

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

**Substantive Hearing
Wednesday, 18 September 2024**

Virtual Hearing

Name of Registrant:	Rebecca Ruler
NMC PIN	13A2521E
Part(s) of the register:	Nurses part of the register Sub part 1 RNA: Adult nurse, level 1 (21 January 2013)
Relevant Location:	Bolton
Type of case:	Conviction
Panel members:	Anthony Griffin (Chair, Lay member) Karen Shubert (Registrant member) Joanne Smith (Lay member)
Legal Assessor:	Charles Conway
Hearings Coordinator:	Tyrena Agyemang
Nursing and Midwifery Council:	Represented by Hazel McGuinness, Case Presenter
Miss Ruler:	Not present and unrepresented in the hearing
Consensual Panel Determination:	Accepted
Facts proved:	Charges 1a, 1b, 1c, and 1d
Facts not proved:	N/a
Fitness to practise:	Impaired
Sanction:	Striking-off order
Interim order:	Interim suspension order (18 months)

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Miss Ruler was not in attendance and that the Notice of Hearing letter had been sent to Miss Ruler's registered email address by secure email on 8 August 2024.

Further, the panel noted that the Notice of Hearing was also sent to Miss Ruler's representative at Thompsons Solicitors on 8 August 2024.

Ms McGuiness, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the allegation, the time, date and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Miss Ruler's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

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

Decision and reasons on proceeding in the absence of Miss Ruler

The panel next considered whether it should proceed in the absence of Miss Ruler. It had regard to Rule 21 and heard the submissions of Ms McGuiness who invited the panel to continue in the absence of Miss Ruler. She submitted that Miss Ruler had voluntarily absented herself.

Ms McGuiness informed the panel that a provisional Consensual Panel Determination (CPD) agreement had been reached and signed by Miss Ruler on 25 June 2024.

Ms McGuiness also referred the panel to the CPD signed by Miss Ruler and paragraph 1 which states:

“Miss Rebecca Ruler is aware of the CPD hearing. Miss Ruler does not intend on attending the hearing and is content for it to proceed in her and her representative’s absence. Miss Ruler and or her representative will endeavour to be available by telephone should clarification on any point be required, or should the panel wish to make other amendments to the provisional agreement that are not agreed by Miss Ruler.”

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised “with the utmost care and caution” as referred to in the case of *R. v Jones (Anthony William)* (No.2) [2002] UKHL 5. She also referred the panel to the case of *General Medical Council v Adeogba* [2016] EWCA Civ 162.

The panel has decided to proceed in the absence of Miss Ruler. In reaching this decision, the panel has considered the submissions of Ms McGuiness, the CPD at paragraph 1 in which Miss Ruler states that she is content for the hearing to proceed in her absence, and the advice of the legal assessor. It has had particular regard to the factors set out in the decision of *R v Jones* and *General Medical Council v Adeogba* and had regard to the overall interests of justice and fairness to all parties. It noted that:

- Miss Ruler has engaged with the NMC and has signed a provisional CPD agreement which is before the panel today;

- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- There is a strong public interest in the expeditious disposal of the case.

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

Details of charge

That you, a registered nurse:

- 1) On 16 March 2023 at Preston Crown Court were convicted of the following offences:
 - a) Made 151 indecent images of children (Cat A)
 - b) Made 101 indecent images of children (Cat B)
 - c) Made 134 indecent images of children (Cat C)
 - d) Publishing obscene material x 5

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

Consensual Panel Determination

At the outset of this hearing, Ms McGuinness informed the panel that a provisional agreement of a CPD had been reached with regard to this case between the NMC and Miss Ruler.

The agreement, which was put before the panel, sets out Miss Ruler's full admissions to the facts alleged in the charges, that her conviction was for serious sexual offences, and that her fitness to practise is currently impaired by reason of that conviction. It is further stated in the agreement that an appropriate sanction in this case would be strike off order.

The panel has considered the provisional CPD agreement reached by the parties.

That provisional CPD agreement reads as follows:

“The Nursing & Midwifery Council (“the NMC”) and Rebecca Ruler], PIN 13A2521E (“the Parties”) agree as follows:

1. Miss Rebecca Ruler is aware of the CPD hearing. Miss Ruler does not intend on attending the hearing and is content for it to proceed in her and her representative’s absence. Miss Ruler and or her representative will endeavour to be available by telephone should clarification on any point be required, or should the panel wish to make other amendments to the provisional agreement that are not agreed by Miss Ruler.

