Nursing and Midwifery Council
Fitness to Practise Committee

Substantive Hearing
Monday, 23 June 2025 – Tuesday, 1 July 2025

Virtual Hearing

Name of Registrant:	Artiola Metallari
NMC PIN:	19C2120E
Part(s) of the register:	Registered Nurse – Adult RNA – 18 September 2019
Relevant Location:	Norfolk
Type of case:	Misconduct
Panel members:	Adrian Blomefield (Chair, Lay member) Janine Ellul (Registrant member) Amanda Anderson (Registrant member)
Legal Assessor:	Michael Levy
Hearings Coordinator:	Hamizah Sukiman
Nursing and Midwifery Council:	Represented by Roy Donnelly, Case Presenter
Miss Metallari:	Present and unrepresented
Facts proved by admission:	Charges 2, 5, 7a), 7a)i), 7a)ii), 7b)i), 7b)ii) and 11
Facts proved:	Charges 1, 3, 4, 6, 8, 9 and 10
Facts not proved:	Charge 12
Fitness to practise:	**Impaired**
Sanction:	**Suspension order (12 months)**
Interim order:	**Interim suspension order (18 months)**

Decision and reasons on application to amend the charge

The panel heard an application made by Mr Donnelly, on behalf of the Nursing and Midwifery Council ('NMC') to amend the wording of charge 8.

Mr Donnelly informed the panel that there appears to be a typographical referencing error in the charge, in that it refers to the preceding charges as charge 8 and accompanying sub-charges, rather than charge 7.

The proposed amendment was to correct this typographical error. Mr Donnelly submitted that this proposed amendment was unlikely to be misleading or unfair to you, pursuant to Rule 28 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules). He further submitted that to not amend this charge would lead to a defeat of this charge, which is prejudicial to the NMC in its pursuit of its overarching objective.

The proposed amendment is as follows:

> "That you, a registered nurse:
>
> 8) Your actions in one or more of the above charges **7** ~~8~~ a) i), **7** ~~8~~ a) ii), **7** ~~8~~ b) i) & **7** ~~8~~ b) ii) were dishonest, in that you provided false information in a reference for Person A.
>
> And in light of the above, your fitness to practise is impaired by reason of your misconduct."

You made no submissions in relation to this application.

The panel accepted the advice of the legal assessor and had regard to Rule 28 of the Rules.

The panel was of the view that this amendment seeks to correct a typographical error. The panel was satisfied that there would be no prejudice to you, and it

determined that no injustice would be caused to either party by the proposed amendment being allowed. The panel therefore decided to allow the amendment, as applied for, to correct the typographical error.

Details of charge (as amended)

That you a registered nurse,

1) Between 1 December 2022 - 31 July 2023, whilst applying for a role and/or working at the Norfolk Community Health and Care Trust ("the Trust"), did not disclose that you were subject to an NMC investigation.

2) On 10 January 2023 incorrectly answered 'No' to question 7 on the 'CR Declaration Form' provided to the Trust, namely '*Are you currently subject to any fitness to practise investigations and/or proceedings by a regulatory or licensing body in any country, which may have a bearing on your suitability for this position*'.

3) Your actions in charges 1) above were dishonest, in that you sought to conceal that you were being investigated by the Nursing & Midwifery Council from the Trust.

4) Your actions in charge 2) above were dishonest, in that you provided false information in a declaration form to your prospective employer.

5) On 10 January 2023 incorrectly answered '*No*' to question 8 on the 'CR Declaration Form' provided to the Trust namely '*Have you ever been subject to any sanctions being placed on your professional registration, by a regulatory or licensing body in any country? This includes warnings, conditions, limitations, suspension, removal, or any other restrictions that have applied to your professional registration…*'

6) Your actions in charge 5) above were dishonest in that you sought to conceal that the Nursing & Midwifery Council had imposed an interim conditions of practice order against your professional registration on 22 December 2021, from your prospective employers.

7) On 25 September 2023 whilst working for the Trust;

a) Provided an employment reference for Person A, to Supply Care Solutions;

i) Without authorisation.

ii) Without using the Trust standard template.

b) Provided inaccurate information in the reference to Supply Care Solutions, namely that Person A had worked at the Trust;

i) Between 15 March – 4 August 2023;

ii) As a Health Care Worker.

8) Your actions in one or more of the above charges 7 a) i), 7 a) ii), 7 b) i) & 7 b) ii) were dishonest, in that you provided false information in a reference for Person A.

9) During a meeting with the Ward Manager Colleague X, on 7 February 2024, you asked Colleague X to withhold information relating to an internal Trust investigation, in a reference which was to be provided to the Nursing & Midwifery Council.

10) Your actions in charge 9) above were dishonest in that you sought to conceal your internal investigation at the Trust, from the Nursing & Midwifery Council.

11) Between 8 – 18 March 2024 did not comply with condition 7 of an interim conditions of practice order imposed by the Nursing &

Midwifery Council on 8 March 2024, in that you did not immediately provide a copy of the relevant conditions to your employers at the Trust.

12) Your actions in charge 11 above were dishonest as you concealed your interim conditions of practice order from your employers at the Trust.

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 registered nurse by Norfolk Community Health and Care NHS Trust ('the Trust'). You commenced employment with the Trust on 13 March 2023. You were on a probationary period at the relevant time.

In July 2023, the NMC contacted the Trust to obtain an employment reference for another, separate NMC Fitness to Practise case (which has now concluded, in which no adverse findings were made against you). The Trust informed the NMC that it was unaware of any ongoing Fitness to Practise investigation against your PIN at the time.

As part of your pre-employment checks, you completed a declaration form. The referral detailed that, within this declaration form, there was a question which was:

> *'Are you currently subject to any fitness to practise investigations and/or proceedings by a regulatory or licensing body in any country, which may have a bearing on your suitability for this position?'*

The referral detailed that you answered '*no*' on the form to this question. Following this, the Trust allegedly advised you that you should have answered '*yes'* to this question.

In November 2023, a separate investigation was commissioned within the Trust in relation to you providing an inaccurate reference to an agency for an individual (identified as 'Person A' in these proceedings), who was the wife of your colleague, who has never worked in the Trust and with whom you have not personally worked. The Trust investigation concluded that you did provide an employment reference on behalf of the Trust when not authorised to do so, and that the information provided was not factual or accurate.

A probation review hearing was held on 19 March 2024, and the allegations were upheld.

Further, during the probation review hearing, the probation review panel were also advised of an NMC hearing that had taken place on 8 March 2024, where an interim conditions of practice order was imposed upon your nursing practice. The order required you to immediately give a copy of the conditions to any person or organisation you work for, and it is alleged by the Trust that you did not disclose these conditions, and that Witness 4 (the ward manager, also identified as 'Colleague X' in these proceedings) was unaware of the restrictions imposed upon your nursing practice.

Your contract with the Trust was terminated. You appealed your termination, but your appeal was unsuccessful. A referral was made to the NMC on 25 March 2024.

Decision and reasons for the hearing to be held partly in private

Whilst Witness 1 was giving oral evidence, the legal assessor noted that some parts of her oral evidence may relate to [PRIVATE]. He advised the panel to hear these parts of the hearing in private, pursuant to Rule 19 of the Rules.

Mr Donnelly indicated that he does not object to hearing these parts in private session. You made no submissions in relation to this.

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

Having heard that there will be reference to [PRIVATE], the panel determined to hold the hearing partly in private in order to [PRIVATE]. The panel will go into private session as and when such issues are raised throughout the hearing.

