

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

**Substantive Meeting  
Friday, 12 December 2025 – Monday, 15 December 2025**

Virtual Meeting

|                                 |   |
|---------------------------------|---|
| <b>Name of Registrant:</b>      | Claire Dawson   |
| <b>NMC PIN:</b>                 | 10I0172S  |
| <b>Part(s) of the register:</b> | RNA: Registered Nurse – (sub part 1)<br>Adult – Level 1 2 September 2013                                  |
| <b>Relevant Location:</b>       | Glasgow   |
| <b>Type of case:</b>            | Conviction/Misconduct   |
| <b>Panel members:</b>           | Caroline Rollitt (Chair, lay member)<br>Gary Trundell (Lay member)<br>Melanie Lumbers (Registrant member) |
| <b>Legal Assessor:</b>          | Oliver Wise   |
| <b>Hearings Coordinator:</b>    | Max Buadi   |
| <b>Facts proved:</b>            | Charges 1, 3a, 3b and 4   |
| <b>Facts not proved:</b>        | Charge 2  |
| <b>Fitness to practise:</b>     | Impaired  |
| <b>Sanction:</b>                | <b>Suspension Order (12 months)</b>   |
| <b>Interim order:</b>           | <b>Interim Suspension order (18 months)</b>   |

## **Decision and reasons on service of Notice of Meeting**

The panel was informed at the start of this meeting that that the Notice of Meeting had been sent to Miss Dawson's registered email address by secure email by recorded delivery and by first class post on 4 November 2025.

The panel accepted the advice of the legal assessor that proper notice had been given by serving the Notice of Meeting more than 28 days before the hearing.

The panel took into account that the Notice of Meeting provided details of the allegation, and the fact that the meeting would take place on or after 8 December 2025.

In the light of all of the information available, the panel was satisfied that Miss Dawson 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 28 February 2024, were convicted at Falkirk Sheriff Court of an offence contrary to sections 1 and 2 of the Fraud Act 2006, the particulars of which are set out at Schedule 1.
2. Between 7 March 2022 and 24 March 2022, worked whilst having tested positive with Covid-19 as per Schedule 2.
3. Stated in your job application to Direct Healthcare dated 8 August 2023, that:
  - a. You were not subjected to any fitness to practise proceedings by any regulatory body in the United Kingdom;
  - b. You were not subjected to any NHS Counter Fraud investigations.

4. Your actions at charges 3a and/or 3b were dishonest in that you were attempting to conceal that you were under investigation.

AND in light of the above, your fitness to practise is impaired by reason of your conviction in relation to charge 1 and by reason of your misconduct in relation to charges 2 and/or 3 and/or 4.

### **Schedule 1**

Between 16 March 2022 and 26 August 2022, both dates inclusive at (redacted) you Claire Dawson, then employed as a (redacted) there, did pretend to your employers, (redacted) that you were unfit to work due to ill health and you did self-certify your sickness and provide your employer fit notes issued by your General Practitioner to that effect, citing illness relating to Covid 19 and complications with Diabetes, and thereby did continue to receive full pay and thereafter half pay, the truth being as you well knew, that you were fit to work and you were working in a similar employment elsewhere as a (redacted), with (redacted), a (redacted) agency and did thus induce said (redacted) to pay you £6643.63 and did thus obtain £6643.63 by fraud.

### **Schedule 2**

Unknown – 10 March 2022

Unknown – 15 March 2022

Glasgow Royal Infirmary – 16 March 2022

Glasgow Royal Infirmary – 17 March 2022

Glasgow Royal Infirmary – 19 March 2022

Glasgow Royal Infirmary – 23 March 2022

Glasgow Royal Infirmary – 24 March 2022

## **Background**

Miss Dawson first registered with the Scottish Nursing Guild (the Guild) on 19 October 2018. The Guild is an agency that places nurses and healthcare assistants in various settings. She completed her first shift with the Guild on 6 March 2019 as a registered nurse.

