

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

**Substantive Hearing  
Friday 19 August 2022 – Friday 26 August 2022**

Virtual Hearing

<b>Name of registrant:</b>	<b>Vongai Grace Mutanga</b>
<b>NMC PIN:</b>	04I0339S
<b>Part(s) of the register:</b>	Registered Nurse – Sub Part 1 Adult Nursing – (October 2008)
<b>Relevant Location:</b>	Fife
<b>Type of case:</b>	Misconduct
<b>Panel members:</b>	Philip Sayce (Chair, registrant member) Caroline Taylor (Lay member) Tracey Chamberlain (Registrant member)
<b>Legal Assessor:</b>	Alain Gogarty
<b>Hearings Coordinator:</b>	Isobel Clymer
<b>Nursing and Midwifery Council:</b>	Represented by James Wilson, Case Presenter
<b>Mrs Mutanga:</b>	Present and unrepresented
<b>Facts proved:</b>	Charges 1, 2, 3, 4 and 5
<b>Facts not proved:</b>	None
<b>Fitness to practise:</b>	Impaired
<b>Sanction:</b>	<b>Strike off order</b>
<b>Interim order:</b>	<b>Suspension 18 Months</b>

## Details of charge

That you:

1) When applying for funding from the Student Awards Agency for Scotland

["SAAS"]:

- a) On or around 5 September 2003, submitted, or allowed to be submitted on your behalf, an application:
  - i) Which contained incorrect information, in that it was declared that you had been ordinarily resident in the UK for the three years immediately before your relevant date when you had not.
  - ii) When you were not eligible as your immigration status had a condition that you had no recourse to public funds.
  
- b) On or around 26 August 2004, submitted, or allowed to be submitted on your behalf, an application:
  - i) Which contained incorrect information, in that it was declared that you had been ordinarily resident in the UK for the three years immediately before your relevant date when you had not.
  - ii) When you were not eligible as your immigration status had a condition that you had no recourse to public funds.
  
- c) On or around 3 June 2005, submitted, or allowed to be submitted on your behalf, an application when you were not eligible as your immigration status had a condition that you had no recourse to public funds.
  
- d) On or around 10 September 2006, submitted, or allowed to be submitted on your behalf, an application when you were not eligible as your immigration status had a condition that you had no recourse to public funds.
  
- e) On or around 20 July 2007, submitted, or allowed to be submitted on your behalf,

an application when you were not eligible as your immigration status had a condition that you had no recourse to public funds.

2) Your actions in charges 1(a)(i) and 1(b)(i) were dishonest in that you included or allowed to be included information in your application which you knew was false.

3) Your actions in charges 1(a)(ii), 1(b)(ii), 1(c), 1(d), and 1(e) were dishonest in that you knew you were not eligible due to your immigration status.

4) When applying for the role of Registered Nurse with Newcross Healthcare on or around 13 February 2018, did not provide a “full statement of events relating to ALL dismissals, suspensions, investigations...to accompany your application” when you had been the subject of a disciplinary investigation by NHS Lothian

5) Your actions at charge 4 above were dishonest as you knowingly withheld relevant information about your employment history.

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

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

At the outset of the hearing, you made admissions to charges one, two, three, four and five. The chair announced those facts proven under Rule 24 of the ‘Nursing and Midwifery Council (Fitness to Practise) Rules 2004’, as amended (the Rules). On 22 August 2022, day two of the hearing, you made an application to vacate your admissions to charges four and five. You informed the panel that you were not comfortable with the admissions to these two charges and wished to contest them. Mr Wilson on behalf of the Nursing and Midwifery Council (NMC) opposed this application. The panel accepted the advice of the legal assessor. It took into account the fact that you are not legally represented in these proceedings. It decided to accede to your application as you have indicated that you did

not fully appreciate the elements of charges four and five. It noted that prior to you entering admissions to charges four and five, you accepted that you at that point understood them and that you should not admit to charges which allege matters against you unless you accept them. Nevertheless, the panel decided to take this exceptional course to ensure fairness to you. It will disregard your admissions to these two charges and decide whether or not they are proven solely on the evidence to be presented to it.

The panel therefore finds charges one, two and three proved in their entirety, by way of your admissions.

In reaching its decisions on the disputed facts, charges four and five, the panel took into account all the oral and documentary evidence together with the submissions made by Mr Wilson on behalf of the NMC and by yourself.

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: Ms 1 was an employee of Newcross Healthcare. She was involved with your recruitment to Newcross Healthcare.
- Ms 2: Ms 2 was employed by NHS Lothian Staff Bank.

The panel also heard evidence from you under affirmation.

## Background

The charges first arose whilst you were employed as a registered bank nurse by NHS Lothian Staff Bank via NHS Counter Fraud, alleging that you had been in contravention of your visa in 2005 and had secured government funding you were not entitled to.

