

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

**Substantive Order Review Hearing
Wednesday, 17 September 2025**

Virtual Hearing

Name of Registrant:	Valerie Jean Howard
NMC PIN:	09L0384E
Part(s) of the register:	Registered Nurse – Sub p=Part 1 RNA: Adult Nursing – 27 October 2010
Relevant Location:	Leicestershire
Type of case:	Lack of competence
Panel members:	Bryan Hume (Chair, lay member) Sally Hatt (Registrant member) Robin John Barber (Lay member)
Legal Assessor:	John Bassett
Hearings Coordinator:	Fionnuala Contier-Lawrie
Nursing and Midwifery Council:	Represented by Omar Soliman, Case Presenter
Ms Howard:	Not present and unrepresented
Order being reviewed:	Conditions of practice order (6 months)
Fitness to practise:	Impaired
Outcome:	Suspension order (12 months) to come into effect on 21 September 2025 in accordance with Article 30 (1)

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Ms Howard was not in attendance and that the Notice of Hearing had been sent to Ms Howard's registered email address by secure email on 19 August 2025.

Mr Soliman, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the substantive order being reviewed, the time, date and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Ms Howard's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In light of all of the information available, the panel was satisfied that Ms Howard has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Ms Howard

The panel next considered whether it should proceed in the absence of Ms Howard. The panel had regard to Rule 21 and heard the submissions of Mr Soliman who invited the panel to continue in the absence of Ms Howard. He submitted that Ms Howard had voluntarily absented herself.

Mr Soliman submitted that there had been no engagement at all by Ms Howard with the NMC in relation to these proceedings and, as a consequence, there was no reason to believe that an adjournment would secure her attendance on some future occasion.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence Ms Howard. In reaching this decision, the panel has considered the submissions of Mr Soliman and the advice of the legal assessor. It has had particular regard to any relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- Ms Howard has not engaged with the NMC and has not responded to any of the letters and emails sent to her about this hearing;
- Despite previously having been asked to do so, Ms Howard has not provided the NMC with details of any email address by which she may be contacted other than that currently shown on her entry in the register;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- There is a strong public interest in the expeditious review of the case as the current order expires on 21 September 2025.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Ms Howard.

Decision and reasons on review of the substantive order

The panel decided to replace the current conditions of practice order with a suspension order.

This order will come into effect at the end of 21 September 2025 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 24 August 2023. This was reviewed on 15 August 2024 and the panel decided to extend the conditions of practice order for a further six months. It was reviewed again on 4 March 2025 whereby the panel extended the conditions of practice order for a further six months.

The current order is due to expire at the end of 21 September 2025.

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

The charges found proved which resulted in the imposition of the substantive order were as follows:

‘That you, between 18 February 2016 and 22 March 2019 failed to demonstrate the standards of knowledge, skills and judgement required to practise without supervision as a band 5 nurse in that you:

*1. On or around 19 February 2016 administered medication, namely Lorazepam, to the wrong patient. – **Found proved***

*2. On or around 28/29 August 2016 failed to attend the patient’s bedside when acting as a second checker for intravenous medication, namely Flucloxacillin. – **Found proved***

*3. On or around 1 September 2016 administered intravenous fluids/medication which was not prescribed. – **Found proved***

4. On 1 April 2017:

*a) Administered the incorrect medication to Patient C, namely 20mg of immediate release Oxycodone instead of the prescribed 20mg prolonged release Oxycodone; – **Found proved***

*b) Made the medication error in 4(a) above whilst you were subject to a first written warning for capability. – **Found proved***

*5. On 21 March 2019 administered an incorrect dose of medication, namely 7mg of Warfarin to Patient A. – **Found proved***

AND, in light of the above, your fitness to practise is impaired by reason of your lack of competence.’

The second 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 Ms Howard's fitness to practise remains impaired.

The panel noted that the last reviewing panel found Ms Howard had not substantially engaged with the NMC or provided any response to the regulatory concerns raised.

The panel noted that Ms Howard has provided no new information since the conditions of practice order was first imposed. She has not provided any further information in relation to the recommendations of the previous panel, namely:

- Ms Howard's engagement with the NMC.*
- An indication of her future intentions in relation to her nursing career.*
- Detailed update of Ms Howard's current reflection and learning gained from any skills or training.*
- Testimonials and/or references from any work paid or otherwise.*

The panel determined that in the absence of any evidence of current insight or strengthened practice through practising under the conditions of practice order, there remains a risk of repetition of the concerns brought about by Ms Howard's lack of competence.

The panel noted that since the substantive meeting, there has been no evidence of any recognition from Ms Howard of the impact her actions may have had on patients, colleagues, and the reputation of the profession and maintaining public confidence.

It is the panel's view that given Ms Howard has not provided any evidence to the panel That the risk has reduced, a risk to patients remains; therefore, a finding of continued impairment is necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients. The panel also considered the wider public interest which includes maintaining confidence in the nursing 8080 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 Howard's fitness to practise remains impaired.'

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

'Having found Ms Howard'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 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 Ms Howard'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 and the panel wishes to mark that the behaviour was unacceptable and must not happen again.' The panel considered that Ms Howard's lack of competence 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 imposing a further conditions of practice order on Ms Howard'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 noted that Ms Howard has continued to not engage with the NMC since the imposition of the conditions of practice order which was first imposed 18 months ago.