On 9 August 2022, the Counter Fraud Service received an allegation that Miss Dawson who was based within Accident and Emergency at Forth Valley Royal Hospital had been working in a secondary post with the Guild whilst on Covid special leave and sick leave with NHS Forth Valley (the Trust).

On 6 September 2022 the NMC received a referral from the Trust about Miss Dawson. The Trust informed the NMC that that they had concerns regarding fraudulent activity in that Miss Dawson was allegedly working for the Guild whilst off sick from the Trust. Miss Dawson went off sick in March 2022.

An investigation was undertaken by NHS Scotland Counter Fraud Services (CFS). On 12 November 2022 CFS confirmed that they were taking the Trust's referral forward for investigation which concluded in May 2023 and the matter was sent to the Crown Office.

On 28 February 2024 the case was listed at Falkirk Sheriff Court and Ms Dawson was convicted of fraud. Ms Dawson was sentenced to a Community Payback Order, Supervision Period: 2 years, Unpaid Work/Activities Period: 200 hours to be completed within 12 months and a compensation order of £2400.00 (NHS Forth Valley).

On 24 June 2024, a second referral was made to the NMC by Direct Medics Healthcare 24 Limited (DH24). It is alleged that in or around August 2023, Miss Dawson completed an application form in which she responded 'No' to questions whether she was subject to an investigation by a regulatory body and whether she was subject to an investigation by CFS.

## **Decision and reasons on facts**

In reaching its decisions on the disputed facts, the panel took into account all the documentary evidence in this case together with the representations made by the NMC and from Miss Dawson.

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 had regard to the written statements of the following witnesses on behalf of the NMC:

- Witness 1: Complaints and incidents manager at the Guild. Provided a report confirming shifts worked by Miss Dawson at the Guild;
- Witness 2: Senior Counter Fraud Specialist at CFS. Conducted an investigation into the allegations facing Miss Dawson;
- Witness 3: Clinical Director for DH24. Investigated concerns in relation to Miss Dawson's application form;
- Witness 4: Lead Nurse at the Trust. Provided information in relation to Miss Dawson's sick leave from the Trust;
- Witness 5: NMC Case Officer in Screening and Investigations at the relevant time.

Was assigned as the screening case officer for Miss Dawson's case.

The panel also had regard to written representations from Miss Dawson.

Before making any findings on the facts, the panel accepted the advice of the legal assessor. He advised that the onus of proof was on the NMC and the standard of proof was on the balance of probabilities. In relation to charge 4, he advised that the charge of dishonesty would not be made out unless the panel was satisfied that Miss Dawson knew that she was deliberately attempting to conceal that she was under investigation, and that her actions were dishonest by the standards of ordinary decent people.

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

### **Charge 1**

1. On 28 February 2024, were convicted at Falkirk Sheriff Court of an offence contrary to sections 1 and 2 of the Fraud Act 2006, the particulars of which are set out at Schedule 1.

### **Schedule 1**

Between 16 March 2022 and 26 August 2022, both dates inclusive at (redacted) you Claire Dawson, then employed as a (redacted) there, did pretend to your employers, (redacted) that you were unfit to work due to ill health and you did self-certify your sickness and provide your employer fit notes issued by your General Practitioner to that effect, citing illness relating to Covid 19 and complications with Diabetes, and thereby did continue to receive full pay and thereafter half pay, the truth being as you well knew, that you were fit to work and you were working in a similar employment elsewhere as a (redacted), with (redacted), a (redacted) agency and did thus induce said (redacted) to pay you £6643.63 and did thus obtain £6643.63 by fraud.

**This charge is found proved.**

This charge concerns Miss Dawson's conviction and, having been provided with a copy of the extract of conviction from the Falkirk Sheriff Court, 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 therefore found this charge proved.

