

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

**Substantive Hearing
Monday 4 – Wednesday 13 December 2023**

Virtual Hearing

Name of Registrant:	Karen Heather Young
NMC PIN	91Y1740E
Part(s) of the register:	Registered Nurse – RNLD Learning Disabilities Nursing – October 2000
Relevant Location:	Devon
Type of case:	Misconduct
Panel members:	Susan Ball (Chair, Registrant member) Laura Wallbank (Registrant member) Nicola Strother Smith (Lay member)
Legal Assessor:	Cyrus Katrak
Hearings Coordinator:	Khadija Patwary
Nursing and Midwifery Council:	Represented by Raj Joshi, Case Presenter
Miss Young:	Not present and unrepresented
Facts proved:	Charges 1), 2), 3), 4), 5), 6), 7) and 8)
Facts not proved:	None
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 Young was not in attendance and that the Notice of Hearing letter had been sent to Miss Young's registered email address by secure email on 30 October 2023.

Dr Joshi, 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 allegations, the times and dates of the hearing. The hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Miss Young'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 Young 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 Young

The panel next considered whether it should proceed in the absence of Miss Young. It had regard to Rule 21 and heard the submissions of Dr Joshi who invited the panel to continue in the absence of Miss Young. He submitted that Miss Young had voluntarily absented herself.

Dr Joshi referred the panel to the record of the voicemail left by Miss Young on 21 November 2023 which stated:

'Hello. Karen Young here. I just had a phone call to tell me that the job offer has been withdrawn due to the reference from Devon Partnership Trust. As far as the hearing goes, Ricky, I'm not interested anymore and they can do it without me. I'm not going to attend. They're gonna start me off anyway. I'm not wasting my time and ... I'm done. I'm just done. So yeah, they can get on with it. OK, bye. Bye.'

Dr Joshi also referred the panel to an email dated 21 November 2023 from Miss Young in which she further stated that:

'I have left you a voicemail. I just received a call today from Devon County Council advising me that the job offer has been withdrawn. As far as the hearing is concerned I really don't care now, I'm done I've had three job offers now withdrawn and ... emotionally I'm finished so the NMC can do what they want. I really don't care anymore..'

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.

The panel decided to proceed in the absence of Miss Young. In reaching this decision, the panel has considered the submissions of Dr Joshi 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* [2016] EWCA Civ 162 and had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Miss Young;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- Four witnesses have been scheduled to give oral evidence;
- Not proceeding may inconvenience the witnesses, their employer(s) and, for those involved in clinical practice, the clients who need their professional services;
- The charges relate to events that occurred between September 2019 and June 2021;
- Further delay may have an adverse effect on the ability of witnesses accurately to recall events; and
- Due to the seriousness of the allegations in this case there is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Miss Young in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to Miss Young at her registered address, Miss Young will not be able to challenge the evidence relied upon by the NMC and will not be able to give evidence on her own behalf. However, in the panel's judgement, this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies. Furthermore, any disadvantage is due to the consequences of Miss Young's decision to absent herself from the hearing, not to be represented, and not to provide additional evidence or make submissions on her own behalf.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Miss Young. The panel will draw no adverse inference from Miss Young's absence in its findings of fact.

Decision and reasons on application for hearing to be held in private

During the panel's deliberations at the Sanctions stage, the panel noted that some of the evidence provided by Miss Young related to her health. The panel therefore considered it appropriate to retrospectively direct that those matters be marked as private pursuant to Rule 19 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

In reaching this decision the panel accepted the advice of the legal assessor.

Having referenced Miss Young's health, the panel determined to hold parts of the hearing in private in order to preserve the confidential nature of those matters. The panel was satisfied that these considerations justify that course, and that this outweighs any prejudice to the general principle of hearings being in public.

Details of charge (as amended)

That you, a registered nurse:

- 1) On or around 6 September 2019 caused or permitted Female A to write a note giving you permission to withdraw £600 from her Post Office account. **(proved)**
- 2) Between 6 September 2019 and 19 December 2019 made one or more cash withdrawals from Female A's Post Office account. **(proved)**
- 3) The cash withdrawals referred to at charge 2 were wholly or partly for your benefit. **(proved)**

- 4) Your conduct at charges 1 and/or 2 and/or 3 above was dishonest in that you knew that Female A had mental health conditions which rendered her vulnerable and the money in her account did not belong to you. **(proved)**

- 5) Your conduct at charges 1 and/or 2 and/or 3 above demonstrated a lack of integrity. **(proved)**

- 6) Caused or permitted one or more of the following payments to be made from Female B's bank account which were partly or wholly for your benefit:
(proved in its entirety)
 - a) £573.44 to Admiral Insurance on 1 December 2020;
 - b) £320 to Budleigh Dental Surgery on 23 November 2020;
 - c) £200 to Budleigh Dental Surgery on 3 December 2020;
 - d) £135.01 to Raddenstile Vets on 1 December 2020;
 - e) One or more vehicle fuel purchases between September 2020 and June 2021;
 - f) One or more cash payments between September 2020 and June 2021;
 - g) £153.99 to Boots Opticians on or around 24 March 2021.

- 7) Your conduct at charges 6(a) to (g) was dishonest in that you knew that the money in Female B's bank account did not belong to you. **(proved)**

- 8) Your conduct at Charges 6(a) to (g) demonstrated a lack of integrity. **(proved)**

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

Decision and reasons on application to amend the charges 4), 5), 6)a) and 6)g)

The panel heard an application made by Dr Joshi, on behalf of the NMC, to amend the wording of charges 4), 5), 6)a) and 6)g).

Dr Joshi proposed that charge 6)a) should be amended to £573.44 and charge 6)g) should be £153.99. He submitted that charge 4) should be amended to “your conduct at charges 1 and/or 2 and/or 3 above was dishonest...” and charge 5) to “*your conduct at charges 1 and/or 2 and/or 3...*” due to the typographical error. Dr Joshi submitted that the proposed amendments would provide clarity and more accurately reflect the evidence.

- 4) *‘Your conduct at charges 1 **and/or** 2 and/or 3 above was dishonest in that you knew that Female A had mental health conditions which rendered her vulnerable and the money in her account did not belong to you.*
- 5) *Your conduct at charges 1 **and/or** 32 and/or 3 above demonstrated a lack of integrity.*
- 6) *Caused or permitted one or more of the following payments to be made from Female B’s bank account which were partly or wholly for your benefit:-*
 - a) ~~£573~~ **£573.44** to Admiral Insurance on 1 December 2020;
 - g) ~~£153~~ **£153.99** to Boots Opticians on or around 24 March 2021.’

