

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

Substantive Hearing
Tuesday, 2 May 2023 – Friday, 5 May 2023
Tuesday, 9 May 2023 – Wednesday, 17 May 2023
Thursday 6 July 2023
Monday, 20 May 2024 – Thursday, 23 May 2024

Virtual Hearing

Name of Registrant: Patrice Vernon

NMC PIN: 14L0103E

Part(s) of the register: Registered Nurse – Sub Part 1
Adult Nursing (Level 1) – 13 March 2015

Relevant Location: Buckinghamshire

Type of case: Misconduct

Panel members: Gregory Hammond (Chair – Lay member)
Terry Shipperley (Registrant member)
Allwin Mercer (Registrant member)

Legal Assessor: Peter Jennings (2 May 2023 – 6 July 2023)
Charlene Bernard (20 May 2024 – 23 May 2024)

Hearings Coordinator: Sherica Dosunmu (2 – 5 May 2023)
Vicky Green (9 – 17 May 2023)
Sherica Dosunmu (6 July 2023)
Eyram Anka (20 May 2024 – 23 May 2024)

Nursing and Midwifery Council: Represented by Maeve Thornton, Case Presenter (2 May 2023 – 17 May 2023)
Represented by Uzma Khan, Case Presenter (20 May 2024 – 23 May 2024)

Miss Vernon: Present and represented by Zahra Ahmed instructed by Thompsons Solicitors LLP

Facts proved by admission: Charges 1, 3, 4 and 6

Facts proved: Charges 5, 8, 9 (in relation to 5(c), 5(d), 8) 10, 11(a), 11(c), 12, 13(b), 14(a), 14(b), 16 and 17

Facts not proved: Charges 2, 7, 9 (in relation to 1, 3, 4, 5(a), 5(b)), 11(b), 13(a), 15(a) and 15(b)

Fitness to practise: Impaired

Sanction: **Striking-off order**

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

Charges:

That you, a Registered Nurse:

- 1) On 7 October 2019 emailed Witness H and asked to consolidate your health visiting practice at the Black Country Partnership NHS Foundation Trust. **[Proved by way of admission]**
- 2) On 11 November 2019 emailed Witness H and incorrectly informed them that you were signed off as competent by saying you were “almost in the process of completing”. **[Not proved]**
- 3) On 14 October 2019 contacted Witness C at Tower Hamlets GP Care Group requesting a consolidation placement. **[Proved by way of admission]**
- 4) On or before 24 October 2019 contacted witness D at Midlands Partnership Foundation Trust and requested to consolidate your practice. **[Proved by way of admission]**
- 5) On 24 October 2019 incorrectly informed Witness E at Royal Wolverhampton Trust that you:
 - a) Were in your third semester; **[Proved]**
 - b) Needed to consolidate your practice; **[Proved]**
 - c) Were signed off in practice; **[Proved]**
 - d) Could complete visits independently. **[Proved]**
- 6) On 11 November 2019 sent Witness C at Tower Hamlets GP care Group an email providing a copy of Buckinghamshire New University Correspondence dated 27th February 2019. **[Proved by way of admission]**

- 7) Your actions at charge 6 were dishonest as you knew you had not been advised by Buckinghamshire New University to provide a copy of their letter dated 27th February 2019 to apply to consolidate your practice. **[Not proved]**
- 8) On 15 November 2019 incorrectly notified Witness F at Black Country NHS Trust that you had been signed off as competent. **[Proved]**
- 9) Your actions at Charge 1, 2, 3, 4, 5, 8 were dishonest in that you knew you had not been signed off as competent to proceed to the consolidation period. **[Proved in respect of charges 5(c), 5(d) and 8 only]**
- 10) On 18 November 2019 sent an email to Witness A with a document purported to be signed by Witness B. **[Proved]**
- 11) Your actions at Charge 10 were dishonest in that you knew:
 - a) Witness B had not signed you off as competent; **[Proved]**
 - b) You had not completed semester two; **[Not proved]**
 - c) Witness B had not signed the document you sent at charge 10. **[Proved]**
- 12) On 3 February 2020 you emailed your ePortfolio containing an end of semester 2 report to Witness A purported to have been signed by Witness B. **[Proved]**
- 13) Your actions at charge 12 were dishonest in that you knew:
 - a) Witness B had not met you on 16 September 2019 **[Not proved]**
 - b) Witness B had not signed the end of semester 2 report. **[Proved]**

- 14) On 3 February 2020 sent your ePortfolio containing one or more of the following documents to Witness A purported to have been signed and / or marked by Witness E:
- a) marked sheet for domain D; **[Proved]**
 - b) summative assessment Report 3 – End of Consolidation. **[Proved]**
- 15) Your actions at charge 14 were dishonest in that you knew Witness E:
- a) did not mark your Domain D report with a mark of 70/100; **[Not proved]**
 - b) did not sign you off as competent through the summative assessment Report 3. **[Not proved]**
- 16) On 19 March 2021 you sent an email to Witness G attaching a document “ PV evidence 24 “ purported to have been signed / and or marked by Witness B. **[Proved]**
- 17) Your actions at charge 16 were dishonest as you knew Witness B had not signed and / or completed “ PV evidence 24 “. **[Proved]**

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

Decision and reasons on application to amend the charges

Prior to the start of the hearing, the panel was provided with a draft charge sheet which included three additional charges which were not included in the Notice of Hearing letter, dated 3 April 2023.

At the outset of the hearing, the panel heard an application made by Ms Thornton, on behalf of the Nursing and Midwifery Council, to add the following three additional charges which appeared on the draft charge sheet:

Additional draft charges

- 4) *On or before 23 October 2019 contacted Croydon Health Services NHS Trust and/or MSI nursing agency requesting to consolidate your practice.*

- 11) *On 18 October 2019 you sent an email to Witness D attaching a document "V100 document competency sign off" purported to have been signed and/ or marked by unknown persons and/or 'Sarah'.*

- 12) *Your actions at charge 11 were dishonest as you knew unknown persons and/or 'Sarah' had not signed and / or marked document V100.*

Ms Thornton submitted that although these additional charges were not included in the original Notice of Hearing letter sent on 3 April 2023, these charges were served on you and your representatives early on in the proceedings prior to this date.