## **Charge 2**

2. Between 7 March 2022 and 24 March 2022, worked whilst having tested positive with Covid-19 as per Schedule 2.

## **Schedule 2**

Unknown – 10 March 2022

Unknown – 15 March 2022

Glasgow Royal Infirmary – 16 March 2022

Glasgow Royal Infirmary – 17 March 2022

Glasgow Royal Infirmary – 19 March 2022

Glasgow Royal Infirmary – 23 March 2022

Glasgow Royal Infirmary – 24 March 2022

**This charge is found not proved.**

In reaching this decision, the panel took into account the evidence of Witness 1, Witness 2 and Witness 4, and the findings of fact set out in schedule 1 to charge 1, which are the particulars of Miss Dawson's conviction of fraud.

In her witness statement, Witness 4 confirmed that Miss Dawson was absent from work at the Trust due to Covid-19 from 7 March 2022 until 24 March 2022. She stated that Miss Dawson called the Trust on 7 March 2022 stating she had a positive lateral flow test. In support of this statement, she referred to a copy of the Trust's "Covid-19 absence reporting" form in relation to Miss Dawson.

The panel considered the Trust's "Covid-19 absence reporting" form. The form had "Claire Dawson" next to "Name of Employee", it confirmed that Miss Dawson was absent on 7 March 2022. With regard to the reason for the absence, "Covid 19 Positive" has been selected. The report also confirmed that Miss Dawson would have to isolate until 16 March 2022 as she was not fully vaccinated. The panel reminded itself that this was in accordance with government rules at the time.

Witness 4 also stated in her witness statement that on 16 March 2022, Miss Dawson was due to return to work on 17 March 2022. She further stated that on 17 March 2022, Miss Dawson called the Trust to inform them that she was not fit to return to work and provided a GP sick note covering her absence from 17 March 2022 to 24 March 2022.

The panel considered the "Statement of Fitness for Work For Social security or Statutory Sick Pay" referred to by Witness 4's in her witness statement. Upon observing this, it noted that it had been completed by a Doctor and had been signed. This Doctor confirmed on the sick note that Miss Dawson was not fit for work from 17 March 2022 to 24 March 2022. There is no evidence that the Doctor saw Miss Dawson; it is unlikely that he did because of Covid-19 guidance at the time.

In light of the above, the panel was satisfied that on 7 March 2023, Miss Dawson informed the Trust that she had tested positive for Covid-19 and was absent from the Trust until 16 March 2022. It was also satisfied that a subsequent GP sick note confirmed further absence from 17 March 2022 to 24 March 2022.



Witness 1, in her witness statement, confirmed that Miss Dawson worked shifts for the Guild as a registered nurse in hospital settings. She stated that all roles the Guild placed nurses in were patient facing. In support of this statement, she referred to a “Full Staff History” report showing all the shifts Miss Dawson worked at the Guild.

The panel considered the “Full Staff History” report. Upon reading this document, it was satisfied that Miss Dawson worked shifts on 10 March 2022, 15 March 2022, 16 March 2022, 17 March 2022, 19 March 2022, 23 March 2022 and 24 March 2022.

The panel also considered the timesheets and payslips attributed to shifts worked by Miss Dawson at the Guild, provided by Witness 2. These confirmed that Miss Dawson worked and was paid for shifts on 16 March 2022, 17 March 2022, 19 March 2022, 23 March 2022 and 24 March 2022.

In light of the “Full Staff History” report together with the timesheets and payslips, the panel was satisfied that that Miss Dawson worked shifts at the Guild on 10 March 2022, 15 March 2022, 16 March 2022, 17 March 2022, 19 March 2022, 23 March 2022 and 24 March 2022. It also considered that Miss Dawson contacted the Trust on 7 March 2022 to confirm that she tested positive for Covid-19 during this period and she provided a GP sick note in support.

However, the panel also bore in mind that Miss Dawson’s conviction was based on the fact that she had undertaken paid work with the Guild whilst pretending that she was unfit to work due to ill health, when she was in fact well. The court found that she had lied to her employer and was in fact fit to work. The only evidence that she had tested positive to Covid-19 was based on her self-certifying that assertion to her employer. The panel concluded, in accordance with the findings of the court, that she had not tested positive for Covid-19. Accordingly, she did not work whilst having tested positive.

The panel therefore found this charge not proved.

