

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

**Substantive Hearing
27-28 July 2020
7-8 September 2020**

Virtual Hearing

Name of registrant:	Pamela Jane Tolley
NMC PIN:	96H0159E
Part(s) of the register:	Registered Nurse – Adult Nursing
Area of registered address:	England
Type of case:	Misconduct
Panel members:	Barbara Stuart (Chair – Registrant member) Donna Hart (Registrant member) Peter Wrench (Lay member)
Legal Assessor:	Graeme Dalglish
Panel Secretary:	Vicky Green
Nursing and Midwifery Council:	Represented by Michael Smalley, Case Presenter
Mrs Tolley:	Present and not represented on 27 and 28 July 2020 Not present and not represented on 7 September 2020 Present and not represented on 8 September 2020
Facts proved by admission:	All
Fitness to practise:	Impaired
Sanction:	Striking off order
Interim order:	Interim suspension order – 18 months

Charges as read

That you, whilst employed by the Mid Yorkshire NHS Trust as a registered nurse, in the Ambulatory Emergency Care Department at Pinderfields Hospital,

- 1) Between November 2017 and June 2018, on one or more of the occasions set out below, prescribed medication to patients when you had not been awarded the required qualification of Non-Medical Prescriber:
 - a) Patient A on 13 December 2017;
 - b) Patient B on 11 December 2017;
 - c) Patient C on 12 December 2017;
 - d) Patient D on 27 December 2017;
 - e) Patient E on 09 April 2018;
 - f) Patient F on 11 May 2018;
 - g) Patient G on 10 May 2018.

- 2) Between January 2014 and June 2018 did not declare to the Trust that you had discontinued your studies to achieve formal qualifications in Advanced Nursing Practise and/or Non-Medical prescribing.

- 3) Your conduct at Charge 2 above lacked integrity because you knew that colleagues were likely to assume that you held one or more of these qualification/s but you took no steps to correct the position.

- 4) Around November-December 2016, in your application for the position of Band 8a Lead Nurse/Matron, made one or both of the following false statements:
 - a) In the 'Education and Professional Qualification' section of the application, that you achieved grade 'PASS' for all the listed components of the Advanced Practice Masters Course when you had not passed Module 2;

b) In the 'Supporting Information' section of the application, that you 'completed the Advanced Practice Masters at the University of Leeds' when you had not completed the course.

5) Your conduct at Charge 4a and/or 4b above was dishonest because you, knowing that they were false, made one or both of those statements with the intention of enhancing your chances of securing a promotion in your employment.

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

Admission of and determination on facts

At the start of this hearing you admitted all of the charges. The charges were therefore announced as proved by way of admission.

Decision and reasons on application to for this hearing to be heard in private

At the outset of the hearing the panel was informed that an observer (Mr 1) was present by telephone and that he would like to observe this hearing. By way of background, Mr Smalley told the panel that Mr 1 had previously made a complaint to the Trust about care provided by you in 2015. This complaint was not upheld by the Trust and the NMC decided to not investigate this complaint further. Following this, you said you felt intimidated by Mr 1 and he had made further complaints about you. The Trust had offered you assistance in writing a 'cease and desist' letter to Mr 1 and the police had advised you to take civil action against him.

In his complaint Mr 1 raised concerns about your qualifications. Given that the charges in the new referral relate to your qualifications, Mr 1 was contacted by the NMC as an interested party. Mr 1 is not, however, the referrer.

Mr Smalley informed the panel that the NMC made you aware that Mr 1 intended observing your hearing and you raised an objection to his presence at this hearing.

Mr Smalley submitted that Rule 19 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004, as amended (the Rules) and the NMC guidance on holding hearings in private or in public has been amended to allow for virtual hearings during the COVID-19 crisis period. Rule 19(5) had removed the legal framework for dealing with the issue of whether a hearing was public or private.

Mr Smalley submitted that, as a starting point, all hearings should be heard in public in accordance with the common law principle of open justice. He submitted that if an application was made by you for the hearing to be heard in private, the panel should apply common law principles of fairness and open justice and also comply with human rights legislation including Article 6 (right to a fair and public trial) and Article 8 (right to a private and family life). He submitted that if an application for the parts of the hearing relating to your health and personal circumstances to be heard in private was made, then the NMC would endorse such an application.

Mr Smalley then drew the panel's attention to Rule 23 of the Rules, in particular:

'23.(1) In proceedings before the [Fitness to Practise] Committee, the following may be treated as vulnerable witnesses:

...

(f) any witness who complains of intimidation.

(2) After seeking the advice of the legal assessor, and upon hearing representations from the parties, the Committee may adopt such measures as it considers necessary to enable it to receive evidence from a vulnerable witness.

