

**Nursing and Midwifery Council  
Investigating Committee**

**Fraudulent/Incorrect Entry Substantive Hearing  
Tuesday, 24 September 2024**

Virtual Hearing

**Name of Registrant:** Shaune Millin

**NMC PIN:** 10A0995E

**Part(s) of the register:** Registered Nurse - Learning Disabilities

**Area of registered address:** Southend-on-Sea

**Type of case:** Fraudulent/Incorrect entry

**Panel members:** Jill Wells (Chair, Lay member)  
Helen Huges (Registrant member)  
Sarah McAnulty (Lay member)

**Legal Assessor:** Caroline Hartley

**Panel Secretary:** Tyrena Agyemang

**Nursing and Midwifery Council:** Represented by Adam Smith, Case Presenter

**Mr Millin:** Present and represented by Joseph Nthini, Lay Representative

**Outcome:** **Registration entry was fraudulently made**

**Direction:** **The panel directs the Registrar to remove your entry on the register in accordance with Article 26(7) of the Order**

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

## **Details of charge**

That you....

1. On your revalidation application form dated 21 July 2020, you did not indicate that had been convicted on 13 January 2020 at South Essex Magistrates' Court of drunk, and disorderly behaviour contrary to section 91(1) of the Criminal Justice Act 1967 and criminal damage contrary to s.1(1) and (4) of the Criminal Damage Act 1971.

And thereby an entry on Sub Part 1 of the NMC register in the name of Mr Shaune Millin, PIN 10A0995E, was fraudulently procured and/or incorrectly made.

## **Background**

The charges arose on the 3 November 2020, when it came to light after a DBS Check was conducted, that you had been convicted at South Essex Magistrates' Court of drunk, and disorderly behaviour contrary to section 91(1) of the Criminal Justice Act 1967 and criminal damage contrary to s.1(1) and (4) of the Criminal Damage Act 1971 on 13 January 2020.

You submitted your online revalidation application on 21 July 2020 and answered yes to the question about whether you had received a police charge, caution or conviction. However, this was in relation to a conviction back in 2015, that the NMC were already aware of and not the conviction in 2020.

## **Decision and reasons on the facts**

At the outset of the hearing, you made a full admission to charge 1, that you did not indicate that you had been convicted on 13 January 2020 on your revalidation form and accept therefore as a result, that your registration was fraudulently procured.

Mr Smith on behalf of the NMC took the panel through the background of the case and referred it to the relevant pages in the bundle. He submitted that you have made oral admissions in relation to fraudulently procuring your entry on the NMC register before the panel today and also within your reflective statement and in an accompanying witness statement dated 24 September 2024.

Mr Smith submitted that although a Caution order from another NMC matter is mentioned within the papers before the panel, the NMC do not seek to rely on this information today.

Mr Nthini on your behalf reiterated that you admit the charge and you do not seek to challenge the information in the bundle. Further he told the panel that you apologise for what you have done.

The panel took into account all the oral and documentary evidence in this case, together with the submissions made by Mr Smith and Mr Nthini. It 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.

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor.

### **Charge 1**

1. On your revalidation application form dated 21 July 2020, you did not indicate that had been convicted on 13 January 2020 at South Essex Magistrates' Court of drunk, and disorderly behaviour contrary to section 91(1) of the Criminal Justice Act 1967 and criminal damage contrary to s.1(1) and (4) of the Criminal Damage Act 1971.

**This charge is found proved.**

In reaching this decision, the panel took into account the submissions from both Mr Smith and Mr Nthini. It also had regard to the papers before it, including the revalidation form, the witness statement from the NMC Investigator, evidence of the offence, your reflective piece, your witness statement and admissions and the relevant NMC guidance.

The panel was satisfied that the information before it provided an evidential basis for the charge and is from reliable sources. The panel is satisfied that the information provided is cogent and reliable, not fanciful or frivolous and not obviously contradictory.

The panel had regard to your reflective piece in which you stated:

*'13.The reason I did not report is rather frivolous. I was embarrassed of my convictions. I was embarrassed to notify the NMC that I had been convicted. I became obsessed by the shame and the thought and I procrastinated until it was too late.*

*14.I was also afraid of losing my job. ... I was petrified about losing my PIN and ability to earn an income. Therefore, I put my interests above the public and wider interests. That was wrong. The longer I waited the more it became impossible and eventually events took over that took that opportunity away from my hands.'*

The panel considered that you deliberately and knowingly withheld declaring your conviction and that you were aware of your obligation to do so, particularly as you had declared a previous conviction.

The panel based on all the information before it and your admission, the panel finds this charge proved and that your entry on the NMC register was fraudulently procured.

## **Decision and reasons on direction**

Having determined that you had fraudulently procured an entry on the NMC's register, the panel went on to decide what direction, if any, to make under Article 26(7) of the 'Nursing and Midwifery Order 2001' (the Order).

Article 26(7) states:

*'...If the Investigating Committee is satisfied that an entry in the register has been fraudulently procured or incorrectly made, it may make an order that the Registrar remove or amend the entry and shall notify the person concerned of his right of appeal under article 38.'*

The panel heard evidence from you under affirmation.

You told the panel of your remorse. You explained that you didn't include the conviction because you were fearful of losing your job. You said that having reflected and having suffered yourself over the last couple of years in relation to other difficulties with your regulator, you now realise that you have to be open and honest at all times. You confirmed that if anything untoward were to happen in the future you would be honest about it even though the consequences for you might be serious.

Mr Smith reminded the panel of its main objective, to protect the public, which includes maintaining public confidence in the profession. He submitted the only reasonable conclusion is for the panel to direct the removal your entry from the register.

