

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

**Substantive Order Review Hearing  
Monday, 8 April 2024**

Virtual Hearing

**Name of Registrant:** Nicole Angela Goebel

**NMC PIN** 98G13110

**Part(s) of the register:** Registered Nurse – Sub Part 1  
Adult Nursing – July 1998  
Registered Midwife – December 2001

**Relevant Location:** Cambridge

**Type of case:** Misconduct

**Panel members:** Avril O’Meara (Chair, lay member)  
Laura Wallbank (Registrant member)  
Jacqueline Metcalfe (Registrant member)

**Legal Assessor:** Robin Hay

**Hearings Coordinator:** Khatra Ibrahim

**Nursing and Midwifery Council:** Represented by Ed Carey of counsel, Case Presenter

**Mrs Goebel:** Present and represented by Alexander Adamou of counsel, instructed by Thompsons’ Solicitors

**Order being reviewed:** Conditions of practice order (18 months)

**Fitness to practise:** Impaired

**Outcome:** **Varied conditions of practice order (18 months) to come into effect at the end of 11 April 2024 in accordance with Article 30 (1)**

## **Decision and reasons on application for hearing to be held in private**

At the outset of the hearing, Mr Adamou, on your behalf, made an application that this case be held partly in private on the basis that an exploration of your case involves reference to a third party's health and wellbeing. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Mr Carey did not oppose the application.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

The panel determined that it was in the interests of justice to go into private session when matters relating to the health of a third-party are discussed, in order to protect their privacy.

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

The panel decided to vary the current conditions of practice order and extend it for a period of 18 months.

This order will come into effect at the end of 11 April 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the fifth review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel. This order was reviewed on 6 December 2018 and extended for a further period of 18 months, with some variations to the conditions. A second review was held on 29 May 2020, when the order was extended for a further period of 3 months. At the third review on 4 September 2020, the order was extended for a period of 2 years. The order was reviewed for a fourth time on 2 September 2022, and was extended for a period of 18 months.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

The charges found proved at the substantive hearing by the original panel which resulted in the imposition of the substantive order were as follows:

*“That you, a Registered Midwife, whilst employed as a Band 7 Midwife by Cambridge University Hospitals NHS Foundation Trust:*

*On 6 December 2013:*

*1. At or around 16:05:*

*1.1. Failed to properly interpret a CTG in that you categorised it as suspicious when it was pathological;*

*1.2. Failed to request that the CTG was reviewed by another midwife; 1.3. Failed to refer Patient A for an obstetric opinion.*

*2. Between 17:05 and 18:50 failed to refer Patient A for an obstetric opinion.*

*3. Administered Syntocinon to Patient A when this was not properly prescribed.*

*On 20 April 2015*

*5. Between 16:40 and 18:20, on one or more occasions, did not record a categorisation and / or incorrectly categorised Patient C’s CTG;*

*6. Between 16:40 and 1820, on one or more occasions, did not escalate Patient C to the Obstetric team when it would have been appropriate to do so;*

*7. At around 18:16 told Colleague E to press the normal buzzer, rather than the emergency buzzer, to seek assistance for Patient C;*

*8. Performed a perineal massage / stretching on Patient C; 38*

9. *Performed vaginal examinations on Patient C more frequently than was necessary;*

10. *At approximately 18:08 performed an episiotomy on Patient C when it was not appropriate to do so;*

11. *At approximately 18:15 extended the episiotomy when it was not appropriate to do so;*

12. *Administered a second dose of local anaesthetic to Patient C;*

13. *Told Patient C that Baby D was:*

13.1. *“Doing well;”*

13.2. *Very bonny.”*

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

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

*“The panel noted that the previous reviewing panels identified that the remaining concerns about your practice related solely to your midwifery practice, not to your practice as a registered nurse. It noted that you since the last hearing, you have continued to work as a nurse and have presented testimonials and references from a colleague and your manager to attest to your commitment to the profession, and your willingness to engage with the process. The panel also noted that there have been no concerns about your nursing practice, and that the testimonials and references you have provided evidence that you have worked on the areas of concern, namely, escalation, communication, and teamwork. The panel considered this progress could help you if you return to future midwifery practice.*

*The panel also took into account the training you have undertaken and the evidence you have provided of this by your own volition. It further noted that you now wish to return to midwifery and are in discussions with your current employer and a university to formulate a plan.*

*The panel determined that the charges found proved relate to your midwifery practice and that, though you wish to return to midwifery, you have not practised as a midwife for over 7 years. The panel also noted that there is no evidence before it to show how you have remediated the concerns, demonstrate safe practice or, complete engagement with the conditions. The panel was therefore of the view that you have not had the opportunity to remediate the outstanding concerns regarding your midwifery practice. On this basis, the panel was of the view that there remains a risk of repetition and, as such, your fitness to practice as a midwife remains impaired on public protection grounds.*

*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 midwifery 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 your fitness to practise remains impaired.”*