Decision and reasons on facts

The panel had regard to the completed Case Management Form, signed by you and dated 19 May 2025, which indicated that you admit to charges 2, 5a, 5a)i), 5a)ii), 5b)i), 5b)ii) and 9. However, the panel noted that charges 5 and 6, as outlined in the Notice of Hearing, was not put to you in the Case Management Form. Therefore, charges 5 (and accompanying sub-charges) in the Case Management Form appeared as charge 7 (and accompanying sub-charges) in the Notice of Hearing.

The panel therefore read out the charges to you, as it appears in the Notice of Hearing, at the outset of the hearing and asked you to confirm your position in respect of the charges. You confirmed to the panel that you make full admissions to charges 2, 5, 7a, 7a)i), 7a)ii), 7b)i), 7b)ii) and 11.

The panel therefore finds charges 2, 5, 7a, 7a)i), 7a)ii), 7b)i), 7b)ii) and 11 proved in their entirety, 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 Mr Donnelly's and your submissions.

The panel heard live evidence from the following witnesses called on behalf of the NMC:

- Witness 1: Registered Nurse and Service Lead at the Trust
- Witness 2: Director for Health and Social Care at the Trust and Panel Chair of the Trust Appeal Hearing (at the time of the incidents)
- Witness 3: Head of Service at the Trust and Chair of the Trust Probationary Hearing (at the time of the incidents)
- Witness 4: Colleague X and Ward Manager at the Trust

The panel also heard evidence from you under oath.

Before making any findings on the facts, the panel accepted the advice of the legal assessor. He advised the panel that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. The panel noted that 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 legal assessor drew the panel's attention to the decision in, and principles derived from, the case of *Ivey v Genting Casinos* [2017] UKSC 67. He advised the panel that, in determining dishonesty, the panel should adopt a two-stage test. He advised that the panel firstly should consider your knowledge or belief as to your conduct. Upon making its decision on this stage, the panel should then apply the standards of ordinary, decent people to judge whether the conduct was dishonest. He further referred the panel to the NMC Guidance, '*Making decisions on dishonesty*

charges and the professional duty of candour' (DMA-8), which draws upon the same principles as *Ivey*.

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

Charge 1

"That you a registered nurse,

1) *Between 1 December 2022 - 31 July 2023, whilst applying for a role and/or working at the Norfolk Community Health and Care Trust ("the Trust"), did not disclose that you were subject to an NMC investigation."*

This charge is found proved.

In reaching this decision, the panel took into account Witness 4's witness statement, which stated:

> *'On the 31 July 2023 I received an email from the NMC requesting a reference on Artiola's current practice and her ability to understand professional boundaries. I spoke with both Ward Sisters for feedback on Artiola's performance and current practice at that time, no concerns were raised. I therefore responded stating that there were no questions to answer in relation to Artiola's professional boundaries at that time.*
>
> *When I discussed this with Artiola she stated that she had felt that as she had been advised that nothing would show against her registration and there were no restrictions to her practice, that she didn't need to inform the trust when she was recruited.'*

The panel also heard oral evidence from Witness 4. The panel heard that you did not disclose any information in relation to an ongoing NMC investigation until she had a

conversation with you following the receipt of the email from the NMC on 31 July 2023.

The panel also considered the video footage of the Probationary Hearing, dated 19 March 2024. The panel heard Witness 4's account at this hearing, in which you did not inform her, at any point prior to July 2023, that you were subject to an ongoing NMC investigation.

At this Probationary Hearing, you told the Probationary Hearing panel that you remembered having an informal, '*friendly conversation'*, on a separate occasion prior to July 2023, with Witness 4 in which an NMC investigation was brought up, but Witness 4 declined any memory of this alleged conversation. Witness 4 further stated that she would have acted on such information if she received it.

The panel also considered your evidence. Alongside the aforementioned account you gave at the Probationary Hearing, you told the panel that the informal conversation between you and Witness 4 (prior to July 2023) did not centre around the NMC investigation. The panel heard that you told Witness 4 that the ongoing police investigation was '*difficult'* for you, and you made references to '*restrictions [you] had*', but you conceded that you '*did not focus on this'*, and instead the focus was on other topics of conversation, such as people, colleagues and support. The panel considered that, based on your own evidence, you appeared to have alluded to your professional status with the NMC, but did not make explicit reference to an ongoing NMC investigation.

The panel also heard that, at the time, your understanding of the NMC processes was poor, and you were under the impression that there were no restrictions against your nursing practice at the time, and consequently, nothing to declare to the Trust. The panel considered that, given your evidence that this was your understanding at the time, you would not have disclosed the NMC investigation to Witness 4 in this informal, friendly conversation, as you would have been under the impression that there was nothing to disclose.

Taking all the above into account, the panel preferred the evidence of Witness 4. The panel determined that Witness 4's oral evidence is clear and consistent with her witness statement, as well as the video footage of the Probationary Hearing. The panel considered that you had a good working relationship with Witness 4, that Witness 4 knew you in a professional capacity and that there appeared to be no animosity between you and Witness 4. The panel therefore concluded that there would be no reason for Witness 4 to fabricate her evidence in relation to this charge, or in relation to you.

Accordingly, the panel found this charge proved, on the balance of probabilities.

Charge 3)

"That you a registered nurse,

3) Your actions in charges 1) above were dishonest, in that you sought to conceal that you were being investigated by the Nursing & Midwifery Council from the Trust."

This charge is found proved.

In reaching this decision, the panel took into account its decision in relation to charge 1 above. The panel considered the two-stage test, pursuant to *Ivey*, in determining this charge.

The panel first considered your state of mind at the time. The panel noted that you interviewed at the Trust in December 2022, completed the CR Declaration Form in January 2023, and subsequently commenced employment at the Trust on 13 March 2023.

The panel considered that your interim conditions of practice order was imposed on 22 December 2021 and subsequently revoked on 8 March 2022. In the decision letter, dated 11 March 2022, the NMC stated:

'What happens next
The case examiners haven't yet decided if there's a case to answer. We'll write to you again when the case is ready to continue.'

The panel also had sight of the two emails sent by the NMC to you in relation to your ongoing investigation at the time. The first email, dated 16 June 2022, with the subject line '*NMC Investigation Case Ref: [PRIVATE] - Investigation delays'*, stated:

'Dear Ms Metallari,

We're sorry for the delay – we're still investigating this case
Our investigation is taking longer than expected because of internal delays and further delays in obtaining witness information.'

The panel also had sight of a second email, dated 14 November 2022, with the subject line '*NMC Investigation ref [PRIVATE]'*. Within it, an NMC Investigator wrote:

'Good afternoon Artiola,
My name is [Ms 1] and I am an Investigator for the Nursing and Midwifery Council.

I have tried to call you by way of an introduction and left a message, I am contacting you to inform you that your case has been reallocated to me to take to its conclusion.'

The panel noted that your union representative was also included in the email thread above.

The panel also considered your oral evidence, where you told the panel that you informed the agency you were working for at the time of the NMC investigation and the subsequent interim conditions of practice order. The panel heard from you that you did not conceal that you were being investigated by the NMC, but that you lacked the understanding that you were being investigated in the first place. The panel heard that you thought, following the revocation of your interim conditions of

practice order in March 2022, there was no longer an ongoing NMC investigation, and that the only remaining investigation was with the police. The panel noted that you thought the email from the NMC was a form of '*checking in*', and was not part of a formal investigation.

However, the panel determined that it was implausible that you were unaware of the ongoing NMC investigation at the time. The panel noted your evidence that English is your second language, and it considered the possibility that you lacked a full understanding of the decision letter sent to you by the NMC on 11 March 2022. However, the panel determined that the two follow-up emails in the months prior to your commencement at the Trust were sufficiently clear and indicated that there remained an ongoing investigation against you, despite there being no interim conditions of practice order against your practice. The panel also noted that, at this time, you had a union representative.

