

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

**Substantive Hearing
Monday, 29 July 2024 – Wednesday, 31 July 2024**

Virtual Hearing

Name of Registrant: Denise Balanza

NMC PIN 21G1469O

Part(s) of the register: Nurses part of the register Sub part 1 RNA: Adult Nurse, level 1 (20 July 2021)

Relevant Location: Lancashire

Type of case: Misconduct

Panel members: Judith Webb (Chair, Lay member)
Sally Shearer (Registrant member)
Gill Edelman (Lay member)

Legal Assessor: Andrew Gibson

Hearings Coordinator: Amira Ahmed

Nursing and Midwifery Council: Represented by Emmanuel Coniah, Case Presenter

Ms Balanza: Not present and not represented

Facts proved: Charges 1 and 2

Fitness to practise: **Impaired**

Sanction: **Striking off order**

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

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Ms Balanza was not in attendance and that the Notice of Hearing letter had been sent to Ms Balanza's registered email address by secure email on 24 June 2024.

Mr Coniah on behalf of the Nursing and Midwifery Council (NMC), 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 Notice of Hearing provided details of the allegation, the time, dates and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Ms Balanza's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In light of all of the information available, the panel was satisfied that Ms Balanza had been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Ms Balanza

The panel next considered whether it should proceed in the absence of Ms Balanza. It had regard to Rule 21 and heard the submissions of Mr Coniah who invited the panel to continue in the absence of Ms Balanza. He submitted that she had voluntarily absented herself.

Mr Coniah submitted that originally the Royal College of Nursing had been representing Ms Balanza in these proceedings. However, in March 2024, they notified the NMC that they were no longer representing Ms Balanza. Since then, there has been no engagement

by Ms Balanza with the NMC in relation to these proceedings and, as a consequence, there was no reason to believe that an adjournment would secure her attendance on some future occasion.

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised '*with the utmost care and caution*'.

The panel has decided to proceed in the absence of Ms Balanza. In reaching this decision, the panel has considered the submissions of Mr Coniah, and the advice of the legal assessor. It has had particular regard to the factors set out in the decision of *R v Jones (Anthony William) (No.2)* [2002] UKHL 5 and *General Medical Council v Adeogba* [2016] EWCA Civ 162 and had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Ms Balanza;
- Ms Balanza has not engaged with the NMC since March 2024 and has not responded to any of the letters and emails sent to her about this hearing;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- One witness has attended today to give live evidence;
- Not proceeding may inconvenience the witness and her employer;
- The charges relate to events that occurred in 2022;
- Further delay may have an adverse effect on the ability of witnesses accurately to recall events; and
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Ms Balanza in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to her at her registered email

address, she has not returned the Case Management Form sent to her by the NMC, which gave her the opportunity to indicate her position in relation to the charges. She will not be able to challenge the evidence relied upon by the NMC in person and will not be able to give evidence on her own behalf. However, in the panel's judgement, this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies. Furthermore, the limited disadvantage is the consequence of Ms Balanza's decisions to absent herself from the hearing, waive her rights to attend, and/or be represented, and to not provide evidence or make submissions on her own behalf.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Ms Balanza. The panel will draw no adverse inference from Ms Balanza's absence in its findings of fact.

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

Mr Coniah made a request that this case be held in private on the basis that proper exploration of Ms Balanza's case [PRIVATE]. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

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.

[PRIVATE].

Details of charge

That you, a registered nurse:

1. In relation to one or more of the dates set out in Schedule A claimed and/or attempted to claim pay for hours you had not worked by submitting inaccurate timesheets.
2. Your conduct at charge 1 was dishonest in that you knew you were not entitled to all the hours claimed for and you intended to cause other to believe you were.

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

Schedule A

- 1) 2 June 2022
- 2) 5 June 2022
- 3) 18 June 2022
- 4) 19 June 2022
- 5) 10 July 2022
- 6) 31 July 2022
- 7) 4 August 2022
- 8) 29 August 2022
- 9) 23 September 2022
- 10) 23 October 2022

Background

The NMC received a referral in 2022 from Royal Preston Hospital part of Lancashire Teaching Hospitals NHS Foundation Trust (“the Trust”) raising concerns about the

conduct of Ms Balanza whilst she was working as an agency Nurse for Medical Staffing Ltd (part of Celsus Group)

Medical Staffing Ltd had allocated several shifts to Ms Balanza at the Trust. It is alleged that during this period, Ms Balanza fraudulently claimed for hours she had not worked, by falsifying timesheets on various dates between 2 June 2022 and 23 October 2022.