(3) Measures adopted by the Committee may include, but shall not be limited to:

...

(d) the hearing of evidence by the Committee in private.'

He submitted that it was for the panel to determine whether special measures were appropriate in these circumstances.

You made an application for the entire hearing to be heard in private. You submitted that Mr 1 has unrelentingly persisted in his behaviour towards you since 2015 and that his presence at this hearing impairs your ability to participate in the hearing.

Upon questions from the legal assessor you told the panel that Mr 1 frightens you and he has continued for years to accuse you of not caring for his son properly. You said that when you were informed that Mr 1 would be present at your hearing you knew that you could not conduct the hearing in his presence.

The panel accepted the advice of the legal assessor which included reference to common law principles of fairness and open justice, and special measures for vulnerable witnesses.

The panel considered your application for the entirety of this hearing to be heard in private, applying the principles of fairness to you and open justice. The panel was mindful that as a starting point all hearings should be conducted in public. The panel noted that there may be reference to your health and personal circumstances.

Balancing the principles of open justice and fairness to you, the panel decided to refuse your application for the entirety of this hearing to be heard in private. The Panel did not have before it sufficient information to conclude that you are a vulnerable witness and it noted that the facts of this case were not intrinsically linked to your health or personal circumstances. The panel determined any reference to your health or personal circumstances would be heard in private. This private information will be redacted from published documents and transcripts. Accordingly, no member of the public, including Mr 1, would be permitted to observe when there is reference to your health or personal circumstances.

The panel handed down its decision verbally and adjourned to read the bundles. When the hearing resumed, Mrs Tolley was not present. She sent an email to the panel secretary stating the following:

'I will not be re-joining the hearing at 3pm and I attach a statement for the panel.'

The panel carefully considered the attached statement. The statement contains information of a private and personal nature and the Panel decided, having taken the advice of the Legal Assessor and considered Rule 19, that the contents of the statement are private and are not to be set out in the public decision.

[PRIVATE]

In view of this new information from you, the panel of its own volition treated this statement as a new application to conduct the entire hearing in private and to treat you as a vulnerable witness, requiring special measures. The panel accepted the advice of the legal assessor as regards Rule 19 and Rule 23, and on the importance of the open justice principle and the need to balance that with your fundamental right to a fair hearing.

The panel was mindful of its case management powers and its powers under Rule 23, namely that where a witness felt intimidated, special measures such as conducting the hearing in private may be adopted. The panel kept at the forefront of its mind the central importance of fairness to you. It is crucial that you are able to properly and fairly represent your position and to conduct your case before this panel. This is particularly so as you do not have the benefit of professional representation and are representing yourself. The panel recognised that your participation in these proceedings is not limited to simply when you may give evidence.

The panel considered the statement from you, and the other documentary evidence, including letters written by Mr 1 complaining about you to third parties. The panel concluded that your concerns about fear and intimidation by Mr 1 are genuine.

The panel considered the interests of justice and it weighed the open justice principle with your fundamental right to a fair hearing. It was mindful that a member of the public can request transcripts of the hearing and that the written decision is a public document

which is published on the NMC website. It was also mindful of the NMC guidance on Rule 19 during the pandemic.

The panel decided that in all the circumstances your right to a fair hearing outweighs the public interest in conducting the hearing in public. You have clearly indicated to the panel that you feel unable to attend the hearing to any extent should it be conducted with Mr 1 present. The panel concluded that if this hearing were to be conducted in public you would be unable to effectively participate and present your position. You would be denied a fair hearing.

The panel decided that you are to be treated as a vulnerable witness given your genuine concerns about fear and intimidation by Mr 1. The panel determined that it shall adopt special measures to protect your right to a fair hearing. The special measures set out in Rule 23(3) are only examples and do not limit a panel's right to adopt other measures if they are appropriate in a particular case. The panel has decided that the entire hearing shall be conducted in private. The panel considered that whilst this special measure would impinge on the fundamental principle of open justice, protecting your right to a fair hearing was of paramount importance and that this special measure was fair, appropriate and proportionate in the circumstances.

[This hearing resumed on 7 September 2020]

Decision and reasons on service of Notice of Hearing

In response to the current COVID-19 crisis, emergency changes were made to the Nursing and Midwifery Council (Fitness to Practise) Rules 2004, as amended (the Rules). The emergency changes allow for the Notice of Hearing (the Notice) to be sent by the NMC by email instead of by recorded delivery post. This email must be sent securely to a confirmed email address for the registrant and/or representative.

At the outset of this hearing the panel was informed that Mrs Tolley was not in attendance and that the Notice had been emailed to her registered email address on 25 August 2020.