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

The panel was of the view that the amendments, as applied for, was in the interest of justice. The panel was satisfied that there would be no prejudice to Miss Young and no injustice would be caused to either party by the proposed amendments being allowed. It was therefore appropriate to allow the amendments, as applied for, to ensure clarity and accuracy.

Background

The NMC received a referral on 11 August 2021 from Devon Partnership NHS Trust (the Trust), where Miss Young worked as a Senior Community Mental Health Practitioner.

The alleged facts are that whilst working in a separate position as an Associate Priest in Budleigh Salterton, Devon, Miss Young befriended two elderly women, Female A and Female B. At the time of the allegations (September 2019 to June 2021), Female A was in her late eighties, and Female B was in her mid-nineties.

In June 2021, a friend of Female B raised concerns with Devon and Cornwall Police (the Police) regarding unusual withdrawals from Female B's bank account. Miss Young was arrested on 6 July 2021 by the Police for alleged financial abuse in relation to Female B. During a search of Miss Young's home Female A's bank card, PIN number and a note signed by Female A authorising Miss Young to remove £600 from her account were found.

An investigation was carried out by Witness 1; he established that Female B's bank account had reduced from a balance of around £25000 in September 2020, to a balance of just over £4000 in June 2021. Transactions from Female B's bank account over the period in question included:

- a) £573.44 to Admiral Insurance on 1 December 2020;
- b) £320 to Budleigh Dental Surgery on 23 November 2020;
- c) £200 to Budleigh Dental Surgery on 3 December 2020;
- d) £135.01 to Raddenstile Vets on 1 December 2020;
- e) One or more vehicle fuel purchases between September 2020 and June 2021;
- f) One or more cash payments between September 2020 and June 2021;
- g) £153.99 to Boots Opticians on or around 24 March 2021.

A Mental Capacity Assessment of Female B was completed on 2 September 2021, and it was concluded that she had capacity to understand the safeguarding process and to make decisions relating to her finances.

However, Female B did not want to be involved in any criminal proceedings. Witness 1's evidence of his Police report dated 17 September 2021 states:

'I explained to Female B that the Police need to make sure she is protected in the future and that this doesn't happen to other people. [Female B] "Oh well, I've just accepted it, it's done and I'm not short of a few shillings". "I don't want Karen to be prosecuted, it's a hard line but I don't want to be bothered with court and all that".'

Therefore, on 14 September 2021 the Police decided to take no further action.

Decision and reasons on facts

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 Dr Joshi on behalf of the NMC.

In light of the non-admissions to any of the charges by Miss Young, the NMC were required to prove all the charges.

The panel has drawn no adverse inference from the non-attendance of Miss Young.

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:

- Witness 1: Detective Constable at Devon and Cornwall Police in the Public Protection Unit at the time of the allegations;
- Witness 2: Social Worker at Devon County Council in the Woodbury, Exmouth and Budleigh Salterton Community Health and Social Care Team at the time of the allegations;
- Witness 3: Social Care Assessor at Devon County Council in the Woodbury, Exmouth and Budleigh Salterton Community Health and Social Care Team at the time of the allegations;
- Witness 4: Mental Health Legislation Professional Lead at the Trust at the time of the allegations.

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

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

Charge 1)

- 1) On or around 6 September 2019 caused or permitted Female A to write a note giving you permission to withdraw £600 from her Post Office account.

This charge is found proved.

In reaching this decision, the panel took into account Witness 1's, Witness 2's and Witness 3's witness statements and oral evidence. It also took into account Miss Young's prepared statement dated 6 July 2021, the police report dated 17 September 2021, the paperwork found at Miss Young's address relating to Female A and the Mental Capacity Assessment and Best Interest Decision Making Records for Female A dated 22 August 2019 and 6 July 2021.

The panel considered Witness 1's witness statement in which he stated that *"...During the search we discovered paperwork relating to the finances of Female A. I was aware that Female A had previously lived with Female B, but this was the first occasion that her finances came to be part of our investigation. At Ms Young's address, we found and seized Female A's post office card, and an envelope with the PIN for Female A's post office card handwritten on it. Also written on the envelope was "£500 Virginia for Bills". The £500 was crossed out and next to it was written "£1100". £51.16 purse". We also found and seized a handwritten note which read, "[Female A] give permission for the Reverend Karen Young to collect my card and withdraw £600 pounds." This note was dated 06/09/19. We found and seized post office receipts showing various withdrawals from Female A's bank totalling £3,200 between 06/09/19 and 19/12/19. There were also lots of receipts for clothing and general shopping."* The panel noted that this was supported by the paperwork found at Miss Young's address relating to Female A.

The panel also considered Miss Young's prepared statement dated 6 July 2021 in which she stated *"I spoke to Female B to see what Female A would need. Female B said she didn't have anything at all. I spoke to Female A to tell her she needed stuff to go into the home. I wrote out a letter for her to sign authorising me to take out £600.00 from her Post Office account which I did."*

The panel further considered the police report dated 17 September 2021 in which it was stated that *"When searching the sitting room officers located financial paperwork relating to Female A. This included a post office card and PIN along with a note dated 06/09/19 stating "I Female A (sic) give permission for the Reverend Karen Young to collect my card and withdraw £600 pounds". This appeared to be signed by Female A herself."*

The panel considered Witness 3's witness statement in which he stated that *"My role was not to carry out an assessment of Female A's finances, or her ability to manage her finances, however my assessment did involve some discussion around Female A's finances, as recorded in my report."*

The panel noted that this was supported by the Mental Capacity Assessment and Best Interest Decision Making Records for Female A dated 22 August 2019 in which Witness 3 stated that *"Due to her hearing impairment, Female A has difficulty hearing what is being said to her. She was able to understand simple questions when written down for her and was able to express her preferences verbally. However, Female A struggled with detailed information such as finances and was unable to recall information pertaining to her current financial situation."* The panel was of the view that this gives an assessment of Female A's ability to understand her finances at that time.

On that basis, the panel was satisfied that on or around 6 September 2019, Miss Young caused or permitted Female A to write a note giving her permission to withdraw £600 from her Post Office account.

In light of the above, the panel therefore finds charge 1) proved.

Charge 2)

- 2) Between 6 September 2019 and 19 December 2019 made one or more cash withdrawals from Female A's Post Office account.

This charge is found proved.

