

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

**Substantive Hearing
Monday, 25 November 2024 – Tuesday, 3 December 2024**

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

Name of Registrant:	Jordan Windsor Henry Smith	
NMC PIN	12C0585E	
Part(s) of the register:	Registered Nurse – Mental Health Nursing RNMH – (1 May 2012)	
Relevant Location:	Nottinghamshire	
Type of case:	Misconduct	
Panel members:	Andrew Macnamara	(Chair, Lay member)
	Lucy Watson	(Registrant member)
	James Kellock	(Lay member)
Legal Assessor:	John Caudle	
Hearings Coordinator:	Yewande Oluwalana (25 November 2024 – 2 December 2024) Sherica Dosunmu (3 December 2024)	
Nursing and Midwifery Council:	Represented by Iwona Boesche, Case Presenter	
Mr Smith:	Present and represented by Sian Priory, instructed by the Royal College of Nursing (RCN)	
Facts proved by admission	Charges 1a and 1b	
Facts proved:	Charges 3a, 3b, 4c,	
Facts not proved:	Charges 2,3c, 4a, 4b, 5a, 5b(i) and 5b(ii)	
Fitness to practise:	Impaired	
Sanction:	Caution (3 years)	

Decision and reasons on application to amend the charge

The panel heard an application made by Ms Boesche, on behalf of the Nursing and Midwifery Council (NMC), to amend the wording of charges 5 and 5a.

The proposed amendment was to add the word 'or' to charge 5 and charge 5a. It was submitted by Ms Boesche that the proposed amendment would provide clarity and more accurately reflect the evidence.

5. Your acts in relation to charges 3 and/or 4 constituted harassment, in that:

a. You engaged in unwanted conduct, and/or

Ms Priory on your behalf, noted that she had no observation in respect to the amendment in charge 5 with the additional wording of 'or'. Ms Priory submitted that the addition of the word 'or' to charge 5a in effect changes the nature of the charge, however she stated that it would be ultimately the panel's decision.

The panel accepted the advice of the legal assessor and had regard to Rule 28 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel was of the view that such an amendment, as applied for, was in the interest of justice. The panel was satisfied that there would be no prejudice to you and no injustice would be caused to either party by the proposed amendment being allowed. It was therefore appropriate to allow the amendment, as applied for, to ensure clarity and accuracy in the charges.

Details of charge (as amended)

That you, whilst employed as Deputy Manager of Thistle Hill Hall ("the Home"),

1. Between 31 October 2022 and 21 November 2022, recorded incorrect sign in and sign out times on,

- a. The fire register. **[FOUND PROVED BY ADMISSION]**
 - b. Timesheets. **[FOUND PROVED BY ADMISSION]**
2. Your actions at charges 1(a) and 1(b) were dishonest in that you deliberately recorded incorrect times with the intention of making a financial gain. **[FOUND NOT PROVED]**
3. On one or more unknown dates, in relation to Colleague 1, made inappropriate comments, namely,
- a. "Because you're black", or words to this effect. **[FOUND PROVED]**
 - b. "I wouldn't say aggressive is the word, cunt is", or words to this effect. **[FOUND PROVED]**
 - c. Asked if she knew "Pisces are the best lovers?" or words to this effect. **[FOUND NOT PROVED]**
4. On an unknown date, in relation to Colleague 1, behaved inappropriately by,
- a. Turning off the dashcam to speak about your sexual life. **[FOUND NOT PROVED]**
 - b. Asking what her type was before describing your type in graphic detail. **[FOUND NOT PROVED]**
 - c. Asking her whether she was "fucking anyone?". **[FOUND PROVED]**
5. Your acts in relation to charges 3 and/or 4 constituted harassment, in that:
- a. You engaged in unwanted conduct, and/or **[FOUND NOT PROVED]**
 - b. Your conduct had the purpose or effect of: **[FOUND NOT PROVED]**
 - i. Violating the dignity of Colleague 1, and/ or
 - ii. Creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague 1.

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

Decision and reasons on application for parts of Witness 2's evidence to be in private

Before Witness 2 (Colleague 1) was called to give evidence on Monday 25 November 2024, Ms Priory made a request that parts of Witness 2's evidence should be held in private as there would be questions asked regarding Witness 2's [PRIVATE]. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Ms Boesche indicated that she supported 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 where reference is made to Witness 2's [PRIVATE] during her evidence, those parts would be held in private session, in order to protect Witness 2's right to not have her private life in the public domain.

Background

The NMC received a referral on 27 March 2023 from Witness 4, the Registered Manager at Thistle Hill Hall ('the Home'). You were employed as Deputy Manager at the Home from 29 August 2022 until you resigned on 13 January 2023.

It is alleged that between 31 October 2022 and 21 November 2022 it was found that you had signed in and out incorrectly on the fire register on 16 different occasions. This was verified by CCTV footage and your key fob against the signing in and out records.

Further it is alleged that on more than one occasion you made inappropriate remarks to and about Colleague 1. During a staff discussion about a secret Santa present, Colleague 1 commented that she did not have one, it is alleged you said to

Colleague 1, *'is it because you're black'*. On another occasion it is alleged you remarked to Colleague 1 that Caribbean women were aggressive, and then when challenged you said *'I wouldn't say aggressive is the word, cunt is'* or words to this effect.

It is further alleged on another occasion, you asked Colleague 1 about her star sign, volunteering that you were a Pisces. It is alleged you asked Colleague 1 whether she knew Pisces were the best lovers.

On another occasion when you and Colleague 1 were in the car during a visit to a service user in hospital, you turned off the dashcam and asked Colleague 1 about her sexual relationships and made reference to your own.

Decision and reasons on facts

At the outset of the hearing, the panel heard from Ms Priory, who informed the panel that you make full admissions to charges 1a and 1b.

The panel therefore finds charges 1a and 1b proved in their entirety, by way of your admissions.