Mr Smalley submitted that the NMC had complied with the requirements of the Rules.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice provided details of the resuming hearing, the time, dates and nature of the hearing and, amongst other things, information about Mrs Tolley'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 Mrs Tolley has been served with the Notice in accordance with the requirements of the Rules and in accordance with the emergency changes to the Rules.

Decision and reasons on proceeding in the absence of Mrs Tolley

The panel next considered whether it should proceed in the absence of Mrs Tolley.

Mr Smalley drew the panel's attention to an email from Mrs Tolley to the NMC dated 25 August 2020 in which she stated the following in response to the Notice:

'Thank you for your email. I can confirm I am unable to attend on the 7th, ... I really want to attend. I understand the hearing will start without me, this has been difficult decision.'

Mr Smalley submitted that Mrs Tolley did not request different hearing dates and she has not requested an adjournment. Mr Smalley invited the panel to proceed in the absence of Mrs Tolley.

The panel accepted the advice of the legal assessor. He referred it to the guidance in *GMC v Adeogba [2016] EWCA Civ 162* which makes clear that the first question the panel should ask is whether all reasonable efforts have been taken to serve Mrs Tolley with notice. Thereafter, if the panel is satisfied about notice, the discretion whether or not to proceed must be exercised having regard to all the circumstances of which the panel is aware, with fairness Mrs Tolley being a prime consideration, but with fairness to the NMC and the interests of the public also taken into account.

Mrs Tolley had been sent notice of today's hearing on 25 August 2020 in which she had been informed of the nature of these proceedings and the panel's powers. She was also advised by the NMC Case Officer that alternative hearing dates may be available. The panel considered that Mrs Tolley appears to have voluntarily absented herself. Further, Mrs Tolley did not ask for different dates to resume this hearing and she has not requested an adjournment. Having regard to the Rules, the interests of Mrs Tolley, those of the NMC, and the public interest in an expeditious disposal of this hearing, the panel determined it was fair and appropriate to proceed in her absence.

The panel considered that there was nothing to indicate that there should be any change in its earlier decision to conduct the entire hearing in private and treat Mrs Tolley as vulnerable.

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 Mrs Tolley'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, Mrs Tolley'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.*'

Mr Smalley invited the panel to take the view that the facts found proved amount to misconduct.

Submissions on impairment

Mr Smalley 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).

Mr Smalley submitted that Mrs Tolley acted beyond her scope of practice which placed the public at risk of harm. He submitted in acting dishonestly Mrs Tolley breached fundamental tenets of the nursing profession and brought the profession into disrepute.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments.

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 Mrs Tolley's actions did fall significantly short of the standards expected of a registered nurse, and that her actions amounted to a breach of the 2015 Code. Specifically:

18. Advise on, prescribe, apply, dispense or administer medicines within the limits of your training and competence, the law, our guidance and other relevant policies, guidance and regulations.

19. Be aware of, and reduce as far as possible, any potential for harm associated with your practice.

20. Uphold the reputation of the profession at all times.

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 the dishonesty found proved was serious and involved Mrs Tolley's clinical practice. The panel found that Mrs

Tolley's actions did fall seriously below what would have been proper in the circumstances, below 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, Mrs Tolley'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. 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 found that all four limbs are engaged in this case.

The panel finds that patients were put at risk of significant harm as a result of Mrs Tolley prescribing medicines when she was not qualified to do so. The panel also found that Mrs Tolley's dishonest actions had breached the fundamental tenets of the nursing profession and therefore brought the 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.

Regarding insight, the panel had regard to a reflective statement written by Mrs Tolley in December 2018. The panel noted that whilst she stated that she did not seek to place blame on her stress and difficult working environment, the panel considered that there was a lack of Mrs Tolley fully accepting personal accountability for her conduct. The panel acknowledged that Mrs Tolley had demonstrated some insight into her misconduct and dishonesty, and the seriousness of her conduct, but from the evidence currently before it the panel considered Mrs Tolley's insight to be limited.

The panel was of the view that misconduct involving dishonesty is inherently difficult to remediate. The panel was encouraged by some of the training courses Mrs Tolley had completed and considered that this demonstrated a continuing commitment to nursing. Notwithstanding this, the panel found that there was no information about Mrs Tolley's current circumstances and recent efforts she may have made to develop her insight and remediate her misconduct.

In the light of Mrs Tolley's apparently limited insight and lack of remediation, the panel is of the view that there is a risk of repetition. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

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

Given the gravity of the misconduct the panel decided that a finding of impairment on public interest grounds is required. The panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case. It therefore finds Mrs Tolley's fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Mrs Tolley's fitness to practise is currently impaired.

[Mrs Tolley attended the hearing for the sanctions stage]

Sanction

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike your name off the register. The effect of this order is that the NMC register will show that you have been struck-off the register.

