

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

**Substantive Order Review Meeting
Friday, 21 November 2025**

Virtual Meeting

Name of Registrant:	Julia Frances Black
NMC PIN:	06F0282E
Part(s) of the register:	Registered Midwife - September 2006
Relevant Location:	East Sussex
Type of case:	Determination by another regulatory body
Panel members:	Susan Ball (Chair, registrant member) Stacey Coxon (Registrant member) Robert Marshall (Lay member))
Legal Assessor:	Andrew Reid
Hearings Coordinator:	Ekaette Uwa
Order being reviewed:	Conditions of practice order (12 months)
Fitness to practise:	Impaired
Outcome:	Order to lapse with impairment upon expiry on 20 December 2025 in accordance with Article 30 (1)

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 Ms Black's registered email address by secure email on 15 November 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 17 November 2025 and invited Ms Black 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 Ms Black 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 review of the current order

The panel decided to allow the current order to lapse upon expiry at the end of 20 December 2025 in accordance with Article 30(1), of the Nursing and Midwifery Order 2001 (the Order), with a finding of impairment.

This is the fifth review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 12 December 2019. This was reviewed on 24 November 2020, when the conditions of practice order was extended for a further 12 months. The conditions of practice order was reviewed on 21 December 2021 where it was extended for a further 24 months. On 13 November 2023, the conditions of practice order was varied and extended for a further period of 12 months. A reviewing panel further extended the conditions of practice for another period of 12 months on 19 November 2024.

The current order is due to expire at the end of 20 December 2025.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

The charge found proved which resulted in the imposition of the substantive order was as follows:

'That you, a registered midwife:

- 1. Having failed to meet the required standard of competence as a midwife in New Zealand, on 8 September 2017 were made the subject of a 12 month supervision order and an associated competence programme by the Midwifery Council of New Zealand.*

And in light of the above, your fitness to practise is impaired by reason of a determination by a body responsible for the regulation of a health or social care profession other than in the United Kingdom.'

The fourth 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 Mrs Black's fitness to practise remains impaired.

This panel noted that the last reviewing panel had regard to a written statement from Mrs Black in which she acknowledged her clinical failings and demonstrated evidence of remorse as well as developing insight. Today's panel did not have any new or up-to-date evidence of further development in Mrs Black's insight, nor did it receive information on the steps she has taken since the last review to fully address the issues identified in this case.

At the last hearing, Mrs Black provided a detailed written statement in which she expressed her intention to return to midwifery practice. She had outlined the various steps taken by her to secure a Return to Practice placement, including multiple applications to NHS trusts and universities, and her ongoing efforts to

engage with educational providers. In that statement to the previous panel, Mrs Black also described her willingness to undertake an unpaid placement to demonstrate her commitment to returning to the profession. Additionally, she highlighted her participation in relevant webinars and meetings, further indicating her proactive approach to addressing the concerns raised.

Today's panel noted that Mrs Black has not provided any new information about her current circumstances or updates regarding her efforts since the last review. There were no additional details about further applications, placements, or new professional development activities undertaken since her previous statement in November 2023. As a result, the panel is unable to assess any progress made since the last hearing or determine whether Mrs Black has overcome the barriers preventing her from securing a suitable Return to Practice placement. This panel noted that the conditions of practice order was varied at the last hearing to provide her with the necessary support to achieve this.

At the last review, the panel concluded that Mrs Black had not provided evidence to demonstrate her capability for safe and effective practice, nor had she fully addressed the failings in her practice. In considering whether she has taken steps to strengthen her practice, today's panel noted the absence of any new information on this matter. Today's panel had no new evidence to contradict the previous findings and therefore determined that Mrs Black remains liable to put patients at a risk of harm without further training. The panel concluded that Mrs Black has not yet demonstrated that she is capable of practicing safely and competently. As such, the panel concluded that that a finding of continuing impairment is necessary on the grounds of public protection.

The last reviewing panel determined that, due to Mrs Black's continued engagement with the NMC process and her submission of a comprehensive and thoughtful reflective statement, a finding of continuing impairment on public interest grounds was not necessary. However, today's panel was not satisfied that these factors remained applicable. Mrs Black has not provided any new evidence to demonstrate progress in addressing the failings in her practice, nor

has she provided evidence to show that she is capable of practicing safely without further training and supervision. Furthermore, the panel observed that Mrs Black has not engaged with this review, as she has not submitted any updated information or reflections since the last hearing. As such, today's panel concluded that the public interest is now re-engaged in light of the circumstances at this stage.

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 midwifery profession and upholding proper standards of conduct and performance. Given Mrs. Black's lack of engagement and failure to provide evidence of strengthened practice, the panel determined that a finding of continuing impairment on public interest grounds is now required.

For these reasons, the panel finds that Mrs Black's fitness to practise remains impaired on public protection and public interest grounds.'

