

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

**Substantive Hearing  
Monday, 1 December 2025 – Friday 5 December 2025**

Virtual Hearing

**Name of Registrant:** Sara Worthington

**NMC PIN:** 11C1006E

**Part(s) of the register:** Nurses part of the register Sub part 1  
RNA: Adult nurse, level 1

**Relevant Location:** Cumbria

**Type of case:** Misconduct

**Panel members:** Graham Thomas Gardner (Chair, lay member)  
Raj Chauhan (Lay member)  
Anne Murray (Registrant member)

**Legal Assessor:** Andrew Granville Stafford

**Hearings Coordinator:** Andrew Ormsby

**Nursing and Midwifery Council:** Represented by Ms Jane Carver, Case  
Presenter

**Ms Worthington:** Present and unrepresented

**Facts admitted:** Charges 1 & 2

**Facts found proved:** Charges 3 & 4

**Fitness to practise:** Impaired

**Sanction:** **Caution (5 years)**

**Interim order:** Not imposed

## **Decision and reasons on application for hearing to be held in private**

At the outset of the hearing, Ms Carver, on behalf of the Nursing and Midwifery Council (NMC), made a request that certain parts of this case be held in private [PRIVATE]. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

You did not oppose this application.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, but that 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.

The panel reminded itself that it should take the least restrictive action when considering applications to be heard in private.

[PRIVATE], the panel determined to hold such parts of the hearing in private should consideration of these matters arise. The panel determined to go into private session as and when such issues were raised.

## **Decision and reasons on application to amend the charge**

At the outset of the hearing Ms Carver, on behalf of the NMC, also made an application to amend the charges under Rule 28.

She stated that Rule 28 allows for the panel to amend the charges at any time before the finding of facts.

The proposed amendment was as follows:

4. Your conduct at Charge 1 and/or Charge 2 and/or Charge 3 above was racially **and/or religiously** motivated.

Ms Carver submitted that amending charge 4 to include an allegation of religious motivation would properly reflect the allegations and related to what was always under investigation and better particularised the alleged motivation. She further stated that the amendment could be made without injustice.

You did not oppose the application to amend charge 4 but stated that you disputed the charge.

The panel accepted the advice of the legal assessor.

The panel noted the short notice of the application, in that you had only been made aware of its likelihood on 27 November 2025, but were assured by you that you had had sufficient time to consider it and had already provided a written response in anticipation of an amendment. The panel found that amending charge 4 could be made without injustice and there would be no prejudice to you in making this change.

Accordingly, the panel granted the NMC's application to amend the Schedule of Charges.

## Details of charge (as amended)

'That you, a registered nurse;

1. On an unknown date in July 2024 posted an offensive image on social media
2. The image referred to in Charge 1 above also contained the following text;
  - a. *"Sorry not sorry!"*
  - b. *"These bastards need put down!!!"* (sic).
3. Your conduct at Charge 1 and Charge 2 taken together was an incitement to violence and/or discrimination.
4. Your conduct at Charge 1 and/or Charge 2 and/or Charge 3 above was racially and/or religiously motivated.

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

## Background

The charges arose whilst you were employed as a community staff nurse working at the North Cumbria Integrated Care Trust, having qualified in 2011.

On 31 July 2024, the NMC received an anonymous referral, alleging that you posted an offensive image on your social media Instagram and Facebook accounts, shortly after the tragic events in Southport in July 2024.

The picture from the image shows four bearded men who appear of Asian heritage wearing traditional Muslim clothing running along the street in an agitated and threatening manner, with one of the said men carrying a knife. The four men are behind an image of a child of toddler age who appears white skinned who is crying wearing a tee-shirt with a union flag on it. Big Ben and the Houses of Parliament can be identified in the

background. The image and text, which you did not create, includes the phrases “*Sorry not sorry!*” and “*These bastards need put down!!!*” (sic).

Following receipt of the anonymous referral, the NMC reported the matter to the North Cumbria Integrated Care Trust and on the 20 of August 2024 the Community Quality matron at the Trust held a meeting with you.

You admitted that you had reposted the image whilst on holiday [PRIVATE], in Blackpool. You stated that it was not intended to be racist and had been an error of judgement. You informed the panel that you took the image down after a friend contacted you and informed you that the image was misinformation. You stated that you had misunderstood the events of the Southport attack, having only become aware of the event having drawn your information from social media. You stated that you came across the image on social media and reposted it. [PRIVATE]. You said you acted impulsively and without a great deal of thought.

