

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

**Substantive Hearing
24 – 26 February 2020**

Nursing and Midwifery Council
2 Stratford Place, Montfichet Road, London, E20 1EJ

**1 – 3 September 2020
Virtual Hearing**

Name of registrant: Catherine Collette Staunton

NMC PIN: 83E2007E

Part(s) of the register: Registered Nurse – Sub Part 1
Adult Nursing – July 1986

Specialist Nursing – District Nursing
July 1990

Nurse Independent/Supplementary Prescriber May
2007

Area of registered address: Birmingham

Type of case: Misconduct

Panel members: John Hamilton (Chair, lay member)
Susan Jones (Registrant member)
Claire Corrigan (Lay member)

Legal Assessor: 24 – 26 February 2020: Michael Levy
1 – 3 September 2020: John Donnelly

Panel Secretary: Ruth Bass

Nursing and Midwifery Council: Represented by: Rachael Culverhouse-Wilson 24 –
26 February 2020
Robert Rye 1- 3 September 2020

Mrs Catherine Collette Staunton: Present and represented by Tom Buxton (RCN)

Facts proved: 1, 2, 4 and 6

Facts proved by admission: 3 and 5

Fitness to practise: Impaired

Sanction: Strike Off

Interim order: Suspension Order - 18 months

Details of charge

The charges in this case are:

That you, a registered nurse,

1. Produced a degree certificate in MSC Advanced Clinical Practice, dated 19 July 2009.
2. Your conduct at charge 1 was dishonest in that you knew you had not completed a Master's degree in Advanced Clinical Practice on 19 July 2009, and you deliberately sought to mislead others to believe that you had attended the training.
3. Produced a CPD certificate on sepsis, recognition and management, dated 12 December 2017.
4. Your conduct at charge 3 was dishonest in that you knew you had not attended training on sepsis, recognition and management on 12 December 2017, and you deliberately sought to mislead others to believe that you had attended.
5. Produced a CPD certificate on safeguarding children level 3, dated 18 December 2017.
6. Your conduct at charge 5 was dishonest in that you knew you had not attended training on safeguarding children level 3 on 18 December 2017, and you deliberately sought to mislead others to believe that you had attended.

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

Facts

At the outset of the hearing, the panel heard from Mr Buxton, who informed the panel that you had made admissions to charges 3 and 5.

The panel therefore finds charges 3 and 5 proved 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 Culverhouse-Wilson on behalf of the Nursing and Midwifery Council (NMC) and by Mr Buxton on your behalf.

The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that a fact will be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

The panel heard live evidence from the following witnesses called on behalf of the NMC:

- Ms 1: Primary Care Manager at Virgin Care at the time of the alleged incidents;
- Ms 2: Director of Workforce at Badger Group at the time of the alleged incidents;
- Ms 3: Director of the Institute of Health at the University of Wolverhampton at the time of the alleged incidents

- Ms 4: Graduation Officer at the University of Wolverhampton at the time of the alleged incidents

The panel also heard live evidence from Mr 5, Head of Urgent Care at Virgin Care at the time of the alleged incidents. Mr 5 was called on your behalf.

The panel also heard evidence from you under oath.

Background

You were originally referred to the NMC by Badger Group and Virgin Care. It is alleged that you provided falsified copies of your CPD and degree qualification certificate at the University of Wolverhampton in MSc Advanced Nursing, to Badger Group around 6 June 2018, which was a requisite qualification for your role.

At the time of the incident, you had been engaged with Badger Midlands Medical (BMM) as a self-employed Advanced Nurse Practitioner (ANP) since October 2004 at the Erdington Health, Well-being and Walk-in Centre (EHWWiC). BMM at that time was a separate organisation in partnership with Badger Group. You were also working as a Clinical Lead for Virgin Care.

In early 2018, a corporate decision was made for Badger Group to take over the HR for BMM. An HR Audit was conducted on personal files and nurses were asked to provide copies of their CPD and qualification certificates if these were not on the personnel file that Badger Group had received from BMM.

