

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

**Substantive Order Review Hearing
Tuesday, 6 January 2026**

Virtual Hearing

Name of Registrant: Anita Jane Stoneley

NMC PIN: 17F1763E

Part(s) of the register: Nurses part of the register Sub part 1
RNA: Adult nurse, level 1 (17 May 2018)

Relevant Location: Derbyshire

Type of case: Misconduct

Panel members: Linda Owen (Chair, lay member)
Tiago Horta Reis Da Silva (Registrant member)
Dora Waitt (Lay member)

Legal Assessor: Paul Hester

Hearings Coordinator: Franchessca Nyame

Nursing and Midwifery Council: Represented by Mary Kyriacou, Case Presenter

Mrs Stoneley: Not present and unrepresented

Order being reviewed: Conditions of practice order (12 months)

Fitness to practise: Impaired

Outcome: **Order to lapse upon expiry on 7 January 2026 with a finding of impairment 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 Mrs Stoneley was not in attendance and that the Notice of Hearing had been sent to Mrs Stoneley's registered email address by secure email on 8 December 2025.

Ms Kyriacou, 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, that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mrs Stoneley's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all of the information available, the panel was satisfied that Mrs Stoneley 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 Mrs Stoneley

The panel next considered whether it should proceed in the absence of Mrs Stoneley. The panel had regard to Rule 21 and heard the submissions of Ms Kyriacou who invited the panel to continue in the absence of Mrs Stoneley.

Ms Kyriacou directed the panel to the emails from the NMC to Mrs Stoneley, including the service of notice on 8 December 2025, further emails dated 2 December 2025 and 3 December 2025 querying her attendance at the hearing scheduled on 4 December 2025, and another dated 22 December 2025 querying her attendance at this hearing. She also drew the panel's attention to an NMC log of a telephone call attempt to Mrs Stoneley, dated 2 December 2025, to which '*there was no answer*'. Ms Kyriacou highlighted that

there has been no response at all from Mrs Stoneley requesting an adjournment, nor any acknowledgement of the communication.

Ms Kyriacou submitted that there has been no engagement at all by Mrs Stoneley with the NMC in relation to these proceedings and, as a consequence, there is no reason to believe that an adjournment would secure her attendance on some future occasion. Ms Kyriacou reminded the panel that today is a statutory review of a substantive order which is due to expire tomorrow, thus this review must be dealt with expeditiously.

The panel accepted the advice of the legal assessor.

The panel decided to proceed in the absence of Mrs Stoneley. In reaching this decision, the panel considered the submissions of Ms Kyriacou, the documentation outlining correspondence and attempts to contact Mrs Stoneley via telephone, and the advice of the legal assessor. It had particular regard to relevant case law, and to the overall interests of justice and fairness to all parties. It noted that:

- Mrs Stoneley has not engaged with the NMC since 16 December 2024, and has not responded to any of the emails sent to her about this hearing;
- No application for an adjournment has been made by Mrs Stoneley;
- There is no reason to suppose that adjourning would secure Mrs Stoneley's attendance at some future date;
- This substantive order is due to expire on 7 January 2026; and
- There is a strong public interest in the expeditious review of the case.

In these circumstances, the panel decided that it is fair to proceed in the absence of Mrs Stoneley.

Decision and reasons on review of the substantive order

The panel decided to allow the substantive conditions of practice order to lapse upon expiry on 7 January 2026 with a finding of impairment in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the fourth effective review of substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 9 December 2021. On 28 November 2022, the conditions of practice order was varied and continued for a further 12 months. On 30 November 2023, a substantive order review hearing was due to be heard but was adjourned. The order was then subsequently reviewed on 19 December 2023 and 18 December 2024 where the panel confirmed the conditions of practice order for a further 12 months on both occasions. The order was due to be reviewed on 4 December 2025 but was not heard due to lack of time.

The current order is due to expire at the end of 7 January 2026.

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. On or around 10 September 2019 and over 3 consecutive days failed to give the correct dose of Doxycycline to Resident A.*
- 2. On 26 October 2019 signed a controlled drugs register incorrectly stating 5 vials of Midazolam were present.*
- 3. On 27 November 2019 failed to administer the correct dose of Carbamazepine to Resident B.*
- 4. On 26 June 2020;*
 - a. Potted medication for more than one resident listed in Schedule 1 before it had been administered;*
 - b. Signed the Medication Administration Record for more than one resident listed in Schedule 1 before medication had been administered,*

c. Failed to hand over resident care before leaving shift.

