

**Nursing and Midwifery Council  
Investigating Committee**

**Fraudulent/Incorrect Entry Hearing  
Tuesday 27 August 2024**

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

**Name of Registrant:** Lorna Froggatt

**NMC PIN** 80G0242E

**Part(s) of the register:** Registered Nurse – Adult Nursing

**Relevant Location:** Hertsmere

**Type of case:** Incorrect/Fraudulent entry

**Panel members:** Christopher Taylor (Chair, Registrant member)  
Aileen Cherry (Registrant member)  
Sarah McAnulty (Lay member)

**Legal Assessor:** Peter Jennings

**Hearings Coordinator:** Sophie Cubillo-Barsi

**Nursing and Midwifery Council:** Represented by Lily Belfer, Case Presenter

**Lorna Froggatt:** Present and supported by Mr Froggatt

**Outcome:** **Registration entry incorrectly made and fraudulently procured in relation to charge 1. Registration entry incorrectly made in relation to charges 3, 4 and 5.**

**Direction:** **The panel directs the Registrar to remove your entry on the register in accordance with Article 26(7) of the Order**

**Direction:** **Interim suspension order (18 months)**

## Details of charge

That you,

1. On your application for revalidation dated 29 July 2018, stated that you had received confirmation from Colleague A on 26 July 2018, when you had not received such confirmation.
2. On your application for revalidation dated 29 July 2018, stated that you had completed 35 hours of Continued Professional Development (CPD) in the previous three years, when you had completed less than 35 hours of CPD.
3. On your application for revalidation dated 31 July 2021, declared that you had a reflective discussion with Colleague A on 30 July 2021, when no such reflective discussion had taken place.
4. On your application for revalidation dated 31 July 2021, declared that you had received confirmation from Colleague A on 30 July 2021, when you had not received such confirmation.
5. On your application for revalidation dated 31 July 2021, declared that you had completed 35 hours of Continued Professional Development (CPD) in the previous three years, when you had completed less than 35 hours of CPD.

And thereby an entry on Sub Part 1 of the NMC register in the name of Mrs Lorna Froggatt, PIN 80G0242E was fraudulently procured or incorrectly made.

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

At the outset of the hearing, Ms Belfer, on behalf of the Nursing and Midwifery Council (NMC) made a request that parts of today's hearing be held in private on the basis that proper exploration of your case may involve reference to [PRIVATE]. The application was made pursuant to Rule 19 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

You made no positive submissions to 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.

Rule 19 states:

19.—(1) Subject to paragraphs (2) and (3) below, hearings shall be conducted in public.

(2) Subject to paragraph (2A), a hearing before the Fitness to Practise Committee which relates solely to an allegation concerning the registrant's physical or mental health must be conducted in private.

(2A) All or part of the hearing referred to in paragraph (2) may be held in public where the Fitness to Practise Committee—

(a) having given the parties, and any third party whom the Committee considers it appropriate to hear, an opportunity to make representations; and

- (b) having obtained the advice of the legal assessor, is satisfied that the public interest or the interests of any third party outweigh the need to protect the privacy or confidentiality of the registrant.
- (3) Hearings other than those referred to in paragraph (2) above may be held, wholly or partly, in private if the Committee is satisfied—
  - (a) having given the parties, and any third party from whom the Committee considers it appropriate to hear, an opportunity to make representations; and
  - (b) having obtained the advice of the legal assessor, that this is justified (and outweighs any prejudice) by the interests of any party or of any third party (including a complainant, witness or patient) or by the public interest.
- (4) In this rule, “in private” means conducted in the presence of every party and any person representing a party, but otherwise excluding the public.

Having heard that reference may be made to [PRIVATE], the panel determined to go into private session as and when such issues arise. It considered that your right to privacy in relation to these matters outweighed the public interest in holding those parts of the hearing in public.

## **Background**

On 2 August 2021, the NMC received a referral from Colleague A, a Clinical Operations Manager at Medicals Direct Group. You commenced employment with Medicals Direct Group on 28 February 2003.

Colleague A alleges that you used her PIN to revalidate without her consent for both your 2018 and 2021 revalidation submissions. Colleague A states that she completed your reflective discussion as your partner in 2018, but she did not confirm you because you could not provide any relevant information in regards to your CPD and that you did not fill her ‘with confidence’ that you had revalidated properly.

Additionally, Colleague A alleges that she did not act as a confirmer or reflective discussion partner for your revalidation submission on 31 July 2021. Colleague A states she did not see you nor had she been in contact with you, and had not seen any evidence or paperwork to support your 2021 revalidation.

