

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

Substantive Hearing

Wednesday 4 October 2023 – Friday 6 October 2023

Virtual Hearing

Name of Registrant: Lesley Catherine Steadman

NMC PIN 7214343E

Part(s) of the register: RN1, Registered Nurse – Adult (28 July 1976)
RN8, Registered Nurse – Children (28 July 1976)

Relevant Location: Cheshire

Type of case: Caution and Misconduct

Panel members: Susan Thomas (Chair, lay member)
Donna Green (Registrant member)
Christine Moody (Lay member)

Legal Assessor: Michael Levy

Hearings Coordinator: Yewande Oluwalana

Nursing and Midwifery Council: Represented by Brittany Buckell, Case Presenter

Miss Steadman: Not present and unrepresented at the hearing

Facts proved: Charges 1 (Caution)

Facts not proved: Charges 2, 3a and 3b (Misconduct)

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 Steadman was not in attendance and that the Notice of Hearing letter had been sent to Miss Steadman's registered email address by secure email on 5 September 2023.

Ms Buckell, 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 time, dates and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Miss Steadman'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 Steadman 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 Steadman

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

Ms Buckell submitted that there had been some engagement by Miss Steadman who indicated in an email dated 25 October 2021 that *'I am happy to confirm [sic] that I no longer wish to practice as a nurse [PRIVATE] Thanks for all your help.'* Ms Buckell

submitted as a consequence, there was no reason to believe that an adjournment would secure her attendance on some future occasion.

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 has decided to proceed in the absence of Miss Steadman. In reaching this decision, the panel has considered the documentary evidence in the registrant's response bundle, submissions of Ms Buckell 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 Steadman;
- Miss Steadman has engaged with the NMC and has made it abundantly clear on numerous occasions that she did not wish to engage with the process.
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- Two witnesses have attended today to give live 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 in 2021;
- Further delay may have an adverse effect on the ability of witnesses accurately to recall events; and
- There is a strong public interest in the expeditious disposal of the case.

There would be some disadvantage to Miss Steadman in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to her at her registered email address, she has made no response to the allegations. She will not be able to challenge the evidence relied upon by the NMC in person 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, the limited disadvantage is the consequence of Miss Steadman's decisions to absent herself from the hearing, waive her rights to attend, and/or be represented, and to not provide 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 Steadman. The panel will draw no adverse inference from Miss Steadman's absence in its findings of fact.

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

At the outset of the hearing, Ms Buckell made an application that parts of this case are to be held in private on the basis that proper exploration of Miss Steadman's case involves matters that relate to [PRIVATE]. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

Having heard that there will be some reference to Miss Steadman's [PRIVATE] the panel determined to hold those parts of the hearing in private in order to protect Miss Steadman's privacy.

Decision and reasons on application to amend the charge

The panel next heard an application made by Ms Buckell, on behalf of the NMC to amend the wording for the beginning of the misconduct charges and the date for the alleged charge.

The proposed amendment was to insert the words 'or around' and change the date of '3/4 September 2021' to reflect '2/3 September 2021' as it was a night shift that Miss Steadman was working. It was submitted by Ms Buckell that the proposed amendment would provide clarity and more accurately reflect the evidence. Ms Buckell further submitted that Miss Steadman would have been aware of the date that the charge related to,

"That you a registered nurse on **or around 3/4 2/3** September 2021 at Oak Meadow Community Support Centre;

2) Removed/tore one or more pages from the Drugs Return Book.

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 such an amendment, as applied for, was in the interest of justice. The panel was satisfied that there would be no prejudice to Miss Steadman and no injustice would be caused to either party by the proposed amendment being allowed. It was therefore appropriate to allow the amendment, as applied for, to correct the date on or around 2/3 September 2023 ensure clarity and accuracy.

During the course of the hearing Ms Buckell made a late application for the amendment of Charge 3b, to accurately reflect what document is being referred to.

The original charge reads as follows:

3) Your actions in charge 2 above were dishonest, as you;

a)

b) Took/intended to take medical records belonging to your employer, with an intention not to the return them

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

The proposed amendment is as follows:

3) Your actions in charge 2 above were dishonest, as you;

b) Took/intended to take ~~medical records~~ **a page from the Drugs Return Book** belonging to your employer, with an intention not to the return ~~them~~ **it**.

