Nursing and Midwifery Council
Fitness to Practise Committee

Substantive Hearing
Monday 9 June 2025 – Tuesday 17 June 2025

Nursing and Midwifery Council
2 Stratford Place, Montfichet Road, London, E20 1EJ

Name of Registrant:	Jodie Louise Hunter
NMC PIN:	11F1074E
Part(s) of the register:	Registered Nurse – Adult (15 November 2011)
Relevant Location:	Birmingham
Type of case:	Misconduct
Panel members:	Konrad Chrzanowski (Chair, lay member) Daniel Harris (Registrant member) Cerys Jones (Lay member)
Legal Assessor:	Charles Apthorp
Hearings Coordinator:	Salima Begum
Nursing and Midwifery Council:	Represented by Alex Radley, Case Presenter
Miss Hunter:	Not present and unrepresented
Facts proved:	Charges 1a i, 1a ii, 1b, 1c i, 1d, 2
Facts not proved:	Charges 1c ii, 3
Fitness to practise:	Impaired
Sanction:	**Striking-off order**
Interim order:	**Interim suspension order (18 months)**

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Miss Hunter was not in attendance and that the Notice of Hearing letter had been sent to Miss Hunter's registered email address by secure email on 30 April 2025.

Mr Radley on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the allegation, the time, dates and venue of the hearing and, amongst other things, information about Miss Hunter's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all of the information available, the panel was satisfied that Miss Hunter has been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Miss Hunter

The panel next considered whether it should proceed in the absence of Miss Hunter. It had regard to Rule 21 and heard the submissions of Mr Radley who invited the panel to continue in the absence of Miss Hunter. He submitted that Miss Hunter had voluntarily absented herself.

Mr Radley submitted that Miss Hunter has not engaged with the NMC in relation to these proceedings. He submitted that there have been multiple attempts to contact her, but there has been very little communication from Miss Hunter. She has not notified the NMC of any

representative acting on her behalf, nor has she requested an adjournment. Mr Radley told the panel that due to the lack of engagement, there is no reason to believe that granting an adjournment would result in her attendance at a later date. The NMC has complied fully with its procedural duties and provided Miss Hunter with every opportunity to engage; however, she has chosen not to do so.

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised *'with the utmost care and caution'*.

The panel has decided to proceed in the absence of Miss Hunter. In reaching this decision, the panel has considered the submissions of Mr Radley, and the advice of the legal assessor. It has had particular regard to the factors set out in the decision of *R* v *Jones (Anthony William)* (No.2) [2002] UKHL 5 and had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Miss Hunter.
- The panel noted that Miss Hunter had engaged to a limited degree and her responses were intermittent.
- There is no reason to suppose that adjourning would secure her attendance at some future date.
- 1 witness will be attending today to give live evidence, others are due to attend.
- Not proceeding may inconvenience the witnesses, their employer and, for those involved in clinical practice, the clients who need their professional services.
- Further delay may have an adverse effect on the ability of witnesses accurately to recall events; and
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Miss Hunter in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to her at her registered address, she has made no response to the allegations. She will not be able to challenge the evidence relied upon by the NMC and will not be able to give evidence on her own behalf.

However, in the panel's judgement, this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies. Furthermore, the limited disadvantage is the consequence of Miss Hunter's decisions to absent herself from the hearing, waive her rights to attend, and/or be represented, and to not provide evidence or make submissions on her own behalf.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Miss Hunter. The panel will draw no adverse inference from Miss Hunter's absence in its findings of fact.

Decision and reasons on application to amend the charge

The panel heard an application made by Mr Radley, on behalf of the NMC, to amend the wording of all the charges.

The proposed amendment is to ensure the charges more accurately reflect the evidence, refine the wording, and improve clarity for Miss Hunter. Since the notice was issued on 12 May 2025, Miss Hunter has not raised any objection or response. The amendments will provide a clearer understanding of the case against her.

