

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

**Substantive Meeting
Friday, 29 September 2023**

Virtual Meeting

Name of Registrant: **Miriam Elizabeth Jennifer Meade**

NMC PIN 18A1136E

Part(s) of the register: Nursing, Sub Part 1
RNA: Adult nurse, level 1 (1 May 2018)

Relevant Location: Greenwich

Type of case: Conviction

Panel members: Patricia Richardson (Chair, Lay member)
Hartness Samushonga (Registrant member)
Florence Mitchell (Registrant member)

Legal Assessor: Graeme Dalglish

Hearings Coordinator: Sharmilla Nanan

Facts proved: Charge 1

Fitness to practise: Impaired

Sanction: **Striking-off order**

Interim order: **Interim suspension order (18 months)**

Decision and reasons on service of Notice of Meeting

The panel was informed at the start of this meeting that the Notice of Meeting had been sent to Miss Meade's registered address by recorded delivery and by first class post on 22 August 2023.

The panel had regard to the Royal Mail 'Track and trace' printout which showed the Notice of Meeting was delivered to Miss Meade's registered address on 23 August 2023. It was signed for against the printed name of 'MEADE'.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation and that the meeting will take place on or after 27 September 2023 and any responses should be sent to the NMC by 20 September 2023. The panel noted that there had been no response to the Notice of Meeting.

In the light of all of the information available, the panel was satisfied that Miss Meade has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Details of charge

That you, a registered Nurse

1. On 5 May 2022, in the Crown Court Sitting at Woolwich, were convicted of perverting the course of justice.

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

Background

On 6 May 2022, the Nursing and Midwifery Council ('NMC') received a referral from the Kent Police in relation to Miss Meade, who at the time, was working as a registered nurse at Darent Valley Hospital ('the Hospital').

The referral stated that Miss Meade had been found guilty in relation to a '*highly serious dishonesty based offence*'. This involved making false allegations against another person, Person A. Person A, as a result, was remanded in custody for a total of 62 days.

Miss Meade made allegations that Person A was sending her threatening emails, that he was leaving her gifts and handwritten notes on the pretence that he was stalking her, and further related allegations. In the criminal proceedings, the Learned Judge found that Miss Meade's actions appeared to stem from a need to take revenge on Person A, whom Miss Meade apparently blamed for the breakdown of her relationship with Person A's father, Person B.

It was later discovered by police that Miss Meade had sent the emails from her own devices on an IP Address that was traced to her house and bought the 'gifts' on her own eBay account. A handwriting expert determined that the handwriting on the written notes likely did not belong to Person A.

Miss Meade was charged with perverting the course of justice. Miss Meade pleaded not guilty and was tried at the Crown Court sitting at Woolwich. Miss Meade was found guilty by the jury on 5 May 2022. The sentencing hearing took place on 7 July 2022 and Miss Meade was sentenced to two years imprisonment.

Decision and reasons on facts

The charge concerns Miss Meade's conviction and, having been provided with a copy of the certificate of conviction, the panel finds that the facts are found proved in accordance with Rule 31 (2) and (3). These state:

'31.— (2) *Where a registrant has been convicted of a criminal offence—*

- (a) *a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and*
 - (b) *the findings of fact upon which the conviction is based shall be admissible as proof of those facts.*
- (3) *The only evidence which may be adduced by the registrant in rebuttal of a conviction certified or extracted in accordance with paragraph (2)(a) is evidence for the purpose of proving that she is not the person referred to in the certificate or extract.'*

The panel also had regard to written representations from Miss Meade dated 20 August 2022.

Fitness to practise

Having made its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Miss Meade's fitness to practise is currently impaired by reason of Miss Meade's conviction. 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.

Representations on impairment

The NMC requires the panel to bear in mind its overarching objective to protect 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. The panel has referred to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin).

The panel had regard to a letter from Miss Meade dated 20 August 2022, in which she indicated that she no longer wanted to remain on the NMC register.