### **Decision and reasons on facts**

At the outset of the hearing, you informed the panel that you made admissions to charges 1 and 2.

The panel therefore finds charges 1 and 2 proved, by way of your admissions.

In reaching its decisions on the disputed facts, the panel took into account all the oral and documentary evidence in this case together with your submissions and the submissions made by Ms Carver on behalf of the NMC.

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 also heard evidence from you under affirmation.

The panel also received documentary evidence from the NMC which included, but was not limited to:

- Screenshot/Image from your Instagram account;
- An agreed statement of facts;
- Your response to the NMC; and
- Your statement to the local Trust investigation.

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor.

When considering the term ‘incitement’ the panel took account of the Law Commission report ‘*Inchoate Liability for Assisting and Encouraging Crime*’ 2006 and Court of Appeal *R v C* [2005] EWCA Crim 2827 which sets that there must be an intention to act as an encouragement to do the thing in question. Namely, that the conduct in question must amount to an encouragement to another person to do something; and the person must have intended that their conduct would act as an encouragement to do that thing.

The panel noted the definition of violence as set out in the Public Order Act 1986:

*“violence” means any violent conduct, so that—*

- (a) except in the context of affray, it includes violent conduct towards property as well as violent conduct towards persons, and
- (b) it is not restricted to conduct causing or intended to cause injury or damage but includes any other violent conduct (for example, throwing at or towards a person a missile of a kind capable of causing injury which does not hit or falls short).

The panel also noted the definition of discriminatory conduct as set out in the Equality Act 2010.

In relation to racially motivated conduct the panel bore in mind the case of *Robert Lambert-Simpson v Health and Care Professions Council* [2023] EWHC 481 (Admin) where, in a case involving remarks made on social media, the court identified when an inappropriate and / or offensive communication will be 'racially motivated':

1. that the act in question had a purpose behind it which at least in significant part was referable to race; and
2. that the act was done in a way showing hostility or a discriminatory attitude to the relevant racial group

In particular, viewed objectively, did the alleged conduct show hostility or a discriminatory attitude.

The panel noted that Chamberlain J stated in *GPhC v Ali* [2024] EWHC 577 (Admin):

*'Where a regulated individual makes a comment which, objectively construed, is obviously racist, it will rarely count much in his favour that he did not intend it to be racist'*

The panel considered the witness and documentary evidence provided by both you and the NMC.

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

### Charge 3

'3. Your conduct at Charge 1 and Charge 2 taken together was an incitement to violence and/or discrimination.'

#### **This charge is found proved.**

In reaching this decision, the panel took into account the image it received as documentary evidence and your documentary and oral evidence given at the hearing. The panel noted that you admitted that you had posted the image but disputed the alleged motivations to incite violence and/or discrimination.

The panel also noted relevant case law, in particular the relevant definitions of conduct, incitement, violence and discrimination.

The panel had regard to *R v C* [2005] EWCA Crim 2827 which gave advice as to what constitutes incitement. The conduct in question must amount to an encouragement to another person to do something, and that includes persuading or exhorting another person to do something. To do something, it must come to the attention of another person, though it is not necessary to find that any other person was, as a matter of fact, encouraged to do the thing in question, and it is not necessary that there be an element of persuasion or pressure involved in the encouragement.

The panel first considered whether your actions in posting an offensive image, namely the relevant image, on social media which also contained the text "*Sorry not sorry!*" and "*These bastards need put down!!!*" (sic), could amount to an encouragement to do something.

The panel considered that these words could indeed be an incitement to violence, and did not consider your assertion that you had interpreted the words '*These bastards need put down!!!*' to mean be sentenced to a term in prison, to be plausible.

The panel considered that the offensive image, as it had been posted on Instagram, which then linked to your Facebook account, had clearly come to the attention of other users of Instagram and Facebook.

In your oral evidence you stated that you had heard that the Southport attack had been carried out by illegal immigrants of Asian heritage, that you believed this at the time you reposted the image, and that you believed the image to reflect this.

You stated that you took the post down from your social media within 24 hours when you realised that there was social unrest in the aftermath of the Southport attack, and that there was no evidence that it was a terrorist attack or had been carried out by illegal immigrants of Asian descent.

The panel considered that you had acted recklessly in the spur of the moment.