The panel has received no further information from Ms Howard that demonstrates her attempts to secure new employment or comply with the conditions of practice order. The panel is of the view that Ms Howard has not complied with the order. The panel has given conditions 3 and 4 particular attention as these conditions do not require Ms Howard to be in employment as a registered nurse. Ms Howard has not provided any information on her current circumstances; nor has she provided a reflective piece that cover the concerns identified. Such a reflective piece would have allowed Ms Howard the opportunity to reveal insight into her actions as well as demonstrate what actions she has undertaken to strengthen her practice.

The panel determined that given that the concerns relate to a lack of competence and are therefore clinical, it would, at this time, remain possible to formulate appropriate and practical conditions that would protect patients and the wider public interest. The panel was of the view however, that if more time passed without any engagement from Ms Howard and hence had no current information as to her level of nursing skills and insight, it is

possible that a future panel may have difficulty in formulating workable and appropriate conditions.

The panel was of the view that to impose a suspension order at this stage would be disproportionate.

It is the panel's view that despite the lack of engagement from Ms Howard, a conditions of practice order maintains public safety and confidence and is for the moment the least restrictive suitable sanction. A conditions of practice order will allow Ms Howard a further opportunity to engage with her regulator and to comply with the conditions in the order.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to extend the conditions of practice order for a period of six months, which will come into effect on the expiry of the current order, namely at the end of 21 March 2025. It decided to impose the following conditions which it considered are appropriate and proportionate in this case:

'The panel decided to extend the following conditions which it considered remained appropriate and proportionate:

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 administer medication, whether orally, via injection or infusion unless directly supervised by another nurse until such time that you have been signed off as competent by your line manager, mentor, or supervisor (who must be a registered nurse).

2. 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.*
- *You must identify a personal development plan with your line manager, mentor or supervisor and keep a log of your progress towards addressing medicine administration.*

3. You will send the NMC a report seven days in advance of the next NMC hearing or meeting from either your line manager, mentor or supervisor detailing your progress including the plan, log and any training.

4. You must provide a reflective piece for a reviewing panel covering the area of concern identified.

5. 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.

6. 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.

7. 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.*

8. 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.*

9. 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 period of this order is for six months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 21 March 2025 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well Ms Howard has 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:

- Ms Howard's engagement with the NMC.*
- An indication of her future intentions in relation to her nursing career.*
- Detailed update of Ms Howard's current reflection and learning gained from any skills or training.*
- Testimonials and/or references from any work paid or otherwise.'*

Decision and reasons on current impairment

The panel has considered carefully whether Ms Howard's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC guidance DMA1 indicates that the panel should ask the question "*can the nurse, midwife or nursing associate practise kindly, safely and professionally*". Only if the question can be answered in the affirmative is it likely that the panel will find that their fitness to practise is not currently impaired. 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. It has taken account of the submissions made by Mr Soliman on behalf of the NMC.

Mr Soliman began setting out the background of the case and explained the outcomes from the previous review hearings. Mr Soliman explained that the conditions of practice order imposed at the previous review hearing would have allowed Ms Howard the opportunity to engage with the regulator and comply with the conditions.

Mr Soliman noted that since the previous review hearing in March 2025, there has been no evidence of engagement from Ms Howard. She has not provided the NMC with evidence that demonstrates any attempt to comply with the conditions of practice order, or strengthen her practice. She has also not shown any insight into the impact of her actions, which were requested by the reviewing panel in the form of a reflective statement.

Mr Soliman noted that Ms Howard carries the persuasive burden to show she is no longer impaired, however the NMC has received no new information since the original order was imposed to show she is no longer impaired.

In the absence of any new information, Mr Soliman submitted that there still remains a risk of repetition and therefore Ms Howard remains impaired on the grounds of public protection and public interest.

Mr Howard invited the panel to impose a suspension order for a period of 12 months as he submitted this to be appropriate and proportionate to maintain public safety and confidence in the profession.

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 Howard's fitness to practise remains impaired.

The panel noted that the previous reviewing panels found Ms Howard had not suitably engaged with the NMC or provided any response to the regulatory concerns raised.

The panel further noted that Ms Howard has provided no new information since the conditions of practice order was first imposed in March 2023. It determined that as a result there remained a risk of repetition due to the lack of evidence of strengthened practice or current insight into the impact her actions may have had on patients, colleagues, and the reputation of the profession and maintaining public confidence.

In light of the above continued risk to patients, the panel determined that a finding of continuing impairment on public protection grounds is necessary.

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 Howard's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Ms Howard'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 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 Ms Howard'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 and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that Ms Howard's

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 the continuation of the current conditions of practice order. The panel noted that Ms Howard has not engaged with the NMC since the original imposition of the conditions of practice order on 24 August 2023 and there is no information before it to conclude that Ms Howard is willing to comply with any conditions imposed upon their practice.

On this basis, the panel concluded that a conditions of practice order is no longer practicable in this case. The panel concluded that no workable conditions of practice could be formulated which would protect the public or satisfy the wider public interest.

The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of 12 months would provide Ms Howard with an opportunity to engage with the NMC. It considered this to be the most appropriate and proportionate sanction available.

This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 21 September 2025 in accordance with Article 30(1)

Before the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- Ms Howard's engagement with the NMC.
- An indication of her future intentions in relation to her nursing career.
- Detailed update of Ms Howard's current reflection and learning gained from any skills or training.
- Testimonials and/or references from any work paid or otherwise

The panel noted that a future reviewing panel may consider a strike off order, should Ms Howard continue to fail to engage with the NMC and fail to provide evidence of strengthening her practice and insight.

This will be confirmed to Ms Howard in writing.

That concludes this determination.