The panel went on to consider the disputed facts. In reaching its decisions on the disputed facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Ms Boesche on behalf of the NMC and by Ms Priory on your behalf.

The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that a fact will be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

The panel heard oral evidence from the following witnesses called on behalf of the NMC:

- Witness 1: Registered Nurse at the Home at the time of the alleged incidents

- Witness 2/Colleague 1: Rehabilitation Assistant and Social work student at the Home at the time of the alleged incidents

- Witness 3: Rehabilitation Assistant at the Home at the time of the alleged incidents

- Witness 4: Registered Manager of the Home at the time of the alleged incidents

The panel also heard evidence from you under affirmation.

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor. Further written legal advice regarding charge 5 was provided to the panel before it deliberated on facts. The hearings coordinator provided copies of the written legal advice to both Ms Boesche on behalf of the NMC and Ms Priory on behalf of you. Both counsels confirmed receipt of the legal advice.

The panel then considered each of the disputed charges and made the following findings.

Charge 2

That you, whilst employed as Deputy Manager of Thistle Hill Hall (“the Home”),

2. Your actions at charges 1(a) and 1(b) were dishonest in that you deliberately recorded incorrect times with the intention of making a financial gain.

This charge is found NOT proved.

In reaching this decision, the panel took into account Witness 4's evidence which included Timesheets, and copies of the Fire register for the Home for the time period 31 October 2022 – 21 November 2022. The panel also took account of your oral evidence.

The panel noted that you had admitted to charges 1(a) and 1(b) in that you had recorded incorrect sign in and sign out times on the fire register and the timesheets during this period.

The panel heard that the initial concerns about the entries were brought to the attention of Witness 4 and you by Ms 1, a director at the Home, following a visit by another director. Witness 4 in her witness statement had stated that on 16 occasions there were incorrect entries during this period. Witness 4's investigation was supported by CCTV footage and key fob times.

You explained to the panel that when you took up the role as Deputy Manager at the Home, you had discussed needing flexibility with your working hours due to your [PRIVATE]. Witness 4 confirmed this discussion had taken place, and that she had agreed flexible working that allowed for earlier starts and finishing times for you. You further stated, you were told it would be fine as long as you worked your contracted hours.

You further stated that the administrative staff at the Home were responsible for correct payment of hours and did this by comparing staff timesheets and the fire register against the staff roster. You said the administrative staff raised concerns with you and another member of staff about your timesheets and the fire register, namely that these did not correspond with the duty roster. You said you tried to explain this, but the administrative staff were difficult and rude to you. You raised this

with Witness 4, but the situation did not get resolved. Witness 4 said this had been raised with her, but the problem was with the rosters.

The discrepancies that were identified were noted to be mainly in the afternoon when you may have been leaving for [PRIVATE]. Many of the times would not have resulted in an extra payment.

You said that you only became aware this was a problem when you were called into a meeting with Witness 4 and Ms 1 without any notice. In the meeting you were told an investigation would be launched and you could be prosecuted, and referred to the NMC. You explained your shock at hearing this and as a result you were unable to give an account of your actions. You provided a response to Ms 1 and Witness 4 in a statement emailed 16 January 2023 regarding the fact you felt you were owed the time identified in the discrepancies as you never took as many breaks as other staff members. In the hearing you told the panel that the reasons for the discrepancies were for [PRIVATE].

The panel considered that at the time, your genuine belief was that you were allowed to record your hours in the way that you did. You were clear in your oral evidence that the time recorded was permitted by your manager (who signed your timesheets), was for [PRIVATE] and was not with the intention of making a financial gain. There was evidence that you had worked your hours and sometimes more hours than required. Witness 4 also said there was no issue with the arrangement that had been agreed and that you had a good working relationship.

The panel noted there was evidence you had deliberately recorded the incorrect times, but it was not with the intention of making financial gain. Indeed, the panel saw no evidence of any financial gain. The panel concluded that what you did would not be considered to be dishonest by the standards of ordinary decent people. The panel therefore determined that the NMC had not discharged its burden of proof and charge 2 is found not proved.

Charge 3a)

That you, whilst employed as Deputy Manager of Thistle Hill Hall (“the Home”),

3. On one or more unknown dates, in relation to Colleague 1, made inappropriate comments, namely,

a. “Because you’re black”, or words to this effect.’

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Witness 2, Witness 3 and your evidence.

When considering the following charges, the panel were provided with the following contextual information regarding the working culture at the Home.

The panel heard from witnesses that the working environment at the Home was very ‘friendly’ and ‘jovial’. It was mentioned that this was a young staff group who joked with each other and at other people’s expense. A number of witnesses said that there were words used which were inappropriate by a number of staff members. Jokes and ‘banter’ would take place in the care office and never in front of service users. There were also a number of romantic relationships between staff members. Witness 4 said that there was not the clearest lines of distinction between management and staff. This was supported by other witnesses. Witness 4 in evidence said that she ran a ‘*diplomatic service and not an autocratic one*’. Witness 2, Witness 4 and you were relatively new at the Home. The panel was told that the previous manager and deputy manager had left, causing uncertainty for staff and Witness 4 was trying to move the team forward.

The panel heard from Witness 2, who told the panel that she believed it was a joke and said in jest and that it was not an ‘*issue for me*’ but others were offended for her. She was clear in her evidence to the panel that she did not have an axe to grind with you and never wanted to report or make a fuss of the incident.

Witness 3 in her oral evidence, indicated that she was confident about her recollection of the events and was certain that the words were used but was not sure

in what order. Witness 3 also stated that it was a bit inappropriate for the comment to be made. The panel determined that Witness 3's version of events was consistent with Witness 2's evidence.

You told the panel that you deny the allegation.

The panel determined that you said '*because you're black*' or words to this effect and that this was an inappropriate comment on Colleague 1's ethnicity. As a deputy manager in a leadership role, you should have been the one to call out inappropriate behaviour and not be a contributor. The panel therefore finds this charge proved.