Ms Thornton submitted that subject to the additional three charges being added, she would like to make a further application to amend the wording of what appeared in the draft charge sheet as the new charge 4 and new charge 17a. The amendment to the proposed charge 4 was to insert the words '*Witness I at*', to provide clarity and to more accurately reflect the evidence. Additionally, the amendment to the proposed charge 17a was to change the wording from '*market*' to '*marked*' in order to correct a typographical error.

Proposed amendments to draft charge 4 and charge 17a:

4) On or before 23 October 2019 contacted **Witness I** at Croydon Health Services NHS Trust and/or MSI nursing agency requesting to consolidate your practice.

17) On 3 February 2020 sent your ePortfolio containing one or more of the following documents to Witness A purported to have been signed and / or marked by Witness E:

a) ~~marked~~ **marked** sheet for domain D;

Ms Ahmed, on your behalf, submitted that the amendment to the draft charge 17(a) (charge 14(a) as it appears in the Notice of Hearing letter) was uncontroversial. She submitted that this appears to be an administrative typographical error that ought to be corrected.

However, Ms Ahmed submitted that she objected to the addition of three new charges as this addition does not meet the statutory notice period. She submitted that the proposed additional charges do not go towards the central issues of the case, and you have been given very limited time to deal with this.

Ms Ahmed submitted that in its considerations the panel should have regard to the length of time the NMC has had to investigate the matter and how long you have been given to deal with amendments to the charges. She submitted that overall fairness to you should be considered.

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

The panel decided not to allow the addition of the proposed new charges. The panel bore in mind the statutory notice period when making its decision and determined that it was not presented with any evidence that this notice period was met as the additional charges were not formally served on you in the Notice of Hearing letter sent on 3 April 2023. The panel considered that the fact that an inconsistent set of charges had previously been sent

by way of information creates confusion rather than being an effective and fair substitute for proper notice as required by the Rules.

The panel considered the seriousness of the proposed additional charges. It was of the view that you ought to have been afforded the appropriate time to address the nature and gravity of all the charges against you and to proceed with new charges at this stage would not be in the interests of justice and fairness to you.

The panel decided to allow the amendment to charge 14a to correct the typographical error. It was satisfied that there would be no prejudice to you and no injustice would be caused to either party by this proposed amendment being allowed. The panel determined that it was therefore appropriate to allow the amendment to charge 14a, to ensure clarity and accuracy.

Decision and reasons on request for a further application to amend the charges

On 3 May 2023, Ms Thornton requested an opportunity to make another application to amend the charges. This was to include the additional three charges which appeared on the draft charge sheet.

Ms Thornton submitted that although there was a mistake with the Notice of Hearing, she can provide evidence of correspondence which shows that a draft including the additional charges was sent by the NMC to your representative at Thompsons Solicitors on 28 March 2023. She submitted that a schedule with the charges was sent by email on this date and acknowledged by your representative. She also now had copies of email correspondence between the NMC and your representatives in late April relating to the question of which charges the NMC proposed to pursue. She requested the opportunity to provide this material in support of a further application to amend the charges.

When asked why this information was not provided in the initial application made on 2 May 2023, Ms Thornton submitted that she was not in receipt of this evidence at the time.

Ms Ahmed opposed this request. She submitted that had you not been in attendance at this hearing the only valid documents in respect of the statutory notice period would be the Notice of Hearing letter sent on 3 April 2023. She submitted that correspondence on 28 March 2023 does not meet the requirements of Rule 34 as this is not a formal Notice of Hearing.

Ms Ahmed submitted that you have seen a Notice of Hearing letter which is different to the draft charges you have received, and this has created some confusion at your end. She invited the panel to consider this in respect of fairness.

The panel accepted the advice of the legal assessor and had regard to Rule 28.

The panel bore in mind that it had already been informed by Ms Thornton during her original application on 2 May 2023 that these three charges had been provided to your representatives prior to the service of the Notice of Hearing. It had also been informed that your representatives had queried the discrepancy between the Notice of Hearing and the draft and that the NMC had, by 25 April 2023, clarified which charges it wished to rely on.

The panel determined that there was no compelling new information to justify revisiting its decision that to include additional charges at this stage would not be in the interests of justice and fairness to you.

The panel declined to hear a further application at this stage.

Decision and reasons on application for part of evidence to be heard in private

Ms Thornton applied for the evidence of Witness F to be heard partially in private on the basis that it may involve mention of the witness' health. The application was made pursuant to Rule 19 of the Rules.

Ms Ahmed indicated that she had no objection.

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 of some other person such as a witness, or by the public interest.

The panel determined to go into private session as and when matters connected with Witness F's health were raised, in order to protect her confidentiality. The panel was satisfied that this was justified and that these considerations outweighed any prejudice to the general principle of public hearings.

Decision and reasons on imposition of an interim order

Following the confirmation that this case will be going part heard, and in accordance with Rule 32(5), the panel considered whether to impose an interim order.

Ms Thornton submitted that the NMC are not seeking an application for imposition of an interim order on your practice at this time.

The panel considered whether it was necessary to impose an interim order on your practice. It took into account the fact that the NMC has chosen not to apply for an interim order. In light of this, and the fact that no new evidence or information has been provided to suggest that temporary restrictions on your practice are required at this time, and that the panel has yet to make findings on the facts of the case, it decided that the test for the necessity of an interim order has not been met.

The panel therefore determined that it would be disproportionate to impose an interim order at this time.

Background

On 27 January 2020 the NMC received a referral from Black Country Partnership NHS Foundation Trust (the Trust). The referral raised regulatory concerns about your progress and competence whilst undertaking the Specialist Community Public Health Nursing Postgraduate Diploma Course (SCPHN course). The referral also raised concerns about your conduct and honesty.

You joined the NMC register (the Register) as a registered nurse in March 2015. When the charges arose, you were a student Health Visitor (HV) undertaking the SCPHN course through Buckinghamshire New University (the University), having commenced the SCPHN course on 28 January 2019.

The SCPHN course consists of three semesters run over a period of 12 months. Half of the course is university-based in which the theory of three modules is studied. The other half of the course is in clinical practice with a placement provider who is also the employer. Funding of SCPHN courses is provided by Health Education England (HEE) and covers student HV salary costs and university fees. HV students are required to be signed off as competent in semesters one and two before being able to progress to a consolidation period in semester three.