"That you, a registered nurse:

1) Whilst working as a band 6 nurse at [PRIVATE] between December 2018 and December 2019:

~~a.~~ Retrospectively assigned to yourself **one or more of the bank shifts at** [PRIVATE] ~~the bank shifts, as~~ set out in Schedule A, [PRIVATE] ~~which you knew you had not worked, in that you:~~

i. ~~Fraudulently~~ logged on the Health Roster the retrospectively allocated bank shifts as completed by you;

ii. ~~Fraudulently~~ used Colleague A's login details in order to access the Health Roster and confirm that the retrospectively allocated bank shifts had been completed by you.

b. ~~Fraudulently~~ received a number of payments for the shifts set out on Schedule A which you knew you had not worked.

c. ~~Retrospectively~~ assigned to Colleague B one or more of the bank shifts [PRIVATE] set out in Schedule **B** ~~C~~, [PRIVATE] ~~which you knew~~ **which** Colleague B had not worked, in that you:

i. ~~Fraudulently~~ logged on the Health Roster the retrospectively assigned bank shifts as completed by Colleague B;

ii. ~~Fraudulently~~ used Colleague A's login details in order to access the Health Roster and confirm that the retrospectively assigned bank shifts had been completed by Colleague B.

d. Authorised the payments for bank shifts set out in Schedule **B** ~~C~~ to be made to **Colleague B for shifts at the Centre when Colleague B** ~~other staff members for shifts~~ [PRIVATE], ~~knowing that these staff members~~ had not worked these bank shifts.

2) Your conduct in charges 1a and/or 1b **was dishonest in that you knew that you had not worked one or more of the bank shifts in Schedule A and so were not entitled to be paid for them.** ~~was financially motivated, in that you received payments work you had not undertaken.~~

~~3)~~ Your conduct in charges 1c and/or 1d **was dishonest** ~~financially motivated~~, in that **Colleague B had not worked one or more of the bank shifts in Schedule B and so was not entitled to be paid for them.** ~~you arranged for other staff members to fraudulently received payments for work they had not undertaken.~~

~~4) Your conduct in charge 1 was dishonest.~~

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

Schedule A

- 06/01/2019
- 09/01/2019
- 10/01/2019
- 14/01/2019
- 19/01/2019
- 28/01/2019
- 04/02/2019
- 27/02/2019
- 28/02/2019
- 02/03/2019
- 10/03/2019
- 18/03/2019
- 03/04/2019
- 19/04/2019
- 28/04/2019

- 29/04/2019
- 02/05/2019
- 10/06/2019
- 19/06/2019
- 11/09/2019
- 14/09/2019

Schedule B

- 28/12/2018
- 06/01/2019
- 07/01/2019
- 20/03/2019
- 30/08/2019
- 03/09/2019
- 27/09/2019
- 09/10/2019

The panel accepted the advice of the legal assessor and had regard to Rule 28 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel was of the view that such an amendment, as applied for, was in the interest of justice. The panel was satisfied that there would be no prejudice to Miss Hunter and no injustice would be caused to either party by the proposed amendment being allowed. It was therefore appropriate to allow the amendment, as applied for, to accurately reflect the evidence.

Details of charge

That you, a registered nurse:

1) Whilst working as a band 6 nurse at [PRIVATE] between December 2018 and December 2019:

a. Retrospectively assigned to yourself one or more of the bank shifts [PRIVATE] set out in Schedule A which you had not worked, in that you:

i. Logged on the Health Roster the retrospectively allocated bank shifts as completed by you;

ii. Used Colleague A's login details in order to access the Health Roster and confirm that the retrospectively allocated bank shifts had been completed by you.

b. Received payment for one or more of the bank shifts set out in Schedule A which you had not worked.

c. Assigned to Colleague B one or more of the bank shifts [PRIVATE] set out in Schedule B which Colleague B had not worked, in that you:

i. Logged on the Health Roster the retrospectively assigned bank shifts as completed by Colleague B;

ii. Used Colleague A's login details in order to access the Health Roster and confirm that the retrospectively assigned bank shifts had been completed by Colleague B.

d. Authorised payment for one or more of the bank shifts set out in Schedule B to be made to Colleague B for shifts at the Centre when Colleague B had not worked these bank shifts.