The charge

2. Miss Ruler admits the following charges:

That you, a registered nurse:

1) On 16 March 2023 at Preston Crown Court were convicted of the following offences:

a) Made 151 indecent images of children (Cat A)

b) Made 101 indecent images of children (Cat B)

c) Made 134 indecent images of children (Cat C)

d) Publishing obscene material x 5

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

The facts

3. Miss Ruler appears on the register of nurses, midwives and nursing associates maintained by the NMC as a Registered Nurse Adult (RNA), sub part 1 and has been on the NMC register since 24 January 2013.

4. A Fitness to practice referral was made to the NMC on 9 June 2022 by the Divisional Nurse Director, for Bolton NHS Foundation Trust ('the Trust'). The information received was that Miss Ruler was arrested on 28 May 2022 under suspicion for offences relating to the possession and distribution of indecent images of children. At the material time of the concerns Miss Ruler was employed by the Trust as a ward manager on the respiratory ward.

5. The arrest was based on a referral received from NCA, whereby a Category B indecent image had been uploaded via snapchat. The definition of Category B image is 'an image involving non-penetrative sexual activity with or by a child'. Miss Ruler confirmed that the mobile number and e-mail address associated to the referral belonged to herself.

6. It is noted that the IP address used to log on to the chat site where the offences were committed was traced to the NHS Trust hospital where Ms Ruler was working.

7. Miss Ruler confirmed to the Police that she was a ward manager on an adult respiratory ward. Miss Ruler was then interviewed by the Police and made a no comment to all the questions put to her over two interviews and therefore provided no account to the Police. The Police seized digital devices from Miss Ruler's address to assist in their investigation and Miss Ruler was released on bail under police investigation.

8. On 5 January 2023, Miss Ruler was subsequently charged with the following criminal offences:

1) Offence:

Make indecent photograph / pseudo-photograph of a child (17/04/2021 - 28/04/2022)

Particulars:

between 17/04/2021 and 28/04/2022 made 151 category A indecent images of children

2) Offence:

Make indecent photograph / pseudo-photograph of a child (17/04/2021 - 28/04/2022)

Particulars:

between 17/04/2021 and 28/04/2022 made 101 category B indecent images of children

3) Offence:

Make indecent photograph / pseudo-photograph of a child (17/04/2021 - 28/04/2022)

Particulars:

between 17/04/2021 and 28/04/2022 made 134 category C indecent images of children

4) Offence:

Possess indecent photograph / pseudo-photograph of a child (17/04/2021 - 28/04/2022)

Particulars:

between 17/04/2021 and 28/04/2022 possessed 386 indecent images of children

5) Offence:

Possess extreme pornographic image / images portraying an act of intercourse / oral sex with a dead / alive animal (17/04/2021 - 28/04/2022)

Particulars:

between 17/04/2021 and 28/04/2022 possessed 168 extreme pornographic images which portrayed, in an explicit and realistic way, a person performing an act of intercourse with a live animal, namely dogs, which were grossly offensive, disgusting or otherwise of an obscene character and a reasonable person looking at the image would think that any such person or animal was real.

9. On 16 March 2023 Miss Ruler entered a guilty plea to the charges and on 11 August 2023 at Preston Crown Court was sentenced to 12 months imprisonment suspended for two years. The order stated that Miss Ruler must complete 180 hours of unpaid community work and to complete 35 days Rehabilitation Activity as directed by the Probation Service. Preston Crown court also made a Sexual Harm Prevention Order to remain in force for five years and Miss Ruler was further ordered to sign the sex offenders register for 10 years.

Impairment

10. Miss Ruler's fitness to practise is currently impaired by reason of her conviction on public protection and public interest grounds. In agreeing this the parties have had regard to the questions posed by Mrs Justice Cox adopting the approach of Dame Janet Smith in the 5th Shipman Report in Council for Healthcare Regulatory Excellence v (1) NMC (2) Grant [2011] EWHC 927 (Admin): which are whether Miss Ruler:-

- a) Has in the past, 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, and/or is she liable in the future to bring the professions into disrepute;
- c) Has in the past, and/or is she liable in the future to breach one of the fundamental tenets of the professions;
- d) Has in the past, and/or is she liable in the future to act dishonestly."