Due to this referral, NHS Lothian Staff Bank had you '*made inactive*', which meant you remained employed by the nurse bank but unable to obtain shifts while the allegations were investigated. During the investigation you were mistakenly removed from the bank and received a P45. NHS Lothian Staff Bank continued to send you correspondence relating to the investigation and had informed the NMC that you did not engage with the investigation.

On 25 January 2018 you began an application to Newcross Healthcare, where you were employed between 27 March 2018 and 20 May 2018. Newcross Healthcare was informed of the investigation against you by an email purporting to be from NHS Counter Fraud on 21 May 2018.

When applying for the role of Registered Nurse with Newcross Healthcare you were asked to, '*supply a full statement of ALL dismissals, suspensions, investigations and cautions and convictions to accompany your application*', but you did not provide any such documentation. When questioned by Newcross Healthcare about the investigation, you admitted that there had been an investigation into your conduct with your previous employer, NHS Lothian Staff Bank. Newcross Healthcare referred you to the NMC on 14 August 2018

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

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

In considering charges four and five the panel has applied the same civil standard of proof namely on the balance of probabilities. However because of the seriousness of these allegations, it has carried out a heightened examination of the evidence. In relation to charge five the panel has applied the test for dishonesty set out in paragraph 74 of the Judgement in *Ivey v Genting Casinos UK Limited (Trading as Crockfords)* [2017] UK SC67. It considered firstly what was your state of knowledge or belief as to the facts. Having established this, the panel went on to consider whether your conduct was dishonest applying the objective standards of ordinary decent people. It had regard to all the oral documentary evidence and before making a decision on dishonesty, it considered whether there were other possible explanations for your conduct and if so, whether it could safely conclude that those other explanations were less probable than dishonesty.

#### **Charge 4**

“4) When applying for the role of Registered Nurse with Newcross Healthcare on or around 13 February 2018, did not provide a “full statement of events relating to ALL dismissals, suspensions, investigations...to accompany your application” when you had been the subject of a disciplinary investigation by NHS Lothian”

#### **This charge is found proved.**

In reaching its decision the panel took into account the advice of the legal assessor as well as all of the evidence before it. The panel had regard to the application form signed by you, and in particular to the page entitled declarations. It noted that you had put ‘no’ next to it. *‘Have you ever been dismissed or suspended from any post as a result of a safeguarding issue? Or are you currently under any investigation as a result of your conduct or performance?’*. The next declaration, *‘Please supply a full statement of events relating to ALL dismissals, suspensions, investigations and cautions and convictions to accompany your application’*, had been left blank and no additional information was provided.

The panel heard from Ms 1, whose evidence it accepted, that these declarations were stand alone and that she would have expected you to have supplied a full disclosure on 'ALL' investigations, whether ongoing or not. The panel also had regard to your evidence, the panel considered that you were inconsistent when asked to account for not completing this declaration. You told the panel that it was variously an oversight, a misreading of the declarations, a cojoining of the declarations and that when you received your P45 you thought the investigation had concluded.

The panel had regard to the word 'ALL' in this declaration which was written in capital letters and determined that this covered any investigation whether current or not, and that the wording was clear. Therefore, having carefully considered all the oral and documentary evidence and the chronology of events the panel prefer the evidence of Ms 1 to your evidence. As you did not disclose the investigation the panel finds this charge proved.

### **Charge 5**

"5) Your actions at charge 4 above were dishonest as you knowingly withheld relevant information about your employment history."

### **This charge is found proved.**

In reaching this decision, the panel took into account the statements of the witnesses, your evidence given under affirmation, the documentary evidence and the oral submissions before it.

The panel took into account the advice of the legal assessor and carefully considered the use of the word '*knowingly*' in this charge, which itself relates to dishonesty. The panel also considered your state of mind at the time of the allegations and whether you could

have reasonably not understood the requirement to declare any investigations at the time of your application for employment with Newcross Healthcare.

The panel noted that you had received a P45 from NHS Lothian Staff Bank in November 2017. You explained that when receiving this you were of the view that your contract had been terminated and you were no longer obliged to engage with NHS Lothian Staff Bank policies. You explained that you felt the investigation was not continuing. NHS Lothian Staff Bank sent you two letters in December 2017 regarding the ongoing investigation and scheduled disciplinary hearing on 17 January 2018. You responded to them in an email on 12 January 2018, with a detailed response and advising that you would not be attending. Demonstrating that you knew the investigation was still on-going and when you completed the application. The panel found that the letters were very clear that the disciplinary process was still on going and that you would have been aware of this at the time you were completing the application process for Newcross Healthcare.

You stated that you had no reason to not declare the investigation as this would not have stopped you gaining employment with Newcross Healthcare or any other employer as your NMC record was clear with no restrictions on your practice. You stated that when asked about the investigation in May 2018, you provided all the details. The panel found that you had knowledge that you may not be employed if the details of the investigation into fraud being conducted by NHS Lothian Staff Bank were disclosed.