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

Ms Buckell submitted that the amendment to the charge would accurately reflect the *‘Drugs Return Book’* which has been mentioned throughout the evidence rather than *‘Medical record’s.’*

The panel was of the view that such an amendment, as applied for, was in the interests of justice. The panel was satisfied that there would be no prejudice to Miss Steadman and no injustice would be caused by the proposed amendment being allowed. It was therefore appropriate to allow the amendment, as applied for, to include the additional wording in Charge 3b and to change *‘Medical Records’* to *‘Drugs Return Book’*.

Decision and reasons on application to admit hearsay evidence

The panel heard an application made by Ms Buckell under Rule 31 to allow the written police statements of Witness 2 and Witness 3 into evidence. This evidence was exhibited in Witness 4's evidence bundle. Witness 2 and Witness 3 were not present at this hearing and were not considered to be needed to give evidence in this case as the NMC would be relying on other evidence.

Ms Buckell referred the panel to the case of *Thorneycroft v NMC* [2014] EWHC 1565 (Admin) and what it should consider when deciding on whether to allow hearsay evidence. She highlighted the test that panel needed to consider:

- (1) whether the statements were the sole or decisive evidence in support of the relevant allegations,*
- (2) the nature and extent of the challenge to the contents of the statements,*
- (3) whether there was any suggestion that the witnesses had reasons to fabricate their allegations,*
- (4) the seriousness of the charge, taking into account the impact which adverse findings might have on [Miss Steadman's] career,*
- (5) whether there was a good reason for the non-attendance of the witnesses,*
- (6) whether the Respondent had taken reasonable steps to secure their attendance, and*
- (7) the fact that [Miss Steadman] did not have prior notice that the witness statements were to be read.*

Ms Buckell submitted that the evidence by Witness 2 and Witness 3 were relevant, as it relates to the account of two witnesses who were present during the alleged incident with Miss Steadman and provided the police statements to that effect. She further submitted that the police statements are not the sole and decisive evidence that the NMC wishes to rely upon and that these police statements had been sent to Miss Steadman prior to the hearing, and therefore she would have knowledge of the contents. Ms Buckell stated that

the panel could be satisfied that Miss Steadman had made admissions within her police interview, these are serious charges and if found proved would need to be addressed. Witness 4 is in attendance today and they were present at the time of the incident and spoke to the witnesses and obtained their statements.

Ms Buckell submitted that the evidence is relevant but not the sole evidence that goes directly to the charges.

The panel heard and accepted the advice of the legal assessor.

The panel considered the application in regard to Witness 2 and Witness 3's police statements. The panel noted that Witness 2 and Witness 3's statements had been obtained around the time of the incident, Witness 2's statement was dated 14 September 2021 and Witness 3's statement dated 18 September 2021. These were police statements and the panel considered that these witnesses would have no reason to lie to the police or fabricate what they had seen at the time.

The panel considered whether Miss Steadman would be disadvantaged by the admission of Witness 2 and Witness 3's police statements as hearsay evidence to be relied upon within Witness 4's evidence.

The panel considered that as Miss Steadman had been provided with a copy of Witness 4's witness statement and exhibits, and as the panel had already determined that Miss Steadman had chosen voluntarily to absent herself from these proceedings, she would not be in a position to cross-examine these witnesses in any case. There was also public interest in the issues being explored fully which supported the admission of this evidence into the proceedings. The panel considered that there would be no unfairness in this case as the witnesses would not have been cross-examined. There was also public interest in the issues being explored fully which supported the admission of this evidence into the proceedings.

In these circumstances, the panel came to the view that it would be fair and relevant to accept into evidence the hearsay evidence of Witness 4, where it pertains to the police statements of Witness 2 and witness 3 but would give what it deemed appropriate weight once the panel had heard and evaluated all the evidence before it.

Details of charge (as amended)

That you, a registered nurse;

1) Theft by Employee –On 3 September 2021 in Widnes County of Cheshire, did dishonestly appropriate property belonging to Oak Meadow Community Support, with the intention of permanently depriving them of that property, the property being Codeine medication.