Mr Smith took the panel through the chronology of your convictions and he submitted it is concerning that you hid your conviction from your regulator for nearly a year. He submitted that this is a significant amount of time, during which the public would not have been adequately protected, because the regulator was not aware of the risk.

Mr Smith submitted that there is also a risk in relation to your alcohol consumption and you not accepting that you have an issue, despite having two convictions relating to your alcohol consumption.

Mr Smith stated that whilst you are remorseful and understand that there are some concerns, he submitted that the only appropriate option for the panel today is removal from the register, because the alternative of taking no action does not protect against the risk of you repeating your decision to deceive your regulator at the risk of undermining public protection for so long. He therefore invited the panel to direct your removal from the register.

Mr Nthini took the panel through your nursing career and your current role. He told the panel that you made full admissions at a very early stage of these proceedings. He told the panel that you were embarrassed about telling the NMC and was fearful of losing your job and therefore did not declare your conviction when you should have.

Mr Nthini submitted that taking no action is appropriate and a proportionate response in light of your admissions. He told the panel that you have already remediated the concerns and as you returned to the NMC register in 2022 after a two year DBS removal. He referred the panel to the statement from your current Director of Nursing and stated that you were open and honest about your conviction and the other NMC proceedings to your current employer, which demonstrates someone who is honest and has insight.

Mr Nthini directed the panel to your reflection in which you outline what you would do if faced with a similar situation. He told the panel that you would declare the conviction at the earliest instance to ensure that you do not fall short of the NMC code and to maintain your professionalism and integrity.

Mr Nthini told the panel that you know what you did was wrong and that you have taken responsibility for your actions. He told the panel that you revalidated with the NMC in January 2024 and you were honest and admitted your convictions when you revalidated.

Mr Nthini submitted that removing you from the register is not necessary for the protection of the public, as you do not pose a risk that necessitates the need for your removal. He stated that the matter was not related to your clinical practice, nor was it related to your place of work.

Mr Nthini went on to address the public interest. He submitted that an order could be made on the ground of public interest, because any actions or behaviour that has the potential to bring the profession or regulator into disrepute, would justify an order in the public interest. However, he submitted in this case that an order is not necessary on the ground of public interest.

Mr Nthini submitted that you are a role model to your colleagues and that although you may have gained entry on to the register fraudulently, you have since done the correct thing in being open and honest about it. He submitted that removal from the register would be disproportionate in the circumstances, as whilst the allegations are serious, it is not at the top end of the threshold of seriousness.

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

The panel first considered whether in light of your admissions including to your entry to the register being made fraudulently, it could take no further action. The panel bore in mind its duty to ensure the integrity of the public's confidence in the professions and considered that if it took no further action, the public's confidence in the NMC would be undermined in light of the seriousness of your deception.

The panel then went on to consider its alternative sanction which is to direct that your entry be removed from the NMC register. It had regard to the fact that the omission on your online application was neither trivial nor unimportant as it was in relation to a conviction. You were aware that this was required information for revalidation as you had declared a previous conviction. Accurate information is necessary so that the NMC can carry out an assessment of risk in relation to it. The panel took into account that your conviction only came to light because of information from the DBS and not because you reflected upon your earlier omission. It noted that you were practising for a considerable period of time before your regulator became aware of this conviction. The panel considered that if the public became aware of that fact, confidence in the professions would be diminished.

The panel acknowledged the positive statement from the Director of Nursing at your current employment, your admissions, expressions of remorse within your reflective pieces and submissions about the impact on you if you were removed from the register.

However, the panel considered your dishonesty in that you knowingly and deliberately withheld pertinent information from your regulator, when you knew you should have been open and honest and decided that the public interest outweighed your own.

The panel considered your dishonesty in relation to public protection. It found your dishonesty with the regulator to be very serious. The panel also recognised the importance of maintaining the integrity of the NMC register.

In all the circumstances the panel decided that the only appropriate order is to direct the Registrar to remove your entry from the register.

You will be notified of the panel's decision in writing. You have the right to appeal the decision under Article 38 of the Order. This order cannot take effect until the end of the 28-day appeal period or, if an appeal is made, before the appeal has been concluded.

### **Decision and reasons on interim order**

Mr Smith on behalf of the NMC applied for an interim suspension order for a period of 18 months. He submitted that an interim order is necessary to maintain the integrity of the register and to allow sufficient time should you choose to appeal the panel's decision.

The panel also took into account the submissions of Mr Nthini. He opposed the application and was concerned about the length of the order.

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

In reaching its decision on whether to impose an interim order, the panel had regard to the reasons set out in its decision on the facts and its decision to direct the Registrar to remove your entry from the Register. It also had regard to the NMC's published Guidance on Fraudulent and incorrect entry cases. It noted that the imposition of an interim order is not an automatic outcome but is a matter for the panel's discretion in the circumstances of the case, having regard to the public interest in maintaining the integrity of the register. It also had regard to Article 31 of the Order and the NMC's Guidance on interim orders.



The panel first considered whether to impose an interim conditions of practice order. It determined that an interim conditions of practice order was not workable or appropriate in this case as the matter does not relate to your clinical practice and it would not be consistent with the panel's earlier decision.

Accordingly, the panel determined that an interim suspension order was necessary to protect the public and otherwise in the public interest in order to protect the reputation of the profession and the NMC as its regulator.

The period of this order is for 18 months to allow for the possibility of an appeal to be made and determined.

If no appeal is made then the interim order will lapse upon the removal of your entry in the Register 28 days after you are sent the decision of this hearing in writing.

That concludes this determination.