the NMC and is willing to comply with any conditions imposed. [PRIVATE]*

*The panel was of the view that a conditions of practice order continues to be sufficient to protect patients and the wider public interest, noting that Miss Burchell would like to return to nursing and should be afforded the opportunity to do so. The panel was satisfied that the current conditions of*

*practice order is sufficient to protect the public and address the wider public interest concerns 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 Miss Burchell's case [PRIVATE] she is engaging with the NMC and has a desire to return to nursing in the future.*

*Accordingly, the panel determined, pursuant to Article 30(1)(c) to extend the conditions of practice order for a period of 18 months, which will come into effect on the expiry of the current order, namely at the end of 18 January 2024. It decided to confirm the current 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 not work or otherwise providing nursing services:
  - a) as the sole nurse on duty;*
  - b) through an agency or as a bank nurse.**
- 2) At any time that you are employed or otherwise providing nursing services, to place yourself and remain under the supervision of a workplace line manager or supervisor nominated by your employer. Such supervision must consist of
  - a) working at all times on the same shift as, but not necessarily under the direct observation of a registered nurse;*
  - b) to complete medication rounds only when under the direct supervision of another registered nurse until such time that you are deemed competent by a nurse of Band 6 or above, to undertake them independently;**

- 3) *You must keep a personal development log every time you undertake medication administration and management. The log must:*
  - a) *Contain the dates that you carried out medication administration and management;*
  - b) *Be signed by the nurse who directly supervised you each time;*
  - c) *Contain feedback from the nurse who directly supervised you each time;*
- 4) *Within 14 days of being deemed competent, you will provide to the NMC evidence that your medication competency has been achieved by:*
  - a) *sending a report from your line manager or supervisor setting out the standard of your supervised medication rounds;*
  - b) *Send a copy of the personal development log;*
- 5) *Within 14 days of commencing your employment, to work with your line manager or supervisor (or their nominated deputy) to create a personal development plan ('PDP') designed to address the concerns relating to medicines management in the following areas of your practice:*
  - a) *Medication administration;*
  - b) *Acting as shift leader.*
- 6) *To forward to the NMC a copy of your PDP within 14 days from the date on which your PDP is created.*
- 7) *To meet every month of your employment with your workplace line manager or supervisor to discuss your performance and progress towards your PDP;*

- 8) *To send an overall report from your line manager or supervisor setting out the standard of your performance and your progress towards achieving the aims set out in your PDP:*
- a) every six months;*
  - b) 14 days before any review hearing.*
- 9) *To write a reflective statement commenting on each charge, including its impact on patients, colleagues, the public and the profession, outlining what about your conduct was exactly wrong and what you would do differently in the future. You must provide a copy of this reflection to the NMC 14 days prior to any review hearing.*
- 10) *Keeping us informed about where you are working by:*
- a) telling us within seven days of accepting any nursing appointments and providing us with contact details of the employer.*
  - b) telling us within seven days when you leave or stop working for an employer.*
  - c) giving us the name and contact details of the individual or organisation offering the post, employment or course of study within seven days of accepting any post or employment requiring registration with us, or any course of study connected with nursing or midwifery.*
  - d) giving us the name and contact details of the individual or organisation within seven days of entering into any arrangements required by these conditions.*
- 11) *Immediately telling the following parties that you have agreed to these conditions under the NMC fitness to practise procedures, and disclosing the conditions 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) to provide nursing services;*  
*c) any prospective employer (at the time of application) where you are applying for any nursing appointment;*  
*d) any educational establishment where 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).*

- 12) *Telling us about any clinical incidents you are involved in, any investigations started against you and/or any disciplinary proceedings taken against you within seven days of you being made aware of them.*
- 13) *Allowing us to share, as necessary, information about the standard of your performance, your compliance with and progress towards completing these conditions with any employer, prospective employer, any educational establishment and any other person who is or will be involved in your retraining and supervision.'*

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

The panel has considered carefully whether Miss Burchell's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has stated fitness to practise is a registrant's ability to practise kindly, safely, and professionally. 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 the written submission from the RCN, which included:

- A declaration from Miss Burchell; and

- A printout of the NMC register.