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

Decision and reasons on impairment

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

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*
- a) *has in the past acted dishonestly and/or is liable to act dishonestly in the future.'*

The panel took into consideration that Miss Meade's criminal conviction arose from actions in her private life which are unrelated to her clinical practice. The panel bore in mind that [PRIVATE], there is no evidence before this panel that her actions placed patients at a risk of harm.

The panel, however, did conclude that limbs b, c and d of the test outlined in *Grant* were engaged. It considered that Miss Meade's conviction has breached 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 her conduct relating to dishonesty extremely serious. It took into account that Miss Meade's conduct had breached aspects of 'The Code: Professional standards of practice and behaviour for nurses and midwives (2015)' (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*

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...*
- 20.4 *keep to the laws of the country in which you are practising*
- 20.8 *act as a role model of professional behaviour for students and newly*

qualified nurses to aspire to.”

Regarding insight, the panel noted that no admissions were made by Miss Meade during the criminal trial which resulted in her conviction. It further noted that Miss Meade has not provided the panel with any evidence which demonstrates her understanding as to why what she did was wrong and how this could impact negatively on the reputation of the nursing profession. The panel has seen no evidence from Miss Meade of remorse or an apology to Person A for her actions.

The panel bore in mind that Miss Meade’s conviction was unrelated to her nursing practice and so her conduct which underpins the conviction could not be addressed by taking steps to strengthen her practice.

The panel is of the view that there is a real risk of repetition based on Miss Meade’s lack of insight, remorse and remediation. 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 are 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, 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 took into consideration that Miss Meade had been convicted of perverting the course of justice and has served a prison sentence for this conviction. In light of this, the panel decided that a finding of current impairment, on the grounds of public interest, was required to uphold public confidence in the profession and to send a message about the standards of behaviour expected of registered nurses.

Having regard to all of the above, the panel was satisfied that Miss Meade’s fitness to practise is currently impaired.

Sanction

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

Representations on sanction

The panel noted that the NMC submitted, in its statement of case, that the appropriate sanction in this case is a striking off order if it found Miss Meade's fitness to practise currently impaired.

The panel also bore in mind that it had no information from Miss Meade regarding any possible sanction that may be imposed on her NMC registration in relation to this matter.

Decision and reasons on sanction

Having found Miss Meade'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:

- Serious nature of her conduct which led to direct harm to members of the public.
- Lack of insight into failings or remediation.

The panel was of the view that there were no mitigating features in this case.

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 Meade'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 the conduct which underpins Miss Meade's criminal conviction 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 Meade'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 conduct which underpins Miss Meade's criminal conviction were not clinical in nature and was not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Miss Meade's registration would not adequately address the seriousness of this case and would not protect the public or address the public interest.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The panel had regard to the factors in the SG, as to when a suspension order may be appropriate. The panel decided that the conduct which underpins Miss Meade's criminal conviction was particularly serious and was dishonest.

Miss Meade's conduct, underlying the conviction, 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 Meade's dishonest actions is fundamentally incompatible with Miss Meade remaining on the register.

The panel concluded that a suspension order would not address the public interest concerns of this case. Therefore, the panel decided 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 Meade'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 Meade's actions were so serious that to allow her to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body. The panel bore in mind that Miss Meade has not provided any evidence that she had attempted to address the conduct underlying her conviction.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, in particular the effect of Miss Meade'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 Meade in writing.

Interim order

As the striking-off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Miss Meade's own interests until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

Representations on interim order

The panel took account of the representations made by the NMC that, if the panel found that Miss Meade's fitness to practice is impaired on public protection grounds an interim order in the same terms as the substantive order should be imposed on the basis that it is necessary for the protection of the public and otherwise in the public interest.

Further, the NMC submitted that, if the panel finds that Miss Meade's fitness to practise is impaired on a public interest only basis, Miss Meade's conduct is fundamentally incompatible with continued registration and an interim order of suspension should be imposed on the basis that it is otherwise in the public interest.

The panel also bore in mind that it had no information from Miss Meade regarding any possible interim order that may be imposed on her NMC registration in relation to this matter.

Decision and reasons on interim order

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

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

determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months to address the public interest concerns and cover any potential period of appeal.

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

That concludes this determination.