Charge 3b)

That you, whilst employed as Deputy Manager of Thistle Hill Hall ("the Home"),

3. On one or more unknown dates, in relation to Colleague 1, made inappropriate comments, namely,

b. "I wouldn't say aggressive is the word, cunt is", or words to this effect

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Witness 2 and your evidence.

Witness 2 in evidence said there was several members of staff discussing the different culture for Caribbean people. Witness 2 said your words were said as a joke and said in jest and there was no malice in your comments. Witness 2's evidence was consistent with what she said to the local investigation and to this panel in oral evidence.

You vehemently denied this allegation or use of the language.

The panel bore in mind the context of the working culture as mentioned in charge 3a above and concluded it is more likely than not you had said these words. The panel

also took into account that there was banter between Witness 2, another member of staff and you. The panel also noted that Witness 2 reiterated in her oral evidence that she had no issue with you or an axe to grind.

The panel finds on the balance of probabilities that you said, '*I wouldn't say aggressive is the word, cunt is*', or words to this effect. The panel finds that there was no justification for you to use the word '*cunt*'. This was crude and denigrating to women and wholly inappropriate in the workplace. This charge is found proved.

Charge 3c)

That you, whilst employed as Deputy Manager of Thistle Hill Hall ("the Home"),

3. On one or more unknown dates, in relation to Colleague 1, made inappropriate comments, namely,

- c. Asked if she knew "Pisces are the best lovers?" or words to this effect.

This charge is found NOT proved.

In reaching this decision, the panel took into account the evidence of Witness 2 and your evidence.

The panel noted that when Witness 2 was giving evidence she said that the conversation had taken place whilst in the car, whilst on a work visit (see charge 4). She told the panel that you were discussing [PRIVATE]. Witness 2 also indicated that she did not want any of the incidents to be reported.

When questioned, you denied saying the words alleged but confirmed that your star sign was Pisces.

The panel was of the view that given the context of the conversation between two individuals, it was more likely than not that this statement was made. The panel considered this was a private conversation between two individuals was in keeping with a conversation about their respective relationships and the language used was not inappropriate. Therefore, this charge is found not proved.

Charge 4a)

“That you, whilst employed as Deputy Manager of Thistle Hill Hall (“the Home”),

4. On an unknown date, in relation to Colleague 1, behaved inappropriately by,
 - a. Turning off the dashcam to speak about your sexual life.

This charge is found NOT proved.

Charge 4 relates to alleged aspects of the same conversation as charge 3c.

In reaching this decision, the panel took into account the evidence of Witness 2 and your evidence.

Witness 2 in her witness statement stated:

‘At this point Jordan switched off the dash cam. I asked Jordan why he had switched off the dash cam, and he said he knew it recorded sound.’

When questioned about the dashcam, Witness 2 said that she believed it was to record any incident that would occur with the car.

You accepted that you turned off the dashcam. You said that there was no sound with the dashcam and that you were confused about the dashcam, and you had not read the relevant Home policy. You told the panel that the dashcam would be on when a service user was in the car, if there was no service user, you would turn the camera off as you also did not want to be under surveillance by your employer.

The panel considered the evidence before it and it determined that although there is no dispute that the dashcam was turned off, it had seen no evidence that this was so that you could speak about your sex life. Therefore, the panel finds this charge not proved.

Charge 4b)

That you, whilst employed as Deputy Manager of Thistle Hill Hall (“the Home”),

4. On an unknown date, in relation to Colleague 1, behaved inappropriately by,
 - a. Asking what her type was before describing your type in graphic detail.

This charge is found NOT proved.

In reaching this decision, the panel took into account the evidence of Witness 2 and your evidence.

Witness 2 in her oral evidence was clear that you asked her about what her preference in a man was, she said ‘*white men were her type*’ and that she thought you would be surprised. She further stated that she discussed [PRIVATE]. In her answers, Witness 2 initially said she would be speculating if she were to give a description of what she had meant by “graphic detail”. On being questioned further she mentioned height, body type and hair colour.

The panel noted that although it was satisfied that you both engaged in conversation about your respective relationships, it had no evidence before it that you had described your type in ‘*graphic detail*’ or of any inappropriateness in respect of this charge. Therefore, the panel finds this charge not proved.

Charge 4c)

That you, whilst employed as Deputy Manager of Thistle Hill Hall (“the Home”),

4. On an unknown date, in relation to Colleague 1, behaved inappropriately by,
 - c. Asking her whether she was “fucking anyone?”.

This charge is found proved.

In reaching this decision, the panel took into account the meeting minutes of the local investigation dated 13 February 2023, the evidence of Witness 2 and your evidence.

In the meeting minutes of the local investigation dated 13 February 2023, Witness 2 met with Witness 4. It was stated that:

‘[Witness 2] said that Jordan started telling her what his type is and being graphic in description then he point blank asked her if she was ‘fucking anyone’, she was shocked at his questions and didn’t know how to answer, Jordan said he was just being nosey’.

Witness 2 in her oral evidence was adamant that she remembers this is what you said. Given the context of the conversation, which was intimate and involved romantic relationships and the type of language used by some staff at the Home it is more likely than not that this was said. Witness 2 said that you did not make her uncomfortable it was the subject matter of [PRIVATE] that made her uncomfortable.

The panel considered that during the car journey, you were both having a conversation about personal relationships. Even though this was a personal conversation in a private space, you were at work as a deputy manager, and you should have steered the conversation more appropriately and remembered your position as a leader, and a role model, and used appropriate language. The panel determined that you behaved inappropriately by asking her whether she was *‘fucking anyone?’*. This charge is found proved.

Charge 5)

That you, whilst employed as Deputy Manager of Thistle Hill Hall (“the Home”),

5. Your acts in relation to charges 3 and 4 constituted harassment, in that:

- a. You engaged in unwanted conduct, and/or
- b. Your conduct had the purpose or effect of:
 - i. Violating the dignity of Colleague 1, and/ or

- ii. Creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague 1.