11. Limbs a, b and c are engaged in this case.

12. In regard to limb a) although Miss Ruler did not cause any harm to patients directly in her care, the IP address used to access the offending chat site was that of the NHS Trust. This together with the conviction raises serious concerns about the potential risk

she poses to others as a result of her behaviour in making and possessing indecent images of children and photographs adults performing an act of intercourse on live animals.

13. In regard to limb b) Miss Ruler's conduct in making and processing the indecent images of children and a person performing a sexual act on a live animal would be considered to be deplorable by her fellow practitioners and members of the public. NMC guidance on 'Cases involving sexual misconduct states': Sexual misconduct will be particularly serious if the nurse, midwife or nursing associate has abused a special position of trust they hold as a registered caring professional. It will also be particularly serious if they have to register as a sex offender. The level of risk to patients will be an important factor, but the panel should also consider that generally, sexual misconduct will be likely to seriously undermine public trust in nurses, midwives and nursing associates'. It is clear that Miss Ruler's conduct brings the profession into disrepute in that the public's trust in the nursing profession has been seriously undermined.

14. In addition, Miss Ruler has been convicted of a serious criminal offence which has caused significant damage to the reputation of the nursing profession, and the nature of the offending is a gross breach of the trust that members of the public place in registered and regulated professionals, in this case a nurse.

15. In regard to limb c) Miss Ruler's criminal conviction for serious sexual offences has breached a fundamental tenet of the nursing profession in that she has failed to keep to the laws of the country.

16. Miss Ruler has also breached the following standards of The Code (2018):-

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.

20.4 Keep to the laws of the country in which you are practising.

17. For the reasons set out in paragraphs 7 - 13, above, Miss Ruler accepts that at the time of committing the offence, her fitness to practise as a nurse was impaired.

Remediation, reflection, training, insight, remorse

18. In considering the question of whether Miss Ruler's fitness to practise is currently impaired, the Parties have considered *Cohen v General Medical Council [2008] EWHC 581 (Admin)* in which the court set out three matters which it described as being 'highly relevant' to the determination of the question of current impairment;

- a) Whether the conduct that led to the charge(s) is easily remediable.
- b) Whether it has been remedied.
- c) Whether it is highly unlikely to be repeated.

19. The conduct that led to Miss Ruler's conviction for serious sexual offences involving children and animals could be said to be extremely difficult to remediate, both in terms of public protection and the wider public interest.

20. Miss Ruler through her representative in her completed Case Management form (CMF) dated 5 April 2024 and an email dated 9 April 2024, accepts the charges, and does express an acceptance of current impairment. However, at this stage, it is accepted that the possibility of future offending cannot be ruled out.

21. Whilst Miss Ruler remains the subject of criminal orders imposed, in part at least, to address his risk of reoffending, it would be premature to conclude she no longer poses a risk to the public. As such, and as accepted by Miss Ruler, her fitness to practice is currently impaired on public protection grounds.

Public interest impairment

22. *A finding of impairment is necessary on public interest grounds.*

23. *In Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant [2011] EWHC 927 (Admin) at paragraph 74 Cox J commented that:*

“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.”

24. *The conduct of Miss Ruler has fallen far short of the standards the public would expect of professionals caring for them, public confidence in the professions has been seriously undermined. A finding of impairment is therefore required to maintain public confidence in the profession and professional standards by marking Miss Ruler's conduct as wholly unacceptable offending behaviour for a registered nurse.*

25. *Miss Ruler accepts that her fitness to practice is currently impaired on public interest grounds.*

Sanction

26. *Miss Ruler accepts that the appropriate sanction in this case is a Striking Off Order.*

27. *The parties have considered the NMC's Sanction Guidance, bearing in mind that it provides guidance, not firm rules. The purpose of sanction is not to be punitive; however, in order to address the public interest including protecting the public, maintaining confidence in the profession, and upholding proper standards of conduct and behaviour, sanctions may have a punitive effect.*

28. *The aggravating factors in this case are as follows:*

a) Miss Ruler has a conviction for serious criminal sexual offences.

29. *Miss Ruler is subject to a Probation Order whereby she must complete 35 days of Rehabilitation Activity, she must complete 180 hours of unpaid community work and she is subject to the requirements of Sex Offenders Registration for five years, expected to expire in 2028 and also has had to sign the sex offenders register for 10 years.*

30. *The mitigating feature in this case is as follows:*

a) Miss Ruler has admitted the charges and that her fitness to practice is impaired by reason of her conviction.

