

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

**Substantive Meeting
Wednesday, 10 September 2025**

Virtual Meeting

Name of Registrant:	Janice Anne Powell
NMC PIN:	80K0055S
Part(s) of the register:	Registered Nurse – Sub Part 2 General Nursing (level 2) – 20 December 1982
Relevant Location:	Cornwall
Type of case:	Conviction
Panel members:	Bryan Hume (Chair, Lay member) Donna Green (Registrant member) Mary Golden (Lay member)
Legal Assessor:	Michael Hosford-Tanner
Hearings Coordinator:	Rodney Dennis
Facts proved:	Charge 1
Facts not proved:	N/A
Fitness to practise:	Impaired
Sanction:	Striking-off order
Interim order:	Interim suspension order (18 months)

Decision and reasons on service of Notice of Meeting

The panel was informed at the start of this meeting that that the Notice of Meeting had been sent to Mrs Powell's registered email address by secure email on 16 July 2025. In an email dated the 5 June 2025, Mrs Powell informed the NMC that:

"I will not be at the hearing. Also I have no intention of being registered with the NMC or working as a nurse again."

The panel has been informed that she has not engaged with the NMC's fitness to practise process apart from that one email.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, documents relied upon, the time, and date after which the meeting would be held virtually, namely on or after 20 August 2025.

In the light of all of the information available, the panel was satisfied that Mrs Powell 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).

Details of charge

'1. On 9 April 2024, at Truro Crown Court, were convicted of ill-treatment or wilful neglect by a care worker contrary to section 20(1) of the Criminal Justice and Courts Act 2015.

And, in light of above, your fitness to practise is impaired by reason of your conviction.'

Decision and reasons on facts

The charges concerns Mrs Powell's conviction and, having been provided with a copy of the certificate of conviction, the panel finds that the facts are found proved in accordance with Rule 31 (2) and (3). These state:

- '31.—** (2) *Where a registrant has been convicted of a criminal offence—*
- (a) *a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and*
 - (b) *the findings of fact upon which the conviction is based shall be admissible as proof of those facts.*
- (3) *The only evidence which may be adduced by the registrant in rebuttal of a conviction certified or extracted in accordance with paragraph (2)(a) is evidence for the purpose of proving that she is not the person referred to in the certificate or extract.'*

Background

On 14 March 2019, Mrs Powell was referred to the NMC by the Manager of North Hill House, in connection with an alleged failure to provide due care to a resident.

Following the incident, Mrs Powell was dismissed from her position as a Matron at North Hill House on 15 April 2019.

Prior to the referral, on 24 February 2019, it is alleged that Mrs Powell gave medication to the resident which was not prescribed for them. Mrs Powell failed to comply with her employer's drug audit policies and did not complete a Medication Administration Record (MAR) chart correctly.

Mrs Powell was convicted at Truro Crown Court on 9 April 2024 for the ill-treatment or wilful neglect of a person in the care of Mrs Powell, namely a care home resident. The certificate of conviction shows that Mrs Powell was sentenced to 12 months imprisonment which was suspended for 24 months.

The record of the sentencing remarks of the Judge shows that Mrs Powell wilfully neglected an end-of-life resident in that she failed to administer pain relief and other appropriate care for a period of about 24 hours.

The need for that care was plain as the next nurse on shift immediately summoned medical and ambulance support.

Fitness to practise

Having announced its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Mrs Powell's fitness to practise is currently impaired by reason of Mrs Powell's conviction. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's suitability to practise safely, kindly and professionally.

Representations on impairment

The NMC requires the panel to bear in mind its overarching objective to protect the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. The panel has referred to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin) and *Meadows & The General Medical Council* [2006] EWCA Civ 1390, *The 5th Shipman Report* and *Roland Jack Cohen v General Medical Council* [2008] EWHC 581 (Admin).

The panel considered the NMC's Statement of Case which formed part of the Substantive Meeting bundle.

In its statement the panel was referred to the comments of J Cox in *Grant* at paragraph 101. The NMC submitted that three of the four limbs were engaged a), b) and c) and had been satisfied in this case.

The NMC's Statement of Case submitted that a finding of impairment is necessary on both public protection and public interest grounds. This finding is required due to Mrs Powell's

lack of insight and no evidence of strengthened training which gives rise to the real risk that the conduct could be repeated in the future, and the risk of harm to patients in the future.

There were no representations from Mrs Powell.

The panel accepted the advice of the legal assessor.

Decision and reasons on impairment

The panel next went on to decide if as a result of the conviction, Mrs Powell's fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 March 2023, which states:

'The question that will help decide whether a professional's fitness to practise is impaired is:

"Can the nurse, midwife or nursing associate practise kindly, safely and professionally?"

If the answer to this question is yes, then the likelihood is that the professional's fitness to practise is not impaired.'