However, the panel also considered that the image, which consisted of a number of men, of seemingly Asian descent and wearing clothes which could be considered to be traditional Muslim dress, running past the Houses of Parliament, one of whom carrying a knife, chasing a white toddler, could be interpreted as incendiary. It considered that, by posting this image, your intention, albeit reckless and without any depth of thought, was more likely than not, to act as encouragement to violence. The panel was in no doubt you had been impacted by the distressing events of Southport and likely acted with little thought to the implications of your post.

Further, the panel also considered that, your conduct in reposting the relevant image, would more likely than not, encourage discrimination against people who may look or dress like the characters portrayed in the image.

In the circumstances, the panel concluded that it was more likely than not, that your conduct at Charge 1 and Charge 2, taken together, was an incitement to violence and/or discrimination.

Accordingly, the panel determined that charge 3 was found proved.

#### **Charge 4**

'4. Your conduct at Charge 1 and/or Charge 2 and/or Charge 3 above was racially and/or religiously motivated.'

#### **This charge is found proved.**

In reaching this decision, the panel took into account the image it received as documentary evidence and your documentary and oral evidence given at the hearing. The panel noted that you admitted that you had posted the image but disputed the alleged motivations stating that it was not intended to be racist or religiously motivated.

The panel noted that the image referenced in Charge 1 contained an image of four bearded men of Asian descent dressed in traditional Muslim dress, with one of the men carrying a knife. It considered that the image could be an encouragement to violence and discrimination against those of similar appearance to the men depicted in the image. The panel considered the image was distinct and specifically intended to characterise the chosen dress of some males of Asian heritage so that the viewer could be in no doubt as to their race.

The panel considered that the words embedded in the image, as set out in Charge 2, "*Sorry not sorry!*" and "*These bastards need put down!!!*" (sic) although they did not explicitly reference a race, when taken together with the image, there could be no doubt that they also relate to the image, which clearly depicts a racial element, given the specific

characteristics of the men portrayed. The panel found the words were designed to reinforce the hostile and discriminatory message of the image.

Further, the panel considered that, although the men in the offensive image were dressed in traditional Muslim clothing, there was no overt or explicit reference to a religion in the image. As such, and given the absence of other evidence, the panel concluded that the NMC had not discharged its burden of proof in relation to the allegation that your conduct was religiously motivated.

Therefore, the panel concluded that your conduct at Charge 1 and/or Charge 2 and/or Charge 3 above was racially motivated, but was not religiously motivated.

Accordingly, the panel determined that Charge 4 was found proved in relation to racial motivation.

### **Decision and reasons on 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 your 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. Firstly, 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, your fitness to practise is currently impaired as a result of that misconduct.

Ms B, your second line manager, gave oral evidence under affirmation at this stage, on your behalf. She told the panel you were a committed employee who was well regarded by management and colleagues alike. She said you had continued to express remorse for your actions [PRIVATE]. She said she had '*no concerns*' around your professionalism as a nurse and that you had undertaken appropriate training and remained part of the equality and diversity forum.

The panel also received further testimonials, on your behalf, from Ms A and Ms C who were both colleagues.

The panel considered your oral evidence, reflective pieces, training certification and testimonials at this stage.

### **Submissions on misconduct & impairment**

Ms Carver submitted that your fitness to practise was impaired by reason of misconduct.

Ms Carver referenced the NMC Code of Conduct (2018) (the Code) and stated that an encouragement to violence and discrimination and racially motivated behaviour constituted a serious departure from the standards expected of any nurse. She stated that the panel has found that you acted with discrimination and that your standards fell far short of what was expected (20.1).

Ms Carver submitted that the panel may be of the view that whilst giving your evidence, you failed to acknowledge the significance of how your conduct could be viewed (20.3) as an encouragement to violence and discrimination (20.2) against those of similar appearance to the men depicted in the image.

Ms Carver referenced the Code, and in particular the requirement (20.7) that you must ensure you do not express your personal beliefs, including political, religious, and moral beliefs, to people in an inappropriate way. She submitted that you expressed your personal beliefs in a way that was exceptionally inappropriate.

Ms Carver submitted that you did not act as a role model (20.8) in your conduct or use social media responsibly (20.10) in this case when you posted the image which was distinctly and specifically intended to characterise the chosen dress of some males of Asian heritage.