This charge is found NOT proved.

In reaching this decision, the panel took into account the evidence of Witness 2 and your evidence.

In considering charge 5, the panel viewed this charge in conjunction with charges 3a, 3b and 4c which it had found proved. When looking at charge 5a, the panel considered unwanted conduct in light of the charges found proved.

The panel considered Witness 2's witness statement, she stated:

'7. I didn't report any of these incidents, others did. Throughout my life as a black woman, I've had comments made to and about me - I can't report them all. I don't need to be a crusader for black women. It doesn't need to be my face on it. I don't want to be spearheading it.

...

15. I often have residents say racist things to me, so I think I've become desensitised.

...

19. I didn't report this incident. [Witness 4] asked me about it in the investigation meeting on 13 February 2023 (Exhibit KL/3) because it was raised by other staff. After this incident occurred, I just thought I'll stick this out until I've got my degree and then I can leave. I didn't want to talk about it.'

The panel noted that Witness 2 was consistent in her evidence that she did not raise concerns about the interactions she had with you, and she took the comments at charges 3a and 3b as having been made in jest. In relation to the comment at charge 4c, she said that you were not making her feel uncomfortable, [PRIVATE]. She also did not want to be involved in reporting you. Witness 2 emphasised that she was a transient member of the workforce who wanted to 'stick it out' until the end of the placement. However, Witness 2 could not speak to the appropriateness of the

comments. Given the evidence of Witness 2 about her desire to leave the Home as soon as possible and how she had become desensitized about comments about her ethnicity, which were not uncommon in her experience, the panel concluded that comments at charge 3a and 3b were unwanted.

In respect of the conversation in the car at charge 4c, the panel considered that this was a conversation about personal and intimate relationships. The panel was of the view that to consider whether or not it was unwanted conduct would be speculation. Therefore, the panel could not determine that you engaged in unwanted conduct in respect of charge 4c.

In respect of charge 5b(i) and (ii), Witness 2 on several occasions during her oral evidence was asked about what she felt about the comments. On each occasion she thought that your comments were meant as a joke and not offensive. Witness 2 often said she did not feel anything about the comments. She said that others were offended for her and '*bandwagoned onto this*', while she simply thought it was '*banter*'.

Witness 2 stated:

'I didn't want to get into it at that point. I was concentrating on getting my degree. In my mind it wasn't going to stay a problem for me because I intended to hand in my notice once I had my degree'.

The panel noted there was no evidence before it to suggest there was a history of animosity or grievances between Witness 2 and you. In Witness 2's evidence she said you had a good working relationship.

Witness 2 was questioned by Ms Priory and Witness 2 said she was not at all bothered or upset by your comments. Further Witness 2 confirmed in evidence that she had never felt humiliated by you, had never felt degraded by you, and had not felt that her dignity had been violated by you in respect of any of the above charges.

The panel took account of the evidence about the jokey atmosphere at the Home, the blurred lines between management and staff and the use of language by others similar to that alleged against you. In these circumstances the panel was not persuaded that when you made the remarks at charges 3a and 3b your purpose was as set out at charge 5b(i) or 5b(ii).

The panel determined although there was unwanted conduct in respect of charges 3a and 3b, this did not amount to harassment. It found that Witness 2 was clear in her answers to the direct questions about the effect it had on her and there was no indication that you or Witness 2 had a bad relationship, in fact it was confirmed by witnesses that you had a good relationship. Accordingly, the panel concluded that the unwanted comments had neither the purpose or the effect of violating Colleague 1's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague 1. Therefore, the panel finds this charge not proved in its entirety.

Fitness to practise

Having reached its determination on the facts of this case, the panel heard evidence from you before it moved on to consider, whether the facts found proved amount to misconduct and, if so, whether your fitness to practise is currently impaired. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's ability to practise kindly, safely and professionally.

The panel, in reaching its decision, has recognised its statutory duty to protect the public and maintain public confidence in the profession. Further, it bore in mind that there is no burden or standard of proof at this stage and it has therefore exercised its own professional judgement.

The panel adopted a two-stage process in its consideration. First, the panel must determine whether the facts found proved amount to misconduct. Secondly, only if the facts found proved amount to misconduct, the panel must decide whether, in all the circumstances, your fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct

In coming to its decision, the panel had regard to the case of *Roylance v General Medical Council (No. 2)* [2000] 1 AC 311 which defines misconduct as a *'word of general effect, involving some act or omission which falls short of what would be proper in the circumstances.'*

Ms Boesche invited the panel to take the view that the facts found proved amount to misconduct. The panel had regard to the terms of The Code: Professional standards of practice and behaviour for nurses and midwives (2015) (the Code) in making its decision.

Ms Boesche in her written submissions identified the following specific, relevant standards where your actions amounted to misconduct. Ms Boesche stated the following:

'1. Relating to charges 3 a. and b. (treating people without discrimination)

20.2: *act with honesty and integrity at all times, treating people fairly and without discrimination, bullying or harassment.*

1. *Relating to charges 3 a. and b., and 4c.:*

20.3 *be aware at all times of how your behaviour can affect and influence the behaviour of other people;*

2. *Relating to all charges proved:*

20.8 *act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to.'*

Further Ms Boesche submitted that your actions fell short of what would be *'proper in the present circumstances'*. She stated in her written submissions the following:

'a. Serious concerns which are more difficult to put right

- *breaching the professional duty of candour to be open and honest when things go wrong, including covering up, falsifying records (charges 1 a. and b.) ...;*
- *discriminatory behaviour (charges 3a. and b.);*
- *failed to uphold people's dignity, treat them with kindness, respect and compassion (charges 3a. and b., and 4c.).*

b. Serious concerns which could result in harm if not put right

- *failed to uphold the reputation of the profession, by not ... treating people fairly, without discrimination (charges 3a and b.).'*

Ms Boesche submitted that your actions amount to serious misconduct.