On 26 April 2018, you were asked to provide copies of your certificates. You were chased for these certificates on 11 May 2018, 22 May 2018 and on 27 May 2018, and advised Badger Group that you were having IT issues. On 6 June 2018, you attended a CPD training session on Safeguarding Adults conducted by Badger Group, and left an envelope containing copies of your training certificates for HR.

A number of certificates were provided. The HR Administrator raised concerns about the authenticity of some of the documents specifically:

- Badger CPD Certificate, Sepsis, Recognition and Management, 12 December 2017.
- Badger CPD Certificate, Safeguarding Children level 3, 18 December 2017.
- University of Wolverhampton, MSc in Advanced Clinical Practice, 19 July 2009.

Ms 2, Director of Workforce at Badger Group, raised the following concerns:

- No CPD courses run by Badger Group are for 3 hours
- The training courses with Badger Group had not been run on the dates shown on the certificates
- Dr 6, whose signature appeared on the certificates, did not run either of the CPD courses.
- The University of Wolverhampton degree certificate looked different from those presented by other ANP's who attended the same university.
- Your C.V. which was created in 2015 did not include your Masters degree qualification from the University of Wolverhampton.

Ms 3, Director of the Institute of Health and Senior Fellow with the Higher Education Academy in the Faculty of Education, Health and Wellbeing, at the University of Wolverhampton, and Ms 4, Graduation Officer, confirmed that the certificate was not authentic for the following reasons:

- You are not registered as having completed this course with the University of Wolverhampton;
- The font used on the certificate is not correct;
- The University would not use the term 'MSC' but would put this in full as 'Master of Science';
- The Vice Chancellor, Mr 8, did not start at the University of Wolverhampton until 2011;

Ms 4, identified further issues with the certificate which included:

- The University of Wolverhampton did not offer the course of Master of Science in Advanced Clinical Practice in 2009. It was only offered from 2016;
- The Vice Chancellor in 2009 was Ms 7;
- You did have a record with the university but was not on the Master of Science course nor had you completed this course;

Following the concerns raised, Ms 2 contacted you on 11 June 2018 to invite you to a meeting on 13 June, requesting that you bring in the original certificates.

You emailed Ms 2 on 13 June requesting to reschedule the meeting so that you could bring a representative along, and you also stated you needed time to obtain the original certificates as you had been burgled and had lost the documentation in a fire. You requested to be removed from the EHWWiC rota with immediate effect.

The meeting took place on 15 June 2018. It is alleged that during the course of this meeting with Ms 2, you confirmed that you had not attended the Sepsis training session and that you had created the CPD certificate as an example to show Virgin Care as you were trying to replicate Badger Group's CPD programme.

It was confirmed in the meeting notes that you confirmed that you were unable to provide the original Masters certificate and had made a request for a letter of evidence from the University.

It is alleged that Ms 2 telephoned you following the meeting and you agreed to sign and return a consent form allowing Badger Group to obtain the certificate directly from the University. It is further alleged that when again asked for this form, you withdrew your permission on 11 July 2018.

You met with Ms 1, Primary Care Manager at Virgin Care on 18 September 2018, following concerns raised with you in relation to the MSc degree certificate from University of Wolverhampton not being an authentic certificate.

It is alleged that at this meeting you stated that you no longer had the original certificate due to a burglary, during which your documentation was destroyed. It is also alleged that at this meeting with Ms 1, you confirmed that you had completed the course but

had lost the certificate and had made a new one, stating that you put the wrong date on the certificate.

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 both the NMC and Mr Buxton on your behalf.