The panel therefore determined that, on the balance of probabilities, you were aware that you were subject to an ongoing NMC investigation, and you did not declare this to the Trust until your conversation with Witness 4 on 31 July 2023, following the NMC contacting the Trust.

The panel next considered whether your conduct would be regarded as dishonest by the standards of ordinary, decent people. The panel determined that your conduct – namely to conceal that an NMC investigation against you from an employer, both when you were applying for the role and having commenced the role – would be regarded as dishonest.

Accordingly, the panel found this charge proved, on the balance of probabilities.

Charge 4)

"That you a registered nurse,

4) *Your actions in charge 2) above were dishonest, in that you provided false information in a declaration form to your prospective employer."*

This charge is found proved.

In reaching this decision, the panel took into account your admission to charge 2 above. The panel had sight of the question in the CR Declaration Form, for which you ticked '*No*', which stated:

'Are you currently subject to any fitness to practise investigations and/or proceedings by a regulatory or licensing body in any country, which may have a bearing on your suitability for this position?'

The panel considered the two-stage test, pursuant to *Ivey*, in determining this charge.

The panel first considered your state of mind at the relevant time. The panel considered that your interim conditions of practice order was revoked on 8 March 2022. In the decision letter, dated 11 March 2022, the NMC stated:

'What happens next
The case examiners haven't yet decided if there's a case to answer. We'll write to you again when the case is ready to continue.'

The panel also had sight of the two emails sent by the NMC to you in relation to your ongoing investigation at the time. These emails dated 16 June 2022 and 14 November 2022 respectively, are outlined in full in charge 3 above.

The panel noted that you completed the CR Declaration Form in January 2023, and these emails were sent approximately seven and two months prior respectively.

The panel also considered your oral evidence. The panel heard that, since the revocation of your interim conditions of practice order in March 2022, you were under

the impression that the only ongoing investigation remaining at the time was the police investigation, for which you believed you were only a witness. You told the panel that, at the time, you lacked a full and in-depth understanding of the NMC's processes, and that you thought as no restrictions were imposed on your practice, you could tick '*No'* to the question.

The panel considered that you were consistent in your oral evidence that you did not read matters in detail, and that you lacked an in-depth understanding of the NMC processes more generally. The panel heard, in your cross-examination, that you thought the police and NMC investigation were part of one greater investigation, and that you lacked a full understanding of a distinction between the two investigations at the time.

The panel determined that, if this was the case, you would have ticked '*Yes'* to the question within the CR Declaration Form. The panel considered that, in this scenario, you would have been aware that the police investigation was still ongoing (per your oral evidence), and as these two investigations were conflated in your mind, you would have been under the impression that the NMC investigation was also, therefore, ongoing. The panel noted that the honest answer to the CR Declaration Form, if this scenario was your true belief, would have been '*Yes'*.

Taking all the above into account, the panel determined that it was implausible that you were unaware of the ongoing NMC investigation at the time. The panel noted your evidence that English is your second language, and it considered the possibility that you lacked a full understanding of the decision letter sent to you by the NMC on 11 March 2022. However, the panel determined that the two follow-up emails in the months prior to your completion of the CR Declaration Form were sufficiently clear, and indicated that there remained an ongoing investigation against you. The panel also noted that, at this time, you had a union representative. The panel noted that your representative was included in the email thread on 14 November 2022.

The panel therefore determined that, on the balance of probabilities, you were aware that you were subject to an ongoing NMC investigation, and you nonetheless indicated that you were not in the CR Declaration Form.

The panel next considered whether your conduct would be regarded as dishonest by the standards of ordinary, decent people. The panel determined that your conduct – namely to provide false information to a prospective employer – would be regarded as dishonest.

Accordingly, the panel found this charge proved, on the balance of probabilities.

Charge 6)

"That you a registered nurse,

6) Your actions in charge 5) above were dishonest in that you sought to conceal that the Nursing & Midwifery Council had imposed an interim conditions of practice order against your professional registration on 22 December 2021, from your prospective employers."

This charge is found proved.

In reaching this decision, the panel took into account your admission to charge 5 above. The panel had sight of the question in the CR Declaration Form, for which you ticked '*No*', which stated:

> *'8. Have you ever been subject to any sanctions being placed on your professional registration, by a regulatory or licensing body in any country?*
>
> *This includes: warnings, conditions, limitations, suspension, removal or any other restrictions that have applied to your professional registration*
>
> *You <u>are not</u> required to disclose any information in relation to the above if any right to appeal has been upheld and that appeal has resulted in your case being fully exonerated. In these circumstances you should tick **NO** to this question.'* [emphasis included in the Form]

The panel considered the two-stage test, pursuant to *Ivey*, in determining this charge.

The panel first considered your state of mind at the relevant time. The panel heard your oral evidence, in which you told the panel that, at the time, you lacked in-depth knowledge of the NMC procedures, and that you were under the impression that '*sanction'*, in this context, did not apply to you as your interim conditions of practice order had been revoked at this stage. The panel also noted that, throughout your oral evidence, you referred to the interim conditions as '*restrictions'*, and that you did not understand what '*sanction'* entailed at the time.

Further, the panel also heard that English is not your first language, and that you misunderstand things due to this.

Taking all the information into account, the panel determined that, irrespective of whether you understood what '*sanction'* meant in this context, you knew that you had been previously subject to '*restrictions'* (as you described them to be) by the NMC, which had been revoked at the time. The panel considered your evidence that, whilst you completed the initial application form hastily, you had time to complete the CR Declaration Form, as this was sent to you afterwards as part of the post-interview administration.

The panel determined it was implausible that you did not understand the wording of '*Have you ever been subject …*' in the form due to English being your second language. The panel considered your evidence that you have lived in the UK [PRIVATE], and the panel noted that you undertook your nursing undergraduate degree at a UK institution. The panel was of the view that your command of the English language was sufficiently strong to understand that '*Have you ever…*', per the wording of this question, included any past sanction which has since been revoked. The panel concluded based on that this, taken with your evidence that you did not fill this form out in a rush, that you sought to conceal your previous interim conditions of practice order from the Trust, as you were keen to obtain the employment.

The panel next considered whether your conduct would be regarded as dishonest by the standards of ordinary, decent people. The panel determined that your conduct – namely to conceal, when explicitly asked, that the NMC had imposed restrictions on your practice in the past from a prospective employer – would be regarded as dishonest.

Accordingly, the panel found this charge proved, on the balance of probabilities.

Charge 8)

"That you a registered nurse,

8) Your actions in one or more of the above charges 7 a) i), 7 a) ii), 7 b) i) & 7 b) ii) were dishonest, in that you provided false information in a reference for Person A."

This charge is found proved.

In reaching this decision, the panel took into account your admission to charge 7 (and accompanying sub-charges) above.

The panel noted that, whilst you appeared to have admitted to sub-changes 7b)i) and ii), you did not have the opportunity within the Case Management Form to admit or deny the stem charge of 7b. The panel therefore had sight of the emails, with the subject line *'Reference: [Person A]'*, between you and Supply Care Solutions (the Agency), dated 25 September 2023. The email, from the Agency to you, read:

> *'Unfortunately we are unable to use personal email addressed for a employment reference for [Person A].*
>
> *If you are having trouble accessing the form, please could you respond via email the below points:*

- *Start date:*
- *End date:*
- *Organisation*
- *Jobe title/Course Title:*
- *Safeguarding concerns or disciplinary action:'*

The panel also had sight of your response, which was sent on the same day, which stated:

- '*Start date: 15 March*
- *End date: 4 august*
- *Organisation: NCHC*
- *Jobe title/Course Title: Healthcare worker*
- *Safeguarding concerns or disciplinary action: N/A'*

The panel also had sight of the email thread between Witness 1 and the Agency, between 23 November 2023 and 27 November 2023, confirming the information you filled out in relation to Person A. The panel also heard oral evidence from Witness 1, in which she detailed the communication between herself and the Agency, and she told the panel that it was the Trust's policy for nurses not to write employment reference for others in any event.

