

**Nursing and Midwifery Council
Investigating Committee**

**Fraudulent/Incorrect Entry Meeting
Tuesday, 12 March 2024**

Virtual Meeting

Name of Registrant: **Debbie Greig**

NMC PIN 01D0162S

Part(s) of the register: Registered Nurse, Sub Part 1, Adult Nursing

Relevant Location: Fife

Type of case: Incorrect/Fraudulent entry

Panel members: Liz Maxey (Chair, registrant member)
Jane Hughes (Registrant member)
Sandra Norburn (Lay member)

Legal Assessor: Ben Stephenson

Hearings Coordinator: Clara Federizo

Outcome: **Registration entry incorrectly made and fraudulently procured**

Direction: **Removal from the register**

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

Service of Notice of Meeting

The panel noted that notice of this meeting was sent to Miss Greig's registered email address by secure email on 15 January 2024.

The notice of meeting informed Miss Greig that a meeting would be held on or after 19 February 2024, laid out the charges against her and enclosed a bundle of evidence that the panel would consider. It also informed her that if she wished to provide a written response, she should do so no later than 18 February 2024. The panel also noted that Miss Greig requested a meeting.

The panel accepted the advice of the legal assessor.

In the light of the information available, the panel was satisfied that reasonable notice of this meeting has been served in compliance and accordance with Rules 5 and 34 of the Rules.

Details of charge

'That you....

1. On your revalidation application dated 4 May 2022, you did not indicate that:
 - a. You had been convicted on 20 November 2020 at Dunfermline Sheriff Court of failing to appear at Court on 16 November 2020;
 - b. You had been convicted on 19 April 2022 at Dunfermline Sheriff Court of driving a motor vehicle with excess alcohol on 26 February 2020;
 - c. You had been charged between 9 October 2020 and 20 November 2020 with an offence of driving a motor vehicle with excess alcohol on 9 October 2020.

And thereby an entry on Sub Part 1 of the NMC register in the name of Miss Debbie Greig, PIN 01D0162S, was fraudulently procured and/or incorrectly made.'

Background

The NMC received an anonymous referral on 24 May 2022, which raised concerns about Miss Greig.

The charge arose following a Police National Computer (PNC) check, which consequently resulted in concerns raised about Miss Greig's failure to declare the following two convictions and a charge when she submitted her online revalidation application on 4 May 2022:

- Convicted on 20 November 2020 at Dunfermline Sheriff Court for failing to appear at Court on 16 November 2020,
- Convicted on 19 April 2022 at Dunfermline Sheriff Court for driving a motor vehicle with excess alcohol on 26 February 2020,
- Charged with an offence of driving a motor vehicle with excess alcohol on 9 October 2020.

Miss Greig's current employment status is unknown.

Decision and reasons on the facts

The panel had regard to all of the documentation before it, particularly the '*Standard Directions Form - Your Response*' completed and signed by Miss Greig's representative on 20 December 2023. The panel noted that Miss Greig's representative had marked 'Yes' on her behalf, in response to the questions: '*Do you admit the facts alleged in charge 1 above?*' and '*Do you admit that your entry on the register of the Nursing and Midwifery Council was incorrectly made?*' on the response form. Therefore, the panel determined that Miss Greig had made full admissions to charge 1.

The panel noted that the box was marked 'No' in response to the question: '*Do you admit that your entry on the register of the Nursing and Midwifery Council was fraudulently procured?*'.

The panel also had sight of the full extract of conviction reports, the email from The Crown Office and Procurator Fiscal Service and a copy of the revalidation form completed by Miss Greig. In light of the documentation before it, as well as by way of Miss Greig's admissions, the panel finds charge 1 proved in its entirety.

Decision on Incorrect/Fraudulent Entry

The panel decided that the entry on the register in Miss Greig's name was incorrectly made and fraudulently procured.

The panel accepted the advice of the legal assessor who referred it to the relevant NMC guidance in relation to fraudulent entry (FTPC2-G). The case of *Ivey v Genting Casinos* [2017] UKSC 67, Lord Hughes stated:

'When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.'

The panel bore in mind that for an entry to be fraudulent there must have been a deliberate attempt to mislead whereas an incorrect entry may involve a mistake or genuine error.

The panel noted the NMC's conclusion on the Investigation Case Summary, which stated:

"When Miss Greig completed her online revalidation application dated 4 May 2022, she failed to declare that she had been convicted on 20 November 2020 for failing

to appear at Court and that she had been convicted on 19 April 2022 for driving a motor vehicle with excess alcohol.

When Miss Greig completed her online revalidation application dated 4 May 2022, she also failed to declare that she had been charged for an offence of driving a motor vehicle with excess alcohol which occurred on 9 October 2020.

If the Investigating Committee considers that Miss Greig deliberately intended to mislead the Registrar, they will find that her entry to the register was fraudulently procured and incorrectly made. Alternatively, if the Investigating Committee do not consider the information was intentionally misleading, they may find that her entry on the register to be incorrectly made.”