The panel considered the evidence of the witnesses and made the following conclusions:

Ms 1: The panel considered the evidence of Ms 1 to be credible. She confirmed the summary of the interview at Virgin Care and confirmed that the Masters certificate in Advanced Clinical Practice was in your file. The panel was of the view that Ms 1 did not appear to have any malice towards you. She was clear that the minutes dated 18 September 2018 was an accurate reflection of what took place at that meeting. The panel also found her to be fair in acknowledging that you had not had an opportunity to check the notes of the interview. Ms 1 gave in depth responses to questions, which included her candid thoughts on what she thought of your answers during the interview. In particular the panel noted her querying why you would not have gone back to the University of Wolverhampton and requested a transcript of your results or a copy of your certificate from them.

Ms 2: The panel considered the evidence of Ms 2 to be credible. Ms 2 admitted when she did not know the answer to a question. In particular the panel noted that she did not seek to speculate when she was unsure about requirements at the Badger Group and sought to rely on contemporaneous documents where there was any doubt. Ms 2 was unable to answer what qualifications were required of you at the time of the certificates being produced. She later provided an email to the panel confirming the requirements.

The panel found that there was no evidence of malice towards you from Ms 2. It found her to be an honest witness who sought to assist where possible with the records that she held.

Ms 3: The panel found Ms 3 to be a reliable and credible witness whose evidence was uncontentious. Ms 3 gave evidence that the Masters certificate in Advanced Clinical Practice was not genuine. She also clarified technical information about what you would receive at the University of Wolverhampton if you completed a module as opposed to undertaking a full Masters degree. Ms 3 gave evidence that a statement of credit would be given for completing a module and that a statement of credit and a certificate would be issued when a student graduated with a full Masters. Ms 3 stated that she did not have specific knowledge of what would be given by DeMontford University, but believed it would be the same general practice.

Ms 4: The panel found Ms 4 to be an honest and reliable witness, whose evidence was uncontentious. She confirmed that the Masters certificate in Advanced Clinical Practice was not a genuine certificate and also confirmed that you had undertaken a single module for nurse prescribing.

Mr 5: The panel found Mr 5 to be a knowledgeable and credible witness who gave a clear and consistent account. It noted that he is not a clinical person and gave evidence as to what he believed you had provided to him upon your employment with Virgin.

The panel noted that you are a highly regarded clinician who has produced testimonials that pay tribute to your integrity. You have had a long and unblemished career record. The panel accepted your evidence that you were under a lot of stress and felt harassed by the Badger Group despite only working there 2 days a month. The panel noted that you were going through some exceptional circumstances, however it was of the view that your oral account was less supported by the contemporaneous records before it.

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

Charge 1

“That you, a registered nurse,

1. Produced a degree certificate in MSC Advanced Clinical Practice, dated 19 July 2009.”

This charge is found proved.

The panel considered the created copy of the Masters certificate and noted that there was no evidence before it as to how it was created or by whom. You informed the panel that it could have been created by a colleague who held a grudge against you for extending their probation period. You also gave a second explanation that Virgin Care had been losing contracts and as such they may have created the certificate as a way to dismiss you. The panel was of the view that these explanations were simply not plausible. With regard to the colleague holding a grudge, the panel was of the view that it was implausible that this colleague would have known what your qualifications were, or the approximate dates of courses you had attended, and had set this up this months in advance of the documents being requested.

Further, the panel noted that there was no independent or other reliable evidence before it to support either theory put forward by you.

The panel also had regard to the fact that the certificate in question was found in the envelope provided to you by Virgin Care. You gave evidence that you had asked a member of the administration team at Virgin Care to copy the certificates held in your personal file. You further stated that when you collected the envelop from Virgin Care and gave it to Badger Group you did not look at the contents of the envelop as you had no reason to believe there was anything other than what you had provided Virgin Care with during your employment with them. The panel was of the view that it was reasonable to expect that you would have checked the content of the envelope to ensure that the information being provided was correct for the purpose of an audit.