Your online revalidation submission, dated 29 July 2018, named Colleague A as your confirmer and indicated that the confirmation was completed on 26 July 2018.

Your online revalidation submission dated 31 July 2021 named Colleague A as both your confirmer and reflective discussion partner and indicated that the reflective discussion and the confirmation were completed on 30 July 2021.

Additionally, your employer stated that you had read eight internal factsheets, on a yearly basis, and that each factsheet takes around 20 minutes to read, therefore 12 hours in total.

You provided the NMC with copies of your revalidation documents and aside from reference to the factsheets, the only other training you listed is 'First Aid at Work' in November 2017, which lasted for ten hours.

It is the NMC's case that it only has evidence of 19.5 hours of CPD completed, which is short of the 35-hour requirement for your revalidation submission dated 29 July 2018.

It is also the NMC's case that you have not provided it with any further information regarding training or CPD, and therefore the NMC have, at most, evidence of 12 hours of CPD completed for your revalidation submission dated 31 July 2021, which is also short of the 35-hour requirement.

On 31 July 2021, you applied to the NMC for an extension of time for revalidation because your confirmer/reflection partner was unavailable. In an email to the NMC on 11 August 2021, you explained to the NMC that you were waiting for some certificates to be sent to you, and that you only knew the name of the nurse at Medicals Direct Group, who you were hoping would confirm your revalidation.

## **Decision and reasons on the facts**

In reaching its decisions on the disputed facts, the panel took into account the documentary evidence in this case together, including the witness statements of Mr 1, Colleague A and Colleague B. The panel also considered the submissions made by you and Ms Belfer on behalf of the NMC.

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor.

### **Charge 1**

1. On your application for revalidation dated 29 July 2018, stated that you had received confirmation from colleague A on 26 July 2018, when you had not received such confirmation.

### **This charge is found proved.**

In reaching this decision, the panel took into account the copy of your revalidation form, dated 29 July 2018. It noted that within the form you declared that you had received confirmation as part of an appraisal. You then provide the details of Colleague A including her contact details and PIN number, as your confirmer. On the form, you state that the confirmation was carried out on 26 July 2018.

However, in Colleague A's witness statement dated 17 November 2021, she states:

*'I completed Lorna's reflective discussion as her partner in 2018, I did not confirm her back then because she did not fill me with confidence that she had revalidated correctly. We got through the reflection but that was about it because she could not provide any relevant information in regards to her CPD.'*

In an email to the NMC, dated 30 November 2022, in relation to charge 1, you state that you 'have to accept this charge'. During your oral submissions you told the panel that you were under the impression that you had received the confirmation but that you find the revalidation process confusing.

In light of all the information before it, including Colleague A's unambiguous written statement that she did not confirm your revalidation, the panel was satisfied on the balance of probabilities, that it was more likely than not that on your application for revalidation dated 29 July 2018, you declared that you had received confirmation from Colleague A on 26 July 2018 when you had not received such confirmation.

## **Charge 2**

2. On your application for revalidation dated 29 July 2018, stated that you had completed 35 hours of Continued Professional Development (CPD) in the previous three years, when you had completed less than 35 hours of CPD.

### **This charge is found NOT proved.**

When making a decision in relation to this charge, the panel again referred to your revalidation form, dated 29 July 2018. It noted that, within the form, you declare that you had '*undertaken the required hours of Continued Professional Development (CPD) in line with 'How to revalidate with the NMC'*'.

The panel had before it the NMC's guidance on how to revalidate, and in particular, the guidance in relation to continual professional development, which states:

*'The requirements*

*53. You must have undertaken 35 hours of continuing professional development (CPD) relevant to your scope of practice as a nurse, midwife or nursing associate,*

*in the three year period since your registration was last renewed or you joined the register.*

*54. Of those 35 hours of CPD, at least 20 must have included participatory learning.*

*55. You must maintain accurate records of the CPD you have undertaken. These records must contain:*

- the CPD method*
- a description of the topic and how it related to your practice*
- the dates on which the activity was undertaken*
- the number of hours (including the number of participatory hours)*
- the identification of the part of the Code most relevant to the activity, and*
- evidence that you undertook the CPD activity.'*

It is your evidence that you had completed the training required by your employer and that, on occasion, you had researched medical conditions which you were not familiar with. It is also your evidence that after you had completed your revalidation, you remembered the 'First Aid at Work' training you had completed in November 2017 which lasted for ten hours. Upon reflection, it was your opinion that you had met the required hours of CPD.