And in light of the above, your fitness to practise is impaired by reason of your caution.
[PROVED]

That you a registered nurse on or around 2/3 September 2021 at Oak Meadow Community Support Centre;

2) Removed/tore one or more pages from the Drugs Return Book. **[NOT PROVED]**

3) Your actions in charge 2 above were dishonest, as you;

a) Sought to destroy evidence of you taking medication from the Drugs Return cupboard.
[NOT PROVED]

b) Took/intended to take a page from the Drugs Return book belonging to your employer, with an intention not to return it. **[NOT PROVED]**

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

Background

The NMC on 4 September 2021 received a referral from Halton Borough Council Safeguarding about Miss Steadman.

The charges arose whilst Miss Steadman was working as an agency registered nurse at Oakmeadow Community Care Home (the Home) on 3 September 2021. Miss Steadman was allegedly seen in the medication room by another member of staff holding a carrier bag full of medications. The Codeine tablets were in the 'returns' box that had belonged to a former resident. When Miss Steadman's bags were examined, she had numerous bottles with labels removed.

The Home contacted safeguarding as well as the police. Miss Steadman was subsequently arrested on 19 September 2021 on suspicion of 'Theft by employee Contrary to section 1(1) and 7 of the Theft Act 1968'.

Miss Steadman's home address was searched by police and several boxes of medications were found, many with the labels removed suggesting they were not prescribed to Miss Steadman.

While being interviewed by police, Miss Steadman admitted to attempting to steal the medication from the Home, and further admitted to stealing medications from returns cupboards from various care homes over a four-year period.

[PRIVATE]

Miss Steadman accepted a conditional caution which was signed on 11 November 2021. The NMC was informed that Miss Steadman completed the assessments in line with the conditions of her caution.

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 Ms Buckell.

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

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: Principal Manager for the Care Home Division, became involved as the Manager of the Home was absent at the time of the incident.
- Witness 4: Police Constable who investigated the incident and interviewed Miss Steadman at the time.

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor who referred it to the case of *Ivey v Genting Casinos* [2017] UKSC 67 and *Booth and another v R* [2020] EWCA Crim. 575 with regard to the test for dishonesty.

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) Theft by Employee –On 3 September 2021 in Widnes County of Cheshire, did dishonestly appropriate property belonging to Oak Meadow Community Support, with the intention of permanently depriving them of that property, the property being Codeine medication.

And in light of the above, your fitness to practise is impaired by reason of your caution.

The charge is found proved.

In reaching this decision, the panel took into account the following:

- The oral evidence of Witness 4
- Witness 4's witness statement
- Police statements for Witness 2 and Witness 3
- A copy of the Conditional Caution Order dated 11 November 2021
- Miss Steadman's police interview and transcript

The panel noted the Conditional Caution Order which was signed and dated by Miss Steadman on 11 November 2021. The Conditional Caution set out the details of the offence as:

'Theft by Employee – [PRIVATE] Section 1 (1) Theft Act 1968

On 3rd September 2021 in Widnes County of Cheshire, did dishonestly appropriate property belonging to Oak Meadow Community Support, with the intention of permanently depriving them of that property, the property being Codeine medication.'

The panel determined that this was unequivocal evidence relating to this charge as Miss Steadman admitted the offence as set out above and accepted the conditional caution.

The panel therefore find this charge proved in its entirety.

Charge 2

'That you a registered nurse on or around 2/3 September 2021 at Oak Meadow Community Support Centre;

2) Removed/tore one or more pages from the Drugs Return Book.'

The charge is found NOT proved.

In reaching this decision, the panel took into account the following:

- The oral and documentary evidence of Witness 1
- Photos of the Drug Return Book between August and September 2021
- The oral and documentary evidence of Witness 4
- Police interview and transcript for Miss Steadman

The panel considered the evidence provided by Witness 1 and noted that she was consistent in her evidence. In her supplementary statement to the NMC she indicated;

'9. On 9 August 2023, the NMC asked me if there were any missing pages from the 2021 Return Medication Book. On 16 August 2023, I confirmed to the NMC that there are no missing pages for 2021. I personally checked the 2021 Returned Medication Book and there are not any missing pages in the book. I exhibit as KG/02, photographs I took from the relevant period of the 2021 Return Medication Book.'