The panel also had regard to the meeting notes dated 18 September 2018. It noted the responses from you when asked for a response to the allegation that the certificate was not authentic. The response was recorded as *'it must not be then'*. The panel was satisfied that it was clear from the meeting notes of Virgin Care that they had clearly

identified that a Masters certificate was in issue and not individual modules that you had undertaken. The panel considered your response in that meeting when asked ‘*so have you done the course, lost the certificate and made a new one?*’ to which you are recorded as stating ‘Yes’. Furthermore, the panel noted that you did not at any point state to Virgin Care that you had not undergone a Masters degree despite being shown a copy of the certificate during the meeting.

The panel was satisfied on the balance of probabilities that you had produced the certificate in MSc Advanced Clinical Practice.

Charge 2

“Your conduct at charge 1 was dishonest in that you knew you had not completed a Master’s degree in Advanced Clinical Practice on 19 July 2009, and you deliberately sought to mislead others to believe that you had attended the training.”

This charge is found proved.

Having determined that you had produced a degree certificate in MSc Advanced Clinical Practice when you had not undergone the relevant course, the panel was satisfied that your intention in doing so was dishonest.

The panel noted that it was not entirely clear whether the Badger Group required you to have a Masters at the time of the incident. However, the position was later clarified by Ms 2 in an email dated 25 February 2020 that a Masters certificate was required. Looking at the evidence as a whole, the panel was satisfied that you must have believed a Masters certificate was required by the Badger Group.

Charge 4

“Your conduct at charge 3 was dishonest in that you knew you had not attended training on sepsis, recognition and management on 12 December 2017, and you deliberately sought to mislead others to believe that you had attended.”

This charge is found proved.

The panel had regard to your evidence that your reason for creating the CPD certificates in respect of (1) Sepsis, recognition and management, and (2) training on safeguarding children level 3, were because you had wanted to replicate the programme provided at Badger Group for Virgin Care and wanted to provide a “*mock up*” of what the certificates would look like upon completion of the courses. You informed the panel that you did the sepsis, recognition and management course online but were unable to get a copy of your certificate. You further gave evidence that you did have your certificate for the safeguarding level 3 course. The panel accepted your evidence that you did complete the courses, all be it on a different date to those contained on the certificates produced.

However, the panel noted the following with regard to the evidence before it.

- The two CPD certificates that you decided to “*mock up*” were the 2 certificates that were not available to you and were required by Badger Group.
- The panel had regard to the statement of Ms 2
- and noted that there were other CPD certificates available to you that could have been used as examples, and as such it would not have been necessary for you to take the effort to create new ones.
- The panel found it more likely than not that if your genuine intention was to create a “*mock up*” certificate, you would have produced the certificate to reflect Virgin Care as the provider and not Badger Group.

The panel noted Mr Buxton’s submission that the errors in the certificate were so obvious that they indicated there was no intention to mislead. However, the panel took the view that the evidence showed the false certificates would have been created when

you were under pressure to produce them and this could account for the errors. The panel did not find the presence of errors to be compelling evidence of your honesty.

Moreover, when asked how the CPD certificates could have been put in your personnel file, you informed the panel that they had been left on a desk which was used by others too, and could have been filed by a colleague without your knowledge. The panel did not find this explanation plausible, when considered in light of the fact that the 2 certificates required by Badger Group were the same certificates that were “*mocked up*” by you.

The panel also had regard to the fact that when you were made aware that there were concerns about whether you had undertaken the Sepsis course, you did not make any attempt to access your records at Virgin Care which you still had access to. The panel was of the view that it was reasonable to expect you to attempt to get the valid certificates from Virgin Care. You had a period from June to September where you could have accessed your certificates. The panel therefore found on the balance of probabilities that the actions in producing the CPD certificate for sepsis, recognition and management in charge 3, was dishonest.

Charge 6

“Your conduct at charge 5 was dishonest in that you knew you had not attended training on safeguarding children level 3 on 18 December 2017, and you deliberately sought to mislead others to believe that you had attended.”

This charge is found proved.