Ms Carver invited the panel to find that the facts in this case amounted to misconduct in that your actions fell far short of what would be proper in the circumstances. She stated that your conduct was found to be racially motivated and promoted discriminatory views that are not acceptable, and that the posting of the image, and the underlying racially discriminatory conduct amount to serious misconduct.

With regard to the question of impairment, Ms Carver stated that, although you had undertaken remediation, the panel may be of the view that there has been a lack of understanding of how an Asian patient may feel noting a nurse is posting an image of this nature and that you had not fully recognised your behaviour as racially motivated or incendiary to discrimination or violence.

Ms Carver submitted that these concerns had not been fully addressed by you and that you had demonstrated limited insight. She stated that there appeared to be a lack of evidence to suggest that the conduct would not be repeated in the future and therefore you were impaired on the grounds of public protection.

Ms Carver also submitted that, in relation to the public interest, a finding of impairment was needed to uphold proper professional standards and conduct and maintain public confidence in the profession.

Ms Carver stated that no form of discrimination, including for example, racial discrimination, should be tolerated within healthcare and that discriminatory behaviours of any kind can negatively impact public protection and the trust and confidence the public places in nurses, midwives and nursing. Further, she stated that the concerns may also suggest a deep-seated attitudinal problem, even when there was only one reported complaint.

Ms Carver concluded by stating that you had failed to uphold proper professional standards and conduct and brought the profession into disrepute by the very nature of the conduct displayed. She submitted members of the public who are aware of the nature of the charges found proved against you would be concerned.

You stated that you recognised the seriousness of your conduct and did so from early on and you had reflected and undertaken unconscious bias and anti-racism training. You had done everything in your power to rectify your actions, and would continue to do so going forward.

You submitted that you do not pose a risk to patients and treat every patient with respect and kindness. You stated that your conduct had involved a massive error in your judgement but that you are a good nurse, and you have a good reputation as a nurse.

You stated that, in relation to the issue of a risk of repetition, this was a completely isolated incident, and that you had taken full accountability for your conduct. You emphasised that you do not hold any deep-seated views and there were no attitudinal concerns and that there was '*no way*' that any similar conduct would be repeated. You concluded by emphasising that the circumstances of this incident had been a '*big learning curve*'.

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

In approaching the decision, the panel was mindful of the two-stage process to be adopted in relation to a finding of impairment based on misconduct: first, whether the facts as found proved amounted to misconduct, which in this context amounted to a serious departure from generally accepted professional standards, and then whether the finding of that misconduct could lead to a finding of current impairment of fitness to practise.

The panel must determine whether your fitness to practise is impaired today, taking into account your conduct at the time of the events and any relevant factors since then such as whether the matters are remediable, have been remedied and whether there is any likelihood of repetition. The panel is also required to have regard to the wider public interest and to consider whether a finding of impairment is necessary in order to promote and maintain public confidence in the nursing profession and to promote and maintain proper professional standards and conduct for members of that profession.

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

When determining whether the facts found proved amount to misconduct, the panel considered that the following sections of the Code were pertinent to the charges:

*'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*

*20.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people*

*20.5 treat people in a way that does not take advantage of their vulnerability or cause them upset or distress*

*20.10 use all forms of spoken, written and digital communication (including social media and networking sites) responsibly, respecting the right to privacy of others at all times'*

The panel reminded itself of the proven facts, in relation to Charges 1, 2, 3 and 4, namely that you, in July 2024, had posted an offensive image on social media, namely an image which shows four bearded men who appear of Asian heritage wearing traditional Muslim clothing running along the street in an agitated and threatening manner, with one of the said men carrying a knife. The four men are behind an image of a child of toddler age who appears white skinned who is crying wearing a tee-shirt with a union flag on it.

The panel also reminded itself that it had found that your conduct in posting the above image incited violence and discrimination and had been racially motivated.

Although your actions took place outside a work environment and were not closely related to your professional practice the panel found it would likely impact the trust and confidence of members of the public who saw it.

The panel considered that your racially motivated conduct in posting an offensive image, with embedded text, on social media, which incited violence and discrimination, was a serious departure from the requirements of the Code as set out in the paragraphs quoted above. It determined that your conduct fell far below an appropriate professional standard and clearly amounted to serious misconduct.

## Decision and reasons on impairment

Having found that the facts found proved amounted to misconduct, the panel went on to consider whether, as a result of that misconduct, your fitness to practise was currently impaired.