During Witness 1's live evidence she reiterated the same position that no pages had been ripped from the 2021 Return Medication Book.

The panel also considered the evidence of Witness 4 who referred to their police summary report where it was stated:

'STEADMAN was questioned about what she intended to do with the medication, to which she replied and said she initially was going to take a couple of tablets from the . [sic] returns box, but then got greedy and took more. As this was logged on a page in a book, she said as the staff would have noticed and so to hide the trace of the missing codeine she then proceeded to take all the returned medication that was logged on that page so it would be undetected, and then rip the page out. She stated this is the only time she has ever done this.'

The panel queried Witness 4 if this was actually stated within Miss Steadman's interview. The panel were referred to the following within the police interview transcript:

'MS STEADMAN: --- recording all these. And it was all on one page. So when I decided to take the Codeine, I thought, well, I've got to get rid of that page because they're going to wonder where the Codeine is ---

[MR 1]: Right.

MS STEADMAN: (inaudible) really. That's why I felt weird. I don't why I was thinking that way.

[Mr 1]: Right.

MS STEADMAN: So everything that was on that page I took out of the tray.

[Mr 1]: Right. So you're ---

....

[Mr 1]: So you got - just to understand then, you've - because the Codeine's obviously logged on a page, your intention was to remove that page, is it - is it on a book or?

MS STEADMAN: It's in a book, yes.

[Mr 1]: Right. Is it - what type of book is it? Has it not got like reference numbers or anything at the top or anything (inaudible)?

MS STEADMAN: I don't think so, just ---

[Mr 1]: Right. So your intention was to get rid of that page but in order to do that you had to get rid of all the other medication ---

MS STEADMAN: Yes, yes.'

The panel noted that it was not clear whether Miss Steadman had admitted to removing the page from the Drugs Return Book or had the intention to remove the pages when looking at the police interview transcript. The panel questioned Witness 4 as to whether she had seen the Drugs Return Book and if this was evidenced, Witness 4 answered 'No'.

The panel considered that Witness 1 who was the Principal Manager for the Care Home Division, was unequivocal in her evidence and was involved in the investigation of the incident from the onset. She clearly stated in her oral evidence that no pages of the 2021 Drugs return Book were missing. The panel also had sight of photographs from the 2021 Drugs Return Book and it was not obvious from the book that any pages were ripped out, when compared to the 2022 Drugs Return Book where a page was clearly ripped out but was not relevant to the case at hand.

The panel noted that Witness 4 had not seen the book and was therefore reliant on the evidence of Miss Steadman during the police interview and therefore was unable to provide evidence on the missing pages. It also considered that Miss Steadman admitted that she intended to take the pages however this cannot be corroborated by the evidence that she actually tore the page.

The panel is not satisfied that the burden of proof by the NMC has been discharged and it therefore finds this charge not proved.

Charge 3a) and 3b)

"3) Your actions in charge 2 above were dishonest, as you;

a) Sought to destroy evidence of you taking medication from the Drugs Return cupboard.

b) Took/intended to take a page from the Drugs Return book belonging to your employer, with an intention not to return it.

The charge is found NOT proved.

As a consequence of Charge 2 being found not proved, Charge 3 was found not proved.

Fitness to practise

Having announced its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Miss Steadman's fitness to practise is currently impaired by reason of her caution. 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.

Submissions on impairment

Ms Buckell addressed the panel on the issue of impairment and reminded the panel 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 *Dame Janet Smith's Fifth Shipman Report endorsed in the case of Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927.

Ms Buckell referred the panel to paragraph 76 of Mrs Justice Cox in the case of *CHRE v NMC and Grant*, where she referred to Dame Janet Smith's "test" which reads as follows:

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

a) ...

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

Ms Buckell submitted that limbs two, three and four were engaged in this case. She stated that this is a dishonest offence that Miss Steadman had received a conditional caution for. The conditional caution that Miss Steadman accepted has brought the profession into disrepute and it has breached the fundamental tenets of the nursing profession.