The panel considered the emails, and your response to the allegations. The panel heard from your oral evidence that you completed the reference in haste, and that you were distracted by [PRIVATE]. You told the panel that you obtained the dates from Person A, and that you still knew Person A when you filled out the reference (on 25 September 2024) and when you withdrew the reference (on 9 October 2023). The panel also heard that you still know Person A in a personal capacity.

In respect of why you filled out '*NCHC'* under '*Organisation'*, the panel heard that you were under the impression that this was asking information in relation to your organisation as a referee, and that '*NCHC'* referred to the Trust. The panel also heard, when you were being cross-examined, that you wrote '*Healthcare worker'*

(despite you being a registered nurse at the Trust), as a nurse is also a healthcare worker.

Taking all of the above into account, the panel was satisfied that you provided an employment reference for Person A, without authorisation and without using the Trust standard template. Further, the panel was also satisfied that you provided inaccurate information in the reference, namely that Person A had worked at the Trust between 15 March – 4 August 2023 as a healthcare worker. The panel determined that the email thread clearly refers to an employment reference, and the panel found it implausible that you filled out start and end dates for a character reference (where you still knew Person A). The panel also found it implausible that you were under the impression that the questions in relation to organisation and role related to you, as you knew you were not a healthcare worker at the Trust, and you also provided a response in relation to safeguarding concerns or disciplinary action.

Accordingly, the panel was satisfied that all elements of charge 7 are proved.

The panel next considered the two-stage test, pursuant to *Ivey*, in determining this charge.

The panel first considered your state of mind. The panel considered that you were friends with Person A, and it heard oral evidence from you that you met up socially with Person A (and their spouse, who was your colleague) frequently. The panel also heard that you acknowledged the dates that Person A told you to put into the reference seemed odd to you, but you did not question it at the time.

Taking all the information above, the panel determined that it was more likely than not that you were aware of this being an employment reference. The panel heard that, despite you being distracted by [PRIVATE] at the time, you did not describe any undue pressure for you to have completed this reference. It was of the view that, if you were truly confused by the reference (as you thought you were filling out a character reference), you could have made further inquiries and delayed the completion of the reference.

The panel also determined that, based on the context of the email thread, it was more likely than not that you were aware this was an employment reference. The Agency's initial email to you references it being '*a employment reference for [Person A]*', and all the information within it suggested it was an employment reference. The panel heard inconsistencies in your oral evidence as to whether you have had some experience with filling out character references. It was of the view that you would have, nonetheless, noticed that the information asked for by the Agency was more consistent with an employment reference.

The panel determined that, on the balance of probabilities, you did fill out this reference with false information and whilst knowing it was for an employment reference. The panel considered that Person A was your friend who you knew needed employment in the UK and had prior experience in healthcare. The panel determined that it was implausible that you did not notice this was an employment reference, despite the [PRIVATE].

The panel next considered whether your conduct would be regarded as dishonest by the standards of ordinary, decent people. The panel was satisfied that filling out an employment reference with false information, which you knew was false information, would be regarded as dishonest conduct.

Accordingly, the panel found this charge proved, on the balance of probabilities.

Charge 9)

"That you a registered nurse,

9) During a meeting with the Ward Manager Colleague X, on 7 February 2024, you asked Colleague X to withhold information relating to an internal Trust investigation, in a reference which was to be provided to the Nursing & Midwifery Council."

This charge is found proved.

The panel noted that Colleague X is also identified in these proceedings as Witness 4.

In reaching this decision, the panel considered Witness 4's supplementary witness statement, which stated:

> *'I confirm that on 7 February 2024, Artiola came to my office and asked to speak with me on an urgent matter. Artiola explained to me that she had spoken to the NMC, and they had informed Artiola that they would be contacting me to obtain an updated reference. Artiola then asked me when providing the reference if I could withhold any information relating to the ongoing investigation whereby Artiola had allegedly provided an employment reference for an individual who Artiola had never worked with. I explained to Artiola that I would not be able to do this, and that I would be open and honest with my reference to the NMC.*
>
> *I was very clear with Artiola that under no circumstances would I be withholding information to the NMC …'*

The panel also heard oral evidence from Witness 4. The panel heard that you asked Witness 4 if she could omit information in relation to the Trust's ongoing internal investigation on allegations of you providing a false reference for Person A.

The panel also considered the video footage of the Probationary Hearing, dated 19 March 2024 as well as video footage of the Probationary Appeal Hearing, dated 28 June 2024. The panel heard Witness 4's account at this hearing, in which you asked her to omit information in relation to allegations of you providing a false reference for Person A in Witness 4's employment reference to the NMC. Witness 4 stated that she declined to do so, and that she told you that she would provide the NMC with a factual and accurate reference.

The panel also took into account the minutes from the meeting between you and Witness 4, dated 7 February 2024, which stated:

‘Artiola emailed NMC asking if they could call her of which they did, Artiola informed [Witness 4] that the police case had now been closed however NMC informed Artiola that to have this completely removed form her file they would need to conclude with her line manager to get an up-to-date reference.

Artiola then said to Colleague A that she is not asking her to lie or anything, but she didn’t know if the current investigation could be kept out of the reference which Colleague A would be providing to NMC. Artiola stated that she isn’t sure what they would ask her, but she is worried about this due to the current investigation and what will happen?’

The panel accepted Mr Donnelly’s submissions that ‘*Colleague A’*, in this context, referred to Witness 4. The panel noted that you contest the accuracy of the minutes, and that you told the panel that you did not have the opportunity to see these minutes at the time. However, the panel noted that the minutes were taken by a third-party, and that you had a good working relationship with Witness 4 at this time. The panel was therefore satisfied by the accuracy of the minutes.

Taking all the above into account, the panel determined that Witness 4’s oral evidence is clear and consistent with her witness statement, the minutes from the meeting on 7 February 2024 as well as the video footage of the Probationary Hearing and the Probationary Appeal Hearing. The panel considered that you had a good working relationship with Witness 4, that Witness 4 knew you in a professional capacity and that there appeared to be no animosity between you and Witness 4. The panel therefore concluded that there would be no reason for Witness 4 to fabricate her evidence in relation to this charge, or in relation to you.

The panel next considered your case in relation to this charge. The panel heard, in your cross-examination of Witness 4, that you denied asking Witness 4 to not contact the NMC, and that you were inquiring as to the level of detail Witness 4 was going to provide in her employment reference in relation to the allegation concerning providing a false reference for Person A. The panel also considered the Probationary Appeal Hearing video footage, dated 28 June 2024, in which you explained to the Probationary Appeal Hearing panel that you ‘*panicked’*, and that you wanted Witness

4 to '*answer only what [the NMC] wanted*', and for the allegation concerning your false reference for Person A to be resolved internally.

Based on all the information before it, the panel was satisfied that it was more likely than not that you asked Witness 4 to withhold information relating to the Trust's internal investigation in relation to allegations of you providing a false reference for Person A. The panel determined that, it was implausible that you requested the meeting with Witness 4 only to inquire as to the level of detail she was going to include in her employment reference. The panel was of the view that, particularly given your response at the Probationary Appeal Hearing, you '*panicked'*, and attempted to ask Witness 4 to not include matters in her employment reference to the NMC which you wanted to be resolved internally.

Accordingly, the panel found this charge proved, on the balance of probabilities.

Charge 10)

"That you a registered nurse,

10) Your actions in charge 9) above were dishonest in that you sought to conceal your internal investigation at the Trust, from the Nursing & Midwifery Council."

This charge is found proved.