In reaching this decision, the panel took into account the meeting notes recorded by Badger Group for the meeting on 15 June 2018 and noted the confirmation that you had attended a session on Safeguarding Children. It also had regard to your evidence that you had completed the module but on a different date, and that you had no reason to mislead anyone about having carried out the course as you actually had completed the course, all-be-it on another date. The panel accepted that you did attend the Safeguarding Children course on 1 November 2017. However, it did not accept that

your reason for creating a certificate dated 18 December 2017 was for the purposes of producing a “*mock up*” to be used as an example at Virgin Group, which was mistakenly placed on your file at Badger Group. The panel was of the view that your reason given was implausible on the basis that any mock-up created to be used for a different company, would most likely have been done in the name of the other company. The panel was satisfied from the evidence before it that your reason for producing a false certificate was in an attempt to deceive Badger Group that you had attended a course on 18 December 2017 when you had not done so. The panel considered the date to be a material part of the allegation against you. The panel concluded that a reasonable person would find you had acted dishonestly by claiming to have attended the course on 18 December 2017 when you knew or ought to have known that this was not the case.

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 suitability to remain on the register unrestricted.

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. First, the panel must determine whether the facts found proved amount to misconduct. Secondly, only if the facts found proved amount to misconduct, the panel must decide whether, in all the circumstances, your fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct

In coming to its decision, the panel had regard to the case of *Roylance v General Medical Council (No. 2)* [2000] 1 AC 311 which defines misconduct as a ‘*word of general effect, involving some act or omission which falls short of what would be proper in the circumstances.*’

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

Mr Rye identified the specific, relevant standards where your actions amounted to misconduct. He submitted that conduct in this case was unacceptable, especially given your experience and seniority. Your actions have clearly breached the Code and the fundamental tenets that run through it and this must be regarded as all the more serious because of your seniority.

Mr Rye further submitted that the nature of the dishonest conduct related to your professional practice, and raised fundamental questions and serious concerns about your trustworthiness and professionalism. He submitted that the conduct was linked to your practise. Your actions in making and producing such certificates is all the more serious because these are deliberate acts in order to deceive your employers. He further submitted that these were calculated and planned acts of deception.

In these circumstances, Mr Rye submitted that your actions did fall seriously short of the standards that were expected of you and amounted to, not only misconduct but serious misconduct.

Mr Buxton accepted that a finding of dishonesty can and must amount to serious misconduct.

Submissions on impairment

Mr Rye 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) and Grant* [2011] EWHC 927 (Admin) and *Cohen v GMC* [2007] EWHC 581 (Admin). Mr Rye submitted that all limbs in the test of Grant are engaged in this matter.

He acknowledged that there was no evidence of harm to patients and that there are no identified clinical concerns in this case. However, he submitted that there are clear public protection issues where a registrant purports to have the requisite qualifications required to work within a particular role when they do not, and continue working in such a position when not qualified to do so. He submitted that this could place patients at an unwarranted risk of harm.

Mr Rye further submitted that you have breached fundamental tenets of the profession and have brought the profession into disrepute. Your conduct clearly fell far below the standards expected of a registered nurse and has damaged the reputation in the profession.

He stated that honesty and integrity are fundamental tenets of the nursing profession and a breach of those tenets will always be considered serious, especially where the dishonesty is related to a nurse's professional practice. Creating and falsifying a Master's Degree Certificate, which you did not have, and CPD certificates, so that you could continue working, raised concerns about your honesty and trustworthiness as a registered nurse, and attitude, and undermines public confidence.

Your dishonest actions involved deliberate and premediated conduct to mislead your employer. Dishonest behaviour amounts to conduct which, ordinarily, could not be described as easily remediable, especially where it is linked to a nurse's practice, and raises concerns about a nurse or midwife's attitude and is less likely to be able to be remedied.

Mr Rye submitted that you have not shown full insight into your conduct and there is no evidence that you have fully remediated your conduct or attempted to do so. He invited the panel to make a finding of impairment on public protection grounds.

Given the nature and seriousness of your conduct, he also submitted that this is a case where a finding of current impairment is required to declare and uphold proper professional standards and protect the reputation of the nursing profession.

