

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

**Substantive Order Review Meeting
Monday, 16 October 2023**

Nursing and Midwifery Council
2 Stratford Place, Montfichet Road, London, E20 1EJ

Name of Registrant: Lisa Michelle Crooks

NMC PIN 96C2005E

Part(s) of the register: RNMH: Mental health nurse, level 1 (10 May 1999)

Relevant Location: Gloucestershire

Type of case: Misconduct & Health

Panel members: Philip Sayce (Chair, Registrant member)
Esther Craddock (Registrant member)
Jan Bilton (Lay member)

Legal Assessor: John Moir

Hearings Coordinator: Opeyemi Lawal

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

Fitness to practise: Impaired

Outcome: Conditions of practice order (18 months)

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 Ms Crooks registered email address by secure email on 8 September 2023.

Further, the panel noted that the Notice of Meeting was also sent to Ms Cooks representative at the Royal College of Nursing (RCN) on 8 September 2023.

The panel took into account that the Notice of Meeting provided details of the review including the time, and that it will be heard on or after 16 October 2023.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Ms Crooks 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 confirm and extend the conditions of practice order for a further 18 months. This order will come into effect at the end of 28 November 2023 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the third review of a substantive order in this case. A substantive suspension order was originally imposed for a period of six months by a Fitness to Practise Committee panel on 30 April 2021. This was reviewed on 8 November 2021 where a Fitness to Practise Committee panel imposed a conditions of practice order for 12 months. This was again reviewed on 20 October 2022 where the panel confirmed the conditions of practice order.

The current order is due to expire at the end of 28 November 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 whilst employed by the 2gether NHS Foundation Trust,

1. ...

2. *In relation to Patient B,*

(a) *On 24 January 2017 told Colleague A that you were seeing Patient B weekly for CBT-E when this was not the case;*

(b) *Your actions as set out in charge 2(a) were dishonest in that you sought to mislead Colleague A into believing that you were seeing Patient B weekly for CBT-E when you knew this was not the case.*

3. *In relation to Patient C,*

(a) *On 24 January 2017 told Colleague A that you were seeing Patient C weekly for CBT-E when this was not the case;*

(b) *Your actions as set out in charge 3(a) were dishonest in that you sought to mislead Colleague A into believing that you were seeing Patient C weekly for CBT-E when you knew this was not the case.*

4. ...

5. ...

6. ...

7. ...

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

AND / OR

That you a Registered Nurse;

8. [PRIVATE]

9. [PRIVATE]

And [PRIVATE]

... (Private)

[PRIVATE]

Schedule 2

1. *Failed to complete a Supporting Action Plan in that you,*

(a) *Did not competently, clinically manage a small case load of adult patients;*

(b) *Did not demonstrate a complete understanding of RIO compliance and developments and maintain timely and accurate electronic records.*

2. *As an alternative to charge 1, failed to record adequately or at all that you were seeing Patient A for monthly clinical management.*

3. ...

4. ...

5. ...

6. ...

7. ...

8. ...

9. *In relation to Patient H,*

(a) *Failed to record adequately or at all that you had commenced CBT-E training with Patient H; or in the alternative;*

(b) ...

10. *In relation to Patient I,*

(a) *Failed to record adequately or at all that you were checking in with Patient I at any time after 10 October 2016; or in the alternative;*

(b) ...

11. *In relation to Patient J,*

(a) ...

(b) ...

12. *In relation to Patient K,*

(a) ...

(b) *Failed to see Patient K at any time between the 25 January 2017 and 21 March 2017.'*

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

'Today's panel has heard and received new information which includes the Expert Witness account and the submissions from Ms Crooks' representative which references her positive performance in her current part time role where she is not practising in a nursing capacity.'

The panel took into account the contents of the RCN letter dated 19 October 2022:

'As the registrant has not worked as a registered nurse since the imposition of the conditions of practice order, she readily accepts that her current fitness to practise remains impaired. Whilst she is not currently working as a registered nurse, she has complied with the conditions of practice insofar as is possible in the circumstances.'