In reaching this decision, the panel took into account its decision in relation to charge 9 above. The panel considered the two-stage test, pursuant to *Ivey*.

In determining your state of mind, the panel considered your oral evidence under oath. You told the panel that you realised, in hindsight, that you '*panicked'* when you spoke to Witness 4 in relation to the Trust internal investigation. The panel determined that your actions were dishonest, in that, in your panicked state, you sought to conceal the information in relation to the Trust's internal investigation from the NMC by asking Witness 4 to withhold details pertaining to that investigation.

The panel next considered whether your conduct would be regarded as dishonest by the standards of ordinary, decent people. The panel determined that asking another colleague to conceal information in relation to an internal investigation from your regulator would be regarded as dishonest conduct.

Accordingly, the panel found this charge proved, on the balance of probabilities.

Charge 12)

"That you a registered nurse,

12) Your actions in charge 11 above were dishonest as you concealed your interim conditions of practice order from your employers at the Trust."

This charge is found NOT proved.

In reaching this decision, the panel took into account your admission to charge 11.

The panel considered that you received an interim conditions of practice order from the NMC on Friday, 8 March 2024. The panel noted that you were represented by a Unison representative at this time.

The panel heard from your oral evidence that you attempted to contact Witness 4, who was your line manager. You told the panel that you were advised that Witness 4 was off work, and would not return until 18 March 2024. The panel also heard that you were also off work at this time. The panel noted that both your absence and Witness 4's absence at this time are facts not disputed by the NMC.

The panel considered your oral evidence, where you told the panel that you discussed the best steps moving forward with your representative, in light of both Witness 4's absence and your absence. The panel heard from you that the advice which was given by your representative at the time was to wait until the next

scheduled meeting between yourself and Witness 4, namely the Probationary Hearing on 19 March 2024.

The panel also considered the video footage from your Probationary Hearing at the Trust, dated 19 March 2024, where your representative indicated to the Probationary Hearing panel that there appears to be a misunderstanding. This panel heard, from the video footage, that you and your Unison representative agreed to wait until the Probationary Hearing (the next occasion in which you would have the opportunity to speak to Witness 4) to inform the Trust of your interim conditions of practice order. Your representative informed the Probationary Hearing panel that neither you nor your representative intended to conceal information from the Trust.

Taking all of this into account, the panel considered the two-stage test, pursuant to *Ivey*.

The panel first considered your state of mind at the time. The panel determined that your oral evidence in relation to you agreeing with your representative to wait until 19 March 2024 before informing Witness 4 of your interim conditions of practice order was consistent with the video footage from the Probationary Hearing, dated 19 March 2024. The panel therefore concluded that you did not disclose your interim conditions of practice order to anyone else (who was not Witness 4) in the interim period between 8 March 2024 to 19 March 2024 upon agreement with your union representative.

The panel noted that the matter was brought up later in the Probationary Hearing, rather than in the beginning. The panel considered whether you should have brought the matter up sooner in the hearing. However, the panel was satisfied that you did not set the agenda for the Probationary Hearing, and that you were represented at the hearing. The panel concluded that it was likely that you or your representative were unable to bring up the interim conditions of practice hearing until other matters on the agenda were addressed first.

Taking all of the above into account, the panel determined that it was reasonable for you to have sought and followed the advice given by your union representative,

namely to wait until the Probationary Hearing to disclose your interim conditions of practice order to Witness 4. The panel was not satisfied that the NMC has discharged its burden of proof in respect of this stage of *Ivey*.

The panel then considered whether your conduct would have been considered dishonest by the standards of ordinary, decent people. The panel determined that ordinary, decent people would not consider your conduct to be dishonest, particularly due to the advice you received from your representative at the time. The panel was satisfied that ordinary, decent people would consider following the advice from your union representative would be reasonable, and the conduct was not dishonest.

Accordingly, the panel found this charge not proved, on the balance of probabilities.

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. 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, your fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct and impairment

Mr Donnelly invited the panel to take the view that the facts found proved, namely a failure to disclose an NMC investigation to your employer, the provision of a false employment reference as well as an attempt to withhold information regarding an internal investigation from the NMC amounted to misconduct.

Mr Donnelly submitted that paragraphs 20.2 and 23.3 of 'The Code: Professional standards of practice and behaviour for nurses and midwives 2015' (the Code) are engaged.

Mr Donnelly submitted that dishonesty is always considered as more serious, particularly when it occurred within your professional practice. He submitted that the facts found proved raises concerns about whether you have deep-seated attitudinal issues. He submitted that your conduct fell far short of the standards expected of a registered nurse, and amount to misconduct.

Mr Donnelly then moved on to the issue of impairment and addressed the panel on the need to have regard to protecting the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body.

He referred the panel to the four "limbs" as referred to by Mrs Justice Cox in the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council and (2) Grant* [2011] EWHC 927 (Admin), as well as to the considerations as outlined in the decision of *Cohen v General Medical Council* (2008) EWHC 581 (Admin).

Taking the *Grant* limbs in turn, Mr Donnelly submitted that there was a theoretical risk of, though not actual, patient harm from your provision of a false reference and your withholding of information relevant to your recruitment to the Trust. He further submitted that your dishonest conduct brought the nursing profession's reputation into disrepute, and that confidence in the nursing profession would be undermined if its regulator did not find impairment following its findings on charges relating to

multiple incidents of dishonesty. Mr Donnelly also submitted that honesty is a fundamental tenet of the nursing profession, which has been breached. He submitted that all four limbs are engaged.

In relation to any insight, remediation or potential attitudinal concerns, Mr Donnelly submitted that, whilst you have admitted to some of the charges, you have shown limited insight into your dishonesty, and there is little evidence of any formal reflection before this panel. He submitted that, in this hearing, you have given contradictory evidence – particularly in relation to your informal conversation with Witness 4 – which may suggest a deep-seated attitudinal issues in respect of your honesty. He accepted that, pursuant to *Sawati v General Medical Council* [2022] EWHC 283 (Admin), a registrant is not normally penalised for a positive case presented in their defence, but he submitted that in these circumstances, your defence was blatantly dishonest. He submitted that this may reflect on your current fitness to practise, pursuant to *Misra v General Medical Council* [2003] UKPC 7.

Mr Donnelly submitted, in light of all the evidence before this panel, there is a high risk of repetition. He invited the panel to find that your fitness to practise is currently impaired on public protection grounds.

Mr Donnelly further submitted that your conduct was such that a finding of impairment should be made in order to uphold confidence in the profession and maintenance of professional standards. He therefore invited the panel to also otherwise find your fitness to practise is currently impaired on public interest grounds.

You gave oral evidence under oath. You told the panel that you accepted its decision. Since the incidents, you told the panel that you have [PRIVATE] and that [PRIVATE]. You also told the panel that you have completed Continued Professional Development (‘CPD’) courses in professional ethics, and you have reflected on the incidents.

You drew the panel’s attention to the statements made from your colleagues which demonstrate your character, particularly your honesty. You also told the panel that,

since these incidents, you have taken more of an effort to understand the NMC, and you have taken the time to read the Code.

You said that you accept your actions as found proved, irrespective of the unintentional nature of your conduct. You told the panel that you now understand what you did was wrong, and you would not repeat this conduct again. You told the panel that you now know what you should and should not do, such as you will now no longer provide references for people you have not worked with before. You said you have grown as a person, and you are no longer the same person you were when these incidents occurred.

In response to cross-examination questions asked by Mr Donnelly, you confirmed that the CPD course you undertook covers a range of areas, and you have not done a complete, separate professional ethics course, but you studied the NMC (such as the Code) as well as fundamental nursing tenets such as honesty and integrity as part of the general CPD course.

