# Nursing and Midwifery Council
# Fitness to Practise Committee

## Substantive Order Review Hearing
## Monday, 23 November 2026

Virtual Hearing

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| **Name of Registrant:** | Jane-Louise Graham |
| **NMC PIN:** | 16I0229N |
| **Part(s) of the register:** | Nursing, Sub part 1<br>Registered Nurse - Learning Disabilities<br>15 September 2016 |
| **Relevant Location:** | Belfast |
| **Type of case:** | Misconduct |
| **Panel members:** | Susan Thomas (Chair, lay member)<br>Mary Karasu (Registrant member)<br>Christine Wroe (Lay member) |
| **Legal Assessor:** | Fiona Barnett |
| **Hearings Coordinator:** | Samara Baboolal |
| **Nursing and Midwifery Council:** | Represented by Stephen Earnshaw, Case Presenter |
| **Ms Graham:** | Not present and not represented at this hearing |
| **Order being reviewed:** | Conditions of practice order (12 months) |
| **Fitness to practise:** | Impaired |
| **Outcome:** | **Conditions of practice order extended for 6 months, to come into effect on 25 November 2026 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 Graham was not in attendance and that the Notice of Hearing had been sent to Ms Graham's registered address by recorded delivery post on 26 October 2026.

Mr Earnshaw, on behalf of the Nursing and Midwifery Council (NMC), submitted that the NMC has 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 sent to Ms Graham provided details of the substantive order being reviewed, the time, date, that the hearing was to be held virtually, and instructions on how to join. The Notice of Hearing also included, among other things, information about Ms Graham'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 Ms Graham 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 Graham**

The panel next considered whether it should proceed in the absence of Ms Graham.

Mr Earnshaw submitted that Ms Graham has not responded to any of the correspondence sent to her in relation to this hearing. He informed the panel that several attempts to secure Ms Graham's attendance at the hearing this morning were made, and referred the panel to an email from the Hearings Coordinator who sent joining details to Ms Graham, as well as three phone call attempts made this morning.

Mr Earnshaw submitted that Ms Graham appears to have voluntarily absented herself by not responding to any correspondence in relation to this hearing.

Mr Earnshaw submitted that as there has been no engagement by Ms Graham with the NMC in relation to these proceedings, 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 decided to proceed in the absence of Ms Graham. In reaching this decision, it considered Mr Earnshaw's submissions, Rule 21, and the advice of the legal assessor. The panel had regard to the interests of fairness to all parties, and noted that:

- The Notice of Hearing has been delivered and signed for;
- Ms Graham has not responded to any correspondence sent to her about this hearing;
- This order is due to expire in two-days' time;
- There is a strong public interest in the expeditious review of this case;
- Ms Graham has not provided the NMC with details of how she may be contacted other than her registered postal and email address;
- No application for an adjournment has been made by Ms Graham; and
- There is no reason to suppose that adjourning would secure her attendance at some future date

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

**Decision and reasons on review of the substantive order**

The panel decided to extend the conditions of practice order for a period of 6 months.

This order will come into effect at the end of 25 November 2026 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (the Order).

This is the second review of a substantive conditions of practice order, originally imposed as a suspension order for a period of 9 months by a Fitness to Practise Committee panel

on 28 January 2025. The order was reviewed on 20 October 2025, where the suspension order was replaced with a conditions of practice order for a period of 12 months.

The current order is due to expire at the end of 25 November 2026.

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, a registered nurse:*

1. *On or around 29 December 2022 did not undertake adequate 1:1 observations of Patient A.* **[PROVED]**

2. *On one or more occasions did not treat patients with dignity and respect, in that you:*

    a. *called Patient B by the incorrect name* **[PROVED]**
    b. *called an unknown patient an 'arrogant man'* **[PROVED]**
    c. *…*

3. *On one or more occasions put patients at risk by not following safe medication administration practices in that you,*
    a. *prepared to give Patient B medication belonging to Patient C* **[PROVED]**
    b. *put an unknown Patient's nebuliser mask on upside down* **[PROVED]**
    c. *…*
    d. *undertook medication rounds despite management instructing you not to, until the training at 3 (c) above was completed* **[PROVED]**
    e. *took too long to complete the medication rounds* **[PROVED]**