Whilst you were undertaking the SCPHN course through the University, your placement provider and employer was Achieving for Children (AFC). Towards the end of semester one, your Community Practice Teacher (CPT) at AFC had concerns about your performance and progress and you were placed on an action plan in May 2019. After this, your CPT was changed to Witness B and during semester two you had several meetings with Witness B and your university link tutor, Witness A. It is alleged that the concerns about your progress and practice continued, and on 18 September 2019 you failed your probationary period at AFC due to lack of progression in practice and your employment contract was terminated. It is alleged that you were told that, as you had not been signed

off as competent in supervised practice in semester two, you could not progress to the consolidation period in semester three.

You appealed the decision and a meeting to consider the appeal took place on 17 October 2019. The result of the appeal was not announced at that meeting. While the panel was informed that the appeal was dismissed, it was unable to establish when that decision was made and when it was communicated to you.

Despite having been told that you could not progress to semester three, it is alleged that you subsequently contacted a number of placement providers requesting placement periods and you stated that you were intending on consolidating from 21 October 2019. It is alleged that you did not disclose that you had not been signed off as competent to move on to the consolidation period in semester three.

On 18 October 2019, it is alleged that you sent a supervision document to a different placement provider in support of a placement application, which was later confirmed as false by your CPT at AFC. You secured a placement with this provider. You had also previously gained a placement with a different trust, allegedly informing them that you were consolidating your practice.

On 3 February 2020 you submitted your ePortfolio to your course leader for examination. It is alleged that three of the documents included within your ePortfolio were identified as being false by their apparent authors. A subsequent University fitness to practise process was initiated which led to your exclusion from the SCPHN course.

You appealed the University's decision to exclude you from the SCPHN course and a second investigation was commenced by the University. On 19 March 2020 you provided a further supervision document to the University in support of your case. It is alleged that this document was identified as being false by its apparent author.

You are currently working as a registered agency nurse in the community, working with adults and children, and you also undertake work in prisons.

Decision and reasons on facts

At the outset of the hearing, you made full admissions to charges 1, 3, 4 and 6. The panel therefore finds charges 1, 3, 4 and 6 proved in their entirety by way of your admissions.

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 Thornton and by Ms Ahmed.

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 A:** Employed by the University as Senior Lecturer and Programme Leader for the SCPHN course.
- **Witness B:** Employed by AFC as team lead and CPT.
- **Witness C:** CPT in health visiting.
- **Witness D:** Community Practice Educator at Midlands Partnership Foundation Trust.
- **Witness E:** Employed by Royal Wolverhampton Hospital Trust as a HV and CPT.
- **Witness F:** Employed by the Trust as CPT.

- **Witness G:** Employed by the University as Associate Professor – Education: Quality Assurance and Enhancement.
- **Witness H:** Employed by the Trust as Pre-School and Specialist Nursing Service Manager.
- **Witness I:** Practice Educator Health Visiting and School Nursing.
- **Witness J:** Senior management at the Midlands Partnership Foundation Trust.
- **Witness K:** Administrator at the University.
- **Witness L:** Director employed at the University.

The panel also heard evidence from you.

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 and by you.

In its consideration of the charges alleging dishonesty, the panel bore in mind that it must first make a finding about your actual (subjective) state of mind at the time, and then decide whether that was dishonest by the standards of ordinary decent people.

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

Charge 2:

- 2) On 11 November 2019 emailed Witness H and incorrectly informed them that you were signed off as competent by saying you were “almost in the process of completing”.

This charge is found not proved.

In reaching this decision, the panel took into account all of the information before it, having particular regard to the evidence of Witness H.

The panel had sight of an email sent by you to Witness H on 11 November 2019 in which you stated that you *'were almost in the process of completing'*. It also had sight of a number of email communications between you and Witness H from 7 October 2019 to 12 November 2019. In your email of 7 October 2019 to Witness H you expressed interest in consolidating your practice with the HV team and stated that you intended to commence consolidation from the week beginning 21 October 2019. However, on 21 October 2019 you sent Witness H an email withdrawing your request for a placement.

In your email of 11 November 2019 you made a request *'to come in for about 10 days or so for me to get an insight into your service'*. A consolidation placement would ordinarily be for 10 weeks. In the panel's view your email of 11 November 2019 was not in support of your original request for a consolidation placement, which was withdrawn, but was a fresh request for a different arrangement.

The panel carefully considered the wording and meaning of the charge as it is drafted. The panel noted that you had not stated that you had been signed off as competent. The panel was not satisfied that the statement that you were *'almost in the process of completing'* implies that you had been signed off as competent. The panel therefore found this charge not proved.

Charge 5:

- 5) On 24 October 2019 incorrectly informed Witness E at Royal Wolverhampton Trust that you:
 - a) Were in your third semester;
 - b) Needed to consolidate your practice;
 - c) Were signed off in practice.

d) Could complete visits independently.

This charge is found proved in its entirety.

In reaching this decision, the panel had regard to all of the documentation before it, having particular regard to the evidence of Witness E, Witness A, Witness F as well as your evidence.

Witness A and Witness F both confirmed that prior to 24 October 2019 you had been informed that you were unable to progress to the third semester and therefore unable to consolidate your practice. The panel also noted the evidence of Witness A and Witness F, namely that you were not signed off in practice and therefore could not complete visits independently. The panel accepted that evidence. It therefore determined that this was your status on the course and that to state otherwise would be incorrect.

The panel had sight of Witness E's witness statement in which she stated the following:

'On 24 October, Patrice's first day with us, she attended a supervision meeting at the Health Centre. My understanding was that a two week placement had been agreed with Patrice. After the meeting I spoke with Patrice and asked her what she wanted from her placement. Patrice told me that she was a student HV with Buckinghamshire New University but that she had to find her own placement. She may have said she was self-funding. Patrice said that she was in her third semester and needed to consolidate practice. Patrice told me she had been signed off in practice and could complete visits independently. Patrice said further that she did not need anything to be signed off by me but would need some paperwork signed to show she had been in a practice placement.'

In her oral evidence, Witness E gave evidence that was consistent with her witness statement and the panel found her evidence to be credible and reliable. The panel therefore found that it is more likely than not that on 24 October 2019 you told Witness E

that you: were in your third semester; needed to consolidate your practice; were signed off as competent; and could complete visits independently. Accordingly, the panel found this charge proved in its entirety.

Charge 7:

- 7) Your actions at charge 6 were dishonest as you knew you had not been advised by Buckinghamshire New University to provide a copy of their letter dated 27th February 2019 to apply to consolidate your practice.