Ms Buckell further submitted that Miss Steadman fell short of what is expected of a registered nurse and that this undermines public trust and confidence in the nursing profession. Miss Steadman's breach of the fundamental tenets of the nursing profession and the act of theft by an employee was dishonest.

Miss Steadman admitted that this conduct had been going on for some time. Ms Buckell submitted that there is a risk of repetition should Miss Steadman return to practice as a nurse.

Ms Buckell submitted that Miss Steadman has not addressed the concerns and consequently this presents a significant risk of repetition. Miss Steadman was misappropriating medication and as she stated, '*it was cheaper than getting a proper prescription.'*

Ms Buckell informed the panel that Miss Steadman has not provided any medical evidence, a reflection piece indicating why she acted the way she did, or what steps she has taken to ensure that she would not commit the same act in future. Ms Buckell

submitted that Miss Steadman had a clear awareness of the criminal dishonesty of misappropriating medication but nonetheless chose to do so. It was further submitted that Miss Steadman has not demonstrated any kind of insight, remorse or remediation and therefore there is a significant risk of the behaviour being repeated.

Ms Buckell submitted that a finding of current impairment should follow.

The panel accepted the advice of the legal assessor which included reference to *CHRE v NMC and Grant*.

Decision and reasons on impairment

The panel next went on to decide if as a result of the caution, Miss Steadman'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/their fitness to practise is impaired in the sense that S/He/They:

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

The panel considered the first limb of the *Grant* test and determined that there is a potential risk of future harm to patients based on Miss Steadman's conduct. The panel noted that during her police interview Miss Steadman stated:

'MS STEADMAN And, yes, I'm not saying I haven't done that before but it just it was weird. I just felt odd and not myself, but I don't - I can't explain why.

[Witness 4]: Yes, that's fine.

[Mr 1]: Can I just ask you to elaborate a little bit further on that when you said you're not saying you haven't done it before. So, okay, so you're (inaudible).

MS STEADMAN: I have taken other medicines before that have been destroyed, not ---.'

The panel noted that Miss Steadman admitted to stealing medication at other care homes and it also heard from Witness 1 that medication from the stock cupboard was found in Miss Steadman's bag. This suggested that Miss Steadman was not only in possession of medication from the 'returns box' but also medication that would have been used for patients. The panel therefore determined that there is a risk of harm to patients if Miss Steadman were to be allowed to return to work as a registered nurse, as she has indicated that she may be tempted to steal medication again. This behaviour could potentially prevent patients from receiving their medication and lead to them being caused unwarranted harm.

The panel considered Miss Steadman's conduct had 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 the regulator did not find any charge relating to dishonesty to be an extremely serious matter.

The panel is aware that this is a forward-looking exercise and accordingly, it went on to consider whether Miss Steadman's conduct was remediable and whether it had been remediated.

The panel considered that acts of dishonesty are hard to remediate. The panel is of the view that Miss Steadman's actions were suggestive of an attitudinal problem.

Regarding insight, the panel considered that Miss Steadman during the course of her police interview stated that if she was to return to work that she may be tempted to remove medication again. On this basis the panel determined that there is a high chance of repetition if she were to be allowed back to work.

The panel noted from the outset of the investigation by the NMC, Miss Steadman has indicated on numerous occasions that she no longer wishes to practise as a registered nurse. There is no indication that this position has changed and there is no evidence before the panel today that she has strengthened her practice or remediated. Miss Steadman in her police interview, also indicated that she took the medication for her own personal use [PRIVATE]. However, the panel did not have sight of any medical evidence from Miss Steadman.

The panel determined that the act of theft by dishonestly appropriating property belonging to her employer was a serious breach of the fundamental tenets. Miss Steadman has brought the nursing profession into disrepute through her actions that resulted in a conditional caution.

The panel is of the view that there is a high risk of repetition based on Miss Steadman's own admissions and the lack of evidence regarding her insight, remorse and remediation and also that she may be liable in the future to act in a way that puts patients at unwarranted risk of harm. The panel therefore determined that a finding of impairment is necessary on the grounds of public protection.