The panel noted that upon receiving the referral, the NMC did not ask you to provide evidence of the training you had undertaken, in order to meet the 35 hours of CPD required by the NMC. It noted that in addition to mandatory CPD, your employer said that there was ad hoc CPD which was not recorded. It could not therefore be satisfied that, on this charge, the NMC has discharged its burden of proof. The panel therefore finds this charge not proved, on the balance of probabilities.

### **Charge 3**

3. On your application for revalidation dated 31 July 2021, declared that you had a reflective discussion with colleague A on 30 July 2021, when no such reflective discussion had taken place.



**This charge is found proved.**

In reaching this decision, the panel took into account the copy of your revalidation form, dated 30 July 2021. It noted that within the form you declare that you had a reflective discussion with Colleague A on 30 July 2021. You then provide the details of Colleague A including her contact details and PIN number, as your confirmer. On the form, you state that the confirmation was carried out on 30 July 20121.

However, in Colleague A's witness statement dated 17 November 2021, she states:

*'...this year I was shocked to receive an email from the NMC thanking me for completing Lorna's revalidation. I did not see [Lorna] at all nor have I been in contact with her to have completed her revalidation process. I have not seen any evidence or paperwork towards her 2021 revalidation...I heard that Lorna was trying to reach out to me after she had submitted her revalidation to ask me to be her confirmer and reflector. She then proceeded to contact me and asked if I could be her confirmer and reflector. I responded to [Lorna] after I had reported her to the NMC saying that I do not think it would be appropriate for me to complete her revalidation taking all of the circumstances into consideration.'*

The panel had evidence before it demonstrating that at 16:54 on 31 July 2021, you asked the NMC for an eight week extension in order for you to properly complete your revalidation. At 17:22 your revalidation form was submitted.

It is your case that the submission of your revalidation was accidental. In an email dated 30 November 2022, you explain to the NMC the following:

*'I strongly refute this allegation. I admit that I found [Colleague A] details and filled them in on the form, but then thought better of it and asked for an extension. I received an automated email to say there would be a decision in 4 days. I then came off the website and did not consciously send the completed form...'*

This position was confirmed in your submissions today, specifically that you thought about including Colleague A's details but 'thought better of it' and consequently asked the NMC for an extension and turned the computer off. You did not dispute that the reflective

discussion with Colleague A did not take place; that was why you sought the extension of time.

The panel had before it the evidence produced by Mr 1, namely screenshots of the online revalidation screens an applicant would see and required to complete in order to submit their revalidation. The panel noted that it was not apparent within the evidence as to where the process for final submission appears or whether a deliberate action was necessary to make the submission. Therefore the panel could not rule out that the submission of the online revalidation was inadvertent as stated by you.

The panel determined however, that regardless of how the NMC received your revalidation form, the information on which the revalidation decision was made, is incorrect. It therefore finds this charge proved on the balance of probabilities.

#### **Charge 4**

4. On your application for revalidation dated 31 July 2021, declared that you had received confirmation from colleague A on 30 July 2021, when you had not received such confirmation.

#### **This charge is found proved.**

In reaching this decision, the panel took into account the copy of your revalidation form, dated 31 July 2021. It noted that within the form you declare that you had received confirmation as part of an appraisal. You then provide the details of Colleague A including her contact details and PIN number, as your confirmer. On the form, you state that the confirmation was carried out on 30 July 2021.

The panel again considered the written witness statement of Colleague A who denied that any such confirmation occurred. The panel had sight of email correspondence between you and Colleague A, dated 9 August 2021, in which Colleague A states:

*'I received the email from the NMC last week advising that I had been put down as your confirmer and so have had to query this with them, with this in mind I do not*

*feel it would be appropriate for me to go through any of your confirmation or reflective discussion paperwork.'*

You refute this allegation for the same reason, that the application was submitted inadvertently. You again accept that Colleague A had not confirmed your revalidation.

The panel considered its previous determination at charge 3 that regardless of how the NMC received your revalidation form, the information on which the revalidation decision was made, is incorrect. The panel therefore finds this charge found proved on the balance of probabilities.

### **Charge 5**

5. On your application for revalidation dated 31 July 2021, declared that you had completed 35 hours of Continued Professional Development (CPD) in the previous three years, when you had completed less than 35 hours of CPD.

### **This charge is found proved.**

When making a decision in relation to this charge, the panel again referred to your revalidation form, dated 31 July 2021. It noted that, within the form, you declare that you had *'undertaken the required hours of Continued Professional Development (CPD) in line with 'How to revalidate with the NMC'*.