The panel found that on the balance of probability you knowingly withheld the relevant information about your employment history. You knew there was a disciplinary investigation, the form was entirely clear and you knew you should have informed Newcross Healthcare of the investigation. The panel found you knowingly withheld relevant information regarding the investigation and disciplinary proceedings at the Lothian NHS Trust to Newcross Healthcare was more likely than not to arise from your desire to hide these facts in order to increase your chances of employment. Having found that you did know about the investigation, the panel further decided that deliberately chose to



deceive Newcross Healthcare in regard to the disciplinary process and thus your actions were dishonest.

The panel decided that it could safely exclude as less probable your explanations. The panel next applied the objective standards of ordinary decent people. Ordinary decent people would regard your conduct as dishonest. Therefore, the panel found this charge proved.

### **Fitness to practise**

Having reached its determination on the facts of this case, the panel then moved on to consider, whether the facts found proved amount to misconduct and, if so, whether your fitness to practise is currently impaired. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's suitability to remain on the register without restriction.

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 Wilson 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 Wilson identified the specific, relevant standards where he submitted your actions amounted to misconduct. He submitted that as there have been proven acts of dishonesty spanning a number of years, misconduct had taken place. He further submitted that your actions have breached 20.2, 20.4 and 21.3 of the code and your actions would undermine public confidence in the profession.

You asked the panel to consider the case holistically and consider the mitigating circumstances you said led to you acting dishonestly.

You further gave evidence under affirmation on misconduct. You said that the charges do amount to misconduct, but should be considered in the context of your circumstances at the time.

You informed the panel that you came to the UK in 2002, and enrolled in a course at Telford College in 2003 as a fee-paying international student. You said that you married and began to experience financial difficulties.

You told the panel that your husband '*masterminded*' a plan and '*coerced*' you into moving from Telford College to a new institution, to study nursing and receive the bursary, to alleviate your financial difficulties. You knew you did not have the necessary visa for this, and you informed the panel that you knew that your husband fabricated and forged the necessary paperwork for you be able to access the funding you were not legally entitled to and that he sent the documents to SAAS.

You told the panel that he threatened and coerced you throughout the marriage, holding the fraudulent claim over you. You said that he reported you to Queen Margaret University when you separated, but then retracted the allegation when you returned to a relationship with him. You also said that it was also your husband who raised concerns about you to the NMC, Newcross Healthcare, and SAAS.

You told the panel that your husband was at home in January and February 2018 when you applied to Newcross Healthcare, but you did not allude to any intervention from your husband in relation to the application form.

### **Submissions on impairment**

Mr Wilson 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).

Mr Wilson told the panel that the NMC not only the need to protect patients, but also to protect the standards of the profession. He submitted that public confidence would be undermined if it did not find current impairment.

Mr Wilson told the panel he acknowledges the mitigating circumstances in charges one, two and three. However, he submitted that you claimed in excess of £30,000 of public money to which you were not entitled to and there is no evidence that you have attempted to remedy the situation by repaying the money.

Mr Wilson further submitted that charges four and five are more recent and demonstrate a pattern of dishonesty for your own benefit. He submitted that you were dishonest to assist

yourself and there is no claim or evidence that your husband had influence over your application to Newcross Healthcare.

Mr Wilson submitted that your fitness to practise is impaired, and there you have presented no meaningful reflection, or remediation. He further submitted that a person who has been dishonest for their own gain should not be employed as a registered nurse.

You submitted that the panel should acknowledge your circumstances when determining whether you are impaired.

You gave evidence under affirmation relating to impairment.

You said that you have been in the healthcare industry for 16 years, as a nurse for 12 years, and there have never been any investigations into your practice or conduct. You told the panel that nursing is who you are, "*all that you have done and all that you know*".

You told the panel that you have reflected on your behaviour and character and attended a Life Skills Course where you learned how to stand up for yourself. You said you have found you were timid and naive at the time that your husband forged the documents. Your character is based on your values, which are to do the right thing. What you believe now is to do the right thing regardless of whether you are being pressured or have financial difficulties.

When asked by the panel about the code, you acknowledged that what you did was wrong and not in accordance with the Code but believe that if your nursing colleagues knew the entire story of what happened and why it happened then they would be able to trust you.

You told the panel that you were working as a nurse until January 2021, but since then you have not been working. You said that when you went to work for your last employer you informed them of the investigation.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Roylance v General Medical Council (No 2)*, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), and *Meadow v General Medical Council* [2007] QB 462, *PSA v 1 General Medical Council 2 Dr Uppal* [2015] EWHC 1304 (Admin), *Cohen v General Medical Council* [2017] EWHC 521 (Admin).