2) Your conduct in charges 1a and/or 1b was dishonest in that you knew that you had not worked one or more of the bank shifts in Schedule A and so were not entitled to be paid for them.

3) Your conduct in charges 1c and/or 1d was dishonest in that you knew that Colleague B had not worked one or more of the bank shifts in Schedule B and so was not entitled to be paid for them.

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

Schedule A

- 06/01/2019
- 09/01/2019
- 10/01/2019
- 14/01/2019
- 19/01/2019
- 28/01/2019
- 04/02/2019
- 27/02/2019
- 28/02/2019
- 02/03/2019
- 10/03/2019
- 18/03/2019
- 03/04/2019
- 19/04/2019
- 28/04/2019
- 29/04/2019
- 02/05/2019
- 10/06/2019

- 19/06/2019
- 11/09/2019
- 14/09/2019

Schedule B

- 28/12/2018
- 06/01/2019
- 07/01/2019
- 20/03/2019
- 30/08/2019
- 03/09/2019
- 27/09/2019
- 09/10/2019

At the outset of the hearing, the NMC went directly into calling its witnesses to give evidence.

Background

Miss Hunter was referred to the NMC on 21 August 2020 [PRIVATE], in relation to her conduct while employed as a Sister [PRIVATE].

In Miss Hunter's capacity as a Sister, she had access to the Healthroster system and along with other staff could indicate an interest in undertaking bank shifts. Miss Hunter had authority and access to finalise and approve shifts for others but not to approve her own shifts.

The Trust's Rostering policy (Exhibit KT15) says that '*The system prevents staff from finalising their own shifts worked. Finalisation of shifts worked by the finalising manager will be carried out by another rostering manager having first confirmed the shifts have been recorded correctly*.'

On 20 December 2019, Colleague A said concerns were initially raised with her by the Trust's Temporary Staffing Department about anomalies they found in reports showing her name featured frequently in late approval of shifts.

Colleague A also says she was informed that her login in details was used on 14 December 2019 to approve a shift Miss Hunter allegedly worked on 4 October 2019. Colleague A said they did not recall approving this shift and says that she could not think of any circumstance where she would approve a shift worked several months ago. She also says, '*I was not actually in the Trust on 14 December 2019 as it was a Saturday*' and she did not have the ability to access Health Roster remotely.

Colleague A says she asked Miss Hunter about this by text, and she was very upset and "*sorry*". Miss Hunter was encouraged to speak to one of the ward managers.

On 31 December 2019 in a return-to-work meeting with DT, Miss Hunter made admissions to having done something "*stupid*". In a letter confirming her discussion, on 2 January 2020, DT says that Miss Hunter had said that she had accessed the Healthroster system using Senior ward sister Colleague A's login in details and locked/finalised some shifts that she had not worked.

Colleague A in their statement to the NMC says she did not at any time give Miss Hunter her log in credentials and she suspects her password was '*easy to guess*.'

A local investigation was carried out and this identified 22 instances between 1 March 2019 to 31 December 2019 where Miss Hunter had logged into the Health Roster system to allocate shifts to herself and approved these shifts using Colleague A's login in detail.

Information received from Miss Hunter's former employer says that Miss Hunter was paid £2887.94 for a total of 167.5 hours you had not worked.

In a table of costings Miss Hunter's former employer also found that in respect of another staff member (Colleague B) there were 8 instances where she assigned and finalised shifts amounting to 73.25 hours at a cost to the Trust of £740.16.

On 26 November 2019, for example it is alleged that Miss Hunter had assigned and approved a number of shifts for Colleague B knowing she had not worked those shifts.

Colleague A says Miss Hunter was not authorised to allocate these shifts and there was no evidence that she had complied with the Trust's financial arrangements by checking whether shifts she approved had been worked.