The panel again referred to the NMC's guidance on how to revalidate, and in particular, the guidance in relation to continual professional development.

In an email dated 30 November 2022, you explain to the NMC the following:

*'Unfortunately I had not been able to comply with CPD , due to [PRIVATE]. [PRIVATE]. Then we had the lockdowns due to COVID 19. As above I read a great deal regarding the conditions and treatments of conditions and medications of clients I visited.'*

The panel considered its previous determination at charge 3 and 4 that regardless of how the NMC received your revalidation form, the information on which the revalidation decision was made, is incorrect. The panel therefore finds this charge found proved on the balance of probabilities.

### **Decision on Incorrect/Fraudulent Entry**

The panel accepted the advice of the legal assessor who referred it to the case of *Ivey v Genting Casinos* [2017] UKSC 67, in which Lord Hughes stated:

*'When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.'*

The panel considered the NMC's guidance in relation to *'Fraudulent or incorrect entry to the register'* (FTP-2g). In relation to incorrect entry, the guidance states:

*'Someone's entry onto the register might be incorrect if our decision to register, renew or readmit them onto the register was based on wrong or inaccurate information about them meeting the relevant requirements.*

*For example, if someone wrongly declared that they had carried out the required number of hours of registered practice because they made a mistake when calculating them, their entry will be incorrect. The entry won't be incorrect if the error or inaccuracy doesn't make a significant difference to the registration decision or has subsequently been put right.*

*An entry could also be incorrect if we made a mistake during the application process. For example, if we entered the wrong person's name onto the register because of an administrative error.*

*If an entry was incorrectly made, it doesn't mean that there was any dishonesty involved. An incorrect entry may have come about because of a simple mistake by a nurse, midwife or nursing associate, by the NMC or another third party.*

*Where we consider an entry has been made incorrectly, we'll usually investigate whether there was any dishonesty involved, in other words, if the entry was fraudulently procured.'*

The panel first considered its determination in relation to charges 3, 4 and 5. It determined that as it could not be satisfied whether you provided information to the NMC deliberately or inadvertently, the panel could not find that your actions at these charges were a deliberate attempt to mislead and therefore fraudulent. The panel therefore concluded that your revalidation entry on 31 July 2021 was incorrectly made, as it was made on the basis of information which was essential to revalidation and was not correct.

When considering charge 1, the panel considered your oral submissions today that you did not fully understand the revalidation process and that you found it to be 'confusing'. The panel noted the passage of time since charge 1 arose and that your 2018 revalidation was not called into question until 2021.

It is the evidence of Colleague A that she did not confirm your revalidation as she could not be confident that you had revalidated correctly.

The panel had evidence before it demonstrating your declaration that you had read and understood the NMC's guidance in relation to revalidation. In your oral submissions today, you confirmed to the panel that you referred to the guidance as you were completing your revalidation.

The panel noted the evidence before it of a confirmation form, which must be used in order to record confirmation. The panel was of the view that the guidance in this regard was

clear that this form must be completed by the confirmer prior to the online revalidation form been submitted.

Having considered your admission that you had read the NMC's guidance in relation to revalidation, the panel was satisfied that you should have or would have known that the information you provided, regarding confirmation, must be accurate. The panel was therefore satisfied that when applying for revalidation, you knowingly provided incorrect information. The panel was of the view that the information provided by you was not an error, but rather a deliberate attempt to mislead the NMC by knowingly submitting false information in order to remain on the NMC register. When applying the standards of an ordinary and honest person, the panel was satisfied that your conduct, as found proved within charge 1, was dishonest and therefore your entry onto the NMC register in 2018 was fraudulently procured.

### **Submissions on direction**

Ms Belfer submitted that neither taking no action nor making an amendment, would be the appropriate direction in your case. She referred the panel to the NMC's guidance in this regard. Ms Belfer invited the panel to remove your name from the register, after which you will have the opportunity to reapply and the Registrar will consider your suitability to be on the NMC's register.

You told the panel that in 2018 you did not understand the revalidation process and that you had 'misunderstood' what had been said to you by Colleague A. You stated that you thought you had been confirmed and felt 'happy' that you had the correct information as to suffice as confirmation. You told the panel that you did not act fraudulently but rather that you made a mistake. You want to remain a nurse.

### **Decision and reasons on direction**

Having determined that you had fraudulently procured an entry on the NMC's register as per charge 1, the panel went on to decide what direction, if any, to make under Article 26(7) of the 'Nursing and Midwifery Order 2001' (the Order).

