

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

**Substantive Hearing  
Monday, 16 December 2024**

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

**Name of Registrant:** **Natasha Arpana Addington**

**NMC PIN:** 1811304E

**Part(s) of the register:** RNC: Children's Nurse, Level 1 (15 March 2019)

**Relevant Location:** England

**Type of case:** Misconduct

**Panel members:** John Kelly (Chair, lay member)  
Georgina Foster (Lay member)  
Jessica Read (Registrant member)

**Legal Assessor:** Michael Levy

**Hearings Coordinator:** Samara Baboolal

**Nursing and Midwifery Council:** Represented by Iwona Boesche, Case Presenter

**Ms Addington:** Present and represented by Michael Phillips, Of Counsel instructed by Cameron Solicitors

**NMC Application to present no evidence:** Accepted

**No case to answer:** 1(a),1(b),1(c),1(d),1(e), 2, 3

**Sanction:** N/A

## Details of charge

That you, a registered nurse:

1) On 1 October 2021, during a conversation with Colleague A made one or more of the following statements:

a) “the bible says same sex relationships are sinful, and for Colleague A to choose to live in that way is choosing to live a sinful life”

b) “there was person in [your] church [you] referred to as ‘same sex tendencies’... that this person had learnt to suppress it, to live as god (sic) intended for people to live”

c) that you “don’t recognise what Colleague A is doing as a union, and it’s not a marriage and that can only be between a man and a woman”

d) that Colleague A is “living in sin and to choose to live your life that way is sinful... that god (sic) doesn’t recognise that as a marriage”

e) “personally, I don’t believe gay people should have the right to marry, and the laws of this country used to be based on the bible, and that’s the way it should be”

f) “I urge you to talk to Jesus as he loves all his children it’s not the sinner he hates, but the sin”.

2) Your comment/s in charges 1(a) to (e) were discriminative in nature and were intended to cause harm to Colleague A

- 3) Your actions at Charges 1(a) to (e) created an intimidating and / or hostile and / or degrading and / or humiliating environment for one or more of your colleagues

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

## **Background**

A referral was made to the NMC by Colleague A on 29 November 2021 following a conversation that took place between Colleague A and yourself on 1 October 2021. You both worked as nurses at St Mary's Hospital, Imperial College Healthcare Trust. In that conversation, Colleague A, who is gay, initiated the topic of whether the church you attended had any gay members. You allegedly made the following statements:

- The Bible teaches that it is a sin and the church would not welcome it because of its teachings
- There was a person in the church of "same sex tendencies" and that this person had learnt to suppress it and to live as God intended
- The Bible says that same sex relationships are sinful and for Colleague A to choose to live that way is choosing to live a sinful life
- You allegedly did not recognise Colleague A's forthcoming same sex marriage as a union because marriage is between a man and a woman.
- You did not believe that gay people had a right to marry, the laws of this country used to be based on the Bible and that is the way it should be
- You suggested that Colleague A should talk to Jesus, it is not the sinner that He hates but the sin

Colleague A felt discriminated against and raised a grievance. The Trust undertook an investigation. Colleague A provided a written statement dated 6 October 2021 stating that the conversation made her feel shocked, insulted,

invalidated her sexuality, hurt and discriminated against. At the meeting on 7 October 2021, which both parties attended, Colleague A stated that the views expressed were discriminatory. You denied this, and you said that you would never discriminate against someone because of their homosexuality and reiterated that you had the right to your beliefs. You provided a written reflection which states that there was a discussion about same sex relationships. You expressed views that the Bible teaches that it is not right for people to be attracted to the same sex and for there to be sex outside of marriage. You also said that people attracted to the same sex should abstain from following that attraction and that the Bible teaches that marriage is between a man and a woman and that this is your personal belief.

### **NMC application to offer no evidence**

Ms Boesche, on behalf of the Nursing and Midwifery Council (NMC), made an application to offer no evidence in this matter. Ms Boesche submitted that the Case Examiner's decision was made on an incorrect basis. She submitted that you have a right to freedom of expression in a democratic society.

Ms Boesche submitted that you did not act in a way that would cause harm to the public or bring the profession into disrepute, and that this was a private conversation which took place between yourself and a colleague. Ms Boesche submitted that you have always treated patients in your care with respect and professionalism, and never treated Colleague A less favourably or treated her differently due to her sexuality.

Ms Boesche submitted that the NMC is making an application to offer no evidence at this stage in light of the above. She submitted that there is no evidence that can be put before the panel today that would allow a properly directed panel to conclude that you present a risk to the public, or that you would undermine the public confidence in the NMC if you were allowed to practise without restrictions.

The NMC written submissions are as follows:

## **“Legal framework**

*12. Rule 24(1) of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 (“the Rules”) provides as follows:*

*24. – (1) unless the Committee determines otherwise, the initial hearing of an allegation shall be conducted in the following stages:*

*(a) the preliminary stage (paragraphs (2)-(5));*

*(b) the factual stage (paragraphs (6)-(11));*

*(c) where the allegation is of a kind referred to in article 22(1)(a) of the Order, the impairment stage (paragraph (12));*

*13. It is intended that the information contained in the paragraphs 2 to 5 stands as the NMC’s written opening of this case. In addition the panel has the evidence obtained in the case.*

*The Guidance published by the NMC, DMA-3 in relation to offering no evidence states:*

*“We will only offer no evidence in a particular case if it fits with our overarching objective.*

