

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

**Substantive Order Review Meeting  
Tuesday, 4 July 2023 and Wednesday, 5 July 2023**

Virtual Meeting

**Name of Registrant:** Wendy Carol Bramley

**NMC PIN** 79J3203E

**Part(s) of the register:** Nurses part of the register Sub part 2  
RN2: Adult nurse, level 2 (20 April 1982)

Nurses part of the register Sub part 1  
RN8: Children's nurse, level 1 (13 September 1998)

**Relevant Location:** Hull

**Type of case:** Misconduct/Lack of competence

**Panel members:** Shaun Donnellen (Chair, Registrant member)  
Mary Karasu (Registrant member)  
Linda Redford (Lay member)

**Legal Assessor:** Tim Bradbury

**Hearings Coordinator:** Roshani Wanigasinghe

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

**Fitness to practise:** Impaired

**Outcome:** **Conditions of practice order (12 months) to come into effect on at the end of 22 August 2023 in accordance with Article 30 (1) of the order.**

## **Decision and reasons on service of Notice of Meeting**

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Mrs Bramley's registered email address by secure email on 1 June 2023.

The panel took into account that the Notice of Meeting provided details of the review including the fact that it would be heard no sooner than 3 July 2023 and the meeting will be conducted at a private meeting.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mrs Bramley 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 current order**

The panel decided to impose a further conditions of practice order for a period of 12 months. This order will come into effect at the end of 22 August 2023 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 22 July 2022.

The current order is due to expire at the end of 22 August 2023.

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 19 July 2017 attended Patient Z's home outside of working hours. **(PROVED BY ADMISSION)**

2) On or around 20 July 2017;

a) Attended Patient Z's home outside of working hours. **(PROVED BY ADMISSION)**

b) Did not call for emergency assistance/ an ambulance for Patient Z. **(PROVED BY ADMISSION)**

c) Transported Patient Z to the hospital/ Accident & Emergency in your personal motor vehicle. **(PROVED BY ADMISSION)**

3) On or around 19/20 July 2017 failed to refer Patient Z to safeguarding in a timely manner. **(PROVED BY ADMISSION)**

4) On or around 5 February 2018;

a) Did not ensure that a safety needle was correctly disposed of in the sharps bin. **(PROVED BY ADMISSION)**

b) Did not ensure that a syringe was correctly disposed of in the sharps bin. **(PROVED)**

c) Did not ensure that a patient's clinic pack was correctly disposed of. **(PROVED BY ADMISSION)**

5) On or around 14 April 2018 prepared/ drew up an incorrect dose of medication into a syringe for administration. **(PROVED BY ADMISSION)**

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

*That you, a registered nurse, whilst employed by City Health Care Partnership (CHCP), failed to demonstrate the standards of knowledge, skill, and judgement required to practise without supervision as a band 5 nurse, in that you:*

6) *Did not record details of your visit to Patient Z's home on 19 July 2017 until 26 July 2017. (PROVED BY ADMISSION)*

7) *Did not record details of your visit to Patient Z's home on 20 July 2017 until 26 July 2017. (PROVED BY ADMISSION)*

8) *On or around 1 December 2017 did not make contemporaneous records regarding the insertion of a Nasogastric Tube. (PROVED BY ADMISSION)*

9) *On or around 19 December 2017 did not make contemporaneous records regarding the application of an absorbent wound dressing. (PROVED BY ADMISSION)*

10) *On or around 22 March 2018*

*a) Did not make contemporaneous records until 5 days after visiting a patient. (PROVED BY ADMISSION)*

*b) On one or more occasion did not make contemporaneous records of a within 24 hours. (PROVED BY ADMISSION)*

11) *On or around 31 May 2019, failed to ensure that you had completed 17 allocated Looked After Child reports/reviews. (PROVED BY ADMISSION)*

12) *Did not complete/satisfy the objectives of an action plan formally implemented on or around December 2017. (PROVED BY ADMISSION)*

13) *Did not complete/satisfy the objective of an action plan formally implemented in or around 11 July 2018. (PROVED BY ADMISSION)*

*And in light of the above your fitness practise is impaired by reasons of your lack of competence.”*

The original panel determined the following with regard to impairment:

*The panel next went on to decide if as a result of the misconduct and lack of competence, Mrs Bramley's fitness to practise is currently 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. 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/ fitness to practise is impaired in the sense that S/He:*

- 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*

d) ...'