This charge is found not proved.

In reaching this decision the panel had regard to all of the evidence before it.

Having found charge 6 proved by way of your admission, the panel went on to consider whether your actions on 11 November 2019 in sending Witness C a copy of the University correspondence dated 27 February 2019 were dishonest. The panel noted that the University provided all students with a copy of a generic letter confirming that they were enrolled on the SCPHN course for the purposes of gaining placements. The panel also noted that you provided this letter to Witness C, following a telephone conversation and to confirm that you were a student at the University. The panel had regard to your evidence and it was satisfied that you had provided the letter to confirm that you were enrolled at the University. It was therefore not persuaded that your actions were dishonest. The panel therefore found this charge not proved.

Charge 8:

- 8) On 15 November 2019 incorrectly notified Witness F at Black Country NHS Trust that you had been signed off as competent.

This charge is found proved.

In reaching this decision the panel had regard to all of the evidence before it. It had particular regard to the oral and documentary evidence of Witness F. In Witness F's witness statement, she stated the following:

'On 15 November 2019, the first day I personally spent with Patrice, we had a discussion about her health visiting course. Patrice told me she was due to qualify in January 2020. Patrice explained that she had been signed off, was making up her practice hours closer to home and was self-funded. Because she was self-funded she said she had to sort out her own placements. I understood from Patrice saying she was signed off that she had been passed as competent by her practice teacher through semesters one and two of her course. The last semester three, where she would be at this point during a year-long course, is normally the consolidation period, where all of the knowledge and practical experience she had gained would usually translate into a small case holding of her own, meeting clients independently with overview from her practice teacher.'

'On 25 November I was sent some emailed documents from my team leader which included Patrice's submissions to BCPFT when she requested the placement with us originally on 18 October 2019, when I was off sick. At that time, when further evidence was requested of Patrice she withdrew her request, which at that time had been for the whole of semester three. I did not get to examine these until later as I suffered an injury that left me away from work for two days. When I did read the email I could see it contained a Professional Supervision / One-to-one document. This document was undated and bore no written signature or contact details but indicated that Patrice had completed semesters one and two and was starting consolidation on 21 October 2019, to complete in January 2020. Of itself, it wasn't enough to provide a full picture of Patrice's progress but it did mirror what she had told me on 15 October and indicated clearly that Patrice had passed her first two semesters and was now consolidating. There were no University or Practice Teacher details on the documentation.'

Having previously found that you had been unsuccessful in progressing to semester three and not deemed as competent, the panel was of the view that to state otherwise was incorrect.

In her oral evidence, Witness F's account of events was consistent with her witness statement and other documentary evidence. The panel found Witness F's evidence to be credible and reliable. Accordingly, the panel determined that it was more likely than not that you did incorrectly notify Witness F that you had been signed off as competent and found this charge proved.

Charge 9:

- 9) Your actions at Charge 1, 2, 3, 4, 5, 8 were dishonest in that you knew you had not been signed off as competent to proceed to the consolidation period.

In respect of charge 1 – Not proved.

In reaching this decision, the panel considered the evidence of Witness A and Witness B and noted that it was their view that they had made it clear to you that you could not progress to semester three. However, the minutes of your later meeting with Witness A and Witness I on 14 October 2019 do not state unambiguously that your course is at an end, indeed they record that you were told that the onus was on you to find a further placement. While that meeting had not yet occurred, it illustrates to the panel that there was scope for at least some misunderstanding as to the position. In addition, you had appealed the AFC's decision and had approached the Vice Chancellor's office in respect of the decision concerning your performance on the course.

Having heard your own evidence, which the panel sometimes found difficult to follow, it was of the view that in your email of 7 October 2019 you were making a preliminary

approach in the hope that when the time came for a consolidation placement to begin any outstanding matters would have been resolved.

The panel was therefore not persuaded that your actions in emailing Witness H on 7 October 2019 were dishonest.

In respect of charge 2 – Falls away.

Having found charge 2 not proved the panel was not required to make a finding.

In respect of charge 3 – Not proved.

The panel considered the evidence of Witness C and your evidence.

At the time of your email on the afternoon of 14 October 2019, you had had the meeting with Witness A and Witness I that morning, at which you were apparently told that the onus was on you to find a placement. Your appeal had not yet been determined. In addition, while your email asked for a consolidation placement, in your evidence you said that you were seeking a placement to support your personal education plan. Your email requested a placement for '*43 days only*', which would be short for a normal consolidation placement. There may therefore also be a question as to what exactly you meant by '*consolidation*'.

The panel was of the view that following your appeal, it appears that you believed that the decision could be overturned. The panel is therefore not persuaded that your action in emailing Witness C on 14 October 2019 requesting a consolidation placement was dishonest.

In respect of charge 4 – Not proved.

The panel had regard to the evidence of Witness D and your evidence. It noted that at the time you sent the email to Witness D, you had not received an outcome from the appeal. For similar reasons to those explained in respect of charges 2 and 3, the panel was therefore not satisfied that you had acted dishonestly in contacting Witness D to request to consolidate your practice.

In respect of charge 5 – Proved.

The panel had regard to all of the evidence before it. It determined that your actions in incorrectly informing Witness E that you were in your third semester (charge 5(a)) and that you needed to consolidate your practice (charge 5(b)) were the result of your not understanding your status on the course and therefore did not pass the test for dishonesty.

However, when you told Witness E incorrectly that you were signed off in practice (charge 5(c)) and could complete visits independently (charge 5(d)), it was more likely than not that you knew that the information you gave her was incorrect. While there was some scope for misunderstanding about whether you were able to continue the course, and it is unclear whether your appeal had yet been decided at this point, there is nothing to indicate that you had yet been signed off; the current position was that your placement had ended because of dissatisfaction with your performance. There is also nothing to suggest that you had been told that you were passed as competent to conduct visits independently. Therefore, the panel found that you had no genuine belief that these two statements were true and that this amounted to dishonesty by the standards of ordinary decent people.

In respect of charge 8 – Proved.

Having found charge 8 proved, that on 15 November 2019 you incorrectly notified Witness F that you had been signed off as competent, the panel went on to consider whether this was dishonest. Having considered your own evidence, the panel determined that there

was no reasonable explanation for your telling Witness F that you had been signed off as competent, when you had not been. The panel found that you had no genuine belief that you had been signed off, and that your action was dishonest by the standards of ordinary decent people.