In reaching this decision, the panel took into account Witness 1's witness statement and oral evidence. It also took into account Miss Young's prepared statement dated 6 July 2021 and the paperwork found at Miss Young's address relating to Female A.

The panel considered Witness 1's witness statement in which he stated that *"...During the search we discovered paperwork relating to the finances of Female A...We found and seized post office receipts showing various withdrawals from Female A's bank totalling £3,200 between 06/09/19 and 19/12/19. There were also lots of receipts for clothing and general shopping."* The panel noted that this was supported by the paperwork found at Miss Young's address.

The panel also considered Miss Young's prepared statement dated 6 July 2021 in which she stated *"She owed Female B two years' worth of contributions towards Council Tax and TV licence etc. I took money out a number of times to give money to Female B and to buy items for Female A. Female A was then moved from Shandford to Ferneyhurst. At Ferneyhurst, I wasn't allowed to see her in the care home. I have not had any of that money at all. The receipts are all for items that she needed."*

The panel was satisfied that between 6 September 2019 and 19 December 2019, Miss Young made one or more cash withdrawals from Female A's Post Office account.

In light of the above, the panel therefore finds charge 2) proved.

Charge 3)

- 3) The cash withdrawals referred to at charge 2 were wholly or partly for your benefit.

This charge is found proved.

In reaching this decision, the panel took into account the evidence considered in respect of charge 2) and charge 6).

The panel determined that there was no evidence of any of the cash withdrawals from Female A's post office account being deposited into Female B's bank account.

The panel was mindful of the large number of transactions and the decisions it reached in relation to charge 6). The panel considered that although there is no specific evidence of what the money withdrawn from Female A's post office account was spent on, it inferred given the background of the case, that it was more likely than not that Miss Young had used the cash partly or wholly for her benefit.

The panel were therefore satisfied that it was more likely than not that the cash withdrawals referred to at charge 2) were wholly or partly for Miss Young's benefit.

In light of the above, the panel therefore finds charge 3) proved.

Charge 4)

- 4) Your conduct at charges 1 and/or 2 and/or 3 above was dishonest in that you knew that Female A had mental health conditions which rendered her vulnerable and the money in her account did not belong to you.

This charge is found proved.

In reaching this decision, the panel took into account the evidence considered in respect of charges 1), 2) and 3).

The panel considered the Mental Capacity Assessment and Best Interest Decision Making Records for Female A dated 22 August 2019 in which Witness 3 stated that *"...However, [Female A] struggled with detailed information such as finances and was unable to recall information pertaining to her current financial situation."*

The panel also considered the NMC Code of Conduct, the NMC Guidance on *'Making decisions on Dishonesty charges'*, as well as the test set out in the case of *Ivey v Genting Casinos (UK) Ltd [2017] UKSC 67*. The panel was of the view that on the balance of probabilities, Miss Young knew that her conduct was dishonest.

The panel therefore concluded that Miss Young's state of mind was dishonest, especially given her long career as a mental health nurse. It was also of the view that an ordinary honest person, in knowledge of all the evidence before it, would also consider this to be a dishonest act.

The panel was satisfied on the balance of probabilities that Miss Young's conduct at charges 1) and/or 2) and/or 3) was dishonest in that she knew that Female A had mental health conditions which rendered her vulnerable and the money in her account did not belong to her.

In light of the above, the panel therefore finds charge 4) proved.

Charge 5)

5) Your conduct at charges 1 and/or 2 and/or 3 above demonstrated a lack of integrity.

This charge is found proved.

In reaching this decision, the panel took into account the evidence considered in respect of charges 1), 2), 3) and 4).

In light of the panel's findings in respect of charges 1), 2), 3) and 4), and having been referred to the cases of *Wingate v SRA*, the *SRA v Mallins (2018)* and *Beckwith v SRA* the panel considered that Miss Young did not adhere to the ethical standards of her profession.

The panel concluded that the charges found proved in 1), 2), 3) and 4) involved taking money from a vulnerable woman who lacked capacity to make decisions regarding her finances. The panel was of the view that given Miss Young's experience in her roles as a mental health nurse and an Associate Priest, her actions amounted to an absolute lack of professional integrity.

The panel was satisfied on the balance of probabilities that Miss Young's conduct at charges 1) and/or 2) and/or 3) demonstrated a lack of integrity.

In light of the above, the panel therefore finds charge 5) proved.

Charge 6)a)

6) Caused or permitted one or more of the following payments to be made from Female B's bank account which were partly or wholly for your benefit:

a) £573.44 to Admiral Insurance on 1 December 2020;

This charge is found proved.

In reaching this decision, the panel took into account Witness 1's witness statement, supplementary witness statement and his oral evidence. It also took into account Miss Young's prepared statement dated 6 July 2021, Female B's NatWest bank statement and Admiral Insurance letter dated 1 July 2021.

The panel considered Witness 1's witness statement in which he stated that *"...When I spoke to Female B about this during a visit to her home on 5 July 2021, she had no knowledge of this purchase. When I asked her about it, she turned to Ms... and said, "She's taken advantage of me...". I understand her to be referring to Ms Young" and "Ms Young accepted in her prepared statement that Female B had paid for her vets bills, dental work and car insurance, and that she bought her a pair of sunglasses for her birthday. Female B did not recall agreeing to pay for any of this..."*

The panel also considered Witness 1's supplementary witness statement in which he stated that *"the exact amount was £573.44. I produce Exhibit MB/05 the letter I received from Admiral Insurance dated 1 July 2021, which confirms the correct transaction date and amount, and that the payment related to an insurance policy held by Ms Young."* The panel noted that this was confirmed by the Admiral Insurance letter dated 1 July 2021 in which it states:

“Having reviewed our systems, I can confirm policy number 84 relates to a MultiCover policy.

We took a payment of £573.44 on 01/12/2020 from:

Debit Card (...9202)

Payment information is encrypted so we cannot access a full card number.

The policyholder and sole driver of both vehicles is Miss Karen Young...”

The panel considered Miss Young’s prepared statement dated 6 July 2021 in which she stated that *“She [Female B] also paid for my car insurance but I gave her that money back in cash...”* The panel had regard to Female B’s NatWest bank statement which shows a card transaction of £573.44 on 1 December 2020 in favour of Admiral Insurance. The panel was not provided with any evidence that Ms Young paid Female B back as there were no cash deposits into her bank account. The panel therefore determined that it was more likely than not that Miss Young had kept the money from Female B regarding the Admiral Insurance and that even if Miss Young had paid the money back to Female B in cash, she still benefited from it during the period it was *‘loaned’* to her.