*The panel found that limbs a, b and c of the Grant test are relevant for its decision making.*

*The panel finds that patients were put at risk of harm as a result of Mrs Bramley's misconduct and lack of competence. Mrs Bramley's misconduct and lack of competence and her failure to comply fully with the Code had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.*

*Regarding insight, the panel considered that Mrs Bramley had limited insight. It noted that she admitted almost all of the charges and during the internal investigations she agreed that her practise fell short of the standards expected of a registered nurse.*

*The panel was satisfied that the failings in this case are capable of being addressed. Therefore, the panel carefully considered the evidence before it in determining whether or not Mrs Bramley has taken steps to strengthen her practice. The panel took into account that it did not have a reflective statement from Mrs Bramley stating what went wrong, how she would approach similar circumstances in the future and how her actions impacted the safety of patients and the nursing profession. It also noted that it did not have any evidence of recent training that she may have undertaken since she left post in CHCP and in her recent roles as a health care assistant. The panel noted that Mrs Bramley's current employer has provided a testimonial which, although quite positive, does mention further concerns regarding record keeping and medication administration.*

*The panel is of the view that there is a risk of repetition as it had no information as to how Mrs Bramley has improved her nursing practice. 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; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.*

*The panel determined that a finding of impairment on public interest grounds is required because public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also finds Mrs Bramley's fitness to practise impaired on the grounds of public interest.*

*Having regard to all of the above, the panel has concluded that Mrs Bramley's fitness to practise is currently impaired."*

The original panel determined the following with regard to sanction:

*"Having found Mrs Bramley's 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:*

- Lack of insight and remorse regarding her failings – no reflection on how Mrs Bramley's failings impacted on the patients and families involved or how this impacted the public trust in the nursing profession.*
- A pattern of behaviour over a period of time which put vulnerable patients at risk of harm.*

- *Limited evidence of consistent and sustained improvement to Mrs Bramley's performance even though there was support provided by CHCP and opportunity to demonstrate improvement in her current role as a health care assistant.*
- *No attempt to remediate failings.*
- *No evidence that Mrs Bramley has undertaken any recent training.*

*The panel also took into account the following mitigating features:*

- *Admissions to almost all of the charges*
- *Difficult personal circumstances*
- *Areas of improvement but these were not sustained*
- *No attempt by Mrs Bramley to cover up her failings*

*The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case.*

*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 Bramley'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 seen as a whole Mrs Bramley's failings were 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 placing conditions of practice on Mrs Bramley's registration would 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 the SG, which sets out when conditions may be appropriate, and it concluded that the following apply in this case:*



- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *Identifiable areas of the nurse or midwife's practice in need of assessment and/or retraining;*
- *No evidence of general incompetence;*
- *Potential and willingness to respond positively to retraining;*
- *Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- *The conditions will protect patients during the period they are in force; and*
- *Conditions can be created that can be monitored and assessed.*

*The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel acknowledged that Mrs Bramley's nursing practice is affected by two areas of misconduct and lack of competence, namely, record keeping and medication administration. The panel noted that Mrs Bramley has not provided any recent evidence of training. However, it recognised that Mrs Bramley demonstrated a willingness to complete training and shadowing of her colleagues when she was subject to the formal action plans with CHCP. The panel determined that this demonstrated a willingness to engage in training.*