Decision and reasons on facts

In reaching its decisions on the facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Mr Coniah on behalf of the NMC.

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 live evidence from the following witness called on behalf of the NMC:

- Ms 1: Chief Nurse at Celsus Group

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor. It considered the witness and documentary evidence provided by the NMC.

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

Charge 1

1. In relation to one or more of the dates set out in Schedule A claimed and/or attempted to claim pay for hours you had not worked by submitting inaccurate timesheets.

Schedule A

- 1) 2 June 2022
- 2) 5 June 2022
- 3) 18 June 2022
- 4) 19 June 2022
- 5) 10 July 2022
- 6) 31 July 2022
- 7) 4 August 2022
- 8) 29 August 2022
- 9) 23 September 2022
- 10) 23 October 2022

This charge is found proved.

In reaching this decision, the panel took into account the timesheets, emails and the statement on 24 October 2022 from Ms Balanza.

The panel noted that in the statement of 24 October 2022, Ms Balanza confirmed that she had submitted a timesheet for a shift on 29 August 2022 which she had not worked. Further, in an email on 27 November 2022 Ms Balanza confirmed that she may have had done the same for the other dates set out in the Schedule A.

The panel noted that Ms Balanza has accepted within the correspondence with Ms 1 that the timesheets submitted were inaccurate. The panel noted that in the email dated 27 November 2022 to Ms 1 from Ms Balanza she states:

*“I might have done it several times. I have now gone through my emails one by one and gathered all the dates of these timesheets. The dates are as follows
02/06/2022, 05/06/2022, 18/06/2022, 19/06/2022, 10 July 2022, 31/07/2022,
04/08/2022, 29/08/2022, 23/09/2022, 23/10/2022”*

Finally, the panel took into account that Ms Balanza had paid back all the money she had claimed for the shifts set out in Schedule A.

The panel determined that in all the circumstances and considering the documentary evidence as well as Ms 1’s oral evidence, this charge is found proved.

Charge 2)

2. Your conduct at charge 1 was dishonest in that you knew you were not entitled to all the hours claimed for and you intended to cause other to believe you were.

This charge is found proved.

In reaching this decision, the panel took into account the timesheets, the acceptance by Ms Balanza that she had submitted timesheets for shifts she had not worked and the evidence from Ms 1 that Ms Balanza confirmed this to her.

In applying the two-stage test set out in *Ivey v Genting Casinos UK Ltd [2017] UKSC 67* the panel were first satisfied that Ms Balanza knew what she was doing was dishonest when she submitted timesheets for shifts, she knew she had not worked and she had acted in the way she did in the knowledge that what she was doing was wrong.

The panel noted Ms Balanza’s statement on 24 October 2022 in which she refers to one of the timesheets and states:

“I know what I did with the second timesheet was very wrong and I was very dishonest.”

The panel took this as a clear acceptance on the part of Ms Balanza that what she had done, in so far as the timesheet of 29 August 2022 was concerned, was dishonest and she later went on to accept in an email dated 27 November 2022 that she may have done it several times.

The panel also noted in the statement dated 24 October 2022 Ms Balanza states:

“I am extremely sorry and I totally regret doing what I did. I shouldn’t have done it in the first place and I should have been honest with it.”

The panel further considered that any ordinary, decent person would believe Ms Balanza had been dishonest in this case as she knowingly submitted timesheets for shifts she knew she had not worked. The fact that she then repaid the employer the amounts that were claimed for shifts she had not worked further highlights that she was fully aware that what she had done was dishonest.

The panel therefore found this charge proved.

Fitness to practise

Having reached its determination on the facts of this case, the panel then moved on to consider, whether the facts found proved amount to misconduct and, if so, whether Ms Balanza’ 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 has borne 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, Ms Balanza's fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct

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

Mr Coniah identified the specific, relevant standards where Ms Balanza's actions amounted to misconduct. He submitted that the actions of Ms Balanza were a serious departure from what is expected of a registered nurse and fell far short of the standards in the NMC code. He further submitted that between June 2022 and October 2022 on 10 separate occasions Ms Balanza falsified her timesheets which resulted in a requirement for her to repay a significant amount of money.

Mr Coniah submitted that Ms Balanza was trusted by her employer to submit accurate timesheets and therefore her actions amounted to serious misconduct as honesty and integrity are fundamental tenets of the nursing profession.