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

*‘The panel next considered whether imposing a further conditions of practice order on your 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 noted that you have not been able to engage with the conditions of practice order as you have not worked as a midwife for over 7 years. It*

*further noted that you now have plans to return to midwifery and are in discussion about how to effectively do this. The panel therefore determined that, in order to protect the public, the wider public interest and to support you in transitioning back into midwifery practice, the current conditions of practice order would be the most appropriate sanction. The panel also noted the submissions made by Ms Ferns and Ms Shah, who invited the panel to extend the current conditions of practice order to allow you further time to fully engage with process and to remediate your actions and demonstrate safe practice.*

*Therefore, the panel was satisfied that a conditions of practice order, on the same terms as previously, continued to be the appropriate and proportionate order which would protect the public and the wider public interest.*

*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 reasonable in the circumstances of your case.*

*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 11 October 2022. The panel determined that a further 18-month period will enable you to take the necessary steps, including any return to practice course, and transition back into midwifery practice. It further determined that this period will also allow you to demonstrate remediation and safe practice. You are able to request an early review should you feel it appropriate and have sufficient evidence to demonstrate remediation and safe practice.*

*It decided to impose the following conditions which it considered are appropriate and proportionate in this case:*

***Whilst working as a midwife:***

1. *You must not work as a Band 7 Midwife or a Shift Leader or Co-ordinator (at any band) for the duration of this order.*

2. *You must work with your line manager, mentor or supervisor (or their nominated deputy) to create a personal development plan designed to address the concerns about the following areas of your practice:*

*a. CTG interpretation;*

*b. Escalation;*

*c. Team communication skills & collaborative working.*

3. *You must meet with your line manager, mentor or supervisor (or their nominated deputy) at least every three months to discuss the standard of your performance and your progress towards achieving the aims set out in your personal development plan.*

4. *You must forward to the NMC a copy of your personal development plan within 28 days of the date on which you take up a midwifery appointment.*

5. *You must send a report from your line manager, mentor or supervisor (or their nominated deputy) setting out the standard of your performance and your progress towards achieving the aims set out in your personal development plan to the NMC at least 14 days before any NMC review hearing or meeting.*

*General Conditions:*

6. *You must tell the NMC within 14 days of any nursing or midwifery appointment (whether paid or unpaid) you accept within the UK or elsewhere, and provide the NMC with contact details of your employer.*

7. *You must immediately tell the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose the conditions listed at (1) to (6) above, to them.*

- a. Any organisation or person employing, contracting with, or using you to undertake nursing or midwifery work.*
- b. Any agency you are registered with or apply to be registered with (at the time of application) to provide nursing or midwifery services.*
- c. Any prospective employer (at the time of application) where you are applying for any nursing or midwifery appointment.*
- d. Any educational establishment at which you are undertaking a course of study connected with nursing or midwifery, or any such establishment to which you apply to take such a course (at the time of application).*

*8. You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 14 days of you receiving notice of them.*

*a. You must within 14 days of accepting any post or employment requiring registration with the NMC, or any course of study connected with nursing or midwifery, provide the NMC with the name/contact details of the individual or organisation offering the post, employment or course of study.*

*b. You must within 14 days of entering into any arrangements required by these conditions of practice provide the NMC with the name and contact details of the individual/organisation with whom you have entered into the arrangement.'*

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

The panel has considered carefully whether your 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 the light of the current circumstances. Whilst it has had regard to the decision of the last panel, this panel has exercised its own judgement as to current impairment.



The panel has taken into consideration all the documentation before it, including the NMC bundle, your reflective statements. It has also taken account the submissions made by Mr Carey and Mr Adamou.

Mr Carey said that this is the fifth review of a substantive conditions of practice order imposed on your practice. He took the panel through the background of the case and referred it to the relevant pages within the bundle.

Mr Carey stated that there has been no breach of the conditions imposed on your practice. However, you have not yet had the opportunity to engage with these conditions as you have not practiced as a midwife.

Mr Carey submitted that you have not practised for nine years, and so there is little to no evidence of you strengthening your midwifery practice. He submitted that an assessment of your fitness to practise would require collaboration and opinion from your supervisors and managers.

Mr Carey therefore submitted you are impaired on the ground of public protection. He submitted that the current conditions are workable and measurable and are entirely necessary given the scope of the charges found proved at the substantive hearing.

Mr Adamou submitted that you have accepted some of the failings in your practice and have gone to significant lengths to remedy those failings and demonstrate insight. He submitted that you have provided a recent reflective piece, detailing your conscientious professional development.

Mr Adamou submitted that you are motivated to return to practice and have acknowledged the impact your mistakes have had on both you and the profession. He submitted that you have undertaken relevant midwifery training, that you wish to return to practise as a midwife, and you have applied for midwifery roles but without success.