The panel accepted the advice of the legal assessor. He reminded the panel that misconduct is a matter for the panel's professional judgement. He drew the panel's attention to the decisions in, and principles derived from, the cases of *Roylance v General Medical Council* (No 2) [2000] 1 A.C. 311 and *Johnson and Maggs v Nursing and Midwifery Council* [2013] EWHC 2140 (Admin).

He further advised that, fitness to practise is a two-stage process. He reminded the panel that a consideration of impairment is made only following a finding of misconduct. He advised the panel that this is a forward-thinking exercise, and that the purpose of these proceedings is not to punish any past misconduct, but instead to protect the public as well as to uphold proper standards of conduct and maintain public confidence in the profession. He drew the panel's attention to the decisions in, and principles derived from, the cases *Grant* and *Cohen* for its consideration on impairment.

Decision and reasons on misconduct

When determining whether the facts found proved amount to misconduct, the panel had regard to the decision in *Roylance,* which defines misconduct as a *'word of general effect, involving some act or omission which falls short of what would be proper in the* circumstances', as well as to the terms of the Code.

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

> *'**20 Uphold the reputation of your profession at all times***
> *To achieve this, you must:*
> *20.2 act with honesty and integrity at all times […]*
>
> ***21 Uphold your position as a registered nurse, midwife or nursing associate***
>
> ***23 Cooperate with all investigations and audits***
> *This includes investigations or audits either against you or relating to others, whether individuals or organisations. It also includes cooperating with requests to act as a witness in any hearing that forms part of an investigation, even after you have left the register.*
> *To achieve this, you must:*
> *23.3 tell any employers you work for if you have had your practice restricted or had any other conditions imposed on you by us or any other relevant body.'*

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. However, the panel was of the view that the facts found proved concerned three, separate instances of dishonesty against both your employer at the time as well as against the NMC. The first concerned your failure to declare to the Trust, who was a new employer at the time, that you were subject to

an NMC investigation, the second concerned the provision of a false reference and the third concerned the attempt to encourage Witness 4 to omit information in relation to an internal investigation in her reference to the NMC. The panel took into account that this occurred during your time at the Trust, which spanned approximately one year.

The panel acknowledged the [PRIVATE], which led to rushed decisions and you skimming through emails and other information.

However, taking all the above into account, the panel determined that honesty and integrity are fundamental to the nursing profession, and your dishonest actions fall seriously short of the conduct and standards expected of a nurse.

Accordingly, the panel was satisfied that the facts found proved amounted to misconduct.

Decision and reasons on impairment

The panel next went on to decide if as a result of the misconduct, your 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. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 74, she said:

> *'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'*

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's "test" which reads as follows:

> *'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/ 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 considered each of the above limbs in turn.

On whether patients were put at unwarranted risk of harm, in the past, as a result of your misconduct, the panel took into account that it has no evidence that actual harm came to any of the patients, and that the misconduct did not concern your clinical practice. The panel considered that Witness 4, in her oral evidence, told the panel that there were no concerns in your clinical practice during this time. The panel therefore disagreed with Mr Donnelly's submissions that this could have led to an unwarranted risk of patient harm.

The panel noted Mr Donnelly's submissions that, in respect of charges 7 and 8 (and accompanying sub-charges), patients could have been put at unwarranted risk of harm if Person A was granted the job on account of your reference. However, the panel was satisfied that the Agency had other mechanisms in place to protect patients – such as training and other background checks – which would have prevented patients being placed at unwarranted risk of harm by your conduct.

The panel was therefore of the view that limb (a) does not apply in this case.

In relation to limb (b), the panel was satisfied that your misconduct brought the nursing profession's reputation into disrepute, and that confidence in the nursing profession would be seriously undermined if its regulator did not find charges relating to repeated dishonesty against your employer as well as against your regulator serious.

Further, in relation to limb (c), the panel was also satisfied that your misconduct had breached fundamental tenets of the nursing profession, namely honesty and integrity in relation to your nursing practice.

On limb (d), concerning dishonesty, the panel found that your actions – namely to conceal information in relation to ongoing NMC investigation from the Trust,

concealing information in relation to ongoing internal investigation from the NMC, as well as writing a false employment reference – were several instances of dishonesty.

The panel took into account that impairment is a forward-thinking exercise, and it should consider whether your fitness to practise is currently impaired.

The panel next considered whether you are liable, in the future, to bring the nursing profession into disrepute, breach one of the fundamental tenets of the nursing profession and act dishonestly, pursuant to *Grant*. In reaching its decision, the panel also considered the principles derived from *Cohen*, namely:

- Whether the concern is easily remediable;
- Whether it has in fact been remedied; and
- Whether it is highly unlikely to be repeated.

The panel first considered whether your actions are remediable. The panel was of the view that dishonest conduct is incredibly difficult to remedy. The panel noted that dishonesty is on a spectrum, and there are less serious forms of dishonesty which are more easily remediated. However, the panel took into account that your dishonesty was not a single incident and was repeated over a few incidents whilst you worked at the Trust. The panel considered that your dishonesty primarily concerned a lack of transparency, and two of the three incidents concerned an omission of information from others. Accordingly, the panel determined that the nature of your misconduct requires a significant degree of insight to be shown before the panel can be satisfied that it has been sufficiently remedied.

The panel then considered whether you have sufficiently remedied these concerns. The panel considered your oral evidence, in which you demonstrated remorse, and you promised this conduct would not repeat itself in the future.

The panel also had sight of the two reflective pieces you have provided, dated 8 April 2025 and 16 April 2025 respectively. The first reflective piece stated:

‘When I applied for a permanent role at Ogden Court, I had already been working at the site via agency for over a year without any conditions on my NMC registration. I genuinely believed that the previous referral from 2021 had been closed, as there were no active restrictions at the time. My agency manager was aware of the historical investigation. In hindsight, I understand I should have proactively disclosed the existence of an investigation, even if I thought it was no longer active. I regret this and have since made a personal commitment to be fully transparent with all future employers, regardless of the perceived outcome or impact on my employability.’

The panel noted your oral evidence that you wish to correct this statement, and that you had not worked at the Agency for over a year at the time of applying for the permanent role at the Trust.

The second reflective piece stated:

‘I understand that a further allegation, relating to dishonesty, is due to be considered at a future hearing. For clarity, this allegation has two components. The first concerns a reference I completed, which was intended as a character reference but was misunderstood as an employment reference. The second involves a communication oversight during my previous employment, where I failed to disclose an active NMC investigation when applying for a role. This was not an intentional omission—I believed I had already disclosed the matter, particularly as I had worked in the same setting previously through an agency, and the agency’s manager at the time was fully aware of the investigation. I now understand the importance of full and direct communication in all cases and have reflected seriously on how I can prevent such misunderstandings in future.’

The panel considered that there appears to be some inconsistency between the two reflective pieces. Notwithstanding this, the panel was nonetheless of the view that neither reflective piece addressed the dishonesty concerns in sufficient depth. The panel took into account that these pieces were produced for separate interim order hearings, but it had no updated reflective piece from you since 16 April 2025. The panel therefore determined that you have not demonstrated sufficient or in-depth

insight or reflection into your conduct, particularly on how it impacted others around you (such as colleagues). The panel noted that, given the nature of these reflective pieces and its intended purpose before an interim order panel, your reflection was limited to the defence you presented at the facts stage of this hearing.

The panel then considered the CPD course which you have completed. The panel accepted that the CPD course spanned numerous areas of nursing, and you had completed this course between January and February 2025. However, the panel was of the view that your clinical practice is not of relevant concern to this panel. The panel determined that there is nothing before it within this CPD course suggesting that you have undertaken any strengthening of practice in the relevant areas, such as honesty and integrity. The panel concluded that, in the absence of any relevant training certificates, you have not undertaken specific courses to strengthen your practice in these relevant areas of concern.