Charge 10:

10) On 18 November 2019 sent an email to Witness A with a document purported to be signed by Witness B.

This charge is found proved.

In reaching this decision, the panel had regard to all of the evidence before it. It had particular regard to the evidence of Witness A and Witness B, and your evidence.

The panel had sight of an email dated 18 November 2019 from you to Witness A in which you enclosed an '*End of Semester 2 Report: Assessment Report 2*'. The panel noted that this document appears to have been signed by Witness B. The panel therefore found this charge proved.

Charge 11(a):

11) Your actions at Charge 10 were dishonest in that you knew:

a) Witness B had not signed you off as competent;

This charge is found proved.

In reaching this decision the panel had regard to all of the evidence before it, having particular regard to the evidence of Witness B and your evidence.

The panel had sight of Witness B's witness statement in which she stated the following:

'I had neither completed a semester two assessment report for Patrice, nor had I signed Patrice off as competent to progress to consolidation, because she was not competent to do so. I confirmed that Patrice had been the subject of an action plan, had made little progress and that I had evidence to support this assertion.'

In her oral evidence, Witness B told the panel that, having had sight of this document, she can see what looks like her signature but is sure that she did not sign it. Her oral evidence was consistent with her witness statement, that she would not have signed you off as competent when you were not making good progress and you had failed your probation. She also stated that she would not, in any event, have signed a semester two report, because the semester had not ended.

The panel found the evidence of Witness B to be credible and reliable. It preferred her evidence to your evidence.

The panel found that the only plausible explanation for her signature being present on the *'End of Semester 2 Report: Assessment Report 2'* was that it was fraudulently entered. The panel noted that the scores contained within the report were not consistent with Witness B's assessment of your performance and progress. The panel therefore concluded that in sending the report to Witness A your actions were dishonest by the standards of ordinary decent people in that you knew that you had not been signed off as competent by Witness B. Accordingly, the panel found this charge proved.

Charge 11(b):

11) Your actions at Charge 10 were dishonest in that you knew:

b) You had not completed semester two;

This charge is found not proved.

In reaching this decision, the panel took into account all of the evidence before it.

The panel noted that there was evidence that you were not achieving the required standard needed to progress to semester three. However, in your evidence you appeared to be convinced that you had passed. As the panel has remarked earlier it did not always find your evidence easy to follow, but the panel was of the view that, even if your belief was incorrect, you appeared to have a genuine belief that you had completed semester two. It was therefore not satisfied that your actions were dishonest. Accordingly, the panel found this charge not proved.

Charge 11(c):

11) Your actions at Charge 10 were dishonest in that you knew:

c) Witness B had not signed the document you sent at charge 10.

This charge is found proved.

In reaching this decision the panel had regard to all of the evidence before, having particular regard to the evidence of Witness B.

As the panel has stated in its findings on charge 11(a) it accepted the evidence of Witness B that she did not sign, and would not have signed, this document. The document did not reflect her view of you, and the time for an end of semester two report had not yet arrived. Witness B did not regard you as competent and you were subject to an action plan because your progress had been unsatisfactory. Witness B stated in an email of 22 November 2019 to Witness A that she had not signed this report and that it was not in accordance with her view, and she was consistent about this in her witness statement and oral evidence.

Having found that Witness B did not sign the report, the panel determined that you must have known that she had not. The panel therefore found, as in charge 11(a), that you acted dishonestly in sending the report to Witness A as you knew that Witness B had not signed it and this would be considered dishonest by the standard of ordinary decent people. Accordingly, the panel found this charge proved.

Charge 12:

- 12) On 3 February 2020 you emailed your ePortfolio containing an end of semester 2 report to Witness A purported to have been signed by Witness B.

This charge is found proved.

In reaching this decision the panel had regard to all of the evidence before it. It had particular regard to the evidence of Witness A and Witness B.

The panel had sight of an email from you to Witness A dated 3 February 2020. This email contained your ePortfolio which included the '*End of Semester 2 Report: Assessment Report 2*'. The panel noted that this document appears to have been signed by Witness B. The panel therefore found this charge proved.

Charge 13(a):

- 13) Your actions at charge 12 were dishonest in that you knew:
 - a) Witness B had not met you on 16 September 2019

This charge is found not proved.

In reaching this decision the panel took into account all of the evidence before it which included the evidence of Witness B and your evidence.

The panel had sight of a screen shot of your diary for 16 September 2019 in which there was an entry stating that you had a meeting with Witness B. In her evidence, Witness B had no clear recollection of the meeting having taken place, but she said that it was possible that she met you in the morning for a patient visit, but not to sign off any documentation. The panel was not persuaded that Witness B did not meet you on 16 September 2019. Therefore, it found this charge not proved on the balance of probabilities.

Charge 13(b):

13) Your actions at charge 12 were dishonest in that you knew:

b) Witness B had not signed the end of semester 2 report.

This charge is found proved.

Having already found that you knew that Witness B had not signed the end of semester two report and that sending this report with Witness B's purported signature was dishonest, the panel finds this charged proved for the same reasons as set out in charges 11(a) and 11(c).

Charge 14

14) On 3 February 2020 sent your ePortfolio containing one or more of the following documents to Witness A purported to have been signed and / or marked by Witness E:

a) marked sheet for domain D;

b) summative assessment Report 3 – End of Consolidation.

This charge is found proved in its entirety.

In reaching this decision the panel had regard to all of the evidence before it. It had particular regard to the evidence of Witness A and Witness E, and your evidence. It also had regard to the marking sheet for Domain D and the summative assessment report for semester three.

The panel noted that on 3 February 2020 you sent the marked sheet for Domain D and the summative assessment '*Report 3 – End of Consolidation*' to Witness A. It noted that contained within these documents was the signature of Witness E. The panel therefore found this charge proved in its entirety.

Charge 15(a):

15) Your actions at charge 14 were dishonest in that you knew Witness E:

a) did not mark your Domain D report with a mark of 70/100;

This charge is found not proved.

In reaching this decision the panel took into account all of the evidence before it, having particular regard to the evidence of Witness E.

The panel heard oral evidence from Witness E. It noted that in her evidence Witness E said that she could not remember what she signed for you, although she did remember signing something. Whilst she may not have intended to provide a formal assessment of your Domain D with a mark of 70/100, it was possible that she had signed the document. The panel therefore concluded that the NMC had not discharged its burden of proof on the balance of probabilities. It found this charge not proved.