After the financial concerns were raised, Miss Hunter was [PRIVATE] as she presented her former employer with some information [PRIVATE]. The local investigation resulted in Miss Hunter's dismissal and this decision was upheld on appeal.

Miss Hunter is not currently working as a nurse and there has been some engagement by her with the NMC investigation.

Submissions on application to admit Witness 3's written statement

The panel heard an application made by Mr Radley under Rule 31 to allow the written statement of Witness 3 into evidence. He submitted that Witness 3 will not be called by the NMC to give live evidence. Mr Radley told the panel that the NMC had made sufficient efforts to ensure that this witness was present, however she would not attend today because she has retired and not willing to take part in the NMC hearing. Mr Radley referred the panel to the case of Thorneycroft v NMC [2014] EWHC 1565 (Admin).

Mr Radley invited the panel to consider the admissibility of Witness 3's statement by applying the seven principles set out in the case of *Thorneycroft v NMC*. He submitted that these principles provided an appropriate framework for assessing whether the statement should be admitted as hearsay evidence.

In relation to the first principle, Mr Radley submitted that the witness had been contacted by both the HR department and the internal investigation team during the course of enquiries. This established the origin and context of the statement.

Under the second principle, Mr Radley submitted that the admission of the statement would be beneficial to both Miss Hunter and the NMC. He told the panel that Witness 3's statement referred to Miss Hunter having explained [PRIVATE], as well as made early admissions and offering apologies. He submitted that it supported a more rounded view of Miss Hunter's actions and mindset during the relevant period.

Addressing the third principle, Mr Radley submitted that the statement appeared to strike a balance—it provided contextual information that supported both the account given by Miss Hunter and aspects of the allegations raised by the NMC. He told the panel that the evidence did not unduly favour one party over the other.

With respect to the fourth principle, Mr Radley reminded the panel that the charge under consideration involved dishonesty—an allegation of considerable seriousness in a professional context. He submitted that this heightened the importance of ensuring that all relevant and probative evidence be considered, even if the witness was not present to give live evidence.

Turning to the fifth principle, Mr Radley submitted that there were good reasons to admit the statement. Although the NMC's case was not heavily corroborated by additional witnesses, the hearsay bundle before the panel contained material which gave the statement weight. He also referred to underlying chronological and contextual matters that aligned with the content of Witness 3's account.

As to the sixth principle, Mr Radley submitted that reasonable steps had been taken to secure the attendance of the Witness 3. The statement had been formally served and included in the Case Management Form (CMF) prior to the hearing. Mr Radley submitted

that Miss Hunter had been given notice that the statement would be relied upon, and Witness 3 had ultimately disengaged from the process despite these efforts.

Finally, under the seventh principle, Mr Radley told the panel that the content of the statement demonstrated fairness. It offered a balanced perspective between Miss Hunter and that of the NMC, helping the panel to better understand the broader circumstances of the case.

Mr Radley submitted that it was appropriate and fair for the panel to admit Witness 3's statement into evidence as part of the NMC's hearsay application.

In the preparation of this hearing, the NMC had indicated to Miss Hunter in the CMF, that it was the NMC's intention for Witness 3 to provide live evidence to the panel. Despite knowledge of the nature of the evidence to be given by Witness 3, Miss Hunter made the decision not to attend this hearing. On this basis Mr Radley advanced the argument that there was no lack of fairness to Miss Hunter in allowing Witness 3's written statement into evidence.

Decision and reasons on application to admit Witness 3's written statement

The panel accepted the advice of the legal assessor.

The panel considered the seven principles established in the case of *Thorneycroft v NMC* when deciding whether to admit Witness 3's statement. The panel noted that Witness 3 interviewed Miss Hunter upon her return to work, during which Miss Hunter made admissions that are consistent with the timing of the events in question. The Panel also took into account corroborating evidence, including the Transcript of the meeting with Miss Hunter on 25 March 2020, and an email from Miss Hunter dated 22 February 2021 containing a statement in which she makes admission to the allegations.