5. On or after 26 June you failed to engage with your employers investigation of the facts of charge 4.

AND in light of the above, your fitness to practise is impaired by reason of your misconduct.'

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

'The panel noted that the last reviewing panel found that Mrs Stoneley had developing insight. At this hearing the panel had no new information to suggest that Mrs Stoneley has developed her insight any further nor evidence of strengthened practice. The panel noted that Mrs Stoneley made admissions at the outset of the hearing as it was held as a Consensual Panel Decision (CPD).

The panel considered that the charges are serious and the misconduct in this case put patients at risk of harm. The previous reviewing panel provided a list of useful documentation for a future reviewing panel which Mrs Stoneley did not action. The panel therefore had no evidence of [PRIVATE] to substantiate her claims that she does not wish to return to nursing, and no evidence to support that she is no longer impaired. The panel had no new information regarding Mrs Stoneley's fitness to practise since the last review.

In the absence of any new information, the panel could not be assured that Mrs Stoneley was not liable to repeat similar misconduct in the future. Whilst she has shown remorse and made admissions, there is no evidence that she has remediated her practice.

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 Mrs Stoneley's fitness to practise remains impaired.'

The third 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 Mrs Stoneley'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 Stoneley'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 whether imposing a further conditions of practice order on Mrs Stoneley's registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

Mrs Stoneley has been the subject of a conditions of practice order for nearly three years. The panel accepted that Mrs Stoneley has been unable to work under a conditions of practice order as a nurse. The panel has taken into account the recent communication sent by Mrs Stoneley to the NMC regarding [PRIVATE] her intention not to return to her current role.

The panel was of the view that a further 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 or

deep-seated attitudinal problems. In this case, there are conditions 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 or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of Mrs Stoneley's case because there are identifiable areas of clinical practice that can be addressed through robust conditions.'

Decision and reasons on current impairment

The panel considered carefully whether Mrs Stoneley's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC defined fitness to practise as a registrant's ability to practise kindly, safely and professionally. In considering this case, the panel carried out a comprehensive review of the order in light of the current circumstances. Whilst it noted the decision of the last panel, this panel exercised its own judgement as to current impairment.

The panel took account of the submissions made by Ms Kyriacou on behalf of the NMC.

Ms Kyriacou submitted that there has been no material change in this case. She highlighted that there is no evidence before the panel today from Mrs Stoneley to demonstrate any progress, insight, remediation or strengthened practice. As such, she submitted that there remains a risk of repetition at this juncture. She added that, should Mrs Stoneley be allowed to return to the register unrestricted, patients could be placed at real risk of harm. Ms Kyriacou therefore submitted that Mrs Stoneley's fitness to practise remains impaired on the ground of public protection.

Ms Kyriacou raised that Mrs Stoneley has been subject to a substantive order for just over four years and there has been no progress. She also highlighted that the conditions have never been complied with because Mrs Stoneley did not secure work as a registered nurse. For these reasons, she submitted that it remains in the public interest that Mrs Stoneley is subject to a substantive order, thus Mrs Stoneley's fitness to practise is also impaired on public interest grounds.

Ms Kyriacou highlighted that Mrs Stoneley informed the NMC that she had no intention to return to a caring role, and that she has not provided any information to give an indication that there could be a change of intention.

Ms Kyriacou made reference to NMC guidance 'REV-2h: Removal from the register when there is a substantive order in place', in particular:

'2. Lapse with impairment

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...*

...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...

- 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 (e.g.*

health, immigration status, the ability to find work or other personal circumstances).'

Ms Kyriacou informed the panel that Mrs Stoneley's registration expired in 2021. She submitted that with Mrs Stoneley's disengagement, the lack of information and her indication on 16 December 2024 that she did not intend to return to nursing, it could be concluded that she is unlikely to return to safe, unrestricted practise within a reasonable period of time. She further submitted that there has been no change or increase to the risk in this case such that a striking off order would now be appropriate.

Ms Kyriacou went on to submit that there is therefore no indication that progress will be made within a reasonable period of time, or that Mrs Stoneley will re-engage with proceedings and the regulatory process.