Mr Adamou submitted that you have dealt with some difficult personal circumstances recently, but you still wish to return to practise as a midwife. He submitted that given the

extensive training and reflection you have done, you have demonstrated sufficient insight and remediation, it is open to the panel to find that you are no longer impaired. However, if the panel considers that the gap between your theoretical and practical knowledge and experience is too great, the panel should do no more than extend the current conditions of practice order for 12 months.

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 your fitness to practise remains impaired.

The panel noted that the previous reviewing panels identified that the remaining concerns about your practice related solely to your midwifery practice, not to your practice as a registered nurse. It further noted that since the last hearing, you have continued to work as a nurse, you have been willingly engaged with the NMC's proceedings and there have been no concerns raised about your nursing practice.

The panel determined that the charges found proved relate to your midwifery practice and that, although you are applying for midwifery roles, you have not yet been successful and therefore not independently practised as a midwife for over nine years. The panel noted that although you have provided evidence of training and reflective pieces demonstrating your insight, you have been unable to demonstrate how you have embedded this training and learning into safe clinical practice. The panel determined that you have therefore not remedied the outstanding concerns regarding your midwifery practice. On this basis, your fitness to practice as a midwife remains impaired on public protection grounds.

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 a well-informed member of the public would be concerned if a midwife that had not been able to demonstrate safe and effective practice in the areas of concern identified was

allowed to return to unrestricted practice. The panel therefore determined that a finding of continuing impairment on public interest ground is also required.

For these reasons, the panel finds that your fitness to practise remains impaired on the grounds of public protection and in the wider public interest.

### **Decision and reasons on 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 take no action but concluded that this would be inappropriate. Taking no further action would not restrict your practice and would therefore not protect the public from the risk of harm posed by your misconduct. 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 this would be inappropriate for the same reasons.

The panel next considered whether imposing a further conditions of practice order on your registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be appropriate, measurable, proportionate and workable.

The panel noted that you have not been able to fully engage with the conditions of practice order as you have not worked as a midwife for over nine years. It further noted that you now have plans to return to midwifery practice and are applying for roles. The panel determined that in order to protect the public, it was necessary to vary the current conditions of practice order.

Therefore, the panel was satisfied that a varied conditions of practice order, continued to be the appropriate and proportionate order which would sufficiently protect the public and the wider public interest.

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 reasonable in the circumstances of your case.

The panel was satisfied that there are conditions that are workable and measurable and that could be formulated which would sufficiently protect the public.

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 11 April 2024.

The panel determined that an 18-month extension of the varied conditions of practice order should give you sufficient time to take the necessary steps to secure and commence employment as a midwife, engage with the conditions of practice and demonstrate safe and effective midwifery practice. You are able to request an early review should you feel it appropriate and have sufficient evidence to demonstrate strengthened and safe practice as a midwife.

It decided to impose the following conditions which it considered are appropriate and proportionate in this case:

**Whilst working as a midwife:**

1. You must work under the direct supervision of a Band 6 midwife or above until you are assessed as competent by your employer to work under indirect supervision.
2. You must work with your line manager, mentor or supervisor (or their nominated deputy) to create a personal development plan designed to demonstrate your competence in clinical practice in the following areas:

- a. CTG interpretation;
- b. Escalation;
- c. Team communication skills & collaborative working.

3. You must meet with your line manager, mentor or supervisor (or their nominated deputy) at least every two weeks for the first three months and thereafter at least once a month, to discuss the standard of your performance and your progress towards achieving the aims set out in your personal development plan.

4. You must forward to the NMC a copy of your personal development plan within 28 days of the date on which you take up a midwifery appointment.

5. You must send a report from your line manager, mentor or supervisor (or their nominated deputy) setting out the standard of your performance and your progress towards achieving the aims set out in your personal development plan to the NMC at least 14 days before any NMC review hearing or meeting.

#### **General Conditions:**

6. You must tell the NMC within 14 days of any nursing or midwifery appointment (whether paid or unpaid) you accept within the UK or elsewhere, and provide the NMC with contact details of your employer.

7. You must immediately tell the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose the conditions listed at (1) to (6) above, to them.

- a. Any organisation or person employing, contracting with, or using you to undertake nursing or midwifery work.
- b. Any agency you are registered with or apply to be registered with (at the time of application) to provide nursing or midwifery services.

c. prospective employer (at the time of application) where you are applying for any nursing or midwifery appointment.

d. Any educational establishment at which you are undertaking a course of study connected with nursing or midwifery, or any such establishment to which you apply to take such a course (at the time of application).

8. You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 14 days of you receiving notice of them.

a. You must within 14 days of accepting any post or employment requiring registration with the NMC, or any course of study connected with nursing or midwifery, provide the NMC with the name/contact details of the individual or organisation offering the post, employment or course of study.

b. You must within 14 days of entering into any arrangements required by these conditions of practice provide the NMC with the name and contact details of the individual/organisation with whom you have entered into the arrangement.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely at the end of 11 April 2024 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. 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 you in writing.

That concludes this determination.