31. *NMC guidance on considering sanctions for serious cases gives specific guidance on sanctions for sexual offences and criminal convictions. Sexual offending, particularly against children, is identified as likely to seriously undermine confidence in the profession and involves a serious and fundamental breach of public trust in nurses, midwives and nursing associates. As a general rule a registered professional should not be permitted to start practising again, if at all, until they have completed a sentence for a serious offence (Council for the Regulation of Health Care Professionals v [1] General Dental Council and [2] Fleischmann [2005] EWHC 87 [QB]).*

32. *Miss Ruler will not have completed her sentence until 2025 at the earliest and will be subject to the reporting requirements set out under the Sexual Offence Act 2003 for a period of 5 years, from 11 August 2023 and expected to end in August 2028.*

33. *Taking no further action or imposing a caution order would be inappropriate as they would not address the public protection concerns identified in this document. These*

sanctions would not reflect the seriousness of the convictions and therefore public confidence in the professions and professional standards would not be maintained.

34. Imposing a Conditions of Practice Order would not be appropriate as there are no identified clinical concerns that could be addressed with conditions. This sanction would not reflect the seriousness of the convictions therefore public confidence in the professions and professional standards would not be maintained.

35. Imposing a suspension order would temporarily protect the public but would not be appropriate as Miss Ruler would still be subject to a criminal sentence at the conclusion of a maximum period of suspension. This sanction would not reflect the seriousness of the convictions and therefore public confidence in the profession and professional standards would not be maintained.

36. In any event, a Striking Off Order is the appropriate sanction in this case.

37. Miss Ruler's criminal offending has seriously undermined the public's trust and confidence in her. Her criminal offending and subsequent sentence is fundamentally incompatible with being a registered professional nurse. Only a Striking Off Order will be sufficient to protect patients, maintain public confidence in the profession and maintain professional standards.

Interim order

An interim order is required in this case. The interim order is necessary for the protection of the public and otherwise in the public interest. This is because any sanction imposed by the panel will not come into immediate effect but only after the expiry of 28 days beginning with the date on which the notice of the order is sent to the registrant or after any appeal is resolved. An interim order of 18 months is necessary to cover any possible appeal period. An interim suspension order is appropriate as this would be consistent with the sanction imposed by

the panel and would address public protection and public interest concerns already identified in this document.

The parties understand that this provisional agreement cannot bind a panel, and that the final decision on findings, impairment and sanction is a matter for the panel. The parties understand that, in the event that a panel does not agree with this provisional agreement, the admissions to the charges and the agreed statement of facts set out above, may be placed before a differently constituted panel that is determining the allegation, provided that it would be relevant and fair to do so.”

Here ends the provisional CPD agreement between the NMC and Miss Ruler. The provisional CPD agreement was signed by Miss Ruler and the NMC on 25 June 2024 and 1 July 2024.

Decision and reasons on the CPD

The panel decided to accept the CPD.

The panel heard and accepted the legal assessor’s advice. Ms McGuinness referred the panel to the ‘NMC Sanctions Guidance’ (SG) and to the ‘NMC’s guidance on Consensual Panel Determinations’. She reminded the panel that they could only either accept or reject the provisional CPD agreement reached between the NMC and Miss Ruler. Further, the panel should consider whether the provisional CPD agreement would be in the public interest. This means that the outcome must ensure an appropriate level of public protection, maintain public confidence in the professions and the regulatory body, and declare and uphold proper standards of conduct and behaviour.

The panel noted that Miss Ruler admitted the facts of the charges. Accordingly, the panel was satisfied that the charges are found proved by way of Miss Ruler’s admissions, as set out in the signed provisional CPD agreement.

Decision and reasons on impairment

The panel then went on to consider whether Miss Ruler's fitness to practise is currently impaired. Whilst acknowledging the agreement between the NMC and Miss Ruler, the panel has exercised its own independent judgement in reaching its decision on impairment.

In coming to its decision, the panel had regard to the Fitness to Practise Library on *Impairment* (DMA-1), updated on 27 February 2024, which states:

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

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

If the answer to this question is yes, then the likelihood is that the professional's fitness to practise is not impaired.'