Submissions on impairment

Mr Coniah moved on to the issue of impairment and addressed the panel on the need to have regard to protecting the public and the wider public interest. This included the need

to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. He referred the panel to the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin).

Mr Coniah submitted that there is a need to protect the public and look at the wider public interest in this case. He submitted that the last three limbs of *Grant* are engaged (b, c and d). Mr Coniah submitted that although Ms Balanza had provided initial reflective statements to her employer and the NMC, since March 2024 she had chosen to disengage with these proceedings. She has not provided an up-to-date reflective statement nor any new references and/or testimonials. Ms Balanza has also not provided evidence of any steps taken to address her failings so as to reduce the risk of repetition, if faced with financial pressures again in the future.

Mr Coniah submitted that Ms Balanza's actions seriously undermine her trustworthiness as a registered professional and bring the nursing profession into disrepute. He therefore submitted that Ms Balanza's fitness to practice is currently impaired on both public protection and public interest grounds.

The panel accepted the advice of the legal assessor.

Decision and reasons 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.*'

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

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

'20 Uphold the reputation of your profession at all times

To achieve this, you must:

20.1 keep to and uphold the standards and values set out in the Code

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

20.4 keep to the laws of the country in which you are practising

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

21 Uphold your position as a registered nurse, midwife or nursing associate

To achieve this, you must:

21.3 act with honesty and integrity in any financial dealings you have with everyone you have a professional relationship with, including people in your care'

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. However, the panel noted that each timesheet requires a signed written declaration of accuracy and carries a warning about actions that would be taken in the event of fraud, yet Ms Balanza still went ahead and on 10 separate occasions submitted falsified timesheets containing forged signatures and signed declarations of accuracy. The warning on the timesheet states:

“I understand if I knowingly authorise false information this may result in disciplinary action and I may be liable for prosecution and civil recovery proceedings.”

The panel noted that Ms Balanza had submitted falsified timesheets over a period of several months and these only stopped when concerns were raised by her employer. However, there appears to be one further falsified timesheet submitted at or around this time.

The panel noted that there was a financial gain by Ms Balanza which in total was £2799.79, a substantial amount which she then had to pay back. The panel found that Ms Balanza’s actions did fall seriously short of the conduct and standards expected of a nurse and amounted to misconduct.

Decision and reasons on impairment

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

In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 March 2023, 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. 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.

In this regard the panel 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) ...
- 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.'

Ms Balanza's misconduct has breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. The panel is satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to dishonesty serious.

Regarding insight, the panel considered that Ms Balanza has previously written two reflective statements and has shown some insight into her actions. However, in regard to this hearing she has not attended to provide the panel with any up to date information in respect to actions taken to remediate her conduct, a reflective statement or references and testimonials. The panel noted that since March 2024, Ms Balanza has not engaged with the NMC.

In considering the lack of evidence of a significant change in attitude and behaviour by Ms Balanza, the panel is of the view that there is a risk of repetition. The panel also noted that by submitting false timesheets, money could have been diverted from patient care. Further, the panel considered that because honesty and integrity are such fundamental tenets of the nursing profession the public require to be protected from the risk of harm from dishonest behaviour. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC; 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.

Therefore, 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 also finds Ms Balanza's fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Ms Balanza's fitness to practise is currently impaired.

Sanction

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Ms Balanza off the register. The effect of this order is that the NMC register will show that Ms Balanza has been struck-off the register.

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 Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

Submissions on sanction

Mr Coniah informed the panel that in the Notice of Hearing, dated 24 June 2024, the NMC had advised Ms Balanza that it would seek the imposition of a striking off order if it found Ms Balanza's fitness to practise currently impaired.

Mr Coniah submitted that there were some mitigating factors in this case. He submitted that these included Ms Balanza's admissions to her employer and the NMC in her reflective statements, [PRIVATE] and that she showed some insight and remorse through her reflective statements. Mr Coniah also submitted that Ms Balanza did repay the full amount she had taken. He further submitted that she had engaged with the initial investigation by the Trust and had submitted a reference from an employer to the NMC.

Mr Coniah submitted that there were also aggravating features in this case. These included the charges amounting to serious misconduct. He submitted that there was a pattern of behaviour over a period of four months, an abuse of trust by Ms Balanza and a financial loss to the NHS Trust until the money was repaid. He submitted that there was a personal financial gain by Ms Balanza and that her actions were premeditated, long standing and systematic. Mr Coniah submitted that an appropriate sanction must be put in place to protect the public and in the wider public interest.

