

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

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

Virtual Hearing

**Name of Registrant:** Sharon Vint

**NMC PIN:** 93A0134S

**Part(s) of the register:** Registered Adult Nurse (September 2008)  
Registered Midwife (May 2015)

**Relevant Location:** West Lothian

**Type of case:** Misconduct

**Panel members:** Phil Lowe (Chair, Lay member)  
Sophie Kane (Registrant member)  
Janet Fitzpatrick (Registrant member)

**Legal Assessor:** Michael Hosford-Tanner

**Hearings Coordinator:** Christine Iraguha

**Nursing and Midwifery Council:** Represented by Ben Edwards, Case Presenter

**Mrs Vint:** Not present and unrepresented

**Order being reviewed:** Suspension order (4 months)

**Fitness to practise:** Impaired

**Outcome:** **Striking off order to come into effect at the end of 14 February 2024 in accordance with Article 30 (1)**

## **Decision and reasons on service of Notice of Hearing**

The panel was informed at the start of this hearing that Mrs Vint was not in attendance and that the Notice of Hearing (NoH) had been sent to Mrs Vint's registered email address by secure email on 29 November 2023.

Mr Edwards, on behalf of the Nursing and Midwifery Council (NMC), referred to the statement from the NMC officer which confirmed that the NoH had been sent to Mrs Vint on 29 November 2023. He submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

The panel took into account that the NoH provided details of the substantive order being reviewed, the time, date and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mrs Vint's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all of the information available, the panel was satisfied that Mrs Vint has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

## **Decision and reasons on proceeding in the absence of Mrs Vint**

The panel next considered whether it should proceed in the absence of Mrs Vint. The panel had regard to Rule 21 and heard the submissions of Mr Edwards who invited the panel to continue in the absence of Mrs Vint. He said this is the third mandatory review of a substantive order which is due to expire next month.

Mr Edwards referred to the email sent on 18 December 2023 from Mrs Vint stating that she has work today. He submitted that Mrs Vint has not asked for an adjournment and has therefore voluntarily absented herself and is unlikely to attend at a future date. He informed the panel that Mrs Vint has not attended or provided any updating information to

any of the previous hearings and stated that this is an indication of her approach regarding these proceedings. He asked the panel to consider the public interest and to consider the length of time these proceedings have been going on and invited the panel to proceed in Mrs Vint's absence.

The panel accepted the advice of the legal assessor who referred to the case of *R v Jones and General Medical Council v Adeogba [2016] EWCA Civ 162*.

The panel has decided to proceed in the absence of Mrs Vint. In reaching this decision, the panel has considered the submissions of Mr Edwards, the email from Mrs Vint, and the advice of the legal assessor. It has had regard to the relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Mrs Vint;
- Mrs Vint responded to the NMC's correspondence regarding this hearing;
- Mrs Vint has voluntarily absented herself;
- The current order is due to expire on 14 February 2024;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- There is a strong public interest in the expeditious review of the case.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Mrs Vint.

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

The panel decided to impose a striking off order.

This order will come into effect at the end of 14 February 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a substantive suspension order originally imposed for a period of four months by a Fitness to Practise Committee panel on 16 November 2022. On 6 March 2023, a Fitness to Practise Committee panel extended the suspension order for six

months. This suspension order was extended for four months on 31 August 2023 by the Fitness to Practise Committee panel.

The current order is due to expire at the end of 14 February 2024.

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

The charges found proved which resulted in the imposition of the substantive order were as follows:

*‘That you, a Registered Nurse:*

- 1. On 18 September 2020 in respect of Resident B failed to follow the correct procedure for preparing the 9am dose of Oramorph in that you did not have a second member of staff present when signing the controlled drug register.*
- 2. On 18 September 2020 in respect of Resident B failed to follow the correct procedure for administering the 9am dose of Oramorph in that you did not have a second member of staff present when signing the Medication Administration Record.*
- 3. On 18 September 2020 in respect of Resident B signed the controlled drug register twice for the preparation of the 9am dose of Oramorph.*
- 4. On 18 September 2020 in respect of Resident B signed the Medication Administration Record twice for the administration of the 9am dose of Oramorph.*
- 5. Your action at 3 was dishonest in that you sought to mislead any reader of the controlled drugs register that you did have a second signatory.*
- 6. Your action at 4 was dishonest in that you sought to mislead any reader of the Medication Administration Record that you did have a second signatory.*