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

Evidence and submissions on sanction

You gave evidence under affirmation. You accepted that you were dishonest over a period of time and that you put patients at risk and lied to your colleagues. You assured the panel that this conduct would not happen again. You explained that your misconduct arose when you were under pressure from your employer and when you were experiencing difficult personal circumstances. You expressed remorse for your actions and said that at the time you did not have the courage to stop the dishonesty. You told the panel that you struggle with your confidence and that this stopped you from raising issues with the Trust and led to you lying about your qualifications. You said that you felt pressured to apply for the Band 8a post.

Since these proceedings started you said that you have not worked as a registered nurse but that you have undertaken some volunteering work at a nursing home. You have been unable to volunteer since the lockdown was imposed following the COVID-19 pandemic. Going forward you said that you would like to have the opportunity to return to practise as a registered nurse. However, if you are removed from the NMC register then you said you may seek a non-nursing role at a nursing home or seek employment at a school where you have been volunteering. [PRIVATE].

You reiterated that you understand the gravity of your actions and omissions and that this behaviour would never be repeated. You had a previously long unblemished career as a nurse and that you can still add value to the profession if given the chance.

Mr Smalley informed the panel that the NMC sanction bid is that of a striking off order. He drew the panel's attention to the SG and set out what, in the NMC's submissions, are the aggravating and mitigating features of this case.

Decision and reasons on sanction

Having found your fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. It accepted the advice of the legal assessor who referred it to the SG and reminded it of the importance of the public interest and the need to act proportionately.

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:

- Your lack of integrity and dishonesty was sustained over a prolonged period of time and manifested itself in a number of ways;
- Your dishonesty placed patients at risk of harm;
- Your dishonesty was at the higher end of the spectrum of dishonesty.

The panel took into account the following mitigating features:

- There was no evidence that the prescriptions caused harm to any patients;
- You were experiencing difficult personal circumstances at the time the charges arose;
- You made early admissions both to the Trust and to the NMC;
- You now have good insight into your wrongdoing and the impact of your dishonesty.

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 and nature of this case, 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 realistic, practical or workable conditions that could be formulated, given the nature and gravity of the charges in this case. The misconduct in this case is not something that can be addressed through retraining or by conditions of practice. Furthermore, the panel concluded that the placing of conditions on your registration would not be proportionate, would not adequately address the seriousness of this case and would not sufficiently 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 some of the following factors are apparent:

- *A single instance of misconduct but where a lesser sanction is not sufficient;*
- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *No evidence of repetition of behaviour since the incident;*
- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*
- ...

The panel noted that the dishonesty occurred in a clinical setting and your actions in prescribing for patients without the necessary qualifications placed patients at a significant risk of harm. In your role as a senior nurse you were a mentor and a role

model to other prescribing nurses. Your dishonesty was not a single incident but persisted over a period of time and manifested itself in different ways– you lied to your employers, colleagues and to patients both by commission and omission. You breached your duty of candour, as well as NMC, Trust and medicines administration policies. The public and profession placed trust in you to act with honesty, integrity and within the scope of your qualifications. While the panel considered that you had good insight into your dishonesty, and that it is unlikely that you would repeat this dishonest behaviour, your dishonesty was very serious and is fundamentally incompatible with you remaining on the register.

The panel decided that imposing a suspension order in this case would undermine public trust and confidence in the profession and undermine its reputation and that of the regulator. In all these circumstances, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

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?*

Your actions were significant departures from the standards expected of a registered nurse. The panel concluded these are fundamentally incompatible with you remaining on the register. The panel was of the view that your dishonest actions and omissions, taking place in a clinical setting, were so serious that to allow you to remain on the NMC Register would undermine public confidence in the profession and in the NMC as a regulatory body.

Having regard to the overarching objectives of the NMC and the public interest, and the effect of your misconduct in bringing the profession into disrepute, the panel concluded that nothing short of striking off would be sufficient or proportionate in this case.

Balancing all of these factors and after taking into account all the evidence before it, the panel decided that the appropriate and proportionate sanction is a striking-off order.

The panel considered that a striking off order was necessary to maintain public confidence in the profession by upholding and declaring proper standards. It will also send an appropriate message to both the public and the profession about the standards of behaviour expected and required of a registered nurse.

This decision will be confirmed to you in writing.

Interim order

As the striking-off order does not take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in 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 order 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 Smalley. He submitted that an interim suspension order is necessary in the circumstances.

Mrs Tolley did not object to this application.

Decision and reasons on interim order

The panel was satisfied that an interim order is appropriate in the public interest. The panel had regard to the seriousness and nature 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. It considered that not to impose an interim order in the circumstance would be inconsistent with its earlier findings.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months to cover the appeal period.

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.