### **Charge 3a and 3b**

3. Stated in your job application to Direct Healthcare dated 8 August 2023, that:

- a. You were not subjected to any fitness to practise proceedings by any regulatory body in the United Kingdom;
- b. You were not subjected to any NHS Counter Fraud investigations.

**These sub-charges are both found proved.**

The panel considered these sub-charges separately, but as the evidence in relation to each is similar, it has dealt with them under one heading. In reaching this decision, the panel took account of the evidence of Witness 2, Witness 3 and Witness 5.

Witness 3 in his witness statement referred the panel to Miss Dawson's application form to MVP Recruitment Group as part of her recruitment with DH24 which she completed and signed on 8 August 2023. He stated that Miss Dawson stated "No" to questions that were in relation to where she was subject to any Counter Fraud Investigations or subject to any regulatory Fitness to Practice investigations.

The panel took account of Miss Dawson's application form referred to by Witness 3 in his witness statement. It considered, particularly, the section titled "Background Check". Next to the question asking if she is aware of *"any current NHS Counter Fraud and Security Management Service investigation following allegations made against you?"*, "No" has been stated.

Witness 2 in his witness statement confirmed that on 6 April 2023, he attended Miss Dawson's home address and hand delivered her a letter informing her of the NHS CFS investigation. He confirmed that the investigation was regarding an allegation that Miss Dawson had undertaken paid work with the Guild whilst on sick leave and receiving pay from the Trust.

The panel took account of the letter, referred to by Witness 2 in his witness statement, titled "NHS Scotland Counter Fraud Services Investigation" dated 6 April 2023. It was satisfied that the letter confirmed that Miss Dawson was under investigation by NHS CFS.

The panel further observed on Miss Dawson's aforementioned application form, that next to the question asking, *"Are you currently the subject of any investigation or fitness to practice proceedings..."*, "No" has been stated.

Witness 5 in her witness statement confirmed that, on 30 January 2023, she had sent a letter to Miss Dawson's registered email address informing her that she was under investigation by the NMC.

The panel took account of the letter, referred to by Witness 5 in her witness statement, titled "Initial consideration of a concern we have received" dated 30 January 2023. This letter confirmed that the NMC were looking into a concern the Trust had raised about Miss Dawson's practice as a nurse on the NMC Register. It confirmed that the concerns related to Miss Dawson undertaking paid work with the Guild while on sick leave and in receipt of pay from the Trust, and working in a patient facing role through an agency after testing positive for Covid-19. The panel was satisfied that the letter confirmed that Miss Dawson was subject to fitness to practise proceedings by the NMC.

The panel also took account of the receipt confirming delivery of the email in a document dated 30 January 2023. This document stated, "*Delivery to these recipients or groups is complete*".

Witness 5 stated she could not confirm that Miss Dawson was able to access the email that she sent. The panel had sight of email correspondence and records of telephone conversations between Miss Dawson and the NMC. It was clear that she was having issues accessing the aforementioned letter from the NMC.

However, Miss Dawson sent an email to the NMC dated 30 December 2024 where she attached a statement in which she explained the circumstances surrounding the concerns the NMC were investigating. She stated "In regards [sic] to the agency and the concerns they have highlighted" she had called the NMC to see if there were any restrictions on her practice preventing her from starting her role with the DH24.

In light of the above, the panel was satisfied that Miss Dawson was aware that she was subject to fitness to practise proceedings by a regulatory body in the United Kingdom and an NHS CFS investigation when she applied to DH24 on 8 August 2024.

The panel therefore found both sub-charges proved.

## Charge 4

4. Your actions at charges 3a and/or 3b were dishonest in that you were attempting to conceal that you were under investigation.

### **This charge is found proved in relation to both charges 3a and 3b.**

In reaching this decision, the panel bore in mind the test for dishonesty in *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67. It had to determine what Miss Dawson's actual state of mind was as to the facts and decide whether her conduct with that state of mind would be considered dishonest by the standards of ordinary honest and decent people.