Ms Priory provided the panel with written submissions. She stated the following:

'5. The registrant made admissions to charges 1(a) and 1(b). Accordingly, the panel found those charges to have been proved by admission.

6.... Having determined that the registrant's intentions were effectively honourable, it would be remiss of the panel to make a finding that the same conduct amounted to misconduct.

7. Moreover, even if the panel were to take the view that the conduct was a departure from what was expected in terms of home policy, it cannot be said that his actions were so serious as to be viewed as deplorable by his colleagues.

8. It is contended that charges 3(a), 3(b) and 4(c) do not amount to misconduct. The panel notes that the comments in respect of both charges were inappropriate. Inappropriateness is not the test for misconduct. It is submitted that the panel may take the view that the comments were ill-advised / inappropriate, but that the comments fall far short of being viewed as 'deplorable' by his colleagues. Of course, the panel will recall the evidence

of his colleagues being that it was meant and taken as a joke on each occasion and was far from being out of place in the culture of the home.'

Submissions on impairment

Ms Boesche provided written submissions in respect of impairment. Ms Boesche submitted that the panel had to consider three questions. She stated:

'6. The first question is whether Mr Smith acted and/or is liable in the future to act so as to put a person receiving care at unwarranted risk of harm. There is no evidence to suggest that his actions put persons in care at risk of harm.'

Ms Boesche when looking at the second question of whether you have in the *'past breached and/or liable in the future to breach a fundamental tenet of the profession'* referred the panel to the Code (as detailed above in misconduct).

Ms Boesche further submitted in respect of the third question, whether you had in the past acted and/or is liable in the future to act dishonestly. *'Although Mr Smith recorded incorrect sign in and sign out times on the fire register and timesheets, the Panel did not consider this amounted to dishonesty. There are therefore no grounds to suggest that he is liable to act dishonestly in the future.'*

Ms Boesche further stated:

'13. This is not a case of a clinical error but rather a sign of a deep-seated attitudinal issues and lack of professionalism in the workplace.

14. Racist and other discriminatory attitudes and behaviours are known to have various devastating consequences on people including their mental and physical health and dignity. Although the [Witness 2] did not assert that she was affected by Mr Smith's racist remarks, she remarked that she may have been desensitised.

15. On behalf of the NMC, it is submitted that Mr Smith's practice is impaired'.

Ms Priory made written submissions in relation to impairment,

'Impairment

9. *In the event that the panel find that any of the charges amount to the statutory ground of misconduct, it is contended that the registrant is currently fit to practice.*
10. *The NMC assert that the charges are demonstrative of “deep-seated attitudinal issues” which is simply not evidenced. The allegations relate to a very short period of time. The panel will no doubt consider not only that there have been no previous or subsequent concerns raised regarding Mr Smith’s attitude, communication or professionalism, but more than that there is a host of testimonials which attest to his professionalism.*
11. *The Registrant has served a ‘reflections’ document in his FTP bundle which reflects appropriately and comprehensively on communication and professional boundaries.*
12. *The Registrant continued to work as a nurse until May 2023 at Milewood Health Care where he worked as a Manager. The panel is invited to read the glowing testimonial of Lyndsey Purdie who was Mr Smith’s manager during his time there.*
13. *Since being suspended from practice, Mr Smith has been working as a support worker at Cygnet Healthcare where he has worked with vulnerable service users on a female psychiatric ward.*
14. *No issues have been raised about his conduct since these allegations have been made.*
15. *The panel is invited to carefully read and review the 17 testimonials served on the registrant’s behalf in the FTP bundle. What is clear from those*

testimonials is that there is a consensus amongst his colleagues regarding the following points:

- *He is a highly regarded nurse and support worker;*
- *He is an asset to the profession;*
- *He is highly professional and trustworthy;*
- *He is an excellent manager with real leadership skills;*
- *There have been no previous or subsequent concerns over his professionalism in the workplace;*
- *There have been non concerns over his working closely with female colleagues and service users;*
- *There have been no concerns over his working with colleagues and service users of colour;*

16. Accordingly, far from being currently impaired, it is clear that the Registrant is particularly highly regarded in his capabilities and professionalism, and that the professions would suffer a great loss in his absence.'

The panel accepted the advice of the legal assessor which included advising the panel on the need to have regard to protecting the public and the wider public interest. The latter embraced the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. The advice included reference to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin) and *Roylance v General Medical Council* (No 2) [2000] 1 A.C. 311.

Decision and reasons on misconduct

When determining whether the facts found proved amount to misconduct, the panel had regard to the Code.

The panel was of the view that your actions did fall significantly short of the standards expected of a registered nurse, and that your actions amounted to a breach of the Code. Specifically:

‘10.4 attribute any entries you make in any paper or electronic records to yourself, making sure they are clearly ... timed ...

20.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people

20.8 act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to.’

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. The panel considered the charges it found proved individually and collectively.

In respect of charges 1a and 1b the panel concluded that your conduct in these charges did breach the Code at 10.4. Although this did fall short of the standard expected of a registered nurse, the panel determined that this was not serious misconduct. It considered the contextual information provided and that your actions to complete the fire register and timesheet incorrectly constituted poor professional judgement.

The panel next considered charges 3a, 3b and 4c.

The panel was of the view that these charges arose from conversations on three separate occasions. Although the panel heard evidence that the work culture was “jovial and friendly” and the team had come from a period of uncertainty, the panel found that these comments by you were inappropriate.

The panel was of the view that in respect of charge 3a, you were joining into a conversation where aspersions were made regarding Colleague 1 in a joking

manner. However, the language you used made reference to Colleague 1's ethnicity without any justification.

In respect of charge 3b and the use of the word '*cunt*' this was during a conversation relating to aspersions made about Caribbean people in which you used this term to refer to a colleague. Given your position as a deputy manager at the Home, you should not have condoned the conversation or behaviour and you should have set the standards that needed to be followed by staff.