The Panel had regard to several supporting documents, including:

- Statement from Reg dated 24 February 2020
- Letter following the meeting dated 25 February 2020
- Minutes of the meeting dated 31 December 2019
- Transcript with (Colleague A) on 24 February 2020
- Records of retrospective shifts allocated to Colleague B
- Internal email dated 4 May 2020 detailing actual shifts worked by Colleague B
- Transcript of the meeting with Miss Hunter on 25 March 2020

In light of the above, the Panel finds Witness 3's statement is not the sole or decisive evidence in this matter.

The panel next went to consider the nature and extent of the challenge raised and found Witness 3's statement supportive of Miss Hunter and provided mitigating information regarding her actions at the relevant time and was, in general a balanced statement.

The panel found no reason to believe Witness 3 fabricated evidence. The statement is corroborated by other documentation before it, and there is no indication of any personal relationship between Witness 3 and Miss Hunter that might suggest improper motivation.

The panel determined that the allegations involved are serious, relating to misappropriation of funds and dishonesty. It noted that Witness 3 had a reason for non-attendance and that she provided an explanation.

The panel was of the view that the NMC made multiple attempts to secure Witness 3's attendance, but it was clear from her statement that she does not wish to attend the hearing.

The panel considered whether Miss Hunter would be disadvantaged by the change in the NMC's position of moving from reliance upon the live testimony of Witness 3 to that of a written statement. It was of the view that, Miss Hunter had been provided with a copy of Witness 3's statement and that she did not challenge its admission at any point. The panel

had already determined that Miss Hunter had chosen voluntarily to absent herself from these proceedings, she would not be in a position to cross-examine this witness in any case. There was also public interest in the issues being explored fully which supported the admission of this evidence into the proceedings.

In these circumstances, the panel came to the view that it would be fair and relevant to accept the application into evidence of the written statement of Witness 3 but would give what it deemed appropriate weight once the panel had heard and evaluated all the evidence before it.

Submission on facts

Mr Radley submitted that the burden of proof rests with the NMC and that the standard required is the civil standard, namely the balance of probabilities. The evidence demonstrates that Miss Hunter acted dishonestly in relation to the claim and the signature authorising that claim, which were made within minutes of each other. The signature used to sign off the claim was dishonest, as it involved the use of personal and private login details that were never authorised for receiving money. Throughout the investigation, Miss Hunter made formal admissions and went beyond that by providing a detailed explanation of why she took the bank shift payment.

Mr Radley submitted that there is clear evidence of planning, as Miss Hunter obtained the supervisor's security details to facilitate receiving the additional income, motivated by financial difficulties she stated in her written statements. Mr Radley told the panel that Miss Hunter had recognised that her actions were wrong and has offered an apology. He submitted that Miss Hunter was a Band 6 nurse with supervisory responsibility, she was fully aware of the policies and practices relevant to her role and the principle of full candour expected of her.

Mr Radley told the panel that the witnesses who provided evidence were credible, honest, and appropriate in their testimony. He referred the panel to the case of Ivey v Genting

Casinos [2017] UKSC 67 in respect of dishonesty that based on that, he told the panel the case against Miss Hunter is both clear and unambiguous. Mr Radley submitted that based on the evidence and the admissions made by Miss Hunter, the NMC has complied with its burden of proof and that the case against Miss Hunter has been proved on the balance of probabilities.

Decision and reasons on facts

In reaching its decisions on the facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Mr Radley.

The panel has drawn no adverse inference from the non-attendance of Miss Hunter.

The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that a fact will be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

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

- Witness 1: Registered Nurse

- Witness 2: Registered Nurse

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor. It considered the witness and documentary evidence provided by the NMC.