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

'The panel determined that the current conditions of practice remain both appropriate and practical and would continue to address the failings identified in this case. The panel noted that the current conditions of practice were formulated at the last review hearing to assist Mrs Black in securing a Return to Practice placement and provide her with an additional opportunity to address the concerns in her practice. Today's panel noted that no new information has been provided to suggest that Mrs Black has successfully achieved this.

However, given her previous attempts and engagement with the NMC, the panel concluded that it would be reasonable and proportionate to allow her a further opportunity to do so.

The panel concluded that a further conditions of practice order with the current conditions is sufficient to protect patients and the wider public interest. The

panel concluded that the current conditions would protect patients from a risk of harm during the period they are in force.

The panel considered that imposing a suspension order or striking Mrs Black's name off the register at this stage would be disproportionate and would not serve a constructive purpose. While the panel noted the lack of information regarding the reasons for Mrs Black's non-engagement with this review, it acknowledged that this is the first instance of such non-engagement. Given the circumstances, the panel concluded that suspending or striking her off the register would not be a reasonable or justifiable course of action at this time.

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 20 December 2024. 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. *If you undertake a return to practice course, you must send your case officer evidence of successful completion of the course that will include competencies in relation to:*
 - a) *communication;*
 - b) *documentation and record keeping;*
 - c) *escalating concerns;*
 - d) *recognition of deteriorating women, pre-eclampsia; and gestational diabetes.*
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 Ms Black's 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 ability to practice 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 email correspondences from Ms Black.

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 Ms Black's fitness to practise remains impaired.

The panel noted that Ms Black has not practised since leaving New Zealand and has been unable to meet the conditions of practice imposed on her registration due to factors outside her control, including repeated failures to secure a clinical placement and the constraints of her personal circumstances. Despite Ms Black's efforts to secure clinical placement, there was no evidence before the panel today to indicate her strengthened practice, nor any material change since the last review.

The panel noted that the last reviewing panel found that Ms Black had not provided any new information about her current circumstances or updates regarding her efforts since the last review. At this meeting, the panel observed that Ms Black appears to demonstrate insight into the original concerns. However, despite her insight and motivation, she has been unable to successfully progress with remediation as she cannot access an appropriate placement.

The panel determined that given Ms Black's difficulties in securing a placement to demonstrate her clinical competence there remains a risk to patient safety. The panel could not be satisfied that Ms Black can practise safely. It, 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 Ms Black's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Ms Black 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 considered the imposition of a caution order but determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Ms Black's practice would not be appropriate in the circumstances. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered if continuing the current conditions of practice on Ms Black's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel determined that in this case, a conditions of practice order would not be workable nor proportionate given Ms Black's difficulties in securing a placement.

The panel next considered imposing a suspension order. The panel determined that a suspension order was neither proportionate or appropriate in the circumstances. It was of

the view that a suspension order would not achieve anything as Ms Black had been out of practice for many years, not because of a lack of insight or willingness, but due to her inability to secure a clinical placement as part of a return to practice course. The panel determined that a period of suspension would simply prolong her inability to demonstrate competence and would not assist her in addressing the outstanding concerns.

The panel also noted that although Ms Black has expressed a desire to be removed from the register, she has not made a formal application.

The panel had regard to the NMC Guidance on allowing a substantive order to expire when a registered nurse/midwife's registration would lapse (REV-2h):

'Where the professional would no longer be on the register but for the order in place, a reviewing panel can allow the order to expire or, at an early review, revoke the order. Professionals in these circumstances will automatically be removed from the register, or lapse, upon expiry or revocation of the order. The panel will record that the professional remains impaired.'

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.*

Whilst the intentions or wishes of the professional do not determine whether they should be allowed to lapse, a professional who would no longer be on the register but for the order in place can themselves request an early review to ask that the order is removed.

Panels should be considering lapse with impairment even where the reason for a professional's lack of progress is outside their control. What matters is whether such issues are likely to be resolved in a reasonable period of time.

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

- *a professional has shown limited engagement and/or insight, but this is reasonably attributable to a health condition;*
- *or there has been insufficient progress*
 - *in cases involving health or English language;*
 - *or in other cases, where the lack of progress is attributable wholly or in significant part to matters outside the professional's control (e.g. health, immigration status, the ability to find work or other personal circumstances).'*

Having regard to the provisions in the NMC Guidance as set out above, the panel has concluded that the public would be suitably protected by its finding of current impairment, should Ms Black wish to return to the nursing profession in the future. In such circumstances, the registrar would have regard to the determination of the panel. Given the circumstances of this case the panel decided that to dispose of the case in this manner would be most appropriate. For this reason, the panel determined that it would not be appropriate to impose a striking off order.

The substantive suspension order will be allowed to lapse at the end of the current period of imposition, namely the end of 20 December 2025 in accordance with Article 30(1). At that time Ms Black's NMC registration will no longer be active, but the finding of impairment will remain.

This decision will be confirmed to Ms Black in writing.

That concludes this determination.