In respect of charge 4c, this conversation took place in a car with a junior member of staff, Colleague 1 who was also a student social worker for whom you were acting as a mentor. There was a clear power imbalance in the car conversation. As a deputy manager it would have been your responsibility to have set the tone of the conversation and maintain professional boundaries at all times.

The panel concluded when taking charges 3a, 3b and 4c individually and collectively, your actions did fall significantly short of the proper standards expected of a registered nurse and deputy manager. It also determined that other professionals would have found your conduct deplorable due to the use of language and the type of conversation you held with a junior member of staff.

The panel found that your actions at charges 3a, 3b and 4c did amount to serious misconduct.

Decision and reasons on impairment

The panel next went on to decide if as a result of the misconduct, your fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 February 2024, which states:

'The question that will help decide whether a professional's fitness to practise is impaired is:

“Can the nurse, midwife or nursing associate practise kindly, safely and professionally?”

If the answer to this question is yes, then the likelihood is that the professional’s fitness to practise is not 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. To justify that trust, nurses must be honest and open and act with integrity. They must make sure that their conduct at all times justifies both their patients’ and the public’s trust in the profession.

The panel also 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) has in the past acted dishonestly and/or is liable to act dishonestly in the future'*

The panel finds that limbs a) and d) were not engaged. No actual harm was caused to patients nor, in the panel's judgement, are you liable in the future to put patients at unwarranted risk of harm. The panel did not find the dishonesty charge proved.

In respect of limbs b) and c), the panel finds that these were engaged. The panel noted that the nature of what you said, your behaviour in a leadership role, and the use of inappropriate words in the workplace brought the reputation of the nursing profession into disrepute. At all times as a registered nurse when working you are expected to be professional and use appropriate language when around colleagues and patients. As a nurse you should act with dignity, politeness and in a way that would allow colleagues to come to you and raise concerns.

The panel considered that you had shown insight into your misconduct and had reflected on your actions. The panel had sight of your bundle that exhibited positive and detailed testimonials from a wide range of former colleagues and your current manager at Cygnet Healthcare. It noted your current team leader and line manager, who stated:

'His previous experience, skills and knowledge has been essential within the time he has been here. Jordan also has good working relationships with all of the other colleagues who enjoy working with Jordan when he is on shift.'

A colleague in your current employment stated:

'...His extensive knowledge and skills are valuable to ensuring the shift runs smoothly and both staff and service users know they can rely upon him. Staff ... value Jordan as a member of the team and he has built good working relationships in the short time that he has been here, and provides newer and less experienced staff with useful knowledge to help them reach their full potential...'

A doctor who worked with you between 2013-2015 and again more recently stated:

'He was dedicated to his role ensuring that patients received the highest quality of care. He mentored junior members of staff and was able to lead the team effectively when in charge... Jordan is an outstanding mental health nurse who is thought of highly by his peers and been shown a great deal of gratitude by the patients he has cared for...'

During panel questions you told the panel that you are currently working in a healthcare setting and that you “absolutely” want to go back to nursing.

The panel was reassured that you have learnt and reflected on the past situations. When questioned, you said it is really important how you talk to service users and colleagues and that it *'reflects on you'*. When talking about being in a managerial position, you said that you have to lead by example and show colleagues that you are a *'respectable person'*, and that there are topics that are inappropriate in the workplace such as *'race'*. If a similar conversation were to arise in your current role as a support worker, you said that you would walk away and not engage with the conversation. You said that if you were the manager, you would tell the staff members to stop the conversation and call it out. You said as a healthcare assistant that conversations of a personal nature are spoken about in the workplace, but that you do not engage and walk away. You said you would think carefully about being alone with colleagues. With regard to the conversation in the car, you said that you would not be so naïve in the future and would not get into a conversation about personal relationships.

The panel was satisfied that the misconduct in this case is capable of being addressed. Therefore, the panel carefully considered the evidence before it in determining whether or not you have taken steps to strengthen your practice. The panel took into account the additional, relevant training you have undertaken, and the reflective piece written by you dated 10 November 2024. You stated:

'Maintaining clear, respectful boundaries is essential to creating a safe, productive, and ethical work environment. It is essential to providing high-quality, ethical care. Violating these boundaries can negatively affect not just you as an individual but also your team, organisation, patients, and the nursing profession. Clear boundaries help to protect patients' rights, promote trust in the healthcare system, and safeguard the well-being of both healthcare providers and patients.'

Whilst limbs b) and c) were engaged in the past, the panel determined that they are not engaged now. There is no suggestion that this type of behaviour by you took place before the incidents reported and there is no further evidence before the panel, that since these incidents you have repeated this misconduct. The NMC submitted that you had deep seated attitudinal concerns, however from the evidence before the panel, it showed that you engaged in unprofessional behaviour to some extent due to the working culture of the Home. You have reflected on your behaviour and what you would do differently. Based on the information before the panel, it finds that the risk of repetition is minimal.

The panel determined that you are not currently impaired on the grounds of public protection.

The panel next considered whether you are impaired on the grounds of public interest.

The panel bore in mind that the overarching objectives of the NMC are 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 noted that Colleague 1 said she was not offended by the comments that you made, however she made it clear that she had become '*desensitized*'. However, the panel found that it was not right that a deputy manager engaged in a conversation that talked about someone's ethnicity in the way that you did and should not have condoned the conversation. Again, even if Colleague 1 was not offended by the language you used in charge 3b, it was highly inappropriate in all the circumstances.

The panel determined that a finding of impairment on public interest grounds is required due to the nature of the interactions and what would be perceived by your behaviour. The panel noted the context of the workplace culture at the Home, whilst you were deputy manager, and that it was regarded as a '*jokey and friendly environment*'. It was of the view that whilst your language may have been articulated in a joking manner, you commented on Colleague 1's ethnicity in a negative way, you used misogynistic language in front of staff with the use of the word '*cunt*' and engaged in an unprofessional conversation about private and intimate matters with a junior colleague. You would not have been aware of how all your colleagues considered the language you used and by using it you demonstrated to more junior staff that such language was appropriate in the workplace.