The panel bore in mind that its task was to consider your current fitness to practise. This involved necessarily looking at your past misconduct and also considering what, if anything you had done to remediate the misconduct and any insight gained.

The panel reminded itself that at this stage of proceedings, there is no burden or standard of proof and the decision of impairment is a matter for the panel's judgement alone.

Whilst there is no statutory definition of impairment, the panel had regard to the case of *CHRE v NMC and Grant* [2011] EWHC 927 where Dame Janet Smith's observations in the Fifth Report of the Shipman Inquiry were endorsed. Dame Janet Smith suggested that questions of impairment could be considered in the light of the following considerations:

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

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

d. ....’

The panel also noted paragraph 76 of *Grant* in which Dame Janet Smith stated the following:

*‘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.’*

The panel had regard to the case of *Cohen v GMC* [2008] EWHC 581 (Admin), and took into account the requirement that *‘conduct which led to the charge is easily remediable; that, second, it has been remedied; and, third, that it is highly unlikely to be repeated’*.

The panel considered that you had engaged in conduct which would be regarded as deplorable by fellow practitioners and members of the public.

The panel considered that your misconduct, although serious and difficult to remediate, had been remediated given the distinct and arguably exceptional circumstances of the case.

The panel recognised that the misconduct had been impulsive and fleeting and occurred in the context of the aftermath of the Southport attack. The panel accepted your assertion that the attack resonated emotionally with you, [PRIVATE] and given your geographic proximity with the attack. The panel could understand why you may have felt an immediate affinity with the survivors and victims’ families. It further noted that you deleted the offensive image within 24 hours and that you had been remorseful ever since.

The panel took into account the extensive evidence of insight that you had provided. The panel concluded that the reflective material you produced demonstrated a fundamental understanding of the significance of your actions and sufficient insight into your misconduct. In the panel's assessment you recognised the impact that your actions could have on public confidence in the profession.

The panel does not consider the shocking message conveyed in that posted image reflects your true feelings or beliefs, nor is it a reflection of deep-seated prevailing attitude. The panel considers it more likely reflects, albeit misguided, your immediate sentiment at a time of national outrage. Sentiment that was poorly informed and fuelled by wider mischief. They found any intent surrounding the post was not only ill informed but was also very limited, in its consideration and depth. They consider that sentiment was fleeting and short-lived as demonstrated by your early removal of the post and immediate regret when confronted.

Further, the panel considered that the remorse you expressed was genuine and that you had now developed effective insight into the inappropriateness of your conduct.

The panel also noted your full engagement with the regulatory process and your curtailment of your social media use and your ability to recognise your conduct as having been offensive, reckless and irresponsible.

The panel attached weight to the fact that your misconduct was a single incident in an otherwise previously unblemished career and was the consequence of an impulsive, emotional and reckless act in the aftermath of a distressing incident. It further noted that you deleted the offensive image from your social media within 24 hours and had stated that you had quickly regretted your behaviour.

The panel concluded that your misconduct was a single isolated incident and had occurred in very specific circumstances in the aftermath of distressing events. The panel also considered the context of your misconduct, and determined your behaviour arose

during a unique set of background circumstances that were highly unlikely to be repeated. It further noted that it had received no evidence of deep-seated attitudinal issues.

The panel also bore in mind the supportive testimonial evidence submitted by colleagues on your behalf.

Your contrition is very apparent, and the panel notes not only that remorse, but also the proactive efforts you have made since to strengthen your professional practice and develop your thinking more broadly as an individual. The panel has taken into account your good character and reputation since qualifying as a nurse in 2011, and since this matter, subject of charges.

The panel considered that you had gone beyond what could reasonably be expected to demonstrate insight, undertake further training, express remorse and remediate your misconduct.

In the circumstances, the panel concluded that there was little risk of repetition of your misconduct and there was no issue of public protection.

The panel considered however that your misconduct had breached a fundamental tenet and brought the profession into disrepute.

The panel consider that the image you posted was so offensive, and such a serious departure from the standards expected of a professional nurse that a finding of impairment is necessary to mark the gravity of your actions and in the public interest.

The panel found that you had remediated and shown insight into your misconduct and that you did not pose a future risk to patients or the public. However, it considered that as your conduct fell far below the standard expected of a nursing practitioner, public confidence in the nursing profession would be undermined, and there would be a failure to uphold professional standards, if a finding of impairment were not made.