*The panel was of the view that a conditions of practice order would be in the public interest as Mrs Bramley would be able to continue her practise as a nurse and that the public would be adequately protected by the imposition of appropriate conditions.*

*Balancing all of these factors, the panel determined that that the appropriate and proportionate sanction is that of a conditions of practice order.*

*The panel was of the view that to impose a suspension order would be wholly disproportionate and would not be a reasonable response in the circumstances of Mrs Bramley's case because it would deprive her of the opportunity to reflect and strengthen her nursing practise to return to unrestricted nursing practise. The panel*

*concluded that a suspension order was not necessary or appropriate to meet the public interest in this case.*

*Having regard to the matters it has identified, the panel has concluded that a conditions of practice order will mark the importance of maintaining public confidence in the profession, and will send to the public and the profession a clear message about the standards of practice required of a registered nurse.*

*The panel determined that the following conditions 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. You must ensure that you are supervised by your line manager.  
Your supervision must consist of:
  - a) Meetings to discuss and review your
    - i. record keeping*
    - ii. medication administration practice**
  - b) These meetings must be held weekly for the first three months of your employment as a nurse, before transitioning to be held every month, if by then there are no areas of concern highlighted regarding recording keeping and medication administration.**
- 2. You must send your case officer evidence that you have successfully completed up to date training in relation to both:
  - a) Record keeping*
  - b) Medication administration**
- 3. You must work with your line manager to create a personal development plan (PDP). Your PDP must address the concerns about your*

- *Record keeping;*
- *Medication administration*

*You must:*

- a. Send your case officer a copy of your PDP three months after gaining relevant employment*
  - b. You must provide the NMC with a reflective piece on how you are addressing the concerns of record keeping and medication administration in your day to day role before the next hearing.*
  - c. Meet with your line manager at least every three months to discuss your progress towards achieving the aims set out in your PDP.*
  - d. Send your case officer a report from your line manager every three months. This report must show your progress towards achieving the aims set out in your PDP*
- 4. 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.*
- 5. 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.*
- 6. 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*
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 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. The panel determined that this was a sufficient period of time for Mrs Bramley to gain employment as a registered nurse and provide evidence to demonstrate her improvement regarding record keeping and medication administration. It also provides her with sufficient time to undertake any relevant training and obtain testimonials from any recent relevant employer regarding her practice in respect of record keeping and medication administration.*

*Before the order expires, a panel will hold a review hearing to see how well Mrs Bramley 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:*

- *A reflective statement which addresses*
  - *Mrs Bramley's insight as to what went wrong and how she would deal with similar circumstances in the future;*
  - *How Mrs Bramley's failings impacted on patient safety and the reputation of the profession;*
  - *What steps Mrs Bramley has taken to improve her practice in the following areas, in her current role:*
    - *record keeping*
    - *medication administration*
    - *patient safety*
- *Testimonials from Mrs Bramley's current employer that focus on her:*
  - *Current record keeping practices;*
  - *Current medication administration practices*
- *Evidence of relevant training"*

## **Decision and reasons on current impairment**

The panel has considered carefully whether Mrs Bramley's 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 and the email correspondence between Mrs Bramley and the NMC.

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 Bramley's fitness to practise remains impaired.

The panel noted that the original panel found that Mrs Bramley had limited insight. It had noted that she admitted almost all of the charges and during the internal investigations she agreed that her practise fell short of the standards expected of a registered nurse.

At this meeting the panel noted that it had no information before it to demonstrate that there was any material change in circumstances since the last hearing. The panel did not have any information before it to show that Mrs Bramley has reflected on her misconduct and lack of competence, nor any demonstration of insight or strengthening of practice.

The panel did not have any evidence of Mrs Bramley's compliance with the conditions of practice order. In fact, the panel noted the email correspondence sent to Mrs Bramley from the NMC, reminding her of the original panel's indications of what future panel may be assisted by, in order for Mrs Bramley to demonstrate her safe practice.