The panel determined that a well-informed member of the public appraised of all the facts would be concerned to hear that a deputy manager was engaging in unprofessional and inappropriate conversations of this nature and would be concerned if a finding of impairment was not made.

In addition, the panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore finds your fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that your fitness to practise is currently impaired on public interest grounds only.

Sanction

The panel considered this case very carefully and decided to make a caution order for a period of three years. The effect of this order is that your name on the NMC register will show that you are subject to a caution order and anyone who enquires about your registration will be informed of this order.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had careful regard to the guidance published by the NMC (the Guidance).

Submissions on sanction

Ms Boesche submitted that following its findings, the NMC is seeking the imposition of a striking-off order.

Ms Boesche provided written submissions, in which she stated:

- 3. Cases involving discrimination are very serious as per the NMC's guidance on 'Discrimination, bullying, harassment and victimisation'.*
- 4. The aggravating factor present here is abuse of a position of trust; mitigating: insight into the problem (SAN-1).
...*
- 5. A well-informed member of the public appraised of all the facts would be concerned to hear that a deputy manager was engaging in unprofessional and inappropriate conversations of this nature and would be concerned if the Registrant were allowed to practise. In addition, public confidence in the profession would be undermined if the Registrant were allowed to practise.
...*
- 7. The NMC does not consider conditions to be an appropriate sanction in this case as the Registrant, working in a senior position, displayed*

inappropriate and discriminatory behaviour towards a junior colleague on more than one occasion.

8. *The registrant's ... attitude and behaviour towards a junior colleague in the workplace is serious and has the potential to damage the public confidence in nurses.*

9. *The registrant's actions fall far below the standards expected from a professional registered nurse and are incompatible with continued registration. As such, a striking-off order is the appropriate sanction.'*

The panel heard Ms Priory's submissions on your behalf. She submitted that a striking-off order would be wholly disproportionate given the findings of the panel. She said that the panel did not find you were a risk to the public, but a finding was made on public interest grounds and on the public's confidence in the nursing profession.

Ms Priory submitted that the NMC's submissions on sanctions allege racism and discrimination. She informed the panel that the NMC did not charge you with racist or discriminatory behaviour but '*inappropriate comments*' about race. Ms Priory invited the panel to exercise caution when deliberating on the appropriate sanction. Ms Priory reminded the panel that the '*harassment*' element of the charges was not found proved and should not be regarded as part of the decision-making process.

Ms Priory submitted that a striking-off order should be reserved for the most serious concerns and that your case is viewed as serious but not the most serious type. Ms Priory referred the panel to NMC guidance on '*How we determine seriousness*' (Reference: FTP-3 last updated 27/02/2024).

Ms Priory submitted that this guidance is not entirely applicable to your case, but some elements applied. She said that you have engaged with the process from the beginning and are still engaging. You have reflected on the inappropriate nature of the conversations, and your failings in a managerial position to lead by example. Ms

Priory submitted that you have '*reflected thoroughly and articulately on the positive need for personal boundaries*'.

Ms Priory informed the panel that you have been suspended from practice for nearly two years by the NMC and this should be taken into account by the panel.

Ms Priory reiterated that a striking-off order would not be appropriate in the circumstances as this was for cases relating to discrimination and discrimination had not been determined or found proved in your case. She took the panel through the available sanctions. In respect of a suspension order, Ms Priory submitted that this would not be appropriate as the panel has found that you are not a risk to the public should you return to practice and there was no justification for a further period of suspension. Further, she submitted that although a conditions of practice order could be considered, there were few workable conditions that could be imposed save for you participating in a management training programme covering appropriate professional conduct.

Ms Priory submitted that a caution order would be the most appropriate sanction based on the findings of the panel. There is no ongoing risk to the public, you have reflected at length, you have demonstrated insight into the concerns around your conduct and you have been suspended for nearly two years. During your suspension, you continued working in the healthcare sector, and have done your absolute best to maintain your knowledge and skills in a similar environment, with vulnerable women. Ms Priory submitted that from the positive testimonials, there had been '*glowing feedback*' about your abilities as a nurse and your conduct whilst working with colleagues and very vulnerable service users.

Ms Priory submitted that a caution order could be imposed for a long period of time if necessary and it would simultaneously show the public that their concerns have been taken seriously. This would allow for further comprehensive insight from you and would also enable a very able and experienced nurse who is an asset to the profession to return to nursing.

The panel accepted the advice of the legal assessor.

Decision and reasons on sanction

Having found your fitness to practise currently impaired on public interest grounds, 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 Guidance. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel found the following aggravating feature:

- Inappropriate behaviour whilst in a management role.

The panel found the following mitigating features:

- Demonstrated insight into your conduct and explained what you would do differently if faced with a similar situation;
- Kept your nursing practice up to date by undertaking a number of relevant training courses;
- Remained working in the healthcare sector following your suspension, working in a clinical environment with vulnerable service users with complex needs;
- Received a large number of positive testimonials over a significant period of time, from current and former colleagues.

The panel next considered the seriousness of the misconduct in light of the submission by the NMC that this case involved discrimination and racism. It took into account the NMC's guidance on '*How we determine seriousness*' (Reference: FTP-3 last updated 27/02/2024). The panel noted:

'Discrimination Bullying Harassment and Victimisation

[...]

Not every finding of misconduct about these concerns will result in a finding of impaired fitness to practise, even though it will be likely with concerns relating to discrimination, such as racism ... or other discriminatory behaviour.

Conduct of these types can be more difficult to address as they suggest an attitudinal problem.

To be satisfied that conduct of this nature has been addressed, we'd expect to see comprehensive insight, remorse and strengthened practice from an early stage, which addresses the specific concerns that have been raised. In addition, we must be satisfied that discriminatory views and behaviours have been addressed and are not still present so that we and members of the public can be confident that there is no risk of repetition.'