The panel took into account the evidence of Witness 1 that Female B did not recall agreeing to pay for Miss Young’s car insurance. The panel therefore determined that Miss Young caused or permitted the payment of £573.44 to Admiral Insurance on 1 December 2020 to be made from Female B’s bank account which was wholly for her benefit.

In light of the above, the panel therefore finds charge 6)a) proved.

Charges 6)b) and 6)c)

6) Caused or permitted one or more of the following payments to be made from Female B’s bank account which were partly or wholly for your benefit:

- b) £320 to Budleigh Dental Surgery on 23 November 2020;
- c) £200 to Budleigh Dental Surgery on 3 December 2020;

This charge is found proved.

In reaching this decision, the panel took into account Witness 1's witness statement and oral evidence. It also took into account Miss Young's prepared statement dated 6 July 2021 and Female B's NatWest bank statement.

The panel dealt with charges 6)b) and 6)c) collectively.

The panel considered Witness 1's witness statement in which he stated that *"I visited Budleigh Dental Surgery on 1 July 2021 and was able to view their records in situ. Their records showed that Ms Young had dental work there on 23 November 2020 at a cost of £320 and on 3 December 2020 at a cost of £200. Those sums corroborated with payments made to Budleigh Dental Surgery from Female B's account on those dates. I asked Female B about this. She was not aware of Ms Young using her money to pay for dental work."*

Further, *"Ms Young said that Female B was insistent that she would pay for Ms Young's dental work in November and December 2020..."* and *"Ms Young accepted in her prepared statement that Female B had paid for her vets bills, dental work and car insurance, and that she bought her a pair of sunglasses for her birthday. Female B did not recall agreeing to pay for any of this..."* The panel noted that the card transactions dated 23 November 2020 and 3 December 2020 in favour of Budleigh Dental Surgery were shown in Female B's NatWest bank statement.

The panel considered Miss Young's prepared statement dated 6 July 2021 in which she stated that *"She [Female B] was insistent that she would contribute in relation to the dental work I had done in November and December 2020."*

The panel took into account the evidence of Witness 1 that Female B did not recall agreeing to pay for Miss Young's dental work. Even on Miss Young's own explanation she received monies that must have been for her benefit.

The panel was satisfied that Miss Young caused or permitted the payments of £320 to Budleigh Dental Surgery on 23 November 2020 and £200 to Budleigh Dental Surgery on 3 December 2020 to be made from Female B's bank account which were wholly for her benefit.

In light of the above, the panel therefore finds charges 6)b) and 6)c) proved.

Charge 6)d)

6) Caused or permitted one or more of the following payments to be made from Female B's bank account which were partly or wholly for your benefit:

d) £135.01 to Raddenstile Vets on 1 December 2020;

This charge is found proved.

In reaching this decision, the panel took into account Witness 1's witness statement and oral evidence. It also took into account Miss Young's prepared statement dated 6 July 2021, Female B's NatWest bank statement, a statement from Raddenstiles Veterinary Surgery dated 1 July 2021 and a card receipt from Raddenstile Vets dated 1 December 2020.

The panel considered Witness 1's witness statement in which he stated that "*I approached Raddenstile Vet, who confirmed that a payment of £135.01 made to them on 2 December 2020 related to treatment for Ms Young's dog, Bertie. Female B does not have any pets.*" Further, "*Ms Young accepted in her prepared statement that Female B had paid for her vets bills, dental work and car insurance, and that she bought her a pair of sunglasses for her birthday. Female B did not recall agreeing to pay for any of this...*"

The panel considered Miss Young's prepared statement dated 6 July 2021 in which she stated that "*...she [Female B] also offered to pay for my dog's vet bills.*"

The panel took into account the evidence of Witness 1 that Female B did not recall agreeing to pay for Miss Young's vet bills. Even on Miss Young's own explanation she received monies that must have been for her benefit.

The panel was satisfied that Miss Young caused or permitted the payment of £135.01 to Raddenstile Vets on 1 December 2020 to be made from Female B's bank account which were wholly for her benefit.

In light of the above, the panel therefore finds charge 6)d) proved.

Charge 6)e)

- 6) Caused or permitted one or more of the following payments to be made from Female B's bank account which were partly or wholly for your benefit:
 - e) One or more vehicle fuel purchases between September 2020 and June 2021;

This charge is found proved.

In reaching this decision, the panel took into account Witness 1's witness statement and oral evidence. It also took into account Miss Young's prepared statement dated 6 July 2021, the record of Police Interview on 6 July 2021, the police report dated 17 September 2021 and Female B's NatWest bank statement.

The panel considered Witness 1's witness statement in which he stated that "*Female B's bank statements showed a large number of payments for fuel. Female B does not drive and does not own a car.*"

The panel considered Miss Young's prepared statement dated 6 July 2021 in which she stated that "*...I would drive her around to go to all her appointments and to the shops. I was very fond of her and we had a great friendship. She did give me money for petrol. She gave me the card and the pin number to use.*"

The panel noted that there are six vehicle fuel purchases reflected in Female B's NatWest bank statement that included 04/09/2020: £50.01, 23/11/2020: £50.02, 04/12/2020: £40.10, 18/12/2020: £35, 19/03/2021: £36.48 and 06/04/2021: £40.54.

The panel noted that even if Female B was paying for fuel for Miss Young in return for driving her voluntarily to appointments and to the shops, the significant amount of money that has been paid led the panel to consider that this was partially or wholly for Miss Young's benefit, particularly during November 2020 to December 2020 where large amounts of money were spent on fuel purchases during a short period of time.

The panel was satisfied on the balance of probabilities that Miss Young caused or permitted one or more vehicle fuel purchases between September 2020 and June 2021 to be made from Female B's bank account which were partly or wholly for her benefit.

In light of the above, the panel therefore finds charge 6)e) proved.

Charge 6)f)

6) Caused or permitted one or more of the following payments to be made from Female B's bank account which were partly or wholly for your benefit:

f) One or more cash payments between September 2020 and June 2021;

This charge is found proved.

In reaching this decision, the panel took into account Witness 1's witness statement and oral evidence. It also took into account Miss Young's prepared statement dated 6 July 2021, the record of Police Interview on 6 July 2021, the police report dated 17 September 2021 and Female B's NatWest bank statement.