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

Charge 1a i and 1a ii)

"That you, a registered nurse:

1) Whilst working as a band 6 nurse [PRIVATE] between December 2018 and December 2019:

a) Retrospectively assigned to yourself one or more of the bank shifts [PRIVATE] set out in Schedule A which you had not worked, in that you:

i) Logged on the Health Roster the retrospectively allocated bank shifts as completed by you;

ii) Used Colleague A's login details in order to access the Health Roster and confirm that the retrospectively allocated bank shifts had been completed by you."

This charge is found proved.

The panel considered charges 1a i and 1a ii in its entirety as the evidence in relation to each charge is similar, it has dealt with them under one heading. In reaching this decision, the panel took into account the following evidence:

- NMC exhibit bundle which contained a 'Report showing all bank shifts booked' from the UHB plus payroll department;
- The NMC witness statement bundle;
- Email dated 22 September 2022; and
- Transcript of meeting with Miss Hunter dated 24 February 2020.

The panel carefully considered all the evidence presented, the report provided by the UHB Payroll Department outlined in detail the shifts that had been self-assigned and finalised by Miss Hunter. This exhibit set out the date each shift was allegedly worked, the date it

was assigned, and the date it was finalised. A repeated and concerning pattern emerged from this report, evidence of shifts often assigned and finalised weeks or even months after the date they were allegedly worked. For example, the panel was of the view that the first shift dated 6 January 2019, was not assigned until 29 March 2019 and was finalised on the same day. This retrospective allocation of shifts was a recurring theme throughout the records. The panel determined that this pattern significantly departed from standard practice and procedures and indicated an intentional effort to conceal improper conduct.

In Witness 3's statement, she described a conversation with Miss Hunter in which she stated, *"I met with Jodie later that day. Jodie told me that she had 'done something stupid'… I asked Jodie how many shifts she had locked down and she told me that it was approximately '10 shifts, one a month, since December 2018."* The panel regarded this as a clear and voluntary admission of intentional wrongdoing. Furthermore, the panel noted that Miss Hunter also expressed a willingness to repay the money received from the alleged shifts. This further supported the panel's view that Miss Hunter knew her actions were wrong. The financial impact of the misconduct was also made clear in the evidence before the panel, with the total amount calculated by the payroll department at £2,877.94.

The panel also took into account evidence showing that Miss Hunter was on duty on the dates when the shifts were assigned and finalised. This supported the conclusion that she was responsible for manually entering and confirming the shifts. Additionally, records showed that, on some occasions, shifts were allegedly locked down by Colleague A, yet Colleague A was not on duty at the time. The panel determined that Miss Hunter had used her Colleague A's login credentials without her knowledge to input and/or finalise her shift information.

The panel took into account that Miss Hunter said in a transcript meeting dated 24 February 2020 that *"I can't remember the exact dates if I'm honest because I haven't looked at them but I've admitted in my statement that I was going through a really bad time and I did log myself in and I logged back in as Colleague A when I finalised them."* The panel viewed this as a clear admission that she had accessed the system using

Colleague A's details. Witness 3 also recalled in her statement, *"I asked Jodie if Colleague A had given Jodie her login details or password and Jodie said that Colleague A had not and that she felt really bad that Colleague A was now involved in something that she didn't know anything about."* The panel determined that Colleague A had no knowledge of or involvement in Miss Hunter's actions, and her login details had been misused without permission.

The panel was satisfied that Miss Hunter acted knowingly. Based on the evidence before it, the panel found that Miss Hunter had assigned and finalised shifts to herself that were not actually worked by herself and had logged shifts using Colleague A's details without her knowledge or consent.

Therefore, the panel found both these sub-charges proved.

Charge 1b)

"That you, a registered nurse:

1) Whilst working as a band 6 [PRIVATE] between December 2018 and December 2019:

b) Received payment for one or more of the bank shifts set out in Schedule A which you had not worked."

This charge is found proved.

In reaching this decision, the panel took into account Witness 3's statement and an email from the HR manager dated 4 October 2022. The panel was of the view that Witness 3 and Miss Hunter had a conversation in which Miss Hunter admitted to claiming shifts.