The panel then went on to consider the questions posed by Dame Janet Smith in the 5th Shipman Report in *Council for Healthcare Regulatory Excellence v (1) NMC (2) Grant* [2011] EWHC 927 (Admin), which states:

a) Has in the past, 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, and/or is she liable in the future to bring the professions into disrepute;

c) Has in the past, and/or is she liable in the future to breach one of the fundamental tenets of the professions;

d)”

The panel concluded that limbs a, b and c are engaged in the matter.

The panel considered that Miss Ruler made early admissions and entered a guilty plea at an early stage of the criminal proceedings, to having made and possessed 386 indecent images of children and extreme pornographic image / images portraying an act of intercourse / oral sex with a dead / alive animals between 17 April 2021 and 28 April 2022. The panel also noted that the images possessed by Miss Ruler fell into all three available categories of prohibited images, namely Category A, B and C.

The panel also considered the case of *Cohen* which is relevant to current impairment. The case poses three questions:

- a) *Whether the conduct that led to the charge(s) is easily remediable.*
- b) *Whether it has been remedied.*
- c) *Whether it is highly unlikely to be repeated.*

The panel considered the facts found proved in this case to be extremely serious and indicative of deep-seated and attitudinal issues, which are difficult to put right.

The panel also considered paragraph 20 of the CPD provisional agreement, which states:

Miss Ruler through her representative in her completed Case Management form (CMF) dated 5 April 2024 and an email dated 9 April 2024, accepts the charges, and does express an acceptance of current impairment. However, at this stage, it is accepted that the possibility of future offending cannot be ruled out.

The panel was therefore of the view that the risk of repetition was high.

The panel took into consideration NMC guidance on *Impairment* (DMA -1) in its decision making. It considered that although the conduct as outlined in the charges was not in relation to Miss Ruler's clinical skills or practice and that there were no patients harmed, the conviction raises serious concerns that Miss Ruler poses potential harm to others. The panel considered that the fact that the offences took place on the IP site of the NHS Trust, together with the conviction, Miss Ruler poses a significant risk of potential harm to others.

The panel therefore agrees with paragraph 12 of the CPD provisional agreement and found that Miss Ruler's fitness to practise is currently impaired on public protection grounds.

The panel determined that a finding of impairment was also required on public interest grounds. It considered that given the nature and seriousness of Miss Ruler's conduct, a member of the public would be shocked and concerned to hear that a registered nurse facing charges relating to the making and possession of indecent images was entitled to practise without restriction in the circumstances. Further the panel determined that other members of the profession would find Miss Ruler's actions deplorable.

The panel determined that public confidence in the profession and the regulator would be undermined if a finding of impairment was not made in these circumstances and proper standards of professional conduct would not be upheld.

The panel determined that currently Miss Ruler is not fit to practise "*kindly, safely or professionally.*" Therefore, the panel determined that Miss Ruler's fitness to practise is currently impaired on both public protection and public interest grounds.

In this respect the panel endorsed paragraphs 10 to 25 of the CPD provisional agreement.

Decision and reasons on sanction

Having found Miss Ruler's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Miss Ruler has a conviction for serious criminal sexual offences

The panel also took into account the following mitigating features:

- Miss Ruler has admitted the charges and that her fitness to practice is impaired by reason of her conviction.

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 Miss Ruler's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that Miss Ruler's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether placing conditions of practice on Miss Ruler's registration would be a sufficient and appropriate response. The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case. The conduct identified in this case was not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Miss Ruler's registration would not adequately address the seriousness of this case and would not protect the public.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The NMC Guidance SAN-3d 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 conduct, 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 Miss Ruler's actions is fundamentally incompatible with Miss Ruler remaining on the register.

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

Finally, in looking at a striking-off order, the panel took note of the following paragraphs of the NMC guidance document SAN-3(e):

- *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 determined that Miss Ruler's actions were significant departures from the standards expected of a registered nurse and are fundamentally incompatible with her remaining on the register. Further the panel was of the view that the findings in this particular case demonstrate that Miss Ruler's actions were so serious and to allow her 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 agreed with the CPD that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, in particular the effect of Miss Ruler's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct herself, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to 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.

Decision and reasons on an 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 Miss Ruler's own interests

until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

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 agreed with the CPD 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 on the grounds of public protection and public interest, for a period of 18 months to cover the 28-day appeal period and the time it will take to conclude any appeal.

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

Having regard to the above, the panel accepted the CPD provisional agreement in its entirety.

This will be confirmed to Miss Ruler in writing.

That concludes this determination.