The panel considered Witness 1's witness statement in which he stated that "*Female B's bank statements showed the following transactions between September 2020 and June 2021: 26 cash withdrawals totalling £6000, typically around £250 at a time.*" This was corroborated by Female B's NatWest bank statement which reflected the cash transactions:

- *'2 September 2020 - £250*
- *30 September 2020 - £200*
- *23 October 2020 - £250*
- *18 November 2020 - £200*
- *19 November 2020 - £250*
- *20 November 2020 - £100*
- *3 December 2020 - £250*

- 9 December 2020 - £250
- 10 December 2020 - £200
- 29 December 2020 - £250 – Post Office Counter
- 23 January 2021 - £250
- 19 February 2021 - £250
- 3 March 2021 - £250
- 6 March 2021 - £250
- 13 March 2021 - £250
- 17 March 2021 - £250
- 19 March 2021 - £200
- 31 March 2021 - £250
- 1 April 2021 - £150
- 10 April 2021 - £250
- 27 April 2021 - £250
- 28 April 2021 - £250
- 10 May 2021 - £250
- 14 May 2021 - £200
- 25 May 2021 - £250
- 26 May 2021 - £250'

The panel also considered Witness 1's witness statement in which he stated *"During our conversation on 5 July 2021, Female B told me that she had given Ms Young £300 per month as a gift. From a policing perspective it is difficult to establish that this amounted to a criminal act. Having met and interacted with Female B however, I was extremely concerned about the ethics of someone receiving a regular gift of this nature from someone as vulnerable as this. It struck me that this would be especially relevant to consider given Ms Youngs' position within the church and her employment within the mental health sector."*

Further, *"When Ms Young was arrested, a receipt was found on her showing the withdrawal of £250 from Female B's account on 25 May 2021."*

The panel also considered Witness 1's oral evidence in which he stated the Female B did not lead an extravagant lifestyle. The panel were also struck on the number of withdrawals on consecutive days or over a short period of time totalling £6000.

Miss Young provided no information as to this charge. The panel was of the view that even if Miss Young received £300 a month as a gift this would still be benefiting her. Further, the panel also found it difficult to reconcile £300 a month as against the timescale of the £6000 cash withdrawals.

The panel was therefore satisfied that the cash withdrawals from Female B's bank account between September 2020 and June 2021 were partly or wholly for Miss Young's benefit and that Miss Young caused or permitted the cash withdraws.

In light of the above, the panel therefore finds charge 6)f) proved.

Charge 6)g)

6) Caused or permitted one or more of the following payments to be made from Female B's bank account which were partly or wholly for your benefit:

g) £153.99 to Boots Opticians on or around 24 March 2021.

This charge is found proved.

In reaching this decision, the panel took into account Witness 1's witness statement and oral evidence. It also took into account Miss Young's prepared statement dated 6 July 2021, the record of Police Interview on 6 July 2021, the police report dated 17 September 2021 and Female B's NatWest bank statement.

The panel considered Witness 1's witness statement in which he stated that "*Ms Young said that the payment of £153 to Boots Opticians related to a pair of sunglasses that Female B bought Ms Young for her birthday.*"

The panel considered Miss Young's prepared statement dated 6 July 2021 in which she stated that "*The payment to Boots Optician was a pair of sunglasses which she bought for me for my birthday. We went to the shop together.*" The panel noted that this transaction was reflected in Female B's NatWest bank statement. The panel concluded that it was highly unlikely that Female B would offer to spend £153.99 on a pair of sunglasses for Miss Young's birthday given her frugal nature.

The panel considered the oral evidence of Witness 1 that Female B did not lead an extravagant lifestyle and Witness 1's written evidence that Female B did not recall agreeing to pay for the sunglasses.

The panel was therefore satisfied that it was more likely than not that Miss Young caused the payment of £153.99 to Boots Opticians on or around 24 March which was wholly for her benefit.

In light of the above, the panel therefore finds charge 6)g) proved.

Charge 7)

- 7) Your conduct at charges 6(a) to (g) was dishonest in that you knew that the money in Female B's bank account did not belong to you.

This charge is found proved.

In reaching this decision, the panel took into account the evidence considered in charges 6)a) to 6)g). It also took into account the Trust's Transcript of the Interview with Miss Young dated 19 January 2022.

The panel considered the Trust's transcript of the Interview with Miss Young dated 19 January 2022 in which she stated that "*My role as a nurse is separate to my role, when I was working for the Church of England and very different situation and this is the nurse role. I have followed the NMC guidelines in all my years of clinical practice.*"

Further, in the Trust's transcript of the Interview with Miss Young dated 19 January 2022, she stated that:

"[Witness 4] - Do you agree that the people that gave you money (Female A and Female B) were vulnerable? If so do you think it is appropriate to receive money from people who are vulnerable?"

KY – When you say people, that's not the case, a person. Yes elderly. Originally a parishioner who became a friend. She became part of the family – lovely lady. She wished to give me a gift of some money which we argued about- I said it was not appropriate but in the end I accepted as it made her happy. In hindsight, yes it was naïve and stupid.

[Witness 4] – The issue is around vulnerability and if you perceived her to be vulnerable or to have capacity to give money. I am thinking specifically of [Female A] are you thinking of [Female B] Karen?

KY – As far as [Female A] is concerned that was never, ever, the situation with [Female A] has nothing to do with any of this this. I never took money from [Female A] and there was no money from [Female A]. That was never ever brought up – that was never ever questioned by the police at all – I can appreciate how it looks, Looking back retrospectively I can see how it looks. Yes I accepted some money because it made her happy and I can see how people who do not know her think she is vulnerable and yes there is an element of that or was but she had capacity at the time. When I first met her she had capacity- she was feisty but no one knows that because no one asked me."

The panel considered Witness 1's witness statement in which he stated that *"It was clear to me from my first meeting with Female B that she was very vulnerable... It is again worth noting from her own prepared statement that after meeting Female A and Female B, Ms Young contacted Female B's relatives and suggested they considered a Power of Attorney as Female B was getting more forgetful. This is an indication to me that she had existing concerns about Female B's capacity prior to any of the aforementioned use of her finances..."*

The panel noted that Miss Young is an experienced mental health nurse of 30 years and that she was dealing with two elderly women who were vulnerable. The panel was of the view that Miss Young must have been aware that Female B was very vulnerable to financial manipulation. The panel heard clear evidence that both Female A and Female B were frugal with their money and did not have lifestyles that reflected the level of expenditure as set out in the allegations. The panel heard evidence that Miss Young had her own financial difficulties (although she denied this). Miss Young's bank statement appeared to show virtually no balance and it was alleged that parishioners were gifting her money as she was *'pleading poverty'*.