Charge 15(b):

15) Your actions at charge 14 were dishonest in that you knew Witness E:

b) did not sign you off as competent through the summative assessment Report 3.

This charge is found not proved.

In reaching this decision the panel took into account all of the evidence before it, having particular regard to the evidence of Witness E.

In her evidence, Witness E told the panel that she could have signed a document without checking what she was signing and could not remember whether she signed the summative assessment report for semester three. Whilst she did not intend to sign you off as competent, the panel found that it is nevertheless possible that she signed the document and therefore concluded that the NMC had not discharged its burden of proof on the balance of probabilities. It found this charge not proved.

Charge 16:

16) On 19 March 2021 you sent an email to Witness G attaching a document “ PV evidence 24 ” purported to have been signed / and or marked by Witness B.

This charge is found proved.

In reaching this decision the panel had regard to all of the evidence before it. It had particular regard to the evidence of Witness G and Witness B and to your evidence.

The panel had sight of an email and its attached document sent by you to Witness G dated 19 March 2021. It noted that contained within this documentation are a number of signatures and comments that appear to have been made by Witness B. The panel therefore found this charge proved.

Charge 17:

17) Your actions at charge 16 were dishonest as you knew Witness B had not signed and / or completed “ PV evidence 24 ”.

This charge is found proved.

In reaching this decision the panel had regard to all of the evidence before it. It had particular regard to the evidence of Witness G and Witness B, and your evidence.

The panel noted that Witness B was consistent in her evidence and was adamant that she would not have signed you off as being competent when you were not. The panel had sight of your Professional Supervision/one to one record provided by Witness B. It accepted that this contained a genuine record of Witness B’s assessment and concerns about your performance and the following summary:

‘Patrice is 6 months into her training. At this point she is unable to carry out contact independently. The evidence over the last month demonstrates Patrice is lacking the skills required to be an autonomous practitioner. There are many areas which are unsafe which have been identified in the action plan. I feel there has not been enough progress for Patrice to be able to progress into the consolidation period of the training.’

The panel noted that the version of documents submitted by you is different and that the entries purported to have been made by Witness B are inconsistent with her assessment of your performance in the documents provided by her. In so far as your evidence concerning these documents differed from that of Witness B, the panel preferred Witness B’s evidence.

The panel concluded that the documents provided by you to Witness G appear to have been edited and give a misleading impression of Witness B’s assessment of your

competence and progress. The panel determined that the only plausible explanation is that you falsified these documents and therefore acted dishonestly by the standards of ordinary decent people in sending them to Witness G. Accordingly, the panel 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 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. Firstly, 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.

The panel heard evidence from you under oath.

Submissions on misconduct

Ms Khan invited the panel to take the view that the facts found proved amount to misconduct. She invited the panel to 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.

Ms Khan submitted that on the basis of the charges found proved you have breached the following sections of the Code: 20 and 20.2, and your actions were so serious as to amount to misconduct.

Ms Khan submitted that a finding of misconduct raises fundamental questions about your attitude and suitability for the role of a registered nurse.

Submissions on impairment

Ms Khan 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. This included reference to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2), Grant* [2011] EWHC 927 (Admin) and *Cohen v General Medical Council* [2008] EWCH 581 (Admin).

Ms Khan submitted that your fitness to practise is currently impaired. She referred the panel to following sections of the NMC guidance:

- 'Impairment' (DMA-1)
- 'Misconduct' (FTP-2a)
- 'Serious concerns which are more difficult to put right' (FTP-3a)
- 'Serious concerns based on public confidence or professional standards' (FTP-3c)

Ms Khan asked the panel to consider the *Grant* test. In respect of the first limb, she submitted that you acted dishonestly when you suggested that you were safe to practise independently, despite not having completed the mandatory competency course to proceed, and that this risked placing service users at a considerable risk of harm. Although there were valid reasons for the decisions that were taken by your supervisors,

you were unwilling to accept those decisions and instead continuously pursued a course of action that could have resulted in patients being placed at risk of harm.

In respect of the second limb, it was Ms Khan's submission that you have undoubtedly brought the profession into disrepute. Ms Khan said that patients and families must be able to trust registered professionals with their lives and the lives of their loved ones, and so nurses must make sure that their conduct always justifies the public's trust in their profession. She asked the panel to consider how an informed member of the public would view these charges compared to the conduct expected of a registered nursing professional. She told the panel that your actions were a serious departure from the standards expected and that your dishonesty strikes at the heart of that trust and confidence in the profession.

Ms Khan asked the panel to consider the questions posed in the case of *Cohen*, namely whether the conduct is remediable, whether it, in fact, has been remedied, and whether it is highly unlikely to be repeated in the future. She submitted that dishonesty is a type of behaviour which cannot be easily remediated. However, she stated that if the panel did find that this conduct is remediable then the NMC would argue that it has not been adequately remedied in this case. Ms Khan reminded the panel that this conduct occurred on multiple occasions over a period of 18 months. It involved a number of Trusts, organisations, staff members and the use of falsified documentation. Further, Ms Khan referred the panel to charges 16 and 17 and stated that these charges indicate that, despite the investigations and concerns that had been raised in October 2019, you were not deterred from relying on falsified documentation in March 2021.

Ms Khan submitted that despite the passage of time and your continuing to work as a nurse, you still demonstrate very limited insight into the impact your actions may have had on patients, colleagues and the wider nursing profession. She stated that your reflective statement dated 20 May 2024 did not reference behaviours associated with the charges, did not address the specific issues and made no reference to the subsequent impact of such charges being found proved. Ms Khan told the panel that during your evidence you

presented how your clinical practice has improved but made no reference to your past conduct, why it occurred or how it could be prevented in the future. Consequently, Ms Khan submitted that there is no insight which can outweigh the sustained, dishonest actions that were carried out on numerous occasions over a considerable period of time.

Ms Khan said that you appear to suggest that the difficulty experienced within the course was due to personal differences, a lack of communication and a lack of integrity on the part of others. It is therefore the NMC's view that there remains a high risk of repetition. Based on your past conduct and limited insight, it is not implausible to think that if you were to be placed in a similar situation, you would not act in the same way.

In the light of this, Ms Khan submitted that your fitness to practise is currently impaired on the grounds of public protection and in the wider public interest.