The panel bore in mind Mrs Bramley's email dated 19 March 2023 in which she writes:

*"I want to know when this will be over this is the 4th year, it is unacceptable. It said originally 18 months. I'm fed up of this hanging over me, nothing has happened"*

The panel also noted that Mrs Bramley had indicated in an email dated 21 March 2023, that she is working for Siruis Homecare, Faraday House as a Senior Health Care Assistant. She had stated that she was responsible for client personal care, administering medication, record keeping and that she is responsible for teaching new carers the duties required.

The panel therefore determined that it had no information before it to demonstrate that there was any material change in circumstances since the last hearing. In the absence of any information about her current practice or any evidence of insight or strengthening of practice and compliance with the conditions of practice order, Mrs Bramley's practice remains impaired 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 is also required.

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

### **Decision and reasons on sanction**

Having found Mrs Bramley'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 protection or 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 Bramley'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 Bramley's failings were 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 protection and the public interest to impose a caution order.

The panel next considered whether imposing a further conditions of practice order on Mrs Bramley'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 determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel noted that Mrs Bramley had not provided it with any detail of compliance with the current order but there has been some limited engagement with the NMC.

The panel was therefore of the view that a further conditions of practice order would provide Mrs Bramley an opportunity to demonstrate her insight and strengthening of practice or to make clear to a future panel what her intentions are regarding her nursing career. The panel was of the view that a conditions of practice order is sufficient to protect patients and the wider public interest. In this case, there are conditions 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 disproportionate at this time and would not be a reasonable response in the circumstances of Mrs Bramley's case.

Accordingly, the panel determined, pursuant to Article 30(1)(c), to make a conditions of practice order for a period of 12 months, which will come into effect on the expiry of the current order, namely at the end of 22 August 2023. It decided to impose 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. You must ensure that you are supervised by your line manager. Your supervision must consist of:
  - a) Meetings to discuss and review your
    - i. record keeping
    - ii. medication administration practice
  - b) These meetings must be held weekly for the first three months of your employment as a nurse, before transitioning to be held every



month, if by then there are no areas of concern highlighted regarding recording keeping and medication administration.

2. You must send your case officer evidence that you have successfully completed up to date training in relation to both:
  - a) Record keeping
  - b) Medication administration
  
3. You must work with your line manager to create a personal development plan (PDP). Your PDP must address the concerns about your
  - Record keeping;
  - Medication administration

You must:

- a. Send your case officer a copy of your PDP three months after gaining relevant employment
  - b. You must provide the NMC with a reflective piece on how you are addressing the concerns of record keeping and medication administration in your day to day role before the next hearing.
  - c. Meet with your line manager at least every three months to discuss your progress towards achieving the aims set out in your PDP.
  - d. Send your case officer a report from your line manager every three months. This report must show your progress towards achieving the aims set out in your PDP
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4. 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.

5. 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.
  
6. 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
  
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 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. The panel determined that this was a sufficient period of time for Mrs Bramley to demonstrate compliance with the conditions or to decide how she wishes to progress with her nursing career.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 22 August 2023, in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review to see to what extent Mrs Bramley has complied with the order. At the review 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 with another order.

Any future panel reviewing this case would be assisted by:

- Mrs Bramley's engagement with the NMC
- Any indication as to Mrs Bramley's intention of future plans regarding her nursing practice
- A reflective statement which addresses
  - Mrs Bramley's insight as to what went wrong and how she would deal with similar circumstances in the future;
  - How Mrs Bramley's failings impacted on patient safety and the reputation of the profession;
  - What steps Mrs Bramley has taken to improve her practice in the following areas, in her current role:
    - record keeping
    - medication administration
    - patient safety
- Testimonials from Mrs Bramley's current employer that focus on her:
  - Current record keeping practices;
  - Current medication administration practices
- Evidence of relevant training

This will be confirmed to Mrs Bramley in writing.

That concludes this determination.