In respect of each of charge 6) sub charges:

- Miss Young's actions in charge 6)a) were dishonest as she had insured two cars on the Admiral Insurance policy and that Female B had stated that she did not know about this and did not approve it. The panel was of the view that Female B was highly unlikely to have offered this money to fund Miss Young's car insurance.
- In respect of charges 6)b) and 6)c), Miss Young's actions were dishonest. The panel was of the view that Female B was highly unlikely to have offered this money to fund Miss Young's dental bills.
- In relation to charge 6)d), Miss Young's actions were dishonest as Female B did not have any recollection of this transaction. The panel was of the view that Female B was highly unlikely to have offered this money to fund Miss Young's vet bills.

- In relation to charge 6)e), Miss Young's actions were dishonest as it had occurred on several occasions and in one instance during a short period. The panel was of the view that Female B was highly unlikely to have offered these significant amounts of money to cover fuel costs for any voluntary driving that Miss Young provided.
- In relation to charge 6)f), the panel was provided with evidence that Female B was frugal and unlikely to spend £6000 in cash. It further noted that there was no audit trail to demonstrate where the money had been spent.
- In relation to charge 6)g), the panel determined that someone of Female B's lifestyle is highly unlikely to spend £153.99 on a pair of sunglasses as a gift and therefore Miss Young's action was dishonest.

The panel also considered the NMC Code of Conduct, the NMC Guidance on '*Making decisions on Dishonesty charges*', as well as the test set out in the case of *Ivey v Genting Casinos (UK) Ltd [2017] UKSC 67*. The panel was of the view that on the balance of probabilities, Miss Young knew that her conduct was dishonest.

The panel therefore concluded that Miss Young's state of mind was dishonest, especially given her long career as a mental health nurse. It was also of the view that an ordinary honest person, in knowledge of all the evidence before it, would also consider these to be dishonest acts.

The panel was satisfied on the balance of probabilities that Miss Young's conduct at charges 6)a) to g) was dishonest.

In light of the above, the panel therefore finds charge 7) proved.

Charge 8)

8) Your conduct at Charges 6(a) to (g) demonstrated a lack of integrity.

This charge is found proved.

In reaching this decision, the panel took into account the evidence considered in charges 6(a) to 6(g). It also took into account the Trust's transcript of the interview with Miss Young dated 19 January 2022.

In light of the panel's findings in respect of charge 6(a)-g) and having been referred to the cases of *Wingate v SRA*, *SRA v Mallins (2018)* and *Beckwith v SRA* the panel concluded that Miss Young did not adhere to the ethical standards of her profession and her acts in respect of charges 6(a)-g) lacked integrity.

The panel concluded that the charges found proved in charges 6(a) to 6(g) involved taking very large total amount of money in very frequent transactions from a vulnerable woman during the pandemic. The panel was of the view that given Miss Young's experience in her roles as a mental health nurse and an Associate Priest, her actions amounted to an absolute lack of professional integrity.

The panel was satisfied on the balance of probabilities that Miss Young's conduct at charges 6(a) to g) demonstrated a lack of integrity.

In light of the above, the panel therefore finds charge 8) 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 Miss Young's 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, Miss Young's 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.*'

Dr Joshi invited the panel to take the view that the facts found proved amount to misconduct. He directed the panel to the terms of "The Code: Professional standards of practice and behaviour for nurses and midwives (2018) (the Code) and to the specific paragraphs where, in the NMC's view, Miss Young's actions amounted to a breach of those standards.

Dr Joshi submitted that Miss Young had breached code one; making sure that people are treated with kindness, respect and compassion. She had the knowledge, background and experience of being a mental health community nurse and also had pastoral responsibilities having been a Church of England Curate in the community. He submitted that once Miss Young became involved in Female A's and Female B's lives, she could have helped them to obtain the support that they needed as she knew what their relevant conditions were.

Dr Joshi submitted that Miss Young had manipulated Female A and Female B and had inveigled her way into their lives, caring for them in such a way that a dependency was created. He submitted that they were vulnerable and/or at risk and instead of providing extra support and protection through formal proper procedures, Miss Young proceeded to make herself indispensable by taking over their bank accounts. He submitted that even though Miss Young thought that their mental capacity was an issue, she did little or nothing about it in terms of referring them to the proper authorities.

Submissions on impairment

Dr Joshi 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 case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin).

Dr Joshi submitted that when the police were questioning Miss Young, she did not acknowledge any wrongdoing at any stage. He submitted that when Miss Young was confronted at each stage, whether it be by a police officer or in the context of the internal investigation, Miss Young's comments had a lack of appreciation of what was occurring to those around her. He submitted that Miss Young would say that she would take a step back but that she did not see anything wrong with accepting a monthly allowance of £300 or a gift of sunglasses.

Dr Joshi submitted that Miss Young has very limited insight into her misconduct. He submitted that Miss Young could have partaken in this hearing and could have put forward things such as any courses she may have attended to demonstrate her breach of professional boundaries. Dr Joshi further submitted that there is a paucity of evidence that Miss Young had done anything to reflect on what she had done and is therefore currently impaired.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Roylance v General Medical Council* (No 2) [2000] 1 A.C. 311 and *General Medical Council v Meadow* [2007] QB 462 (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 was of the view that Miss Young's actions did fall significantly short of the standards expected of a registered nurse, and that Miss Young's actions amounted to a breach of the Code. Specifically:

'1 Treat people as individuals and uphold their dignity

To achieve this, you must:

1.1 treat people with kindness, respect and compassion

1.5 respect and uphold people's human rights

3 Make sure that people's physical, social and psychological needs are assessed and responded to

To achieve this, you must:

3.3 act in partnership with those receiving care, helping them to access relevant health and social care, information and support when they need it

3.4 act as an advocate for the vulnerable, challenging poor practice and discriminatory attitudes and behaviour relating to their care

4 Act in the best interests of people at all times

17 Raise concerns immediately if you believe a person is vulnerable or at risk and needs extra support and protection

To achieve this, you must:

17.1 take all reasonable steps to protect people who are vulnerable or at risk from harm, neglect or abuse

17.3 have knowledge of and keep to the relevant laws and policies about protecting and caring for vulnerable people

20 Uphold the reputation of your profession at all times

To achieve this, you must:

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

20.2 act with honesty and integrity at all times, treating people fairly and without discrimination, bullying or harassment

20.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people

20.5 treat people in a way that does not take advantage of their vulnerability or cause them upset or distress

20.6 stay objective and have clear professional boundaries at all times with people in your care (including those who have been in your care in the past), their families and carers

21 Uphold your position as a registered nurse, midwife or nursing associate

To achieve this, you must:

21.1 refuse all but the most trivial gifts, favours or hospitality as accepting them could be interpreted as an attempt to gain preferential treatment

21.2 never ask for or accept loans from anyone in your care or anyone close to them

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. The panel considered each of the charges individually.