[...]

'The registrant is still very much committed to the nursing profession, and is hoping to return to a nursing role, in a suitable role with an understanding and supportive employer and appropriate adjustments in place, within the next six months.'

The panel also took into account Ms Crooks' own submissions within the RCN letter:

'I do not however consider that I am ready to return to nursing yet.'

The panel considered the Expert Witness's written report dated 15 September 2022. It paid particular attention to the following statement:

'[PRIVATE].'

In light of this, this panel determined that Ms Crooks is 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 is also required.

For these reasons, the panel finds that Ms Crooks' fitness to practise remains impaired.'

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

'It then considered the imposition of a caution order but again determined that, due to this sanction being imposed in relation to [PRIVATE] a caution order 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.' 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 varied conditions of practice order on Ms Crooks' 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 accepted that Ms Crooks has been complying with current substantive conditions of practice.

The panel was of the view that a varied 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 and there was no evidence of deep-seated attitudinal problems. In this case, there are conditions which could be formulated to protect patients during the period they are in force.'

Decision and reasons on current impairment

The panel has considered carefully whether Ms Crooks 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 written submissions from Ms Crooks' representative at the RCN.

The RCN written submissions dated 6 October 2023 is as follows;

Submissions

Firstly, we would like to inform the panel that the registrant has engaged with these proceedings throughout, and will continue to engage as required, complying with any order applicable. We would ask the panel to take into consideration that fact that the registrant attended both her substantive hearing and the first review hearing. We submit that her agreement to hold this review at a meeting is not due to an unwillingness to cooperate.

To provide the panel with an update as to the registrant's current circumstances, we confirm that she is not currently employed.

As at the time of the last review, she was working as a Domiciliary Care Assistant via Continuity Care. Whilst she is no longer working in that role, [PRIVATE], it is something that the registrant is considering returning to, as and when the time is right for her.

In the meantime, the registrant has recently been appointed to the Board of Governors for Gloucestershire Health & Care NHS Foundation Trust. She recently attended her first meeting, which was a positive experience, and hopes that this opportunity may lead to further opportunities within the Trust.

Alongside this new governor role, the registrant has been asked by the Trust to speak to [PRIVATE]. [PRIVATE]. The panel will note the enclosures, showing the registrant's involvement in these voluntary roles.

[PRIVATE].

[PRIVATE].

With regards to the registrant's future intentions in relation to nursing, we confirm that she would like return to the nursing profession in the future.

The registrant has continued to reflect throughout the review period, regarding her return to the healthcare profession, her intentions regarding her future in

nursing,[PRIVATE], and will provide the following information for the panel to consider.

“I am requesting that my order is extended by 18 months as I do not feel that the time is right for a return to Nursing however, I wish or update you with my progress and plans for the future.”

[PRIVATE]

Employment

[PRIVATE]

I remain committed to the NHS and have been elected as Governor for the District of Cheltenham for Gloucestershire Health and Care NHS Foundation Trust. This is a 3-year term of office that will allow me to utilise my skills and experience in a different role within the new Trust. I will be mentored by ..., Chair of the Trust Board with a wealth of training and development opportunities. I have also applied to be a Mental Health Act Manager for the purpose of Mental Health Act Managers Hearings.

[PRIVATE]

Learning and Development

[PRIVATE]

I continue to be involved with The Royal College of Nursing and am an active member of The Mental Health Nursing, Learning Disability & Research Forums. I keep up to date on current issues via the Royal College of Nursing, NICE and recognised institutions. I read research studies on a regular basis, especially those related to long Covid, ROHAAD syndrome, Neurodiversity, Mental Health and Domestic Abuse, Sexual Assault and violence.

Future plans

I very much remain committed to the Nursing Profession and intend to build upon my progress to enable me to do so safely.

I hope that you are able to continue the order for an 18-month period in the knowledge that I may apply to return to the Register sooner should circumstances allow this.