The panel bore in mind that it had found that Miss Dawson in her job application to DH24, dated 8 August 2023, had stated that she was not subjected to any fitness to practise proceedings by any regulatory body in the United Kingdom nor was she subject to an NHS CFS investigation. It now had to consider whether this was a genuine mistake or a misunderstanding by Miss Dawson, or if there was a deliberate attempt to conceal that she was under investigation. In order to find the dishonesty proved it would have to be satisfied that the latter was her state of mind.

The panel considered the timeline of events leading up to Miss Dawson completing the application form for DH24 on 8 August 2023.

The panel bore in mind its earlier finding that Miss Dawson undertook paid work with the Guild between 7 March and 24 March 2022 while on sick leave from the Trust. As a consequence, on 30 January 2023, the NMC informed Miss Dawson that it was investigating concerns in relation to her undertaking paid work with the Guild while on sick leave and in receipt of pay from the Trust, as well as working in a patient facing role through an agency after testing positive for Covid-19. The panel was of the view that the NMC made it clear to Miss Dawson exactly what it was investigating.

Additionally, on 6 April 2023, Witness 5 hand delivered a letter to Miss Dawson informing her that she was under investigation by NHS CFS for undertaking paid work with the Guild while on sick leave and in receipt of pay from the Trust. Again, the panel was of the view that NHS DFS made it clear exactly what they were investigating.

The panel reminded itself that it had found that in the “Background check” section of her application form dated 8 August 2023, Miss Dawson had stated that she was not subject to any fitness to practise proceedings by any regulatory body in the United Kingdom nor was she subject to an NHS CFS investigation.

The panel took account of the fact the “Background Check” section contained 12 separate questions, all which Miss Dawson answered “No”. However, the panel also noted that this section included a specific instruction requiring Miss Dawson to inform the NMC immediately if she were charged with any offence in the United Kingdom. She has stated “Yes” next to this.

In light of this, the panel was of the view that Miss Dawson had considered the questions carefully and had not simply answered “No” to all of them without thinking about it. It was satisfied that she was aware of what she was being asked and had not made a mistake.

The panel also took account of the statement Miss Dawson had sent the NMC in an email dated 30 December 2023. In response to the concerns of the DH24, she stated that she called the NMC to see if there were any restrictions on her practice preventing her from starting her role with them. She stated that when she there were no restrictions on her practice when she applied that prevented her from starting and apologised for not disclosing further to them.

The panel was satisfied that as of 6 April 2023, Miss Dawson would have known that she was under investigation by both the NMC and NHS CFS. This would have been four months before she submitted her application to DH24.

The panel was of the view that by withholding this information from DH24, Miss Dawson’s intention was to conceal that she was under investigation.

The panel also noted that in the section titled "Declaration", the application form stated, *"I declare that the information given in this application form is true and complete to the best of my knowledge and belief."* Miss Dawson has stated "Yes" next to this.

By signing and dating this declaration, Miss Dawson is stating that the information she has provided is correct and complete. This was not the case. The panel was satisfied, in light of all the matters set out above, that Miss Dawson was acting dishonestly in her application to DH24.

The panel therefore found charge 4 proved in relation to both charge 3a and charge 3b.

### **Fitness to practise**

Having reached its determination on the facts of this case, the panel then moved on to consider, whether the facts found proved amount to misconduct and, if so, whether Miss Dawson'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 ability to practise kindly, safely and professionally.

The panel, in reaching its decision, has recognised its statutory duty to protect the public and maintain public confidence in the profession. Further, it bore in mind that there is no burden or standard of proof at this stage and it has therefore exercised its own professional judgement.

The panel adopted a two-stage process in its consideration. First, the panel must determine whether the facts found proved amount to misconduct. Secondly, only if the facts found proved amount to misconduct, the panel must decide whether, in all the circumstances, Miss Dawson's fitness to practise is currently impaired as a result of that misconduct.

### **Representations on misconduct and impairment in the conviction case**

The NMC's submission was that Miss Dawson's offence was closely related to her professional practice. The NMC submitted that Miss Dawson used her professional

employment as a nurse to benefit from additional income, through making false representations to obtain payment for sick leave from the Trust, while also working for another organisation.