In respect of charges 1) and 2), the panel was of the view that these amount to misconduct. It noted that Miss Young was a mental health community nurse and it had regard to evidence that Female A did not have the capacity to manage her own finances. Miss Young caused Female A to write her a note giving her permission to withdraw £600 from her post office account. The panel further noted that Miss Young as a registered mental health nurse should have understood that Female A did not have the capacity to make decisions regarding withdrawing large sums of money. It was of the view that this was not a one-off incident as when the police had arrived in July 2020 to search Miss Young's home, it had found the note, other cash withdrawal receipts, together with the post office account card and pin number.

The panel determined that a nurse is expected to be professional at all times and Miss Young's actions in charges 1) and 2) would by the standards of ordinary people, and fellow professional nurses, be judged to fall far below the standard expected of a registered nurse. The panel determined that your actions in relation to this charge amounted to a serious departure from acceptable standards expected of a registered nurse.

In respect of charge 3), the panel was of the view that this amounts to misconduct. The panel had no evidence to suggest that the money that was withdrawn was paid into Female B's bank account. It was of the view that this was an abuse of trust. The panel determined that Miss Young's actions in relation to this charge amounted to a serious departure from acceptable standards expected of a registered nurse.

In respect of charge 4), the panel was of the view that this amounts to misconduct. The panel determined that honesty and integrity are fundamental elements of being a registered nurse, and this enables the public to have confidence in the profession. The panel determined that this charge as found proved, is extremely serious, and that Miss Young's actions would by the standards of ordinary people, and fellow professional nurses, be judged to be deplorable falling far below the standard expected of a registered mental health nurse.

In respect of charge 5), the panel was of the view that this amounts to misconduct. The panel was of the view that cumulatively charges 1), 2) and 3) demonstrate a complete lack of integrity and is serious misconduct impacted by the way that Miss Young had interacted with Female A.

In respect of charge 6);

Charge 6)a) The panel was of the view that this amounts to misconduct. The panel was of the view that even though Miss Young states that the money was paid back into Female B's bank account there is no evidence to support this claim. The panel noted that even if Miss Young had paid the money back this still benefited her during the period of the loan.

In relation to charge 6)b) and 6)c), the panel determined that these amount to serious misconduct as Miss Young had opportunity to refuse the money but chose to allow Female B to pay £520 for her dental treatment.

In relation to 6)d), the panel had regard to evidence that Female B was assessed as having the mental capacity to manage her finances but she did not recognise that she had agreed to pay for £135.01 for Miss Young's vet bills. The panel determined that this amounts to serious misconduct.

In relation to 6)e), the panel was of the view that Miss Young's action in this charge highlights her taking advantage of a vulnerable woman. It noted that frequent and large amounts of fuel were purchased in November and December 2021 which could not have been to compensate Miss Young for journeys that she voluntarily undertook on Female B's behalf. The panel determined that this amounts to serious misconduct.

In relation to 6)f), the panel had regard to the large sums of money totalling £6000 which were withdrawn from Female B's bank account between September 2020 and June 2021. The panel also noted the evidence before it that Female B did not recollect agreeing to these withdrawals of cash. Consequently, the panel determined that this amounts to serious misconduct.

In relation to 6)g), the panel was of the view that it was highly unlikely that Female B would pay for such expensive sunglasses, given her frugal lifestyle. The panel considered that Miss Young took advantage of a vulnerable woman and determined that this amounted to serious misconduct.

The panel determined that a nurse is expected to be professional at all times and Miss Young's actions in charge 6) would by the standards of ordinary people, and fellow professional nurses, be judged to fall far below the standard expected of a registered mental health nurse.

In relation to charge 7), the panel was of the view that this amounts to misconduct. It noted the large sum of money that was taken during a nine-month period and the frequency that the money was withdrawn from the account. It further noted that Female B had capacity to make financial decisions and the panel's finding that the money was taken dishonestly from Female B's account by Miss Young. This was supported by Female B stating that she had been '*robbed*' when the police had visited her. The panel determined that this is extremely serious, and that Miss Young's action would by the standards of ordinary people, and fellow professional nurses, be judged to be deplorable, falling far below the standard expected of a registered nurse.

In relation to charge 8), the panel was of the view that this amounts to serious misconduct.

The panel was of the view that cumulatively charges 6) and 7) demonstrate a complete lack of integrity and is serious misconduct. The panel was particularly struck by the way that Miss Young created a dependency on herself which enabled her to make frequent cash withdraws and payments from Female B's bank account totalling around £18,000 over a nine-month period. The panel considered that this was an absolute abuse of a position of trust and any member of the public or any fellow nurse, who knew the particulars of this case would find Miss Young's actions deplorable.

The panel found that Miss Young's actions with respect to charges 1), 2), 3) 4), 5), 6), 7) and 8) 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, Miss Young's 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 that limbs a), b), c) and d) were engaged. The panel finds that Female A and Female B were put at risk and were caused emotional harm as a result of Miss Young's misconduct. Miss Young's 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 extremely serious. It went on to consider whether there is a risk of repetition and in doing so it assessed Miss Young's current insight, remorse and remediation.

Regarding insight, the panel determined that Miss Young's insight was extremely limited. The panel noted that Miss Young did not recognise how her conduct had impacted negatively on the reputation of the nursing profession or on Female A and Female B and that she has not demonstrated an understanding of the serious nature of her actions.

In relation to remorse, the panel noted that Miss Young did not express an understanding of how what she did was wrong or how this impacted negatively on the reputation of the nursing profession. The panel noted that Miss Young had stated that she crossed professional boundaries; however, she failed to address whether she had any insight into her conduct.

The panel was of the view that dishonesty and taking advantage of vulnerable elderly women is a deep-seated attitudinal issue. The panel considered that it is extremely difficult to remediate these dishonest and attitudinal behaviours. However, the panel carefully considered any evidence before it that demonstrates if Miss Young has remediated her behaviours. The panel was of the view that Miss Young had put extremely limited evidence before the panel to demonstrate insight into her actions and no evidence of any remorse, any training that she has undertaken or any testimonials. The panel was therefore of the view that there is very limited evidence from Miss Young that she has recognised that she has done anything wrong.