Mr Buxton submitted that the panel's findings and your conduct in no way puts the public at risk. He stated that this was demonstrated by the recent testimonials provided by colleagues, some of whom have known you for a number of years.

He referred to the evidence of Mr 5 and pointed out that you are a person who is held in very high regard. Mr Buxton submitted that your conduct goes to the issue of public interest. He reminded the panel that it had accepted the evidence of Mr 5, who had full confidence in your integrity and honesty. Mr Buxton submitted, regarding repetition, that the panel must seriously consider, in light of the testimonials, that the risk of repetition must be extremely low. He submitted that if there is a finding of impairment, it should be on public interest grounds alone.

The panel accepted the advice of the legal assessor.

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:

6 Always practise in line with the best available evidence

To achieve this, you must:

6.2 - maintain the knowledge and skills you need for safe and effective practice

13 Recognise and work within the limits of your competence

To achieve this, you must, as appropriate:

13.5 - complete the necessary training before carrying out a new role

20 Uphold the reputation of the 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 ...

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

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 you were in a position of seniority with the responsibility of supporting and managing registrants who provided care. Although no patient harm was caused, there was a potential for harm. You were dishonest about having qualifications you did not have. There is an expectation that people in senior positions are honest about the qualifications they hold. The panel had particular regard to the Sepsis course you had purported to have undertaken. It was of the view that the members of staff may have relied on your purported knowledge in this area which you did not have.

The panel was of the view that your dishonesty was related to your skills and knowledge as a nurse, which it found to be very serious. It therefore determined that your actions did fall seriously short of the conduct and standards expected of a nurse and amounted to misconduct.

Decision and reasons on impairment

The panel next went on to decide if as a result of the misconduct, your fitness to practise is currently 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 the test set out in the case of *Grant* and made the following findings: You did act in a way which fell significantly short of the expected standard of a nurse. You placed patients at an unwarranted risk of harm by purporting to have qualifications that you did not have and which may have been relied upon by the staff who report to you. The panel was satisfied that by your dishonest actions you had brought the nursing profession into disrepute. There were opportunities during the investigation where you could have admitted that you did not have the required qualifications. However, you continued to perpetuate the dishonesty and went as far as forging documents.

The panel also found that you had breached fundamental tenets of the nursing profession by acting dishonestly. Your actions demonstrated a disregard for your colleagues, placing them at risk by potentially providing incorrect advice that could have been relied upon and, in doing so, also placing patients at a risk of harm too.

Regarding insight, the panel had regard to the fact that you had not admitted the charges relating to dishonesty. You had multiple opportunities to explain that you did not have the required qualifications but instead produced false certificates to continue the deceit. The panel had regard to your reflective piece and noted that you understood the theoretical importance of honesty and integrity in nursing. However this was not reflected in your actions which could have placed patients at risk of harm and could have impacted upon your colleagues. The panel therefore found your insight to be limited.

In respect of remediation, the panel had regard to the testimonials provided. It recognised the quality of the testimonials, the fact that your colleagues hold you in high esteem, and that you are a person of otherwise good character. However, the panel was of the view that the testimonials did not detract from the seriousness of your misconduct, the potential harm to patients and colleagues, or the actual harm caused to the nursing profession.

In light of its finding that your insight is limited, the panel was of the view that you had not fully recognised or remedied your misconduct. It had regard to the authorities which state that it is difficult to remedy dishonesty, and noted your past actions in forging certificates in an attempt to cover up your initial deceit, compounded your dishonesty. The panel accepted that these proceedings may have acted as a salutary lesson, however in light of the limited insight shown into your misconduct, and the fact that the panel had no evidence of remediation before it, there remains a risk of repetition. The panel therefore determined that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel determined that a finding of impairment on public interest grounds is also required. Your misconduct was planned and deliberate, and carried out whilst in a position of seniority. You provided a CV which states '*I am a senior nurse with influence both at operational and strategic level*' demonstrating the high level of influence you would have had on patient care. You purported that you had particular knowledge and skills that would have been relied upon by your employers. You have called into question the reputation of the nursing profession and caused doubt as to whether nurses can be trusted. The panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also finds 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 has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike you off the register. The effect of this order is that the NMC register will show that you have been struck-off the register.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had careful regard to the Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

Submissions on sanction

Mr Rye set out the NMC's position with regard to the aggravating and mitigating features in this case. He informed the panel the NMC were seeking the imposition of a strike-off order.

