

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

**Substantive Order Review Meeting  
Tuesday, 22 July 2025**

Virtual Meeting

<b>Name of Registrant:</b>	<b>Carole Rutherford</b>
<b>NMC PIN:</b>	07F0655E
<b>Part(s) of the register:</b>	Registered Nurse Adult – Level 1 RNA: September 2007 Community Practitioner Nurse Prescriber V100: (June 2012)
<b>Relevant Location:</b>	South Tyneside
<b>Type of case:</b>	Misconduct
<b>Panel members:</b>	Rachel Onikosi (Chair, lay member) Elizabeth Coles (Registrant member) Raj Chauhan (Lay member)
<b>Legal Assessor:</b>	Angus Macpherson
<b>Hearings Coordinator:</b>	Catherine Acevedo
<b>Order being reviewed:</b>	Suspension order (6 months)
<b>Fitness to practise:</b>	Impaired
<b>Outcome:</b>	Suspension order (6 months) to come into effect on at the end of 5 September 2025 in accordance with Article 30 (1)

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

The panel was aware at the start of this meeting that the Notice of Meeting had been sent to Mrs Rutherford's registered email address by secure email on 18 June 2025.

The Notice of Meeting informed Mrs Rutherford that her suspension order would be reviewed at a meeting on or after 21 July 2025, unless she asked for the review to take place at a hearing. Mrs Rutherford was invited to submit any evidence she would like to be considered at this meeting.

The panel accepted the advice of the legal assessor.

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

## **Decision and reasons on review of the current order**

The panel decided to impose a suspension order for 6 months. This order will come into effect at the end of 5 September 2025 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the second review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 5 February 2024. This was reviewed on 23 January 2025 when a suspension order was imposed for 6 months starting from 6 March 2025.

The current order is due to expire at the end of 5 September 2025.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

The charges proven which resulted in the imposition of the substantive order were as follows:

1. 'Claimed payment for shifts on the following dates when you did not work these shifts resulting in an overpayment:
  - a. 16 March 2018
  - b. 13 May 2018
  - c. 8 July 2018
  - d. 5 September 2018
  - e. 8 September 2018
  - f. 30 September 2018
  - g. 21 October 2018
2. Claimed time off in lieu on 12 and/or 13 November 2018 for shifts worked on 13 and/or 14 October 2018 when you had not worked on these days;
3. Your actions in charge 1 were dishonest in that you knew you had not worked these shifts and intended to make a financial gain from being overpaid for these.
4. Your actions in charge 2 were dishonest in that you knew you had not worked on 13 and/or 14 October 2018 and intended to make a gain for yourself by claiming time off in lieu.

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

The first reviewing panel determined the following with regard to impairment:

*'The panel noted that the original panel found that Mrs Rutherford had demonstrated limited insight, as she attributed her actions found proved to 'genuine mistakes', thereby not accepting dishonesty. The original panel found that Mrs Rutherford did not demonstrate a full understanding of what she did wrong, how this impacted negatively on the reputation of the nursing profession or how she would handle situations differently in the future. This panel had no new information before it to make a different finding.'*

*In its consideration of whether Mrs Rutherford has remedied her practice, the panel took into account that the original panel had no information before it with regard to any steps Mrs Rutherford may have taken to strengthen her practice and determined there was a risk of repetition. This panel was not provided with any evidence of the same from Mrs Rutherford and had no further information to demonstrate that the concerns about her practice has been addressed and were unlikely to reoccur. Mrs Rutherford has not provided any information such as testimonials or employment references. She has not provided a reflective piece detailing the impact of her failings on her colleagues and the profession, or any evidence of insight into her misconduct. She has not provided any evidence of training undertaken or provided any evidence that she has kept her nursing skills up to date.*

*The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The original panel determined that Mrs Rutherford was liable to repeat matters of the kind found proved. Today's panel had not received any new information to suggest that the risk of repetition had decreased. In light of this, this panel determined that Mrs Rutherford is still liable to repeat matters of the kind found proved. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is required.*

*For these reasons, the panel finds that Mrs Rutherford's fitness to practise remains impaired.'*

The first reviewing panel determined the following with regard to sanction:

*'The panel next considered whether a conditions of practice order on Mrs Rutherford's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind that Mrs Rutherford has not engaged with NMC proceedings neither has she followed the last reviewing panel's recommendations.*

*It also noted that it has no knowledge of her current circumstances. As a result, the panel could not be satisfied that Mrs Rutherford would be willing to engage with a conditions of practice order in the future and therefore considered that a conditions of practice order is not workable in this case. It however determined that a conditions of practice order was not appropriate to satisfy the wider public interest in this case.*

*The panel considered the imposition of a suspension order. It considered that a further period of suspension would allow Mrs Rutherford the opportunity to reflect on her previous failings. The panel determined that a six-month suspension order would afford Mrs Rutherford adequate time to engage with the NMC, and to demonstrate insight and steps she has taken to strengthen her practice.*