On your behalf Ms Ahmed submitted that, given that this case does not involve harm to patients, determining risk of harm to patients is limited to some theoretical or remote application. She told the panel that you are currently in a role that places you in a position where you can demonstrate that you do not place patients at risk of harm.

Ms Ahmed took the panel through limbs b, c and d of *Grant*. She submitted that when you enrolled on the course you were already a practising registered nurse with no fitness to practise history. She said that what you were not deemed competent to do was practise independently within the context of the expectations of the course.

Ms Ahmed told the panel that you have shown that you have attempted to remedy and reflect upon the past as best you can.

Ms Ahmed referred to the following cases and addressed the panel on the approach to be taken when deciding impairment. She referred to *Dr Raisah Sawati v The General Medical Council* [2022] EWCH 283 (Admin), *General Medical Council v Hafeez-Ur Rehman Awan*

[2020] EWHC 1553 (Admin) and *Benjamin Sayer v General Osteopathic Council* [2021] EWHC 370 (Admin).

Ms Ahmed submitted that there are several authorities, including the cases set out above, that explore a '*rejected defence*'. She drew the panel's attention to paragraph 37 of *Awan* where Mr Justice Mostyn explains that a registrant has the right to put forward a defence and should not be dealt with more harshly because of denial of the allegations. Further, Ms Ahmed referred to *Sayer*, where it was held that it is wrong to equate denial of the allegations with a lack of insight.

Ms Ahmed submitted that the panel can assess your developing insight by examining your attitude at this hearing. She said that you accept that the charges proved against you are serious. She asked the panel to consider this and your reflective statement dated 20 May 2024 and the efforts you have made to engage in the NMC process. She further submitted that the risk of repetition is low because the dishonest conduct occurred in specific circumstances in 2019 and the panel heard evidence that suggested a breakdown in communication between you, your course tutor and your course lead. Ms Ahmed told the panel that this does not absolve you of the responsibility for the dishonesty, but it provides context to the facts found proved.

Ms Ahmed said that you worked as a registered nurse without incident before the referral and have continued to work since with no concerns raised relating to your clinical practice. She told the panel that your cooperation and engagement with the NMC process demonstrates a willingness to learn from this. Ms Ahmed submitted that, although dishonesty is serious and difficult to remedy, it is not impossible. She said that your work as a registered nurse continues to be quality assured which keeps you accountable.

Ms Ahmed reminded the panel to consider the case law set out above. She submitted that, when deciding impairment, the panel has to balance the seriousness of the facts found proved with your right to defend the allegations and not equate denial with lack of insight.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Roylance v General Medical Council* (No 2) [2000] 1 A.C. 311, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), *General Medical Council v Meadow* [2007] QB 462 (Admin), *Grant and Cohen*.

Decision and reasons on misconduct

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 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 the following:

'8 Work co-operatively

To achieve this, you must:

8.1 *respect the skills, expertise and contributions of your colleagues, referring matters to them when appropriate.'*

'9.2 *gather and reflect on feedback from a variety of sources, using it to improve your practice and performance'*

'10.3 *complete records accurately and without any falsification, taking immediate and appropriate action if you become aware that someone has not kept to these requirements.'*

'13 Recognise and work within the limits of your competence'

'Promote professionalism and trust

You uphold the reputation of your profession at all times. You should display a personal commitment to the standards of practice and

behaviour set out in the Code. You should be a model of integrity and leadership for others to aspire to. This should lead to trust and confidence in the professions from patients, people receiving care, other health and care professionals and the public.

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...'

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. However, the panel was of the view that your dishonesty breached the bar of seriousness. In this case, the dishonest conduct occurred numerous times involving more than one person and organisation over a period of time and the purpose was to advance your career.

The panel found that your actions in charges 5(c), 5(d), 8, 9 (in relation to 5(c), 5(d) and 8), 10, 11(a), 11(c), 12, 13(b), 16 and 17 did fall seriously short of the conduct and standards expected of a nurse and amounted to serious misconduct.

The panel determined that your actions in charges 1, 3, 4, 5(a), 5(b), 6, 14(a) and 14(b), for which the associated dishonesty charges were not found proved, did not amount to 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 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 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.

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) 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 considered that no actual harm was caused to patients, but it took the view that there was still a risk of harm because you were assessed as not being competent by your CPT but nevertheless sought to practise unsupervised. The panel found that your misconduct had breached fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. It determined that repeated dishonesty and falsifying documentation are serious departures from what is expected of a registered nurse.

Although you made some admissions, the panel was not convinced that you do not pose a risk to the public. Despite accepting that your denial of the dishonest conduct should be weighed at this stage in light of the legal authorities on a rejected defence, the panel considered that you could not provide a meaningful explanation as to how you would handle a similar situation differently in the future. The panel considered that you did not demonstrate any meaningful insight into the impact of misconduct such as has been found in your case, even when asked direct questions. Therefore, it was not satisfied that you

showed an understanding of why what was found proved against you was wrong and how this will impact negatively on the reputation of the nursing profession.

Dishonesty is always difficult to remediate but the panel considered whether it was possible in this case. However, given your minimal insight, obfuscation, and apparent lack of genuine understanding into the impact of your dishonesty, the panel took the view that it would be very difficult for you to reach the high bar for remediation in this case.

In considering your liability to act dishonestly in the future, the panel had regard to the five different instances of dishonesty over a sustained period, including at least one where the only plausible explanation for your actions was premeditated fraud. The panel noted that you have not had any concerns raised about your clinical practice, other than while you were undertaking the course. However, the panel took the view that you have not been tested in a similar educational scenario since, and you have been working for agencies and therefore not based in one place for a sufficient length of time in order for your practice to be adequately assessed. Although the reference letter from one of your agencies and the feedback forms you provided are positive, they contain no reference to the matters of regulatory concern in this case. The panel had no evidence before it to conclude that matters of the kind found proved would not be repeated in the future. It therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind 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.

The panel determined that a finding of impairment on public interest grounds is also required because of the seriousness of the dishonesty charges found proved. 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.

Sanction

The panel considered this case very carefully and decided to make a striking-off order. The effect of this order is that the NMC register will show that your name has been struck-off and you are no longer permitted to practise as a registered nurse.

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

Submissions on sanction

Ms Khan informed the panel that in the Notice of Hearing, dated 3 April 2023, the NMC had advised you that it would seek the imposition of a striking-off order if it found your fitness to practise currently impaired.

