

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

**Substantive Order Review Meeting
Monday 20 December 2021**

Virtual meeting

Name of registrant: Kirsty Frangos

NMC PIN: 11D0219E

Part(s) of the register: Registered Nurse – Sub Part 1
Adult Nursing – September 2011

Area of Registered Address: Salisbury

Type of Case: Misconduct

Panel members: Peter Cadman (Chair, lay member)
Terry Shipperley (Registrant member)
David Hull (Lay member)

Legal Assessor: Alain Gogarty

Hearings Coordinator: Catherine Acevedo

Order being reviewed: Conditions of practice order (24 months)

Fitness to practise: Impaired

Outcome: Suspension order (3 months) to come into effect
at the end of 4 February 2022 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 Miss Frangos was not in attendance and that the Notice of Meeting had been sent to Miss Frangos' registered email address on 18 November 2021.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the substantive order being reviewed, the time, dates and venue of the meeting.

In the light of all of the information available, the panel was satisfied that Miss Frangos 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 substantive order

The panel decided to replace the current conditions of practice order with a suspension order for a period of 3 months.

This order will come into effect at the end of 4 February 2022 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the fourth review of a substantive order. An 18 month conditions of practice order was originally imposed by a panel of the Conduct and Competence Committee on 5 July 2017. This was reviewed on 22 January 2019 and a 6 month suspension order was imposed. That order was reviewed on 28 June 2019, and a further period of suspension for six months was imposed. That order was reviewed on 31 January 2020, and a conditions of practice order for 24 months was imposed.

The current order is due to expire at the end of 4 February 2022.

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, whilst working as a Community Nurse at Great Western Hospitals Foundation NHS Trust:

1. *On 19 April 2015 in respect of Patient C's community visit:*
 - a. *Failed to attend when you were scheduled to do so;*
 - b. *Failed to administer insulin as prescribed to the patient.*

2. *Failed to complete an IR1 incident form in relation to the medication error in respect of Patient C.*

3. *On 3 July 2015, following a visit to Patient A:*
 - a. *Failed to record your visit;*
 - b. *Failed to complete and/or update the patient's records;*
 - c. *Failed to record any clinical assessment made in relation to this patient;*
 - d. *Failed to hand over care of this patient to the team and/or arrange any follow up visits;*
 - e. *Failed to complete an 'e-pex' entry after your visit.*

4. *On 18 September 2015 in respect of Patient B's community visit:*
 - a. *Failed to attend when you were scheduled to do so;*
 - b. *Failed to administer insulin as prescribed to the patient.*

5. *Failed to complete an IR1 incident form in relation to the medication error in respect of Patient B.*

6. *On 18 September 2015 did not inform your supervisor of your concerns regarding your own fitness to practise in that you were suffering from a burn to your leg, the pain from which was causing you to become distracted from your duties.*

The third 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 your fitness to practise remains impaired.

It noted the original panel's determination that you had full insight into your misconduct, and this panel considered that you have demonstrated such insight again today, not only in relation to your misconduct, but also with regards to its impact on individuals and the reputation of the profession, and into your own circumstances and what is required for you to progress. You have demonstrated a good recognition of your own health condition and how you seek to manage it in the future. However, although you have demonstrated significant and compelling insight and remorse into your misconduct, you have not yet had the opportunity to remediate your failings in a clinical environment, as you have not been working as a nurse. The panel therefore determined that your fitness to practise is currently impaired, on both public protection and public interest grounds'.

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

'Having found your 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 impose a caution order but concluded that this sanction would be inappropriate in the light of its finding of impairment on public protection grounds; such a sanction would not adequately protect the public.

The panel considered substituting the current suspension order with a conditions of practice order. The panel considered that, in the light of your re-engagement with the regulatory process, a conditions of practice order could be an appropriate and

proportionate sanction; your clinical failings and misconduct are remediable and can be remedied, with appropriate support. The panel bore in mind your explanation as to why you have not engaged with the regulatory process since your substantive hearing, and was satisfied that circumstances in your life are significantly different now; you have also given an indication as to your future intentions with regards to nursing, and spoken passionately about wanting to work in a community role again. You have demonstrated excellent insight into your misconduct and its impact on patients and public confidence in the profession. The extremely positive references provided indicate that you are a kind and caring person, while the panel was impressed by the work you are undertaking at the moment in attempting to set up a mental health service in Salisbury.

The panel bore in mind that you believe that a conditions of practice order would be appropriate and would like some form of support in your return to nursing. The panel had confidence that you would engage with any conditions it could formulate.