The panel considered references that you provided. These included:

- Two references from other registered nurses at the Trust, both dated 27 November 2023, which commented on your clinical practice;
- A reference, dated 28 November 2023, written by Person A which confirms her view of what occurred when she asked you to provide a reference for her and gives her opinion that you are a good nurse;
- A reference, dated 27 November 2023, from Person A's husband speaking to your character; and
- A reference from both senior staff nurse and a healthcare assistant at a Hospice, dated 2 April 2025, confirmed that you had worked a shift there professionally and with no concerns.

The panel considered these references contained limited information that it could rely on to demonstrate your current fitness to practice. The panel noted that many of these references comment on your clinical practice, which is not of concern in these proceedings.

Taking all of the above into account, the panel was of the view that you have not demonstrated a sufficient level of insight, remediation or strengthening of your practice for it to conclude that you have remediated the concerns.

On whether the conduct is highly unlikely to be repeated, the panel took into account that your misconduct was in the form of several incidents rather than a one-off event. Taking all the above, the panel was of the view that, in the absence of sufficient reflection, strengthening of practice or remediation, there remains a risk of repetition if you were allowed to practise without restriction.

Based on the above, the panel determined that you are liable, in the future to bring the nursing profession into disrepute, breach one of the fundamental tenets of the nursing profession and act dishonestly, pursuant to *Grant*.

Additionally, the panel bore in mind the overarching objectives of the NMC, namely 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 determined that public confidence in the profession would be undermined if a finding of impairment were not made in this case, particularly given the finding of your dishonesty. The panel concluded that a reasonable and well-informed member of the public would be concerned if a finding of impairment was not made against a nurse who was dishonest to both her employer and her regulator, on three different occasions. The panel, therefore, determined that a finding of impairment is also necessary on public interest grounds.

Having regard to all of the above, the panel was satisfied that your fitness to practise is currently impaired on public interest grounds only.

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 your 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.

Submissions on sanction

The panel noted that in the Notice of Hearing, dated 22 May 2025, the NMC had advised you that it would seek the imposition of a striking-off order if it found your fitness to practise currently impaired.

Mr Donnelly submitted that, despite the lack of clinical issues, your misconduct is so serious that it is incompatible with you remaining on the register. He submitted that the misconduct is a pattern of dishonesty over a period of approximately one year, in which the final incident was a dishonest attempt to cover up another episode of dishonesty. Mr Donnelly accepted that these incidents do not concern your clinical practice, however he submitted that these are associated with your professional role, as it concerns dishonest conduct in matters of your employment as well as your dealings with the NMC.

Mr Donnelly further submitted that your conduct was sufficiently serious to create a grave concern over your suitability to remain on the register. He submitted that there has been a lack of remediation on your part, and all the evidence you have provided thus far is in relation to the impact of your misconduct on yourself. He submitted that you failed to acknowledge the impact of your dishonesty on the wider profession.

Mr Donnelly submitted that you have not undertaken any formal training or strengthening of practice, and the testimonials you have provided were of limited value in respect of your remediation. He submitted that, whilst you have referred to

some [PRIVATE], this has not been sufficiently explained. He submitted that, therefore, there is a propensity for you to repeat your dishonest conduct. He submitted that, given the lack of remediation and insight, no other sanction but a striking-off order would sufficiently meet the public interest.

Mr Donnelly submitted that neither a caution order nor a conditions of practice order would be appropriate in this case, given the seriousness of the dishonesty found proved.

Mr Donnelly submitted that, if panel is minded to consider imposing a suspension order, it should have regard to the NMC Guidance, '*Suspension order*' (SAN-3d). He drew the panel's attention to the non-exhaustive "checklist", which stated:

- 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, midwife or nursing associate has insight and does not pose a significant risk of repeating behaviour.

He submitted that the misconduct in this case was not a single instance of misconduct, and was instead several instances of dishonesty. He further submitted that there is evidence of deep-seated attitudinal problems, and you have demonstrated insufficient insight, which creates a risk of repeating the misconduct. He submitted that, taking all of this into account, a suspension order is not sufficient in this case.

You submitted that the imposition of a suspension or striking-off order would be disproportionate given your willingness to improve, your level of insight and the absence of any clinical concerns. You told the panel that you have been engaging with the NMC because you want to continue nursing. You explained that you understand the importance of trust, and the impact of breaching that trust on the nursing profession.

You told the panel that you were grateful for the opportunity to redeem yourself thus far, such as when the Trust questioned you on the provision of a false reference for Person A. You explained that you did not withdraw the reference because you were caught, but because it was the right thing to do. You expressed gratitude that no patients were harmed by your conduct.

You told the panel that this experience has opened your eyes, and you wish to learn from your past mistakes. You said that you want to be given the opportunity to return to the profession you love, and you are willing to rebuild following this incident.

The panel accepted the advice of the legal assessor. He advised the panel that the purpose of the imposition of a sanction is not to punish or rehabilitate, but it is to adequately address any public protection or public interest concerns as identified, per the NMC overarching objective. He reminded the panel that not all instances of dishonesty are of equal seriousness, and that not all findings of dishonesty would indicate the imposition of a striking-off order. He advised the panel to consider all the available sanction before it in ascending order, in reaching its decision.

Decision and reasons on sanction

Having found your 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:

- Three instances of misconduct over a period of approximately one year; and
- Dishonest conduct was for your own self-interest, in that you wished to secure employment at the Trust.

The panel also took into account the following mitigating features:

- Early admissions to some of the charges and fully engaged at a local level with the Trust;
- You have developing insight into the impact of the failings on yourself and the lack of harm on patients, albeit it does not yet address the impact of the failings on the wider profession;
- No patient or clinical care issues, and no actual harm came to any patients; and
- Personal mitigation, including [PRIVATE], immaturity at the time and a lack of professional experience, guidance or support prior to commencing your permanent role at the Trust.

Before moving on to consider all of the sanctions available to it, the panel first considered the seriousness of the dishonesty found proved. The panel reminded itself of the legal advice, in that not all instances of dishonesty are of equal seriousness.

The panel had sight of the NMC guidance, '*Sanctions for particularly serious cases'* (SAN-2), specifically the header, '*Cases involving dishonesty'*. It stated:

> *'Generally, the forms of dishonesty which are most likely to call into question whether a nurse, midwife or nursing associate should be allowed to remain on the register will involve:*
>
> - *deliberately breaching the professional duty of candour by covering up when things have gone wrong, especially if it could cause harm to people receiving care*
> - *misuse of power*
> - *vulnerable victims*
> - *personal financial gain from a breach of trust*
> - *direct risk to people receiving care*
> - *premeditated, systematic or longstanding deception*

Dishonest conduct will generally be less serious in cases of:

- *one-off incidents*
- *opportunistic or spontaneous conduct*
- *no direct personal gain*
- *incidents outside professional practice'*

The panel considered the above points in turn.

The panel was of the view that your instances of dishonesty has not involved any deliberate breach of your duty of candour. The panel noted its findings in relation to charges 9 and 10, specifically in relation to asking Witness 4 to conceal information from the NMC in relation to an ongoing Trust investigation. In particular, the panel took into account its findings that you '*panicked'*, and engaged in dishonesty in that panicked state. The panel therefore considered that this was not a deliberate breaching of the professional duty of candour. The panel considered that Witness 4, in her oral evidence and in the video footage of the Probationary Hearing, dated 19 March 2024, said that you approached her, but did not pursue the matter further after she told you she would not conceal any information from the NMC. The panel was satisfied that this indicated that your dishonesty was panicked, rather than a sustained attempt of breaching your duty of candour through covering up.