The panel also bore in mind Mr Buxton's submissions that your actions fall short of the ultimate sanction. He acknowledged that this was a serious matter, but asked the panel to consider where the level of dishonesty lies.

Mr Buxton reminded the panel of your long nursing career, in excess of 30 years, and how you have progressed throughout your career by hard work and studious effort to a senior level. He also reminded the panel of the extremely difficult personal circumstances you were going through when you were called upon to provide evidence of your qualifications. Mr Buxton stated that your actions were an aberration and a stupid mistake, set against a career spanning over 30 years. He submitted that it was a one-off departure from the very high bar you set for yourself. He also reminded the panel that the Masters certificate was not actually required for your role at the time.

Mr Buxton submitted that the wider public would recognise and have some understanding of your position if they had full knowledge of the background of this case **[PRIVATE]**. He reminded the panel that you are held in very high regard, and that your honesty and integrity has not been called into question in the past. Your colleagues have been prepared to stand beside you.

Mr Buxton submitted that the public interest would be served by the imposition of a period of suspension. He reminded the panel that you had demonstrated some insight.

Decision and reasons on sanction

Having found your 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:

- You were in a position of trust which you sought to abuse
- You were in a position of seniority
- You forged 3 certificates, one being a high level academic and nursing qualification
- You sought to blame others for forging the Masters certificate
- Your insight into your misconduct has been limited
- You have not demonstrated any remorse or remediation

The panel also took into account the following mitigating features:

- The positive testimonials provided
- Previous good character throughout an otherwise long and unblemished career

- Your misconduct took place during a period where you were going through some very difficult personal circumstances

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 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 misconduct identified in this case was not related to clinical practice and as such is 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 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 SG states that a 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 noted that the serious breach of the fundamental tenets of the profession evidenced by your actions is fundamentally incompatible with you 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 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 your seniority. You worked in risk management and clinical governance and would have had a good understanding of the importance of the documents you had forged. You were asked repeatedly for the documents, withdrew your consent for the documents requested and went on to forge 3 certificates, one being a higher level academic and professional qualification, which could open up senior professional roles to you. The panel considered your actions to be planned and deliberate. The panel took into account the extremely difficult personal circumstances you were going through at the time of the misconduct. However, it had regard to the fact that you had maintained your dishonesty for a long period of time and had forged 3 certificates which it considered took some planning and amounted to a premeditated fraud.

The panel was of the view that your insight into your actions was limited in respect of potential harm to patients, colleagues relying on your purported clinical knowledge, and

the damage to the nursing profession in considering how your actions have undermined the reputation of the nursing profession.

Your actions were significant departures from the standards expected of a registered nurse, and are fundamentally incompatible with you remaining on the register. The panel was of the view that the findings in this particular case demonstrate 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.

You were in a position of seniority, working in risk assessment and clinical governance. You would have known and understood the implications of forging qualifications and the risks that followed to patients and to colleagues under your management. Although sympathetic to your personal circumstances, the panel is of the view that your departure from the standard expected of a nurse in forging qualifications and failing to demonstrate adequate insight or remediation, is incompatible with remaining on the register.

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 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.

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 interest 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 Mr Rye. He submitted that, due to the panel making a strike-off order, an interim order was required to protect the public and the public interest. My Rye invited the panel to make an interim suspension order for a period of 18 months.

Mr Buxton made no representations.

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 cover any appeal period.

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.