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

The panel considered that a further period of suspension would be disproportionate and inappropriate in the current circumstances of the case, taking into account your re-engagement with the regulatory process and excellent insight.

The panel bore in mind that, given the passage of time since your misconduct occurred and the fact that you have not been working as a nurse since, you will be required to undertake a Return to Practice Course, and intend to undertake such a course. It also noted that you indicated in your submissions that you would ask any future employer for a short period of direct supervision at the commencement of your employment.

In the circumstances of this case, the panel determined that the following conditions are 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. [PRIVATE]
2. [PRIVATE]
3. You must work with your line manager or supervisor to create a personal development plan (PDP). Your PDP must address the concerns about record keeping, caseload management, and risk management. You must:
 - i. Send your case officer a copy of your PDP within 28 days of its creation;
 - ii. Unless they consider it no longer necessary, meet with your line manager or supervisor at least once a month to discuss the standard of your performance and your progress towards achieving the aims set out in your PDP; and
 - iii. Send your case officer a report from your line manager or supervisor at least seven days prior to any NMC review hearing or meeting. This report must show your progress towards achieving the aims set out in your PDP.
4. You must keep us informed about anywhere you are working by:
 - i. Telling your case officer within seven days of accepting or leaving any employment.
 - ii. Giving your case officer your employer’s contact details.
5. You must keep us informed about anywhere you are studying by:
 - i. Telling your case officer within seven days of accepting any course of study.
 - ii. Giving your case officer the name and contact details of the organisation offering that course of study.

6. *You must immediately give a copy of these conditions to:*
 - i. *Any organisation or person you work for.*
 - ii. *Any agency you apply to, or are registered with, for work.*
 - iii. *Any employers you apply to for work (at the time of application).*
 - iv. *Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.*
 - v. *Any current or prospective patients or clients you intend to see or care for when you are working independently.*

7. *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.*

8. *You must allow your case officer to share, as necessary, details about your compliance with and/or progress under these conditions with:*
 - i. *Any current or future employer.*
 - ii. *Any educational establishment.*

The panel considered that it would be appropriate and proportionate to impose this conditions of practice order for 24 months, to allow you an opportunity to undertake a Return to Practice course, secure nursing employment, and begin to engage with the conditions. It is, of course, open to you to request an early review of this order if there is a material change of circumstances’.

Decision and reasons on current impairment

The panel has considered carefully whether Miss Frangos’ 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 suitability to remain on the register without restriction. 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.

The panel 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 Miss Frangos' fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Miss Frangos had demonstrated full insight and remorse into her misconduct and health condition but she had not yet had the opportunity to remediate her failings in a clinical environment as she had not been working as a nurse. At this meeting, the panel had not received any new information from Miss Frangos since the last review. The panel considered the persuasive burden was on Miss Frangos to provide information to the NMC regarding whether her fitness to practice remained impaired. In the absence of any new information regarding whether she has done any training or whether she had attempted to seek work as a nurse, the panel therefore determined that her fitness to practise remained currently impaired, on both public protection and public interest grounds.

Decision and reasons on sanction

Having found Miss Frangos' 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 not protect the public nor be 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 Miss Frangos' 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 Miss Frangos' 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 a conditions of practice order on Miss Frangos' 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 next considered the continuation of the current conditions of practice order. The panel considered that Miss Frangos has not practised as a nurse since 2017 and she has not engaged with the NMC since the imposition of the conditions of practice order in January 2020. There is no information before it to conclude that she has attempted to or is willing to comply with any conditions imposed upon her practice. On this basis, the panel concluded that a conditions of practice order is no longer the appropriate order in this case.

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 3 months would provide Miss Frangos with a further opportunity to engage with the NMC and to provide information as to her future intentions in nursing. It considered this to be the most appropriate and proportionate sanction available.

The panel seriously considered the imposition of a striking-off order but determined that a 3 month suspension order would give Miss Frangos a further opportunity to engage with the NMC and to clarify her future intentions. The next reviewing panel will have all sanctions available to it including a striking-off order.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 4 February 2022 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:

- Evidence of Miss Frangos' future intentions in nursing, including any applications to a return to practice course.
- Evidence of Miss Frangos' engagement with the NMC.
- [PRIVATE]
- Evidence of any work undertaken by Ms Frangos whether paid or unpaid.
- References and testimonials of any work undertaken whether paid or unpaid.
- Evidence of any relevant CPD.

This decision will be confirmed to Miss Frangos in writing.