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 Miss Burchell's fitness to practise remains impaired.

The panel noted that the original panel found that Miss Burchell had developing insight and a willingness to remediate concerns. At the last review meeting, the panel found that there had been no material change in the circumstances and that Miss Burchell's insight was still developing. Similarly, today's panel has no new information before it regarding Miss Burchell's current insight, remorse, or any efforts she may or may not have made in order to improve her practice.

In its consideration of whether Miss Burchell has taken steps to strengthen her practice, the panel took into account the submissions of the RCN [PRIVATE].

The panel noted that since the last review, [PRIVATE], therefore, has been unable to strengthen her clinical practice. However, the panel noted that Miss Burchell could have taken steps to demonstrate insight despite not working as a nurse, but there is no evidence before it that this has been done.

In all the circumstances, the panel determined that Miss Burchell remains liable to repeat matters 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 Miss Burchell's fitness to practise remains impaired.

### **Decision and reasons on sanction**

Having found Miss Burchell's 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 had regard to its previous findings on impairment in coming to this decision. It bore in mind that its primary purpose is to protect the public and maintain public confidence in the nursing profession and the NMC as its regulator.

The panel first considered whether a Caution Order would be appropriate. The panel decided that this is not appropriate as it does not protect the public from the risk of repetition or mark the seriousness of the facts found proved.

The panel went on to consider whether a further Conditions of Practice Order would be appropriate. It took into account [PRIVATE]. In light of this, the panel determined that a further Conditions of Practice Order would not be workable and would be inappropriate, as it could not formulate any conditions [PRIVATE].

The panel considered if a Suspension Order or Striking Off Order would be appropriate. However, in light of the circumstances set out above, it decided that neither order would be proportionate as they would be unnecessarily punitive in its effect.

The panel had regard to the NMC guidance on '*Removal from the register when there is a substantive order in place*' (REV-3h), which was recently updated on 30 August 2024. It had particular regard to the following parts in section '*2. Lapse with impairment*':

*"A panel will allow a professional to lapse with impairment where:*

- the professional would no longer be on the register but for the order in place ;*

- *the panel can no longer conclude that the professional is likely to return to safe unrestricted practice within a reasonable period of time;*
- *a striking off order isn't appropriate.*

*Circumstances where lapse with impairment is likely to be appropriate include where*

- ...
- *there has been insufficient progress*
  - ...
  - *in other cases, where the lack of progress is attributable wholly or in significant part to matters outside the professional's control."*

The panel took into account the RCN's written submission that Miss Burchell's registration 'would lapse from the register but for the ongoing fitness to practice proceedings, under which she has been made subject to a substantive conditions of practice order.' It also noted that Miss Burchell made a declaration on 28 May 2025 where she clearly indicated that she does 'not intend to continue practising in the immediate future [PRIVATE].' She further states that:

*'I accept that my fitness to practise is currently impaired.*

*...*

*I understand that if I were to apply for readmission to the Register, I will be required to demonstrate that:*

- *I am capable of safe and effective practice and the steps that I have taken to improve my practice and reduce any risks to patients.*
- *[PRIVATE].'*

The panel acknowledged [PRIVATE]. It also took into account that there is no evidence to demonstrate that she has worked as a registered nurse since October 2019.

The panel was satisfied that, in light of the specific circumstances of Miss Burchell's case, allowing her registration to lapse with impairment would be the most fair and appropriate action.

The issues in this case remain remediable although they have not been remedied. If Miss Burchell applies to re-join the register, the public would be protected by the panel's finding of current impairment, which would be considered by the Registrar at the time of any application. The wider public interest considerations have already been met by the conditions of practice order imposed at the substantive hearing in June 2022.

The substantive conditions of practice order will be allowed to lapse at the end of the current period of imposition, namely the end of 18 July 2025 in accordance with Article 30(1). This will mean that Miss Burchell's PIN will expire, and she will cease to be a registered nurse and unable to practise as such. In the event that Miss Burchell wishes to re-join the register, the Registrar will take into account Miss Burchell's current impairment were she to apply for re-registration.

This will be confirmed to Miss Burchell in writing.

That concludes this determination.