4. *On or before 20 October 2022 acted in a manner that was confrontational and/or unprofessional towards colleagues, in that you:*

a. *told Colleague A to mind their own business, or words to that effect* **[PROVED]**
b. *shouted at Colleague A 'well [Colleague A] you won't be getting out until 8.45 tonight'* **[PROVED]**
c. *…*

5. *On or around October 2022 you were unable to provide the supporting documentation when asked by Colleague C to demonstrate you met the revalidation criteria.* **[PROVED]**

6. *Sought Colleague's B personal identification number (PIN) to revalidate yourself.* **[PROVED]**

7. *…*

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

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

*' The panel noted that the original panel found that you had insufficient insight. At this hearing the panel determined that you still had limited insight albeit with extenuating circumstances.*

*The original panel determined that you were liable to repeat matters of the kind found proved. In its consideration of whether you have taken steps to strengthen your practice since the imposition of the suspension order, the panel took into account that it had not received any new information. In light of this, this panel determined that you are still 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 not required.*

*For these reasons, the panel finds that your fitness to practise remains impaired.'*

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

*' The panel first 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 your 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 your 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 considered imposing a conditions of practice order. Despite the seriousness of your misconduct, there has been evidence produced to show that you have some insight, and you have indicated that you wish to return to nursing.*

*The panel was satisfied that it would be possible to formulate practicable and workable conditions that, if complied with, may lead to your unrestricted return to practice and would serve to protect the public and the reputation of the profession in the meantime.*

*Given your engagement today and the further information you were able to provide to the panel it determined that an extension of the suspension order would now be disproportionate.*

*The panel decided that the public would be suitably protected by the implementation of the following conditions of practice:*

*'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. *[PRIVATE]*

2. *You must limit your nursing practice to one substantive employer. If this is agency work, any single placement must be for a minimum of 3 months.*

3. *You must not be the sole registered nurse in charge of a shift or be the only registered nurse on a shift.*

4. *You must be directly supervised any time you are involved in medication administration and management until deemed competent to do so by your line manager or supervisor. When you have been formally assessed and signed off as competent, confirmation of this must be sent the NMC within seven days of the sign off day.*

5. *You must ensure that you are supervised 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.*

6. *You must meet monthly with your line manager or supervisor to discuss your performance in relation to your:*

- *[PRIVATE]*
- *Medicines management and administration*
- *Collaboration and team working*

7. *You must obtain a report from your line manager or supervisor and send it to your NMC case officer seven days before any review hearing. This report must outline your performance in respect of:*

    - *Medicines management and administration*
    - *Collaboration and team working*

8. *[PRIVATE]*
9. *[PRIVATE]*

10. *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.*

11. *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).*

12. *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.*

*13. 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 12 months.*

*This conditions of practice order will take effect upon the expiry of the current suspension order, namely the end of 25 November 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 you have complied with the order.*

*Any future panel reviewing this case would be assisted by:*

- *Your continued engagement with these proceedings;*
- *Your attendance at future review hearings;*
- *Evidence of any further completed training or courses;*
- *Testimonials from current employers.'*

**Submissions on current impairment**

Mr Earnshaw submitted that Ms Graham's practice remains impaired on the ground of public protection. He submitted that Ms Graham has not attended today's hearing, and has not provided any evidence around her current work and practice, training courses completed, or testimonials from current employers.

Mr Earnshaw submitted that as there has been no remediation of the concerns, there remains a risk of harm to the public if a finding of impairment were not made. However, he submitted that it would be unduly harsh to impose a suspension order at this stage. Mr Earnshaw invited the panel to impose a further conditions of practice order for a short period of time to give Ms Graham the opportunity to re-engage with the NMC, attend the next review hearing, and demonstrate that she is not impaired.

The panel accepted the advice of the legal assessor.

**Decision and reasons on current impairment**

The panel considered whether Ms Graham's fitness to practise remains impaired. While there is no statutory definition of fitness to practise, the NMC defines fitness to practise as the ability of a professional on the NMC register to practise as a nurse, midwife or nursing associate safely and effectively, without restriction.