The panel next considered whether the conduct was for personal financial gain from a breach of trust. The panel noted that, in respect of charges 1 to 6, specifically in relation to you not declaring NMC investigations and restrictions imposed upon your nursing practice to the Trust, your dishonest conduct was not for personal financial gain. However, the panel considered that it may have been to secure employment, which is self-interested. Nonetheless, the panel was of the view that this was not for personal financial gain from a breach of trust per se, and this consideration would not apply given its findings on facts.

On whether your conduct was a premeditated, systematic or longstanding deception, the panel took into account that the dishonest incidents occurred over a period of approximately one year, whilst you were employed at the Trust. The panel

considered that all three dishonest incidents appeared to arise independently and when you needed to deal with the issues, requiring your attention, as opposed to them being a premeditated or systematic plan of dishonest conduct.

The panel was satisfied that the considerations in relation to misuse of power, vulnerable victims or direct risk to people receiving care are not applicable in this case, in light of its findings that there are no clinical concerns or risk of patient harm in this case.

In considering whether your dishonest conduct could be regarded as less serious, the panel acknowledged that the conduct occurred more than once and within your professional practice, albeit not involving any clinical concerns or patient safety.

However, the panel was also of the view that each incident appeared to be a poor, yet spontaneous, response from you, and it was not satisfied that the conduct was premeditated. The panel noted that you told it you would frequently miss or misunderstand details or skim read information. The panel considered that, prior to the Trust, you were primarily working with the Agency, and you were reasonably inexperienced as a registered nurse. Accordingly, the panel was of the view that you lacked sufficient professional experience or support to handle difficult situations. The panel noted that you appeared, on each dishonest occasion, to attempt to better the situation for yourself, without considering the greater implications of your actions. However, the panel considered that, when you are guided on the proper handling of situations, you appear to accept them. By way of example, the panel noted that you accepted Witness 4 would disclose all the relevant information to the NMC, albeit you did not have enough foresight to not ask her to conceal any information in the first place, and acted upon your '*panicked'* state.

The panel bore in mind that all instances of dishonesty are serious, and that honesty and integrity are fundamental tenets of the nursing profession. However, taking all the above into account, the panel determined that your dishonest conduct is on the lower end of the seriousness spectrum.

The panel next considered the appropriate sanction to impose, in light of its findings above.

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, an order that does not restrict your 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 your 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 your registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel took into account the SG, in particular:

- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *Identifiable areas of the nurse or midwife's practice in need of assessment and/or retraining;*
- *No evidence of general incompetence;*
- *Potential and willingness to respond positively to retraining;*
- *…*
- *Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- *The conditions will protect patients during the period they are in force; and*
- *Conditions can be created that can be monitored and assessed.*

The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case. The panel took into account that there are no concerns surrounding your clinical practice, and there are no identifiable areas of clinical concern which needs to be addressed through the imposition of a conditions of practice order. The panel considered that there are no conditions which can address concerns surrounding dishonesty which would be workable.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that 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 considered the above in turn.

The panel determined that your misconduct was not a single instance, and was instead three separate instances over a period of approximately one year. The panel noted that a lesser sanction would be insufficient to mark the seriousness of your conduct.

However, the panel was also of the view that these three instances of dishonesty were on the lower end of the seriousness spectrum. Accordingly, whilst it noted that it was not a single instance of misconduct, the panel determined that a period of

suspension may remain the appropriate sanction in light of its decision on seriousness.

In respect of deep-seated personality or attitudinal concerns, the panel considered that your instances of dishonesty appeared to be spontaneous, rather than premeditated or systematic. The panel determined that there are attitudinal concerns in light of your misconduct, particularly in the way you respond to difficult professional situations, However, it was of the view that these concerns are not deep-seated. The panel considered, in particular, that you did not appear to plan any of the dishonesty. The panel was therefore not satisfied that there is sufficient evidence of deep-seated attitudinal concerns.

The panel noted that there is no evidence before it of any repetition of your dishonesty since the incidents.

In respect of your insight, the panel was of the view that you have demonstrated some remorse and a developing insight at this hearing. The panel took into account its decision on your fitness to practise, where it acknowledged that your insight remains insufficient at this stage, and there is a real risk of repetition. However, given the panel's view that there are no deep-seated attitudinal concerns, the panel was satisfied that this risk is not significant, and that the imposition of a suspension order would be appropriate.

In light of the above, the panel went on to consider whether a striking-off order would be proportionate in this case. It considered Mr Donnelly's submissions, and it took into account that a striking-off order was the NMC's sanction bid in this case. In looking at a striking-off order, the panel took note of the following paragraphs of the SG:

- *Do the regulatory concerns about the nurse or midwife raise fundamental questions about their professionalism?*
- *Can public confidence in nurses and midwives be maintained if the nurse or midwife is not removed from the register?*

- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

The panel considered the above in turn.

The panel was of the view that the regulatory concerns do raise fundamental questions about your professionalism. The panel determined that honesty and integrity, particularly to your employer and to the NMC as your regulator, are fundamental tenets of the profession, which you have breached.

However, the panel determined that public confidence in nurses can be maintained even if you were not removed from the register. The panel was of the view that the seriousness of your misconduct can be marked through your temporary removal from the register, particularly in light of your developing insight. Whilst the panel was of the view that your insight is insufficient at this stage, it was satisfied that you are beginning to show remorse and insight into your misconduct. The panel was therefore of the view that a temporary removal from the register could maintain the public confidence in nurses.

Accordingly, the panel was not satisfied that a striking-off order is the only sanction which will be sufficient to protect patients, members of the public or maintain professional standards. The panel reminded itself of the legal advice, namely that the purpose of the imposition of a sanction is not to punish you for your past misconduct. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive and disproportionate in your case to impose a striking-off order.

Balancing all of these factors, the panel therefore concluded that a suspension order would be the appropriate and proportionate sanction. The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register, and that a striking-off order would be disproportionate at this stage.

The panel determined to impose this suspension order for a period of 12 months. The panel was of the view that 12 months was appropriate in this case to mark the seriousness of the misconduct and meet the public interest. The panel was of the view that this would also give you the opportunity to gain sufficient insight and remediation into your misconduct.

The panel was also of the view that this period of suspension may also give you sufficient time to secure legal representation, which you may wish to do, prior to your next hearing at the NMC.

The panel noted the financial hardship a suspension order will inevitably cause you. However, the panel was satisfied that 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.

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:

- Your continued attendance and engagement with the NMC;
- Evidence of your insight, including a reflective statement commenting on your misconduct, and the impact of your conduct on the wider nursing profession;
- Evidence of continuing professional development and strengthening of practice in the relevant areas, including documentary evidence or training certificates of completion in areas of professional ethics, honesty and integrity; and
- Testimonials from a line manager or supervisor that detail your current work practices, ideally in a healthcare setting.

This will be confirmed to you 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 your own interests until the suspension sanction takes effect.

Submissions on interim order

Mr Donnelly invited the panel to impose an 18-month interim suspension order to cover any relevant appeal period before the substantive suspension order takes place. He submitted that this interim order would be necessary on both public protection and public interest grounds. He submitted that, despite the panel's finding on impairment in relation to public protection in this substantive hearing, there is a risk to public protection if your conduct was repeated. He referred the panel to the decision in, and principles derived from, the case of *Hindle v Nursing and Midwifery Council* [2025] EWHC 373 (Admin).

You offered no submissions for the application.

The panel accepted the advice of the legal assessor.

Decision and reasons on interim order

The panel determined that not to impose an interim suspension order would be wholly incompatible with its earlier findings.

The panel considered the guidance on interim orders following a substantive decision (INT-4). The panel was satisfied that an interim order is in the public

interest. The panel had regard to 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 suspension order is consistent with its findings on impairment and sanction.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months, to cover any relevant appeal period and allow any appeal, if made, to conclude.

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

That concludes this determination.