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

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

*'The panel noted that the last reviewing panel found that Mrs Vint has not provided any evidence to demonstrate her developing insight. At this meeting the panel took into account that Mrs Vint has not provided any new information regarding her insight, indeed Mrs Vint has not provided this panel with any information or material suggested by the previous panels.*

*The panel next considered whether Mrs Vint has taken any steps to strengthen her practice. The panel took into account that it has no new information before it in respect of any steps that Mrs Vint may have taken to strengthen her practice. The last reviewing panel determined that Mrs Vint remains liable to repeat matters of the kind found proved. Today's panel bore in mind that it has received no new information to determine Mrs Vint's current insight and whether she has taken any steps to strengthen her nursing practice. The panel determined that whilst it might be possible for Mrs Vint to practise kindly, the panel could not be satisfied that she would be able to practise safely and professionally given the absence of any new information regarding her insight and strengthened practice. In light of this the panel determined that Mrs Vint remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.*

*The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.*

*For these reasons, the panel finds that Mrs Vint's fitness to practise remains impaired. '*

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

*'The panel next considered whether a conditions of practice on Mrs Vint's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind that dishonesty is always a serious matter, particularly where it occurs in a clinical setting. However, this panel agreed with the findings of the previous panel that when viewed on a spectrum the seriousness of the facts found proved at the original hearing were at the lower end. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mrs Vint's misconduct given the absence of any evidence that she has addressed her lack of insight or strengthened her practice since the imposition of the substantive order. The panel concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest.*

*The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mrs Vint further time to fully reflect on her future career aspirations in nursing. It considered that if Mrs Vint intended to return the nursing profession this would provide her with further time to fully reflect on her previous failings and dishonesty. The panel was of the view that Mrs Vint would need to gain a full understanding of how her dishonesty could impact upon the nursing profession as a whole and not just the organisation that an individual nurse is working for. The panel concluded that a further four months suspension would be the appropriate and proportionate response and would afford Mrs Vint adequate time to further develop her insight and take steps to strengthen their practice. It would also give Mrs Vint an opportunity to approach past and current health professionals to attest to her honesty and integrity in her workplace assignments since the substantive hearing.*

*The panel did go on to consider whether a striking off order was appropriate in the circumstances but bore in mind that Mrs Vint has been suspended from the NMC register for a total of 10 months since the substantive hearing in*

November 2022. The panel also bore in mind that Mrs Vint had demonstrated some engagement with the NMC given her email 14 February 2023 although in this email you did not express your intentions regarding your nursing career. Furthermore, the panel noted that the NMC acknowledged in its correspondence to Mrs Vint, on 16 March 2023 and 18 July 2023 respectively, she does not intend to return to nursing. However the specifics of what Mrs Vint had communicated to the NMC was not before this panel. Nevertheless, a striking off order would be available to a future panel.

The panel also considered the NMC's guidance on "Allowing nurses, midwives or nursing associates to be removed from the register when there is a substantive order in place", reference REV-3h, dated 24 April 2023. It noted that the guidance states

"Allowing professionals to leave the register can be achieved in two ways:

a) the nurse, midwife or nursing associate can request an early review of their substantive order because they no longer wish to continue practising; the panel will then be invited to lift the substantive order in order to allow the professional to be removed from the Register;

b) the nurse, midwife or nursing associate can indicate at a standard review that they no longer wish to continue practising; the panel will then be invited to let the substantive order expire in order to allow the professional to be removed from the Register

...

Because nurses, midwives and nursing associates can apply for readmission to the register as soon as their registration lapses, it is important that the panel is sure that the nurse, midwife or nursing associate no longer wants to practise before it decides to let an order expire."

The panel considered that it has not been provided with evidence from Mrs Vint so that it could be sure that she no longer wishes to practise. Therefore the panel was not able to consider allowing the substantive order to lapse.

*The panel determined therefore that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of four months would provide Mrs Vint with an opportunity to engage with the NMC and provide information confirming her future nursing aspirations. It considered this to be the most appropriate and proportionate sanction available.*

*This suspension order will take effect upon the expiry of the current suspension order, namely the end of 14 October 2023 in accordance with Article 30(1).*

*Before the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.*

*Any future panel reviewing this case would be assisted by:*

- *Confirmation from Mrs Vint regarding her future intentions regarding her nursing career before the next review hearing.'*

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

The panel has considered carefully whether Mrs Vint's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as a registrant's suitability to remain on the register without restriction. It also took into consideration the NMC's guidance on impairment, reference DMA-1, dated 27 March 2023, 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."*

In considering this case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.