The NMC also submitted that honesty and integrity are fundamental tenets of the profession. The NMC further submitted that Miss Dawson prioritised her own financial benefit by repeatedly exploiting the Trust for a significant amount of sick leave pay while undertaking work with another organisation.

The NMC submitted that Miss Dawson's actions demonstrate a serious departure from the NMC standards and call into question her ability to uphold fundamental tenets of the profession. The NMC submitted that Ms Dawson's actions were dishonest, repeated over a prolonged period and for her own personal financial gain. The NMC submitted that the behaviour is indicative of a deep-rooted attitudinal issue.

The NMC submitted that although there is no evidence of direct harm to patients, Miss Dawson's actions also created a potential risk to patient safety, as it may have led to oversight of patient care or mistakes in treatment due to staff shortages. The NMC also submitted that the conviction undermines the public's confidence in the profession and the trust placed in nurses to act with integrity.

### **Representations on misconduct and impairment**

The NMC invited the panel to take the view that the facts found proved amount to misconduct. The panel should have regard to the terms of 'The Code: Professional standards of practice and behaviour for nurses and midwives (2015' ("the Code") in making its decision.

The NMC identified the specific, relevant standards which it submitted Miss Dawson had breached in support of its case that her actions amounted to misconduct.

The NMC also submitted that Ms Dawson sought to mislead DH24 by advising that she was not subject to any fitness to practise proceedings by any regulatory body in the United Kingdom, when she knew this was not the case. It is alleged that Miss Dawson sought to

mislead Direct Healthcare by stating that she was not subject to any NHS Counter Fraud Investigations, which she would have known was untrue. The NMC submitted that nurses hold a position of trust and are expected to be honest and trustworthy.

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

The NMC invited the panel to find Miss Dawson's fitness to practise impaired by reason of her conviction. The NMC also submitted that Ms Dawson is impaired by reason of her misconduct.

The NMC submitted that there is insufficient evidence of remediation, insight or other achievement. Given the absence of remediation, there is therefore a remaining risk of repetition, and liability to breach fundamental tenets of the profession. The NMC submitted that a finding of impairment is required to mark the unacceptability of her behaviour, emphasise the importance of honesty and integrity in the profession, and reaffirm proper standards.

The panel accepted the advice of the legal assessor. He advised that a breach of duty must be serious if it is to amount to misconduct. In relation to impairment, he referred the panel to quotations from the case of *Grant*.

### **Decision and reasons on misconduct**

When determining whether the facts found proved amount to misconduct, the panel had regard to the terms of the Code.

The panel was of the view that Miss Dawson's actions did fall significantly short of the standards expected of a registered nurse, and that Miss Dawson's actions amounted to a breach of the Code. Specifically:



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

*To achieve this, you must*

*19.3 keep to and promote recommended practice in relation to controlling and preventing infection*

*19.4 take all reasonable personal precautions necessary to avoid any potential health risks to colleagues, people receiving care and the public*

***20 Uphold the reputation of your profession at all times***

*To achieve this, you must:*

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

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

*20.4 keep to the laws of the country in which you are practising'*

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct.

With regard to charge 1, the panel considered that the conviction was regarding fraud and dishonesty. Further, it was directly related to her practice as a nurse. The panel considered that her actions directed £6643.63 worth of funds away from the NHS. These were funds that she was not entitled to. The panel was of the view that due to the nature of the charge, it determined that Miss Dawson's conviction did fall seriously short of the conduct and standards expected of a nurse. It is satisfied that the public and fellow nurses would find Miss Dawson's behaviour deplorable.

With regard to charges 3a, 3b and 4, the panel has found that Miss Dawson was dishonest in respect of two important answers she gave in her job application, and that these answers be given in order to conceal to the employer that she was under investigation. The panel has no doubt that these actions were a serious breach of her duty as a nurse to behave with honesty and integrity towards a future employer and that they constitute misconduct.

The panel found that Miss Dawson's actions did fall seriously short of the conduct and standards expected of a nurse and amounted to misconduct.