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional and to maintain professional boundaries. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must act with integrity. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 74, she said:

'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only

whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's "test" which reads as follows:

'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/their fitness to practise is impaired in the sense that S/He/They:

- a) has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b) has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c) has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*

The panel finds that a patient was put at risk and caused harm as a result of Mrs Powell's actions.

Mrs Powell's conviction had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

Mrs Powell's conviction also breached the first paragraph of the Code to Treat people as individuals and uphold their dignity. The panel took this into account when considering Mrs Powell's impairment.

Regarding insight, the panel considered that Mrs Powell has not engaged with the NMC. The panel has no evidence of insight from Mrs Powell in response to her behaviour. The panel also find no evidence of any strengthening of practice or remediation since the conviction.

The panel note that Mrs Powell has confirmed in an email dated 5 June 2025 to her NMC Case officer that she does not intend to continue her registration with the NMC and does not want to work as a nurse again.

The panel is of the view that Mrs Powell's actions did put a patient at the risk of harm and her actions at the care home subsequently resulted in a court conviction for wilful neglect of a care home resident. The panel has no information or evidence from Mrs Powell that demonstrates any insight, awareness or professional development in response to her actions.

The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC are to protect, promote and maintain the health safety and well-being of the public and patients, and to uphold/protect the wider public interest, which includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions. A member of the public in full possession of all the facts would be concerned that a nurse convicted of this offence was not found impaired.

Having regard to all of the above, the panel was satisfied that Mrs Powell's fitness to practise is currently impaired.

Sanction

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Mrs Powell off the register. The effect of this order is that the NMC register will show that Mrs Powell has been struck off from the register.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had careful regard to the Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

Representations on sanction

The panel noted that in the Statement of Case, the NMC had advised that it would seek the imposition of a striking-off order if it found Mrs Powell's fitness to practise currently impaired.

The panel also bore in mind that Mrs Powell has confirmed in an email dated the 5 June 2025 to the NMC that she no longer wishes to continue practising as a registered nurse.

Decision and reasons on sanction

Having found Mrs Powell 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:

- Actions were a breach of professionalism and patient care
- Failure to prioritise the safety of a patient who was in a vulnerable state
- Attitudinal failings in adhering to drug administration policies
- Conduct which put a patient at risk of suffering harm.
- A lack of insight and remediation
- Behaviour which resulted in a criminal conviction

The panel also took into account the following mitigating features:

- Genuine remorse recognised by the Judge in the Crown Court

- No previous convictions or regulatory proceedings
- Positive testimonials presented at the sentencing at the Crown Court

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 Mrs Powell'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 Mrs Powell's misconduct was not at the lower end of the spectrum and that a caution order 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 impose a caution order.

The panel next considered whether placing conditions of practice on Mrs Powell's registration would be a sufficient and appropriate response. The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case. The panel concluded that the placing of conditions on Mrs Powell's registration would not adequately address the seriousness of this case and would not protect the public.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:

- *A single instance of misconduct but where a lesser sanction is not sufficient;*
- *No evidence of repetition of behaviour since the incident;*

- *In cases where the only issue relates to the nurse or midwife's lack of competence, there is a risk to patient safety if they were allowed to continue to practise even with conditions.*

The conduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse. In addition, the panel did not have any evidence before it of insight or strengthening of practice since the incident. The panel noted that the serious breach of the fundamental tenets of the profession evidenced by Mrs Powell's actions, which resulted in her being convicted of wilfully neglecting a person in her care, such that she was sentenced to a term of imprisonment, is fundamentally incompatible with Mrs Powell remaining on the register.

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

Finally, in looking at a striking-off order, the panel took note of the following paragraphs of the SG:

- *Do the regulatory concerns about the nurse or midwife raise fundamental questions about their professionalism?*
- *Can public confidence in nurses and midwives be maintained if the nurse or midwife is not removed from the register?*
- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

Mrs Powell's actions were significant departures from the standards expected of a registered nurse and are fundamentally incompatible with her remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Mrs Powell's actions were serious and to allow her to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, in particular the effect of Mrs

Powell's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct herself, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.

This will be confirmed to Mrs Powell in writing.

Interim order

As the striking-off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Mrs Powell own interests until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

Representations on interim order

The panel took account of the representations made by the NMC in its Statement of Case.

It submitted that an interim order in the same terms as the substantive order should be imposed on the basis that it is necessary for the protection of the public and otherwise in the public interest.

The panel also took into account that Mrs Powell has not engaged with the NMC process except to send an email to her Case officer on 5 June 2025 in which she states:

"I will not be at the hearing. Also I have no intention of being registered with the NMC or working as a nurse again."

Decision and reasons on interim order

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest. The panel had regard to the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months.

If no appeal is made, then the interim suspension order will be replaced by the substantive striking-off order 28 days after Mrs Powell is sent the decision of this hearing in writing.

That concludes this determination.