Decision and reasons on sanction

Having found Ms Balanza's fitness to practise currently impaired, 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 SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Serious misconduct including a finding of dishonesty
- Abuse of a position of trust
- Financial loss to the NHS Trust until the money was repaid by Ms Balanza
- Personal financial gain by Ms Balanza
- Systematic, long-standing dishonesty that was premeditated indicating an underlying attitudinal problem
- Not a single incident but a pattern of misconduct that took place over a period of four months

The panel also took into account the following mitigating features:

- Admissions made by Ms Balanza to the Trust and the NMC

- Some insight and remorse shown in her reflective statements
- [PRIVATE]
- Ms Balanza did repay the full amount she had taken.

The panel also noted the positive reference letter dated 13 March 2023 from the unit manager at the Royal Lancaster Infirmary for the period commencing 14 November 2022.

The letter stated:

“I have no concerns regarding her practice under the NMC code of conduct or any concerns regarding her honesty.”

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 not be proportionate as it would neither protect the public nor would it be in the wider public interest.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Ms Balanza’s 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 Ms Balanza’s misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the seriousness of the case. The panel decided that it would not be proportionate as it would neither protect the public nor would it be in the wider public interest to impose a caution order.

The panel next considered whether placing conditions of practice on Ms Balanza’s registration would be a sufficient and appropriate response. The panel is of the view that there are no relevant practical or workable conditions that could be formulated, given the

attitudinal nature of the charges in this case. The misconduct identified in this case was not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Ms Balanza's registration would not adequately address the seriousness of this case and would neither protect the public nor be in the wider public interest.

The panel then went on to consider whether a suspension order would be an appropriate sanction. It noted that Ms Balanza has not attended this hearing nor engaged with the NMC about these proceedings since March 2024.

The panel determined that the misconduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse. The panel noted that the serious breach of the fundamental tenets of the profession evidenced by Ms Balanza's actions was fundamentally incompatible with Ms Balanza remaining on the register.

The panel also took into account the case of *Parkinson v NMC* [2010] EWHC 1898 which states

'A nurse found to have acted dishonestly is always going to be at severe risk of having his or her name erased from the register. A nurse who has acted dishonestly, who does not appear before the Panel either personally or by solicitors or counsel to demonstrate remorse, a realisation that the conduct criticised was dishonest, and an undertaking that there will be no repetition, effectively forfeits the small chance of persuading the Panel to adopt a lenient or merciful outcome and to suspend for a period rather than direct erasure.'

In this particular case, the panel determined that a suspension order would neither be a sufficient, appropriate nor proportionate sanction.

Finally, in looking at a striking-off order, the panel took note of the following paragraphs of the SG:

- *Do the regulatory concerns about the nurse or midwife raise fundamental questions about their professionalism?*
- *Can public confidence in nurses and midwives be maintained if the nurse or midwife is not removed from the register?*
- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

Ms Balanza's actions were significant departures from the standards expected of a registered nurse and are fundamentally incompatible with her remaining on the register. The panel was of the view that the fundamental tenets of honesty and integrity were breached by Ms Balanza. Although the panel had sight of a positive reference covering a four month period up until March 2023, it had received no further information nor had the opportunity to hear from Ms Balanza herself about steps taken to remediate her conduct. Therefore, in the panel's view there remained a risk of repetition.

The panel determined that the findings in this particular case demonstrate that Ms Balanza's actions were serious and to allow her to continue practising would not protect the public and would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the effect of Ms Balanza's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct herself, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to protect the public and to mark the importance of maintaining public confidence in the profession, and to send to the public

and the profession a clear message about the standard of behaviour required of a registered nurse.

This will be confirmed to Ms Balanza in writing.

Interim order

As the striking off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in your own interests until the conditions of practice sanction takes effect.

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

Submissions on interim order

The panel took account of the submissions made by Mr Coniah. He submitted that an interim suspension order for a period of 18 months is necessary for the protection of the public and is otherwise in the public interest.

Decision and reasons on interim order

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest. The panel had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim

suspension order for a period of 18 months to allow for the possibility of an appeal to be made and determined.

If no appeal is made, then the interim suspension order will be replaced by the substantive striking off order 28 days after Ms Balanza is sent the decision of this hearing in writing.

That concludes this determination.