*We’ll only apply to offer no evidence against a nurse, midwife or nursing associate in the following circumstances:*

- *When a particular part of the charge adds nothing to the overall seriousness of the case.*

- *When there is no longer a realistic prospect of some or all of the factual allegation being proved.*
- *When there is no longer a realistic prospect of a panel finding that the nurse, midwife or nursing associate’s fitness to practise is currently impaired.”*

*It will be up to the panel to decide whether it agrees that it’s appropriate for us to offer no evidence, and not continue with all or part of the case against the nurse, midwife or nursing associate”*

*The NMC guidance in relation to deciding whether there is no longer a realistic prospect of a panel finding that the nurse’s practice is impaired states as follows: “We’ll only consider offering no evidence because there’s no realistic prospect of the panel deciding that the nurse, midwife or nursing associate’s fitness to practise is currently impaired if:*

- *it's become clear that the case examiners’ decision was made on an incorrect basis or*
- *new evidence about the nurse, midwife or nursing associate’s current fitness to practise has emerged, for example evidence about the context in which the incident occurred or evidence of their insight and any steps they've taken to strengthen their practice”*

*16. Any decision made by the NMC or a practice committee must be made consistent with the NMC’s overarching objective under Article 3(4) which is to protect, promote and maintain the health, safety and wellbeing of the public, to promote and maintain public confidence in the profession and proper professional standards and conduct.*

### **Submissions**

*17. The NMC makes an application to offer no evidence. It does so on the basis that while the facts set out in Charge 1 are capable of proof on the basis of*

*Colleague A's evidence, those facts cannot amount to serious misconduct, and nor are charges 2 and 3 capable of proof, for the reasons set out below, which together mean that there is no realistic prospect of fitness to practise being impaired because it has become apparent that the Case Examiners' decision was made on an incorrect basis*

18. *The relevant law and case law:*

*(a) ECHR:Articles 9 and 10, respectively, protect the right to freedom of thought, conscience and religion and the right to freedom of expression. These rights are not absolute and have to be balanced against legitimate aim and proportionality*

*(b) Equality Act 2010 ("EA") protects a number of characteristics and includes sexual orientation. In protecting these characteristics the following conduct is prohibited:*

- *Discrimination - occurs where someone with a protected characteristic is treated less favourably than others.*
- *Harassment - unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them*
- *Victimisation - treating someone unfairly because they've complained about discrimination or harassment"*

Mr Phillips, on your behalf, noted and supported the NMC's application to offer no evidence.

The panel accepted the advice of the legal assessor.

### **Decision and reasons on application of no case to answer**

The panel accepted the NMC's application to offer no evidence and determined that there is no case to answer in respect of all of the charges. In making its decision, the panel took

into account the oral and written submissions made by the NMC and the submissions made by Mr Phillips on your behalf.

The panel acknowledged the case law referred to by the NMC in its application to offer no evidence, which included: *R (on the application of Ngole) v University of Sheffield* [2019] EWCA Civ 1127, *Higgs v Framor's School* [2023] EAT 89, and *Meade v Westminster City Council* and *Social Work England* (2200179/2022 and 2211483/2022).

Having accepted the NMC's application to offer no evidence, the panel then went on to consider whether there is no case to answer in respect of the charges before it. It considered each of the charges.

### **Charge 1**

The panel considered charge 1 in its entirety. The panel took into account that you have a fundamental right to freedom of speech, and opinion. It considered that the conversation between yourself and Colleague A was initiated by Colleague A, and was private with no other colleagues or staff present. The panel noted that there was no harm caused to patients, and that the actions alleged in this charge could not constitute a serious risk to the public or damage the public's confidence in the nursing profession. Even if proven on the facts, the conduct alleged against you is not such that it could constitute misconduct.

In light of this, the panel determined that there is no case to answer in relation to charge 1 in its entirety.

### **Charge 2**

The panel took into account that there is no evidence before it which suggests that the conversation was intended by you to cause harm to Colleague A or be discriminatory in any way. It took into account your written account of the incident, which says:



*“At the time I believed I was having a conversation with a colleague with whom I was on very friendly terms. We were having a consensual conversation where we held differing views, but views that could coexist and be mutually respected. At no point did [Colleague A] show any signs of distress and I believed we were having a reasonable exchange which I expected to end with both our respective positions and our relationship intact. [...] There were no patients, visitors or colleagues involved.”*

Having regard to the evidence available and submissions from the NMC, the panel determined that no reasonable panel could find this charge proved.

In light of the above, the panel determined that there is no case to answer in relation to charge 2.

### **Charge 3**

The panel acknowledged the written account provided by Colleague A, which details the conversation between you. The panel took into account that there is no evidence before it to suggest that your behaviour was “hostile”, “degrading” and/or “humiliating”, given the nature and circumstances of the conversation and that this was an informal and personal discussion about different beliefs. Your own reflection implied that you did not intend to cause any offence, and stated that there was no one else in the room. You further said that Colleague A did not express any signs of distress throughout the conversation, and the panel acknowledged that Colleague A could have stated clearly that she was finding this conversation difficult.

The panel further took into account the positive testimonials provided on your behalf, which attest to your ability to practise as a nurse and your character. The panel determined that no reasonable panel, on the evidence available, could find this charge proved.

In light of the above, the panel determined that there is no case to answer in relation to charge 3.

In light of all of the above, the panel determined that there is no case to answer in relation to charge 1 in its entirety, charge 2, and charge 3.

That concludes this case.