The panel went onto consider whether a finding of impairment against Miss Steadman's was also required on the grounds of in wider public interest.

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

The panel determined that, in this case, a finding of impairment on wider public interest grounds was also required. Miss Steadman's actions were dishonest and fell significantly short of what is expected of a registered nurse. By accepting and signing the conditional caution Miss Steadman admitted her actions were dishonest.

Having regard to all of the above, the panel was satisfied that Miss Steadman's fitness to practise is currently impaired on the grounds of public protection and is also in the wider 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 Steadman off the register. The effect of this order is that the NMC register will show that Miss Steadman 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

Ms Buckell informed the panel that in the Notice of Hearing, dated 5 September 2023, the NMC had advised Miss Steadman that it would seek the imposition of a striking-off order if the panel found Miss Steadman's fitness to practise currently impaired.

Ms Buckell submitted that the following aggravating features applied to this case:

- A Conditional Caution for an offence that includes dishonesty, which directly relates to Miss Steadman's clinical practice.
- Miss Steadman's own account, that there was a personal financial gain from her dishonesty as she did not have to pay for prescriptions.
- A lack of remediation, remorse and insight into the conduct
- Evidence of a harmful, deep-seated attitudinal problem

- A risk of repetition as Miss Steadman admitted that she would be tempted to steal again if she was working as a registered nurse.
- Her actions were only discovered by others.

Ms Buckell further submitted that there was one mitigating feature to be considered. Miss Steadman accepted the concerns during the police investigation and has engaged with the police.

Ms Buckell referred the panel to the SG and explained what the appropriate sanction for the case should be. She submitted that no order or a caution order would not be appropriate in Miss Steadman's case given the conditional caution that was given involves dishonesty in a clinical setting. It also would present a risk of harm to the public and not satisfy the public interest if an order restricting her practice is not put in place. Taking no action or a caution order would be wholly inappropriate.

Ms Buckell submitted that there are no workable or practicable conditions that can be formulated and/or that can be imposed through a conditions of practice order to reflect the seriousness of the case.

Ms Buckell further submitted that a suspension order was not appropriate in this case. She referred the panel to the NMC's guidance on '*Suspension order, Reference: SAN-3d (Last updated 12/10/2018)*' where a checklist was provided. Ms Buckell submitted that this was not a single instance of dishonesty, that whilst dealing with one conditional caution, Miss Steadman by her own account to the police said she had been misappropriating medication for some time. Ms Buckell further submitted that there is evidence of a harmful deep-seated personality or attitudinal problem as stated in the panel's determination on impairment. Miss Steadman indicated that she took the medication as it was cheaper than getting a proper prescription. These actions are indicative of a deep-seated attitudinal problem.

Ms Buckell submitted that there has been no repetition of the behaviour by Miss Steadman but that she has been subject to an interim order. Ms Buckell said there is a significant risk of repetition. This panel has seen no evidence before it today of insight, remediation or remorse for the conduct that has occurred. Miss Steadman is at a significant risk of repeating this behaviour and it was noted in the panel's determination on impairment, that if Miss Steadman was to return to work, she said she may be tempted to steal medication again.

Ms Buckell submitted that a striking-off order would be the most appropriate sanction in this case. Ms Buckell stated that a caution for theft by an employee that is directly linked to her practise as a nurse raises clear questions about Miss Steadman's professionalism. It was further submitted that public confidence cannot be maintained without the removal of Miss Steadman from the register. Ms Buckell submitted that a striking-off order is the only sanction which will be sufficient to protect patients, members of the public and maintain professional standards. Ms Buckell referred the panel to the case of *Solicitors Regulation Authority v Sharma* [2010] EWHC 2022 (Admin) and Coulson J's summary on dishonesty that leads to a strike-off. Ms Buckell highlighted that the dishonesty relates to the offence that Miss Steadman received a conditional caution from the police. Miss Steadman accepts that the dishonesty was to her benefit as she did not want to pay for prescriptions. Miss Steadman's actions were a significant departure from the standards expected for a registered nurse and is fundamentally incompatible with remaining on the register.

Ms Buckell therefore invited the panel to impose a striking-off order.