*The panel therefore determined that a suspension order is the appropriate sanction which would satisfy the wider public interest. Accordingly, the panel decided to impose a suspension order for the period of six months with review to give Mrs Rutherford a further opportunity to engage with the NMC. It considered this to be the most appropriate and proportionate sanction available.*

*The panel gave serious consideration to a strike-off order. However, it determined that it would be disproportionate at this stage. The panel noted that a strike-off order would be available to the next reviewing panel.*

*This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 5 March 2025 in accordance with Article 30(1).*

*Before 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.*

*A future panel would be assisted by:*

- Mrs Rutherford's engagement with the NMC;*
- Evidence of up-to-date reflection and training addressing the regulatory concerns;*

- *Up-to-date testimonials and references from both paid and unpaid work.'*

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

The panel has considered carefully whether Mrs Rutherford's fitness to practise remains 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. In considering this case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel has had regard to all of the documentation before it, including the NMC bundle a bundle containing Mrs Rutherford's Case Management form dated 18 May 2022, a handwritten letter from her making admissions to the charges and a document setting out her personal circumstances.

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

In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether Mrs Rutherford's fitness to practise remains impaired.

The panel noted that the original panel found that Mrs Rutherford had demonstrated limited insight into her dishonesty. The original panel found that Mrs Rutherford did not demonstrate a full understanding of what she did wrong, how this impacted negatively on the reputation of the nursing profession or how she would handle situations differently in the future. This panel had no new or recent information before it to make a different finding.

In its consideration of whether Mrs Rutherford has remedied her practice, the panel took into account that the original panel had no information before it with regard to any steps

Mrs Rutherford may have taken to strengthen her practice and determined there was a risk of repetition. This panel was not provided with any evidence of the same from Mrs Rutherford and had no further information to demonstrate that the concerns about her practice has been addressed and were unlikely to reoccur. Mrs Rutherford has not provided any information such as testimonials or employment references. She has not provided a reflective piece detailing the impact of her failings on her colleagues and the profession, or any evidence of insight into her misconduct. She has not provided any evidence of training undertaken or how she has kept her nursing skills up to date. The panel was of the view that in the absence of any information about her insight or remediation of the concerns there was a risk of repetition and a finding of impairment was required on public protection grounds.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance.

The panel noted that the type of dishonesty is serious, as Mrs Rutherford was paid for shifts that she did not work depriving the NHS of its funds, and since the substantive hearing, she has not engaged with the review process as requested by the previous panels. Members of the public would be alarmed to hear the details of this case, and despite its seriousness Mrs Rutherford has failed to engage in the process. In light of this, the panel determined that, a finding of continuing impairment on public interest grounds is required.

For these reasons, the panel finds that Mrs Rutherford's fitness to practise remains impaired.

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

Having found Mrs Rutherford 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 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 Mrs Rutherford's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that Mrs Rutherford's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice order on Mrs Rutherford's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind that Mrs Rutherford has not engaged with NMC proceedings neither has she followed the last reviewing panel's recommendations. It also noted that it has no knowledge of her current circumstances. As a result, the panel could not be satisfied that Mrs Rutherford would be willing to engage with a conditions of practice order in the future. In any event, it considered that condition would be inappropriate as there are no clinical concerns in this case. It however determined that a conditions of practice order was not appropriate to satisfy the wider public interest in this case.

Notwithstanding that both the panels which have adjudicated in Mrs Rutherford's case have imposed suspension orders, the panel considered whether it should impose a further suspension order. It considered that a further period of suspension would allow Mrs Rutherford further opportunity to reflect on her previous failings, an opportunity which the panel encourages her to grasp. A further six-month suspension order would also afford Mrs Rutherford a further period of time to engage with the NMC, and to demonstrate insight and steps she has taken to strengthen her practice.



The panel therefore determined that a suspension order is the appropriate sanction which would satisfy the wider public interest and meet the need to protect the public. Accordingly, the panel decided to impose a suspension order for the period of six months with review to give Mrs Rutherford a further opportunity to engage with the NMC. It considered this to be the most appropriate and proportionate sanction available.

The panel gave serious consideration to a strike-off order. However, it determined that it would be disproportionate at this stage. The panel noted that a strike-off order would be available to the next reviewing panel.

This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 5 September 2025 in accordance with Article 30(1).

Before 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.

A future panel would be assisted by:

- Mrs Rutherford's engagement with the NMC by submitting;
  - Evidence of up-to-date reflection and training addressing the regulatory concerns;
  - Up-to-date testimonials and references from both paid and unpaid work.
  - Anything else Mrs Rutherford would like the panel to take into consideration in relation to these matters.

This decision will be confirmed to Mrs Rutherford in writing.

That concludes this determination.