As the registrant has not worked as a registered nurse since the imposition of the conditions of practice order, she readily accepts that her current fitness to practise remains impaired.

Application

We submit that the conditions of practice order remains appropriate in relation to the circumstances of the matter.

We respectfully request that the conditions of practice order be continued for a period of 18 months to allow the registrant to continue to progress with her objective of returning to nursing in the future, whilst providing the appropriate level of support and protection.

We submit that it would be wholly disproportionate for the conditions of practice order to be replaced with a higher sanction at this stage.

The panel are respectfully reminded that the purpose of a sanction is not to be punitive. The registrant has engaged with her regulator throughout these proceedings and wishes to continue to do so. We trust that this will be taken into consideration by the panel.'

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 Ms Crooks fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Ms Crooks had significant insight into her impairment. At this meeting the panel found that Ms Crooks had continued to demonstrate significant insight into her actions. The panel noted that the request for an extension for 18 months also demonstrated that Ms Crooks had insight, as to what she needed to achieve to strengthen her practice and understands that she needs more time to do this.

In its consideration of whether Ms Crooks has taken steps to strengthen her practice, the panel took into account the submission provided by the RCN. The panel noted that Ms Crooks had taken on various voluntary roles to keep up-to-date and engaged with the nursing profession. However, Ms Crooks has not returned to work in the capacity of a nurse. The panel determined that Ms Crooks has fully complied and engaged with the NMC process to date and is confident Ms Crooks will continue to do so.

The last reviewing panel determined that Ms Crooks was liable to repeat matters of the kind found proved, today's panel has received no new information which undermines that finding. In light of this the panel determined that Ms Crooks is 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 is also required.

For these reasons, the panel finds that Ms Crooks fitness to practise remains impaired.

Decision and reasons on sanction

Having found Ms Crooks 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 risk of repetition. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the sanction being imposed in relation to [PRIVATE], an order that does not restrict Ms Crooks 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 Ms Crooks 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 Ms Crooks 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 accepted that Ms Crooks has been complying with current substantive conditions of practice and engaging with various nursing related work despite [PRIVATE]. The panel noted that Ms Crooks has a real prospect of returning to the register and was encouraged by the variety and nature of the roles she was undertaking.

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. 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 Ms Crooks. The panel also determined that to suspend a registrant who showed such commitment to health and social care would not facilitate an otherwise committed nurse to return to unrestricted practice.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of 18 months, which will come into effect on the expiry of the current order, namely at the end of 28 November 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. [PRIVATE]
2. You must ensure that you are supervised at any time you are working. Your supervision must consist of:
 - a. Working at all times on the same shift as, but not always directly observed by, another registered nurse. This does not prevent you from undertaking work in the community, as long as you are reporting to a senior colleague.
 - b. Weekly meetings to discuss your clinical caseload with your line manager, mentor or supervisor.
3. You must not administer medication unless supervised until assessed as competent to do so by a Band 6 registered nurse or above.

4. You must work with your line manager, mentor or supervisor to create a personal development plan (“PDP”). Your PDP must address the areas of record keeping (including your use of computerised records), your ability to manage your caseload effectively, and your management of your health and wellbeing.

You must:

- a) Send your case officer a copy of your PDP prior to the next review hearing.
- b) Meet with your line manager at least every month to discuss your progress towards achieving the aims set out in your PDP.
- c) Send your case officer a report from your line manager, mentor or supervisor, prior to the next review hearing. This report must show your progress towards achieving the aims set out in your PDP.

5. [PRIVATE]

6. 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.
7. 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.
8. 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.
 - f. Any clinician responsible for your care.
9. 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 involving you.
 - c. Any disciplinary proceedings taken against you.
10. 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.
 - d. Any clinician responsible for your care.

The period of this order is for up to 18 months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 28 November 2023 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 Crooks 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.

This will be confirmed to Ms Crooks in writing.

That concludes this determination.