The panel accepted the advice of the legal assessor who referred it to the case of *Parkinson v NMC* [2010] EWHC 1898 (Admin), where it makes clear that a nurse, midwife or nursing associate who is found to have acted dishonestly will always be at risk of being removed from the register. Whereas, in the case of *Solicitors Regulation Authority v Sharma* a solicitor that is found to have acted dishonestly would be struck-off.

Decision and reasons on sanction

Having found Miss Steadman'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:

- Theft of medication
- Dishonesty linked to her practice as a nurse
- Lack of remorse and insight into her actions
- Actions around personal gain
- Miss Steadman's own admissions that stealing medication has been on more than one occasion.

The panel also took into account the following mitigating features:

- Miss Steadman admitted to the facts during her police interview.

The panel first considered whether to take no action but concluded that this would be inappropriate in view of Miss Steadman receiving a conditional caution and 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, the public protection issues identified and also the wider public interest, an order that does not restrict Miss Steadman'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 Steadman’s conduct of *‘theft by employee’* 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 Steadman’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 charge in this case which involves dishonesty which cannot be easily addressed through retraining. Miss Steadman accepted a conditional caution for theft by an employee for *‘dishonestly appropriate property belonging to Oak Meadow Community Support, with the intention of permanently depriving them of that property’* and this conduct is fundamentally incompatible with being a registered nurse. Miss Steadman is no longer engaging with the process and has provided no information as to how she has strengthened her practice or reflected on her actions.

Furthermore, the panel concluded that the placing of conditions on Miss Steadman’s registration would not adequately address the seriousness of this case and would not protect the public given the risk of repetition or satisfy the wider public interest.

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

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

The conduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse. The panel considered that a suspension order would protect the public and mark the seriousness, however, it determined that Miss Steadman's conduct was a serious breach of the fundamental tenets of the profession. Miss Steadman's actions are fundamentally incompatible with her remaining on the register.

The panel considered that Miss Steadman admitted to the facts of the case in her police interview and during the course of this interview highlighted that this pattern of behaviour had been going on for some time. The panel noted that Miss Steadman has not provided any evidence of insight, but indicated during the police interview that if she was to return to work, she may be tempted to take the medication again. This highlights a high risk of repetition of Miss Steadman's actions. The panel also noted that Miss Steadman has indicated to the NMC that she no longer wants to practise as a nurse. Given the lack of insight and engagement the panel concluded that it is very unlikely that Miss Steadman will address her conduct if a suspension order is imposed.

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction to address the wider public interest which is engaged.

Finally, in looking at a striking-off order, the panel took note of the following paragraphs of the SG:

- *Do the regulatory concerns about the nurse or midwife raise fundamental questions about their professionalism?*
- *Can public confidence in nurses and midwives be maintained if the nurse or midwife is not removed from the register?*
- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

Miss Steadman's actions were significant departures from the standards expected of a registered nurse, and are fundamentally incompatible with her remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Miss Steadman's actions were serious and to allow her to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

The panel balanced the aggravating and mitigating features, however, it found that the mitigation was very limited and was far outweighed by the aggravating features. Taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the effect of Miss Steadman's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct herself, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.

This will be confirmed to Miss Steadman in writing.

Interim order

As the striking-off order cannot take effect until the end of the 28-day appeal period, Ms Buckell made an application on behalf of the NMC for the imposition of an interim order. 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 Steadman's own interests until the striking-off sanction takes effect.

The panel heard and accepted the advice of the legal assessor.

Submissions on interim order

The panel took account of the submissions made by Ms Buckell. She submitted that the NMC is seeking the imposition of an interim suspension order for a period of 18 months to cover any appeal period until the substantive strike-off order takes effect.

Ms Buckell submitted that given the seriousness of the charge found proved and that it relates to dishonesty, an interim suspension order is necessary on the grounds of public protection and is also otherwise in the wider public interest.

Decision and reasons on interim order

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest. The panel had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order.

The panel therefore imposed an interim suspension order for a period of 18 months in order to protect the public and the wider public interest, to cover the 28-day appeal period and the duration of any appeal should Miss Steadman decide to appeal against the panel's decision.

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

That concludes this determination.