### **Decision and reasons on impairment**

The panel next went on to decide if as a result of her conviction and the misconduct, Miss Dawson's fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 March 2023, which states:

*'The question that will help decide whether a professional's fitness to practise is impaired is:*

*"Can the nurse, midwife or nursing associate practise kindly, safely and professionally?"*

*If the answer to this question is yes, then the likelihood is that the professional's fitness to practise is not 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. At 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.'*

At 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:*

- 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 began by considering whether these limbs were engaged with regard to the past. The panel determined that limbs b, c and d were engaged by Miss Dawson's conviction and misconduct with regard to the past.

The panel determined that Miss Dawson's actions breached fundamental tenets of nursing practice and that her misconduct is liable to bring the nursing profession into disrepute. In

the panel's judgement, the public do not expect a nurse to act as Miss Dawson did as they require nurses to adhere at all times to the appropriate professional standards and to safeguard the health and wellbeing of patients.

The panel was also satisfied that confidence in the nursing profession would be undermined if its regulator did not regard misconduct relating to dishonesty as being extremely serious.

The panel had regard to the principles set out in the case of *Ronald Jack Cohen v General Medical Council* [2008] EWHC 581 (Admin) and considered whether the concerns identified in Miss Dawson's nursing practice were capable of remediation, whether they have been remedied and whether there was a risk of repetition of a similar kind at some point in the future. In considering those issues the panel had regard to the nature and extent of the misconduct and considered whether Miss Dawson had provided evidence of insight and remorse.

The panel took account of the statement Miss Dawson provided to the NMC on 30 December 2024. Miss Dawson appears to raise personal extenuating circumstances as the reasons for her actions. She stated that her *"head was not in a good place"* and *"didn't realise what I was doing was going to have the impact that it did"*. However, the panel considered the fact that this is her explanation as to why she, *"made the silly decision of taking time off"* from the Trust, and started working with the Guild.

The panel considered that Miss Dawson had failed to address that she undertook paid work for the Guild while on sick leave and in receipt of pay from the Trust; and intentionally concealed the fact that she was under investigation by the NMC and NHS CFS.

The panel considered Miss Dawson had addressed the fact that she had defrauded the NHS of £6643.63. However, there was no recognition of the impact Miss Dawson's misconduct had on patients, colleagues and the nursing profession. While the panel are sympathetic to Miss Dawson's personal circumstances, it reminded itself that Witness 3 in his witness statement stated, *"Claire had multiple opportunities to highlight ongoing concerns relating to practice and personal life but did not."*

In the light of the above, the panel determined that it had some evidence of insight and a considerable amount of remorse in relation to charges 1, 3a, 3b and 4.

The panel was satisfied that the misconduct in this case is capable of being addressed. Misconduct involving dishonesty is often said to be less easily remediable than other kinds of misconduct. However, in the panel's judgment, evidence of insight, remorse and reflection together with evidence of subsequent and previous integrity are all relevant in considering the risk of repetition, as is the nature and duration of the dishonesty itself.

The panel considered that Miss Dawson had not addressed the impact that her dishonesty had on colleagues and in bringing the nursing profession into disrepute. As a result, the panel determined that she had demonstrated no insight on this matter.

The panel had no evidence before it that Miss Dawson had taken steps to strengthen her practice and remediate the concerns identified. The panel is of the view that in the absence of any insight from Miss Dawson and her lack of remediation there remains a risk of repetition of the concerns raised.

The panel found that whilst a finding of impairment on the grounds of public protection is not necessary, a finding of impairment on public interest grounds is required.

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.

The panel was satisfied that having regard to the nature of the misconduct in this case, *"the need to uphold proper professional standards and public confidence in the profession would be undermined"* if a finding of current impairment were not made. A fully informed member of the public would be concerned by Miss Dawson's misconduct and conviction should she be permitted to practice as a registered nurse in the future without restriction.

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

## **Sanction**

The panel has considered this case very carefully and has decided to make a suspension order for a period of 12 months. The effect of this order is that the NMC register will show that Miss Dawson's registration has been suspended.