The panel concluded the following:

There is no suggestion of discrimination or racism in any of the charges laid by the NMC.

There has been no evidence called before the panel of discrimination or racism at the fact finding or impairment stage. None of the witnesses called expressed that the comments made were discriminatory in the context in which they were said. Racism was not raised as a consideration by any witness.

In the written submissions on misconduct and impairment, which were not expanded upon orally, the NMC contend that your actions constitute serious misconduct and cited discriminatory behaviour in relation to charges 3a and 3b.

The NMC stated that they relied on their written submissions and did not wish to address the panel further, orally.

The NMC did not set out the way in which the alleged conduct was '*discriminatory*' or '*racist*'.

In determining misconduct and the nature of that misconduct in relation to charges 3a and 3b, the panel took account of the working environment of the Home as set out in detail earlier in this determination as well as the evidence of Witness 2 and

Witness 3 in relation to the comments made and the context in which they were made.

In its determination on misconduct and impairment, the panel was satisfied that the words uttered in charge 3a constituted an inappropriate comment on Witness 2's ethnicity and that as a deputy manager in a leadership role you should have been the one to call out inappropriate behaviour and not be a contributor.

The panel were satisfied that the words uttered in charge 3b constituted an inappropriate comment in that it was crude and denigrating to women and wholly inappropriate in the workplace.

The panel did not find, in the context in which the comments were made and from a careful consideration of the evidence of Witness 2 and Witness 3, that the comments were inappropriate by virtue of being discriminatory or racist.

The determination on misconduct and impairment was handed down to the parties and the NMC did not suggest that the panel was in any way in error in expressing the reasons for finding the comments inappropriate and did not suggest that the panel had erred in not finding the comments discriminatory or racist.

The NMC suggested that the comments were discriminatory by virtue of being racist in the written submissions on Sanction citing the Guidance FTP-3.

The NMC submitted that '*charge 3a [and to extent] charge 3b relate to racist comments and inappropriate comments based on race, made without any justification*'. The NMC went on to state that the Guidance FTP-3 provides that 'no form of discrimination, including for example, racism, should be tolerated ...'

The NMC stated that cases involving discrimination are very serious and it referred the panel to the NMC's guidance on '*Discrimination, Bullying Harassment and Victimization*.'

Ms Boesche accepted that '*harassment*' was not relevant given the panel's findings, that '*bullying*' and '*victimisation*' had never been raised and were not relied on by the NMC and that '*harassing*' had been included in the written submissions in error.

The panel noted that charges 3a and 3b alleged that the comments made were '*inappropriate comments*'. The charges did not allege that the comments were inappropriate by virtue of being either '*discriminatory*' or '*racist*.'

The NMC, at charge 5 alleged specifically that the comments in charges 3 and charges 4 constituted harassment and made no mention of discrimination or racism. The panel found that your actions did not constitute harassment for the reasons already set out.

Discrimination, unlike harassment, had never formed part of any charge and had not been raised in evidence.

The panel concluded that the charges found proved were serious in nature, were inappropriate and ill-judged comments about ethnicity, and were denigrating towards women but on the material presented to it they did not amount to discrimination or racism.

The panel noted that you have shown significant insight into your conduct. You demonstrated in your oral evidence what you have learned from this situation and what you would do differently in the future. You have engaged with the NMC process since referral and have been in attendance at this hearing. The panel has been told that there have been no adverse findings in relation to your practice either before or since these incidents.

The panel then went on to consider the relevant sanctions available.

The panel determined that a regulatory sanction was required in this case and concluded that taking no action would be inappropriate in view of the seriousness of the case. Taking no further action would not be enough to maintain public confidence in the profession or to maintain standards in the profession.

Next, in considering whether a caution order would be appropriate in the circumstances, the panel took into account the Guidance, which states that a caution order is only appropriate where '*there is no risk to the public or to patients requiring the nurses practice to be restricted, meaning 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.'

There have been no concerns about your clinical practice and the panel did not find that you were a risk to patients. The positive testimonials demonstrated that you were open and honest, and you have understood the nature of the concerns and undertaken relevant training to address the concerns.

The panel decided that a caution order for three years would adequately protect the public interest. You have undergone a thorough regulatory process, your fitness to practise has been found to be impaired and for the next three years, your employer - or any prospective employer - will see that your fitness to practise had been found to be impaired and that your practice is subject to this sanction. Having considered the general principles above and looking at the totality of the findings on the evidence, the panel has determined that to impose a caution order for a period of three years would be the appropriate and proportionate response. It would mark not only the importance of maintaining public confidence in the profession, but also send the public and the profession a clear message about the standards required of a registered nurse.

At the end of this period the note on your entry in the register will be removed. However, the NMC will keep a record of the panel's finding that your fitness to practise had been found impaired. If the NMC receives a further allegation that your fitness to practise is impaired, the record of this panel's finding, and decision will be made available to any practice committee that considers the further allegation.

The panel considered whether it would be proportionate and necessary to impose a more restrictive sanction and considered a conditions of practice order. The panel noted that the concerns raised did not raise questions about your clinical practice but about inappropriate comments you had made. The panel concluded that no useful purpose would be served by a conditions of practice order. It is not necessary to protect the public and would not assist your return to nursing practice considering the training you have already undertaken.

The panel further considered that a suspension order would be wholly disproportionate in this case. The panel took account of the Guidance SAN-1 '*Effects on length of sanction*':

[...]

When thinking about making a substantive order, the panel should take into account the individual circumstances of each case, and this may include the length of time that a nurse, midwife or nursing associate is under an interim order. This is however never likely to be appropriate where a panel has identified that there is a current risk to public protection.'

Given the nature of the matters found proved and the fact that you have already served a period of suspension of nearly two years, the panel could find no justification for a further period of suspension.

This decision will be confirmed to you in writing.

That concludes this determination.