In considering this case, the panel carried out a comprehensive review of the order in light of the current circumstances. While it noted the decision of the last panel, this panel exercised its own judgement as to current impairment. 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 took into account that Ms Graham has not engaged with the NMC, and consequently has not provided any new evidence since the previous review hearing. She has not provided evidence around her current employment, her compliance with her conditions of practice order, any recent relevant training completed, and up-to-date testimonials. The panel further noted that there is no evidence of insight and reflection before it. As such, there is no information to support that Ms Graham has worked to remediate and address the concerns identified by the previous panel.

The panel determined that the risk of harm to the public has not been addressed, and Ms Graham therefore remains liable to repeat conduct of the kind found proved. The panel

therefore determined that a finding of impairment is necessary on the grounds of public protection.

The panel bore 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 required, as public confidence in the profession would be undermined if a nurse who has not engaged with her regulator to address her impairment were allowed to practise without any restriction. A finding of impairment is necessary to uphold public confidence in the nursing profession and the NMC as its regulator.

For these reasons, the panel finds Ms Graham's fitness to practise remains impaired.

**Decision and reasons on sanction**

Having found Ms Graham's fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel bore in mind its powers as set out in Article 30 of the Order. The panel also took into account the NMC's Sanctions Guidance (SG) and 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 public protection and public interest concerns identified. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

The panel then considered the imposition of a caution order, but determined that due to the public protection and public interest issues identified, an order that does not restrict Ms Graham'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, but the Committee wants to mark that what happened was unacceptable and must not happen again.'*

The panel next considered whether extending the conditions of practice order on Ms Graham'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 took into account that Ms Graham has not provided evidence of her current employment, her future plans in relation to nursing, and whether she has complied with the current conditions. However, it took into account that Ms Graham has engaged with the NMC at the previous hearing, and that the Hearings Coordinator was unable to reach her through email or telephone. As such, the panel found that it may be appropriate to give Ms Graham a short period of time to reengage and provide evidence of insight and remediation, as opposed to imposing a more restrictive sanction on her practice.

The panel therefore determined to impose a further conditions of practice order, with the same conditions as the previous order, to give Ms Graham the opportunity and fulfil her obligation to re-engage with the NMC, demonstrate developing insight, and remediate the concerns.

The panel determined that extending the conditions of practice order is sufficient to protect patients, noting that the original panel did that there was no evidence of general incompetence. In this case, the conditions 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 Ms Graham's case. The panel did not have reasons as to why Ms Graham did not attend her hearing today despite previously attending and engaging.

Accordingly, the panel determined, pursuant to Article 30(1)(a), to extend the conditions of practice order for a period of 6 months, which will come into effect on the expiry of the current order, namely at the end of 25 November 2026. It determined to extend 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. [PRIVATE]

2. You must limit your nursing practice to one substantive employer. If this is agency work, any single placement must be for a minimum of 3 months.

3. You must not be the sole registered nurse in charge of a shift or be the only registered nurse on a shift.

4. You must be directly supervised any time you are involved in medication administration and management until deemed competent to do so by your line manager or supervisor. When you have been formally assessed and signed off as competent, confirmation of this must be sent the NMC within seven days of the sign off day.

5. You must ensure that you are supervised 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.

6. [PRIVATE]
7. You must obtain a report from your line manager or supervisor and send it to your NMC case officer seven days before any review hearing. This report must outline your performance in respect of:

    - Medicines management and administration
    - Collaboration and team working

8. [PRIVATE]
9. [PRIVATE]
10. 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.

11. 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).

12. 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.

13. 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 6 months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 25 November 2026 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 Graham 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:

- Your engagement with the NMC and these proceedings
- Your attendance at the next review hearing
- Your current and future work plans relating to nursing
- Evidence of what you have done in relation to developing your insight and remediating the concerns since the conditions of practice order was imposed
- Evidence of any completed training and courses
- Testimonials from current employers

This will be confirmed to Ms Graham in writing.

That concludes this determination.