The panel therefore determined that your fitness to practise is currently impaired by reason of misconduct, singularly on the public interest.

### **Decision and reasons on sanction**

Having found your fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the 'NMC's Sanctions Guidance' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel has taken into account the background to the case and the evidence received during the earlier stages of the hearing. All this information is relevant to reaching a decision on what action, if any, it should take with regard to your registration.

### **Submissions on sanction**

Ms Carver submitted that the appropriate and proportionate sanction in this case was a mid-range suspension order.

Ms Carver acknowledged that the panel had received no evidence of harmful deep-seated personality or attitudinal issues, and no evidence of a repetition of behaviour since the incident.

However, Ms Carver submitted that this case was too serious, in light of the public interest grounds, to consider a lesser sanction and emphasised that the image posted was capable of causing significant outrage and was such a serious departure from the standards expected of a professional nurse that a less serious sanction would not be appropriate or proportionate in the circumstances.

You submitted that you did not consider a suspension necessary but stated that you understood that the panel may want to impose an order. You stated that you are now back at work as a community nurse and had built up strong relationships with long-standing and house-bound patients and would like to continue to work and prove yourself. You are back at work and have been for nine months with full management support with no further issues. You informed the panel of the chronically ill case load you are involved with, and that continuity of care is very important. Patients often ask for you and have been concerned when you have not been present with their care.

You concluded by emphasising your remorse and your efforts to remediate and the fact that you are now back at work.

The panel accepted the advice of the legal assessor.

### **Decision and reasons on sanction**

The decision as to the appropriate sanction to impose, if any, is a matter for this panel exercising its own judgement. There is no burden or standard of proof at this stage. It recognises that every case will necessarily turn on its own facts.

The panel has borne in mind that in deciding what sanction to impose, it should consider all the sanctions available, starting with the least restrictive.

Throughout its deliberations, the panel has been proportionate, balancing your interests with the public interest.

The panel has taken into account its earlier determinations on the facts and on impairment, the SG and the NMC Code, the submissions of Ms Carver on behalf of the NMC, and your submissions.

The panel first considered the aggravating factors:

- Both the image you posted, and the words embedded in it, were graphic and shocking. Its original (unknown) creator had intended for it to be so and no doubt hoped to incite violence and discrimination amongst those who saw or reposted it;
- The panel considered that your misconduct risked undermining public confidence in the nursing profession and could have had the effect of discouraging those with the characteristics negatively depicted in the image, or others, from using services;
- You acted independently and of your own volition.

The panel then considered the mitigating factors in relation to your case:

- The panel found that your misconduct was impulsive, taking place in only a few seconds. It found that the offensive image had been shared on your social media for a period of less than 24 hours and that you removed it immediately once you realised the gravity of your act;
- Your misconduct took place in extraordinary circumstances, in the immediate aftermath of the Southport attack, [PRIVATE]. [PRIVATE] the panel found your explanation that your act was fuelled by a perceived affinity with victims and survivors, credible and understandable;
- The panel found your misconduct was spontaneous and not premeditated;
- Your misconduct was a single isolated incident in an otherwise long and unblemished nursing career, dating back to 2011;
- The panel found you had made early admissions and continued to be remorseful since the incident;
- The panel noted that you had modified and curtailed your social media use since this incident;
- The panel took account of your full insight and significant remorse;
- You have undertaken significant training and provided substantial reflections stating you did not intend to cause offence, or be discriminatory to anyone, and that you felt heartbroken for the families affected at the time you posted the image. The panel observed the training you have proactively sought out is relevant to this issue

and has included anti-racism training, equality and diversity, and unconscious bias learning;

- The panel found no evidence of harmful deep-seated personality or attitudinal issues;
- The panel found that there was little risk of repetition;
- You have fully engaged with the regulatory process;
- The panel received evidence that you are highly regarded by your colleagues and current management team;
- The panel noted that you work as a community nurse dedicated to serving vulnerable and long-term patients.

The panel considered that on balance the mitigating factors in this case were of greater weight than the aggravating factors.

The panel considered each sanction in ascending order of seriousness starting with the least restrictive.

The panel first considered whether to conclude the case by taking no further action.

The panel determined that to take no further action would be inappropriate. The panel did not consider that these circumstances that would justify such a course. It would not be sufficient, proportionate or in the public interest to conclude the case by taking no action.