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, who referred the panel to the SG on dishonesty.

## **Representations on sanction**

The NMC submitted that the appropriate and proportionate sanction in this case, is a striking-off order.

The NMC referred to the NMC guidance on sanction titled, *"Sanctions for particularly serious cases"* which notes that cases involving dishonesty *"will always be serious and a nurse...who has acted dishonestly will always be at some risk of being removed from the register"*. The NMC submitted that the guidance states that a committee may consider the nature of the dishonesty, and whether it calls into question whether the nurse should be allowed to remain on the register. The NMC submitted that relevant factors in this case include personal financial gain from a breach of trust, premeditated, systematic or longstanding deception, and risk to those receiving care.

The NMC referred the panel to the aggravating factors it submitted were engaged in this case.

## **Decision and reasons on sanction**

Having found Miss Dawson'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:

- Two instances of dishonesty, namely, working for the Guild while reporting sick with the Trust and making a false declaration on her application form for DH24, separated over a significant period of time;
- Personal financial gain from a breach of trust;
- Insufficient evidence of developed insight.

The panel also took into account the following mitigating features:

- Miss Dawson has some insight and considerable remorse;
- [PRIVATE].

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case and the dishonesty that occurred over a significant period of time. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

The panel then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public interest issues identified, an order that does not restrict Miss Dawson'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 Dawson's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. 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 Dawson's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

The panel bore in mind that it found that Miss Dawson had limited insight. It was of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case. Additionally, the panel was of the view that the dishonesty identified in this case was not something that can be addressed through retraining. The panel concluded that placing conditions on your registration would not adequately address the seriousness of this case.

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 panel found that there were two episodes of dishonesty by Miss Dawson over a significant period of time. However, there was no evidence before the panel that Miss Dawson had repeated the conduct or engaged in further dishonest behaviour. The panel also took into account that Miss Dawson had demonstrated some insight into the matters found proved and had shown considerable remorse.

[PRIVATE]

In light of the above, the panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register.



The panel did go on to consider whether a striking-off order would be proportionate but, taking account of all the information before it, and of the mitigation provided, the panel concluded that it would be disproportionate. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in Miss Dawson's case to impose a striking-off order.

Balancing all of these factors the panel has concluded that a suspension order for the maximum period of 12 months would be the appropriate and proportionate sanction.

The panel took into account the hardship such an order will inevitably cause Miss Dawson. However, this is outweighed by the public interest in this case.

The panel considered that this order is 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.

The panel determined that a suspension order for a period of 12 months was appropriate in this case to mark the seriousness of the misconduct. It also considered that this period of suspension would allow Miss Dawson time to sufficiently develop her insight into the impact her actions had on patients, colleagues and the nursing profession.

At the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- Miss Dawson's personal attendance, in person, via video link or telephone at the review hearing, to provide the panel with assurance that she can be trusted;
- A comprehensive reflective piece addressing: the impact her actions had on patients, colleagues and the nursing profession; Miss Dawson's acknowledgment of her conviction and how important it would be to disclose this to a future employer in accordance with legislation; insight into

the impact her conviction and fraudulent behaviour had on the NHS; insight into the impact of misleading DH24 and the recruitment process;

- Recent references and testimonials from any work undertaken, whether it be paid or voluntary.

This will be confirmed to Miss Dawson in writing.

### **Interim order**

As the suspension 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 Dawson's own interests until the suspension sanction takes effect. The panel accepted the advice of the legal assessor, who referred the panel to the guidance headed, "Decision making factors for Interim Orders".

### **Representations on interim order**

The panel took account of the representations made by the NMC that an interim suspension order for a period of 18 months should be imposed.

### **Decision and reasons on interim order**

The panel was satisfied that an interim order is necessary, not for the protection of the public, but because it is otherwise in the public interest. In the panel's judgement, the public would be gravely concerned if a nurse who had been found to have committed serious acts of dishonesty and whose insight was not fully developed were permitted to practise. 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.

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

That concludes this determination.