Ms Khan asked the panel to consider a striking-off order because this is the only order that would maintain public confidence in the profession and uphold the proper standards. She submitted that a striking-off order is proportionate to the findings in respect of the charges and the subsequent decision in respect of impairment and misconduct.

Ms Khan submitted that the alternative sanctions the panel has the power to consider would not sufficiently protect the public. She told the panel that your misconduct raises fundamental questions about your professionalism and the basic tenets of integrity and trust. Ms Khan said that you dishonestly misled your peers, supervisors and several Trusts and she reminded the panel that you provided numerous misleading documents, that had

been altered or were false, to support applications. It was her submission that these actions were consistently dishonest and your conduct at the time amounted to a serious breach of professional standards. Ms Khan submitted that you continue to demonstrate a lack of insight and therefore remain a risk to public safety.

Ms Khan referred to charges 16 and 17, which involve you providing false documentation to Witness G, two years after the initial concerns were raised. She told the panel that your misconduct amounts to repetitive behaviour and a lack of insight. It was her submission that a well-informed member of the public would expect a registered nurse to be honest about their progress in respect of the type of qualification you sought to obtain. She stated that dishonesty is an example of conduct which may not be possible to address with retraining.

Ms Khan submitted that your dishonesty was so extensive that to allow you to continue practising would undermine public confidence in the profession and the NMC as regulator. Ms Khan asked the panel to consider a striking-off order to mark the importance of protecting the public and to maintain public confidence in the profession.

On your behalf, Ms Ahmed took the panel through the sanctions available to it, with reference to the relevant sections in the SG. She outlined conditions for the panel to consider if it decides that a conditions of practice order is appropriate and workable in this case. Ms Ahmed said that if the panel determined that it could not formulate workable conditions then a suspension order could be considered suitable as it would protect the public and mark the public interest.

Ms Ahmed outlined the following mitigating features for the panel to consider:

- You have no previous fitness to practice history.
- You have worked in the community as a registered nurse since you qualified in 2015, with no incident or complaint before or since the events covered by the charges.

- You are assessed by outsiders, therefore there is a level of independent oversight into your work.
- There is no duty on the agency to retain you if there are issues regarding the quality of your work or your adherence to the NMC code, but they have done so.
- You take part in audits, which shows that you are trusted by those who have experienced your work.
- You provided positive feedback and references.

Ms Ahmed submitted that the community would be deprived of a caring practitioner whose record has been marred by the findings of dishonesty. It was her submission that a suspension order for 12 months would reflect the gravity and seriousness of the charges found proved. She told the panel that this order would give you the opportunity to reflect on your misconduct.

Ms Ahmed said that a striking-off order is considered when all other sanctions are deemed inappropriate. It was her submission that other sanction options are available in this case and asked the panel to consider them.

The panel accepted the advice of the legal assessor.

Decision and reasons on sanction

Having found that your fitness to practise is currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel bore 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 NMC's guidance on '*Considering sanctions for serious cases*' (SAN-2). In examining the factors in '*Cases involving dishonesty*', the panel found that none of the factors at the less serious end of the spectrum were engaged. By

contrast, it considered that your dishonesty fell into the category of 'premeditated, systematic or longstanding deception' and your actions had the objective of personal gain from achieving a qualification that would not have been merited by your actual progress on the SCPHN course. This would have put patients at risk if you had practised unsupervised in a role for which you had obtained the qualification by false pretences. The panel determined that these factors placed your dishonesty towards the upper end of the spectrum of seriousness.

The panel took into account the following aggravating features:

- You lacked insight into your failings and the impact of your dishonesty on the reputation of the profession.
- There was a pattern of misconduct over a significant period of time.
- Your misconduct put patients at risk of harm.
- Dishonesty is always serious and this was towards the higher end of the spectrum.

The panel could not identify any mitigating features in this case. Although Ms Ahmed asserted that no other regulatory history was present, the panel did not accept this as a mitigating feature as it would expect this to be the case in any event. Further, it did not find that the documents provided by you demonstrated sufficient scrutiny and assessment of the matters that are relevant to this case.

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, and the public protection issues identified, an order that does not restrict your 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 your 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 be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether placing conditions of practice on your registration would be a sufficient and appropriate response. The panel determined that there are no practicable or workable conditions that could be formulated, given the nature and seriousness of the charges in this case. The misconduct identified in this case was attitudinal in nature and therefore not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on your registration would not adequately address the seriousness of your misconduct and would not protect the public.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:

- *A single instance of misconduct but where a lesser sanction is not sufficient;*
- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *No evidence of repetition of behaviour since the incident;*
- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*
- ...
- ...

The panel considered that your misconduct consisted of five different instances of dishonesty which occurred over a considerable period of time. It took the view that your dishonesty is at the higher end of the spectrum and is indicative of a deep-seated attitudinal problem. The panel also took into account that your insight is negligible.

Therefore, it found a consequent risk of repetition. The panel acknowledged that it has not been presented with any evidence of repetition of similar behaviour since the referral. However, it considered that you have not been tested in a similar educational scenario since.

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

The panel therefore determined that a suspension order would not be a sufficient, appropriate or proportionate sanction in your case.

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?*

The panel considered that your actions were significant departures from the standards expected of a registered nurse and are fundamentally incompatible with your remaining on the register. The panel was of the view that the findings in this particular case demonstrate that your actions were serious and to allow you to continue practising 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 your actions in bringing the profession into disrepute by adversely affecting the public's view of how registered nurses should conduct themselves, the panel has concluded that nothing short of a striking-off order would be sufficient in this case.

The panel considered that this order was also necessary 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 you 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 striking-off 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 Ms Khan and Ms Ahmed.

Ms Khan submitted that based on the panel's decision to impose a striking-off order, an interim suspension order for 18 months is necessary for the protection of the public and to meet the public interest. It was her submission that if you choose to make an appeal, it will take time for that appeal to be determined through the higher courts.

Ms Ahmed accepted that findings have been made on public protection grounds and in the wider public interest. She asked the panel to consider that you have worked without incident for a number of years. She told the panel that you are currently booked to work on shifts this weekend and asked to allow you the time to make appropriate arrangements with your agency.

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 appeal period as not to do so would be inconsistent with its previous findings. In making this order, the panel took account of the impact the order will have on you and is satisfied that this order, for this period, is appropriate and proportionate.

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

That concludes this determination.