Article 26(7) states:

*‘...If the Investigating Committee is satisfied that an entry in the register has been fraudulently procured or incorrectly made, it may make an order that the Registrar remove or amend the entry and shall notify the person concerned of his right of appeal under article 38.’*

The finding of a fraudulently procured entry to the NMC register as per charge 1 is a serious matter, and the panel considered that to take no action in the circumstances was wholly inappropriate.

The panel also considered that an amendment was not appropriate in this case because it was not just a matter of you having made a mistake. The false information in this case was not capable of being corrected by an amendment; it went to whether or not you had complied with revalidation requirements.

The panel considered that, in light of its finding that your entry to the NMC register had been fraudulently procured, the only appropriate action is to direct that your entry be removed. It had regard to the fact that the false information provided by you on your online application was neither trivial nor unimportant as you provided false information in relation to matters which were required for revalidation. The panel recognised the importance of maintaining the integrity of the NMC register. It considered that this was now a case where a balancing exercise was required to be undertaken, including consideration of your character and suitability to remain on the register. Those were matters most appropriately considered by the Registrar.

In relation to charges 3, 4 and 5 and the entry made in 2021, the panel was satisfied that the entry was made on the basis of information essential to revalidation, which was incorrect. It particularly noted that you agree that you had not complied with the CPD requirements, the panel decided that to amend the current entry, or to make no order, would be inappropriate.

The panel reminded itself that it is not the function of the Investigating Committee to consider the suitability of a registrant to remain on the register. This is the function of the

Registrar. The panel considered that, should you make a further application for readmission to the register, the Registrar should be afforded an opportunity to consider your suitability to be on the register, taking into consideration all the relevant information, including circumstances in which you had provided false information.

In all the circumstances the panel decided that the only appropriate order is to direct the Registrar to remove your entry from the register. The panel therefore directs that the Registrar remove your entry from the register in accordance with Article 26(7) of the Order.

You will be notified of the panel's decision in writing. You have the right to appeal the decision under Article 38 of the Order. This order cannot take effect until the end of the appeal period (28 days from the date of the notice of the decision) or if an appeal is made, before the appeal has been concluded.

#### **Decision on Interim Order:**

Having directed that the Registrar remove your entry from the register, the panel then considered whether an interim order was required under Article 26(11) of the Order, in relation to the appeal period.

The panel heard and accepted the advice of the legal assessor.

In reaching its decision on whether to impose an interim order, the panel had regard to the reasons set out in its decision on the facts and its decision to direct the Registrar to remove your entry from the NMC register. It also had regard to the guidance published by the NMC. It noted that the imposition of an interim order is not an automatic outcome but is a matter for the panel's discretion in the circumstances of the case, having regard to the public interest in maintaining the integrity of the register. It also had regard to Article 31 of the Order and the NMC's guidance on interim orders.

The panel considered it necessary to impose an interim order on the grounds of public protection and that it is otherwise in the public interest. The panel has found that you fraudulently procured your entry onto the NMC register and in the panel's view, this raised serious public protection concerns. In addition, a nurse who could circumvent the public



guarantee of safe and effective nursing practice through the process of revalidation, created a risk to the safety of the public.

The panel next went onto consider the public interest. It determined that the public interest was engaged by your registration having been fraudulently procured in 2018 and incorrectly made in 2021, with the result that the integrity of the NMC register had been brought into question. In light of this, the panel determined that an interim order was also in public interest. To do otherwise, would seriously undermine the public's confidence in the nursing profession. A fully informed member of the public would be seriously concerned should you be able to practise without restriction during any potential appeal period, before the panel's direction comes into effect.

The panel first considered whether an interim conditions of practice order could be formulated in the circumstances of this case. However, it determined that there were no workable conditions which could address the concerns as your eligibility to practise as a registered nurse had been brought into question. Further, the panel has found that you acted dishonestly and it is inherently difficult to formulate conditions which would address this concern.

The panel therefore concluded that an interim suspension order was the appropriate and proportionate order to make in this case. Whilst the panel noted that such an order may cause you financial hardship, it concluded that your interest in this regard was outweighed by public safety and public interest considerations, and that not to make an interim order would be inconsistent with its earlier findings.

The panel decided that the order should be for a period of 18 months to allow for the possibility of an appeal and, if one is brought, to allow sufficient time for it to be determined or otherwise resolved.

If no appeal is made then the interim order will lapse upon the removal of your entry on the register 28 days after you are sent the decision of this hearing in writing.

That concludes this determination.