The panel was of the view that dishonesty and taking advantage of elderly vulnerable women is a deep-seated attitudinal issue. The panel noted that Miss Young saw her relationship with Female A and Female B as a right to access their money and the fact that she did not see the cross over in her roles as a mental health nurse and recognise the safeguarding issues associated with her actions. The panel further noted that Miss Young was in a position of trust as a Curate and mental health nurse throughout this period, during which she dishonestly accessed the bank accounts of Female A and Female B.

Although Miss Young did raise allegations of bullying and discrimination by a member of the Church, the panel was of the view that this had no relevance to the charges or the issues in question.

For the reasons above, Miss Young did not satisfy the panel that the risk of repetition was sufficiently reduced. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

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

The panel considered that this was an absolute abuse of a position of trust and any member of the public or any fellow nurse, who knew the particulars of this case would find Miss Young's actions deplorable. The panel concluded that public confidence in the profession would be undermined if a finding of current impairment was not made in this case it further considered that members of the public may not access nursing services should Miss Young's practise not be restricted and therefore finds Miss Young's fitness to practise is also impaired on the grounds of public interest.

Having regard to all of the above, the panel determined that Miss Young's fitness to practise is currently impaired on the grounds of public protection and public interest.

Sanction

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Miss Young off the register. The effect of this order is that the NMC register will show that Miss Young has 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

Dr Joshi submitted that the NMC sanction bid is for a striking-off order. He submitted that in relation to aggravating factors, there are not any previous regulatory or disciplinary findings in respect of Miss Young's practice. However, Miss Young abused her position of trust. He submitted that whilst Miss Young was not acting in her capacity as a nurse, she should have been able to recognise the vulnerability of Female A and Female B.

Dr Joshi submitted that Miss Young “took over Female A’s and Female B’s lives” and she extracted money from them for her own purposes. Further, he submitted that this would have gone unnoticed had “the whistleblower” not raised concerns and the level of trust Female A and Female B had in Miss Young allowed her to get away with what she did.

Dr Joshi submitted that Miss Young has a lack of insight into her failings. He submitted that Miss Young had stated that she would go on a course in relation to professional boundaries; however, the panel do not have evidence of this training or of any other further training. He submitted that at no stage was there any indication that Miss Young was going to report herself but would have continued to abuse her position of trust. He submitted that the pattern of misconduct was over a considerable amount of time.

Dr Joshi submitted that Miss Young put Female A and Female B at risk of suffering harm as she knew how vulnerable they were, and the proper course of action would have been to ensure that they received the proper support to minimise the risks to them. He submitted that Female A and Female B were extremely vulnerable, and they needed help from Miss Young. Despite this Miss Young did nothing and went out her way to exploit them. In terms of mitigating features, he submitted that Miss Young did not apologise for her actions. He submitted that Miss Young had acknowledged that her breach of professional boundaries was naive but did not recognise that she had done anything wrong.

Having found Miss Young’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 Young's abuse of a position of trust and her personal gain;
- Miss Young has demonstrated very little insight into her actions and never accepted that she acted dishonestly;
- Evidence of a calculated/premeditated pattern of misconduct over a period from September 2019 to June 2021 which took advantage of Female A and then Female B;
- The panel heard evidence that Miss Young sought to deflect blame on others which included Female B's carers, the Police and the Archdeacon of the Church of England;
- The panel heard evidence from the witnesses that it was immediately obvious that Female A and Female B were extremely vulnerable;
- The panel considered Miss Young's role as a community mental health nurse meant that she should have been aware of what actions she should have taken regarding Female A and Female B's vulnerability and lack of capacity; and
- Miss Young's conduct put Female A and Female B at risk of emotional harm.

The panel also took into account the following mitigating features:

- No previous regulatory concerns; and
- [PRIVATE].

The panel also heard evidence as to the apparent status of Miss Young's impecuniosity however, it did not attach great weight to this given the Police report dated 17 September 2021 from Witness 1 in which he stated that "*During the search it was noted that the property was cluttered and untidy. A large amount of clothing and perfumes were located in several rooms. It was apparent that a lodger was living there. A bank statement at the property appeared to show she was paying YOUNG £350 a month for rent.*"

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 Young'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 Young'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 Young'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 misconduct identified in this case was not something that could be addressed through retraining namely Miss Young's dishonesty and deep-seated attitudinal problems. Furthermore, the panel concluded that the placing of conditions on Miss Young'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 SG states that suspension order may be appropriate where the following factors are present:

- *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; and*

- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour.*

In the panel's view none of the above factors were met in this case and therefore a suspension order was not appropriate.

Further, 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 Miss Young's actions is fundamentally incompatible with Miss Young 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 considering 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?*

Miss Young's actions were very serious departures from the standards expected of a registered nurse and are fundamentally incompatible with her professionalism and remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Miss Young's actions were deplorable. To allow her to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body and put patients at risk of harm.

The panel had regard to the NMC's guidance in relation to Dishonesty. In considering the seriousness of the dishonesty the panel had regard to the following:

- Attempts by Miss Young to deflect the blame for her actions;
- Her actions abused her position of power and trust in relation to vulnerable victims;
- She gained financially from the breaches of trust;
- She directly put Female A and Female B at risk of emotional harm; and
- She demonstrated a premeditated systematic and longstanding deception.

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. The panel had regard to the effect of Miss Young's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct herself and by damaging the public's trust in nurses and the nursing profession. Therefore, the panel has determined that nothing short of a striking-off order would be sufficient in this case 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.

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 Young's own interests until the striking-off order takes effect.

Submissions on interim order

The panel considered the submissions made by Dr Joshi that an interim suspension order should be made to cover the appeal period. He submitted that an interim order is necessary to protect the public and in the public interest. He invited the panel to impose an interim suspension order for a period of 18 months to cover the appeal period and any appeal if made.

The panel accepted the advice of the legal assessor.

Decision and reasons on interim order

The panel was satisfied that an interim suspension order is necessary to protect the public and in the public interest. The panel had regard to the seriousness of the misconduct and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order. It concluded that not to impose an interim suspension order would be inconsistent with its earlier findings.

Therefore, the panel made an interim suspension order for a period of 18 months.

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

This will be confirmed to Miss Young in writing.

That concludes this determination.