The panel has had regard to all the documentation before it, including the NMC bundle, and the email sent by Mrs Vint on 28 November 2022. It has taken account of the submissions made by Mr Edwards on behalf of the NMC.

Mr Edwards provided the panel with the background of the case, the charges found proved, and the findings of the previous panels. He reminded the panel that it is tasked with reviewing the current order due to expire next month. He stated that there is no reflective piece from Mrs Vint to show insight or information on what she is currently doing in terms of employment. He submitted that there is no information to show that the risk identified has been addressed. In the absence of such evidence or remediation of the concerns raised, he submitted that a risk of repetition remains.

Mr Edwards referred to the email sent on 28 November 2022 from Mrs Vint stating; '*... I do not intend to return to nursing. ... so I have no current career plans.*' He submitted that this shows an intention not to return to nursing and may answer why Mrs Vint has not provided anything to show further training or any reflection. In recent correspondence by Mrs Vint with the NMC in respect of this hearing, there is no suggestion that this position has changed. He invited the panel to find that Mrs Vint's fitness to practice remains impaired. He outlined the options available to the panel today and submitted that Mrs Vint's registration has been subject to a suspension order for a period of time, and she has shown no intention or willingness to demonstrate that she can practice safely and effectively. He submitted that the only sanction available to the panel today is that of a striking off order. In addition, he said that there is no evidence for the panel to impose a lesser order, extending the suspension order leaves the likelihood of this case continuing with no progress from Mrs Vint.

Although, the panel is not bound by the decisions made by previous panels, Mr Edwards invited this panel to consider all the information before it.

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

In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether Mrs Vint's fitness to practise remains impaired. The panel noted that the last reviewing panel found that Mrs Vint had not provided any new information regarding her insight. At this hearing, the panel determined that it has received no further information to demonstrate any development of insight from Mrs Vint.

In its consideration of whether Mrs Vint has taken steps to strengthen her practice, the panel took into account that it has no new information before it in respect of any steps taken by Mrs Vint to address the concerns and strengthen her practice. In particular, it observed that Mrs Vint has not shown any insight into her dishonesty and its impact on the profession and the NMC as the regulator. It also considered that there was nothing to show the nature of her current employment. Mrs Vint has indicated that she has no intention of returning to practice as a nurse. It was of the view that there has been no material change in the risk identified since the original substantive and review hearings.

The last reviewing panel determined that Mrs Vint was liable to repeat matters of the kind found proved. Today's panel has received no new information to show current insight and strengthening of practice from Mrs Vint. In light of this, this panel determined that Mrs Vint remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession, the NMC as the regulator, and upholding proper standards of conduct and performance. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is required.

For these reasons, the panel finds that Mrs Vint's fitness to practise remains impaired.

### **Decision and reasons on sanction**

Having found Mrs Vint's fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the 'NMC's Sanctions

Guidance' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case which involved dishonesty in patient record entries made by Mrs Vint, and the public protection issues identified, an order that does not restrict her practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that Mrs Vint's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the charges found proved. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice order on Mrs Vint's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable, and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mrs Vint's misconduct considering her lack of engagement with the NMC process and any evidence to demonstrate developed insight or remediation. The panel has received information that Mrs Vint does not intend to return to practise as a nurse. It considered that a conditions of practice order would not be workable and would serve no useful purpose.

The panel considered the imposition of a further period of suspension. It noted that the original and last reviewing panels imposed a 14 month period of suspension on Mrs Vint's registration. During that period, she did not engage with the NMC to address the concerns or provide any evidence of any attempts taken to develop her insight or steps to

remediation in strengthening of her practice. In an email on 28 November 2022, Mrs Vint informed the NMC that she does not intend to return to nursing and has no current career plans. It considered that although dishonesty is difficult to remediate it is not impossible.

However, in view of Mrs Vint's continued disengagement and the absence of any information to show developed insight and strengthening of practice, the panel was of the view that considerable evidence would be required to show that the risk identified has diminished. In all the circumstances, the panel determined that a further period of suspension would not serve any useful purpose. It was of the view that the public interest will be best served by not prolonging proceedings any longer than necessary and concluded that the only sanction that would serve the public interest was a striking-off order. It also considered that the last review panel had made it clear that a striking off order would be a sanction available to a future reviewing panel and Mrs Vint has not provided any further information to assist this panel. The panel determined that a further period of suspension would not serve any useful purpose in all the circumstances.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 14 February 2024 in accordance with Article 30(1).

This decision will be confirmed to Mrs Vint in writing.

That concludes this determination.