## **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 were mindful that the failings occurred over a long period of time. During this time there were three separate Codes of conduct in operation. The panel's view was that the failings were caught by the relevant Code in force at the material time and the failings could be sufficiently assessed under the following sections of the 2015 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:

### ***'Promote professionalism and trust***

*You uphold the reputation of your profession at all times. You should display a personal commitment to the standards of practice and behaviour set out in the Code. You should be a model of integrity and leadership for others to aspire to. This should lead to trust and confidence in the profession from patients, people receiving care, other health and care professionals and the public.*

### **20 Uphold the reputation of your profession at all times**

*To achieve this, you must:*

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

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

**21 Uphold your position as a registered nurse or midwife**

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

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. However, the panel was of the view that all the charges, individually and collectively amount to misconduct. You allowed to be submitted applications when you were not eligible as your immigration status had a condition that you had no recourse to public funds. This occurred on four occasions between September 2003 and July 2007. You accepted at the beginning of this hearing that these actions were dishonest as the applications contained information which you knew was false. Further, in February 2018, in an application for a nursing position, you were dishonest in that you withheld relevant information.

The panel found that your actions did fall seriously short of the conduct and standards expected of a nurse and amounted to misconduct.

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 uphold the standards of integrity and honesty. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must be honest and open and act with integrity. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 74, she said:

*'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'*

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's "test" which reads as follows:

*'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/ fitness to practise is impaired in the sense that S/He:*

- a) ...
- b) *has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c) *has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- d) *has in the past acted dishonestly and/or is liable to act dishonestly in the future.'*

The panel found your misconduct breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. It was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to dishonesty to be serious.

You have taken limited steps to strengthen your practice by way of attendance at one Life Skills Course. The panel was of the view that your reflection was not properly directed and did not demonstrate learning or the steps you have taken specifically addressing your dishonest conduct in the period 2003 to 2007 and in 2018.

Regarding insight, the panel considered that your insight was limited, and did not involve any real reflection on how your failings may damage the reputation of the profession. Your reflection centred on the strengthening of your character and that you would not repeat this misconduct but does not address the impact of your failings on your colleagues, public confidence in the profession or the NMC as your regulator.

The panel is of the view given the number of dishonest actions and the period of time over which they occurred, that there is a risk of repetition.

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

The panel notes that there are no concerns regarding your competence or clinical practice. Nevertheless, it determined that a finding of impairment on the public interest grounds is required to uphold proper professional standards and maintain public confidence in the profession.



Having regard to all of the above, the panel was satisfied that your fitness to practise is currently impaired.

### **Submissions on sanction**

Mr Wilson informed the panel that in the Notice of Hearing, dated 4 July 2022, the NMC had advised you that it would seek the imposition of a strike off order if the panel found your fitness to practise currently impaired. He submitted that a strike off order remained necessary in the public interest.

The panel also bore in mind your submissions. You submitted that the panel should take your mitigation into account and impose a suspension order. You further submitted you are happy to undertake training courses to better understand your misconduct and the impact of it on the profession and the NMC as a regulator.

### **Decision and reasons on sanction**

Having found your fitness to practise is currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel 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 Sanction Guidance (SG) and the NMC guidance on seriousness and dishonesty. 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 deprived the public purse of funds which you were not entitled to,
- Your attempt to conceal your dishonesty in 2018 demonstrated a course of action over a significant period of time.

The panel also took into account the following mitigating features:

- You were experiencing difficult family circumstances
- There was an early admission to charges 1,2 and 3 and you apologised for your failings.

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 interest 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 something that can be addressed through retraining. There are no identifiable areas of your clinical practice in need of assessment or retraining. Furthermore, the panel concluded that the placing of conditions on your registration would not adequately address the public interest considerations in this case.

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

- *A single instance of misconduct but where a lesser sanction is not sufficient;*
- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *No evidence of repetition of behaviour since the incident;*
- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*
- *In cases where the only issue relates to the nurse or midwife's health, there is a risk to patient safety if they were allowed to continue to practise even with conditions.*

The most serious aspect of this case is that you sought in 2018 to conceal the dishonesty for the period 2003 to 2007. This raises, in the panel's view, fundamental questions about your professionalism and honesty and is a deep-seated attitudinal problem in relation to honesty.

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.

Taking all of the above into account, 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 found that your actions were a serious departure from the standards expected as a registered nurse and to allow you to continue practising would undermine public confidence in the profession and the NMC as its regulator.

The panel found that your clinical practice has not been called into question.

Balancing all 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 yourself, the panel has concluded that nothing short of this would be sufficient to address the public interest 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 Wilson. He submitted that an interim order is necessary to protect the public interest.

You made no submissions in relation to an interim order.

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

The panel was satisfied that an interim order is necessary to mark the public interest concerns. 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 protect the public interest.

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

That concludes this determination.