The panel had regard to the documentary evidence before it and determined that the entry was incorrectly made as Miss Greig had clearly indicated ‘No’ when completing the revalidation form question, which asked: *“Have you received a police charge, caution or conviction, other than a protected caution or conviction?”*.

In considering whether this incorrect entry was fraudulent, the panel also had regard to Miss Greig’s response to the charges. This stated:

“The registrant denies that she deliberately intended to mislead the Registrar by failing to indicate that she had been convicted of offences on 20 November 2020 and 19 April 2022 when she revalidated on 4 May 2022. It is the registrant’s case that she had not been sentenced for these offences until after her revalidation date (20 May 2022). The registrant, being a lay person, was not aware of the difference between conviction and sentence and had wrongly believed that she received a conviction on the date she was sentenced.

The registrant denies that she deliberately intended to mislead the Registrar by failing to indicate that she had been charged with an offence between 9 October 2020 and 20 November 2020. It is the registrant’s case that she had been careless

and unintentionally overlooked the requirement to disclose a charge when revalidating.”

In considering whether Miss Greig’s incorrect entry was a deliberate intention to mislead the Registrar, the panel was satisfied that Miss Greig was aware of the difference between a conviction and sentence. It noted that Miss Greig had been granted bail on 20 August 2020 for an offence prior to the convictions in question, and therefore, she would have been familiar with the court process having been subject to these previously. It also considered that Miss Greig had access to representation and support, therefore, if she was unclear about court proceedings, she could have taken reasonable steps to clarify any questions to ensure that her revalidation form was completed correctly.

The panel also considered that Miss Greig’s would have been aware she had a previous ‘police charge’ in relation to the two drink-driving incidents. Further, she had been subject to two driving bans imposed on separate occasions. The panel was satisfied that in choosing not to disclose this information to the NMC on her revalidation application, there was a deliberate intention to mislead the Registrar.

The panel therefore found that the entry on Sub Part 1 of the NMC register in the name of Debbie Greig, PIN 01D0162S was fraudulently procured.

Decision and reasons on direction

Having determined that Miss Greig had fraudulently procured an entry on the NMC’s register, and that the entry was incorrectly made, the panel went on to decide what direction, if any, to make under Article 26(7) of the ‘Nursing and Midwifery Order 2001’ (the Order).

Article 26(7) states:

‘...If the Investigating Committee is satisfied that an entry in the register has been fraudulently procured or incorrectly made, it may make an order that the Registrar remove or amend the entry and shall notify the person concerned of his right of appeal under article 38.’

The panel was referred to the guidance issued by the NMC on '*Available orders for fraudulent or incorrect entry*' (SAN-4).

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

The panel considered that, having found that Miss Greig's entry on the NMC register was incorrectly made and fraudulently procured, it would be inappropriate to take no action.

The panel considered that the charges were serious and related to multiple instances of repeated behaviour.

The panel bore in mind that the focus of its decision was centred on the public interest, in the integrity of the register and maintaining confidence in the profession. The panel noted its findings that Miss Greig's actions had been to deliberately mislead the NMC by knowingly submitting false information in order to remain on the NMC register. The finding of a fraudulently procured entry to the NMC register is a serious matter.

In all the circumstances the panel decided that the only appropriate order is to direct the Registrar to remove Miss Greig's entry from the register in accordance with article 26(7) of the order.

Miss Greig will be notified of the panel's decision in writing. Miss Greig has the right to appeal the decision under Article 38 of the Order. This order cannot take effect until the end of the 28-day appeal period or, if an appeal is made, before the appeal has been concluded.

Decision and reasons on interim order

Having directed that the Registrar remove Miss Greig's entry from the register, the panel then considered whether an interim order was required under Article 26(11) of the Order, in relation to the appeal period.

The panel heard and accepted the legal assessor's advice.

In reaching its decision on whether to impose an interim order, the panel had regard to the reasons set out in its decision on the facts and its decision to direct the Registrar to remove Miss Greig's entry from the register. It also had regard to the NMC's published Guidance on Fraudulent and Incorrect Entry. It noted that the imposition of an interim order is not an automatic outcome but is a matter for the panel's judgement in the circumstances of the case, having regard to the public interest in maintaining the integrity of the register. It also had regard to Article 31 of the Order and the NMC's Guidance on interim orders.

The panel considered that there was a risk of repetition and consequently a risk of harm as it identified a pattern of behaviour over a significant period of time. It noted that there were multiple convictions arising from similar behaviour and there was no evidence before it to suggest that the risk had been reduced. The panel determined that an interim order was necessary to protect the public and is otherwise in the public interest to uphold the reputation of the profession and the NMC as its regulator.

The panel next considered whether to impose an interim conditions of practice order. It determined that an interim conditions of practice order was not workable or appropriate in this case as the concerns related to attitudinal issues as opposed to clinical concerns.

Accordingly, the panel determined that an interim suspension order was necessary and the only option remaining, and not making such a finding would be incompatible with its earlier decision.

The period of this order is for 18 months to allow for the possibility of an appeal to be made and determined.

If no appeal is made, then the interim order will lapse upon the removal of Miss Greig's entry in the register 28 days after she is sent the decision of this hearing in writing.

That concludes this determination.