Given that the only thing keeping Mrs Stoneley on the NMC register is this current substantive order, and taking into account the above guidance, Ms Kyriacou submitted that it would be appropriate for the panel to allow the order to lapse with a finding of impairment.

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 Mrs Stoneley's fitness to practise remains impaired.

The panel referred to NMC guidance 'REV-2a: Standard reviews of substantive orders before they expire', particularly the following passage:

'The panel will then go on to consider what has happened in the nurse, midwife or nursing associate's practice since the last hearing or meeting, and will take into account the following factors:

- *Has the nurse, midwife or nursing associate complied with any conditions imposed? What evidence has the nurse, midwife or nursing associate provided to demonstrate this? What is the quality of that evidence and where does it come from?*
- *Does the nurse, midwife or nursing associate show insight into their failings or the seriousness of any past misconduct? Has their level of insight improved, or got worse, since the last hearing?*
- *Has the nurse, midwife or nursing associate taken effective steps to maintain their skills and knowledge?*
- *Does the nurse, midwife or nursing associate have a record of safe practice without further incident since the last hearing?*
- *Does compliance with conditions or the completion of required steps demonstrate that the nurse, midwife or nursing associate is now safe to practise unrestricted, or does any risk to patient safety still remain?'*

The panel was mindful that the burden is on Mrs Stoneley to demonstrate that she has taken steps to address the concerns regarding her fitness to practise. However, Mrs Stoneley has not engaged at all with the NMC since December 2024 and the panel was not provided with any evidence of her compliance with the conditions, further development of insight or clinical skills, or any record of safe practice. As such, the panel determined that Mrs Stoneley remains liable to repeat matters and put patients at risk of harm, to further breach fundamental tenets of the nursing profession, and bring the profession into disrepute. The panel therefore decided that a finding of continuing impairment is necessary on the ground 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, there remains insufficient evidence of competence in medication administration and public confidence in the profession would be undermined if Mrs Stoneley were allowed to practise as a nurse at this time. Therefore, the panel decided that a finding of impairment on public interest grounds is also required.

For these reasons, the panel found that Mrs Stoneley's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Stoneley'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 also took into account the 'NMC's Sanctions Guidance' (SG) and bore 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 NMC guidance 'REV-2h'.

The panel first considered allowing the substantive order to lapse with impairment.

As Mrs Stoneley's registration expired in 2021, the panel bore in mind that she would no longer be on the NMC register but for the order in place.

The panel noted that Mrs Stoneley qualified as a nurse in 2018, that the concerns with her practice arose in 2019 and that she has not worked as a registered nurse since 2020. The panel considered that she did not have a significantly unblemished career prior to the concerns, nor was she experienced, so she would likely need a lot of supervision and support to return to practice which would take a substantial amount of time. Moreover, the panel took note that, since her email to the NMC dated 16 December 2024, Mrs Stoneley has not provided any further information on her intention to secure any caring roles or apply for a Return to Practice course. For these reasons, the panel determined that it could not conclude that Mrs Stoneley is likely to return to safe unrestricted practice within a reasonable period of time. The panel was of the view that a striking-off order was not appropriate.

The panel had regard to the following factors:

'Cases where striking off is likely to be appropriate include when:

- *the professional has shown limited engagement and/or insight,*
- *the professional has breached a substantive order; or*
- *the professional has otherwise made no or negligible progress towards addressing issues with their fitness to practise.'*

The panel acknowledged that Mrs Stoneley has shown both limited engagement and insight, and that she has provided no evidence of progress towards addressing the concerns. However, the panel noted that there is nothing before it to suggest that Mrs Stoneley has ever breached the substantive order.

Given that previous panels considered the misconduct in this case to be remedial with conditions, demonstration of insight and evidence of strengthened practice, the panel did not consider this to be a case where public confidence in nurses could not be maintained if Mrs Stoneley were not struck off from the register. Furthermore, the panel was mindful that a striking-off is not the only sanction which would be sufficient to protect patients, members of the public, or maintain professional standards.

The panel therefore determined that it would be wholly disproportionate given its findings, and the findings of previous panels, to impose a striking-off order.

The panel decided that the appropriate and proportionate sanction would be to allow the substantive conditions of practice to lapse upon expiry on 7 January 2026 with a finding of impairment in accordance with Article 30(1).

This will be confirmed to Mrs Stoneley in writing.

That concludes this determination.