The panel then considered whether a caution order would be appropriate in the circumstances.

The panel had regard to the SG, in particular:

*‘A caution order is only appropriate if the Fitness to Practise Committee has decided there’s no risk to the public or to patients requiring the nurse, midwife or nursing associate’s practice to be restricted, meaning the case is at the lower end*

*of the spectrum of impaired fitness to practise, however the Fitness to Practise committee wants to mark that the behaviour was unacceptable and must not happen again.*

*Because a caution order doesn't affect a nurse, midwife or nursing associate's right to practise, the Committee will always need to ask itself if its decision about the nurse, midwife or nursing associate's fitness to practise indicated any risk to patient safety.'*

The panel found there was no public protection risk in this case. In particular it had found that you had fully remediated and demonstrated full insight. The panel found that you had done everything that could be expected of you to fully remediate since the incident, had displayed remorse and had provided positive testimonials on your subsequent practice.

In the circumstances, the panel determined that a caution order was appropriate and proportionate to protect the wider public interest by marking the seriousness of the misconduct and upholding proper standards.

The panel considered whether it would be appropriate to impose conditions on your registration. It bore in mind that any conditions imposed should be appropriate, proportionate, workable and measurable.

The panel also noted that your misconduct did not involve clinical competence or aspects readily addressed by conditions, and there is no ongoing risk requiring restriction on practice. Therefore, a conditions of practice order was considered to be inappropriate and not workable or measurable.

The panel further determined that it was not necessary to direct a review of your case as it considered that you had fully remediated and that no ongoing risks to the public were identified.

The panel further considered a suspension order and concluded it would be disproportionate and inappropriate. You are a community nurse in a relatively small area with an established vulnerable patient community who rely on you to visit and provide care in their homes. There is no current risk to patient safety, and the temporary removal from the register would go beyond what is necessary to mark the public interest. The panel found that an unexplained and sudden absence, should a suspension order be made, would be disproportionate and disruptive to patient wellbeing and not in the public interest.

The panel had regard to the SG, in particular the guidance regarding cases relating to discrimination:

*'We may need to take restrictive regulatory action against nurses, midwives or nursing associates who've been found to display discriminatory views and behaviours and haven't demonstrated comprehensive insight, remorse and strengthened practice, which addresses the concerns from an early stage.*

*If a nurse, midwife or nursing associate denies the problem or fails to engage with the fitness to practise process, it's more likely that a significant sanction, such as removal from the register, will be necessary to maintain public trust and confidence.'*

The panel noted that you had demonstrated comprehensive insight, substantial remorse and strengthened practice.

It further noted that you had fully engaged with the regulatory process from an early stage.

The panel considered that imposing a striking off order would be wholly disproportionate given that it had already found that you had fully remediated your misconduct and had demonstrated full insight and remorse.

The panel has carefully balanced the circumstances of the post and its posting. They find that a member of the public, fully informed as to the entirety of this case would understand why [PRIVATE], might feel affinity with the suffering of families and survivors and react without due thought, and out of character. Similarly, the panel finds that much as acts of this nature are entirely unacceptable, they might under the distinct circumstances of the time, be understandable to members of the public and the wider profession.

The panel believes these extraordinary circumstances and extremes of emotions caused some to act out of the ordinary, to do acts they would never normally consider, perhaps in an effort to publicly demonstrate their repulsion to the incident that had taken place in Southport. The panel found you were one of those people.

The image you posted was indeed misinformed and completely abhorrent. However the panel finds it was entirely out of character, a single act in the spur of the moment posted in a few short seconds with little thought, if any, as to how it might impact others.

The panel also found the rich testimony of support from both peers and supervisors spoke to your continuing remorse and proactive efforts to remediate your single, yet considerable, error of judgement.

The panel determined that a reasonable and fully informed member of the public, familiar with all the circumstances of the case, would regard imposing a caution order on your registration for a period of five years as sufficient marker of the gravity of this particular case.

In addition, the imposition of a caution order for a period of five years represented an appropriate balance between marking the seriousness of your misconduct and providing an opportunity for you to return to practice, recognising that you are an otherwise highly-regarded nurse whose misconduct was entirely out of character, spontaneous, and occurred in the context of extreme circumstances.

Accordingly, the panel determined to impose a caution order on your registration for a period of five years.

That concludes this determination.