Witness 3 stated in her written evidence, *'Jodie told me that she needed the money because of her [PRIVATE] and that things had gotten out of hand… she also stated that she would pay back the shifts or use her annual leave pay to pay them back and drop down to a band 5.'* The panel viewed this as a clear acknowledgment of wrongdoing and found it to be consistent with the pattern of shift assignments observed in the payroll records. The panel determined that Miss Hunter had offered to repay the money, which further reinforced the panel's conclusion that she understood she had wrongly benefited financially from these actions.

The panel considered an email from the HR Manager, who stated, *'I cannot say what actual figure was left owing or whether payroll wrote to her to confirm this.'* This lack of clarity over the repayment process was noted by the panel, as was a follow-up query from the NMC in an email to the same HR Manager, asking, *'Do you know if Nurse JH ever repaid the money stolen? The Counter Fraud Specialist said that she did not believe this occurred but that I should confirm with the Trust.'* Taking into account Miss Hunter's retrospective willingness to repay the money, and the absence of any evidence that a repayment was ever made, the panel was satisfied, on the balance of probabilities, that Miss Hunter did receive payment for one or more bank shifts which she did not actually work. Accordingly, the panel found this charge proved.

Charge 1c)

"That you, a registered nurse:

1) Whilst working as a band 6 nurse [PRIVATE] between December 2018 and December 2019:

c) Assigned to Colleague B one or more of the bank shifts at the Centre set out in Schedule B which Colleague B had not worked, in that you:

i) Logged on the Health Roster the retrospectively assigned bank shifts as

completed by Colleague B;"

This charge is found proved.

The panel carefully considered the evidence contained within the NMC exhibit bundle. This included a spreadsheet detailing the retrospective shifts allocated to Colleague B, as referenced in Schedule B of the charge. The panel was of the view that the spreadsheet indicated that the shifts listed were allocated to Colleague B by Miss Hunter and finalised by her.

The panel reviewed the Investigation Report dated 6 August 2020, included in the exhibit bundle. This report provided persuasive evidence that Colleague B did not in fact work on any of the dates listed in Schedule B. This was corroborated by an internal email from a Senior HR Advisor, which set out the actual shifts worked by Colleague B and explicitly confirmed that Colleague B did not work on the dates in question.
The panel noted that there was no evidence to support the inclusion of the shift dated 7 January 2019 in Schedule B and therefore found that this specific date should not be considered as part of the charge. Having taken all the evidence into account, the panel concluded that this charge was **proved**.

Charge 1c)

"That you, a registered nurse:

1) Whilst working as a band 6 nurse [PRIVATE] between December 2018 and December 2019:

c) Assigned to Colleague B one or more of the bank shifts at the Centre set out in Schedule B which Colleague B had not worked, in that you:

ii) Used Colleague A's login details in order to access the Health Roster and confirm that the retrospectively assigned bank shifts had been completed by Colleague B."

This charge is found NOT proved.

In reaching this decision, the panel took into account the NMC witness bundle. The panel was of the view that the spreadsheet detailing the retrospective shifts allocated to Colleague B demonstrated that Miss Hunter booked and finalised the shifts for Colleague B using her own access. Furthermore, the panel noted the content of the Counter Fraud Statement dated 23 September 2020. In that statement, Colleague A said *'I have been shown exhibit reference ST4, which I understand is a spreadsheet showing BANK shifts on the Centre's rota that were assigned to Colleague B by Jodie Hunter and also finalised by Jodie Hunter. I can confirm that I did not allocate any of these shifts out to BANK, and accordingly, Jodie Hunter had no authorisation to assign any individual to work them.'* This testimony supported the conclusion that Miss Hunter had no authority to allocate these shifts, but it did not establish that she had accessed the system using Colleague A's login details.

The panel also noted that the retrospective shift bookings made by Miss Hunter followed a similar pattern to her own—namely, extremely late data entry for shifts allegedly worked weeks or months earlier.

The panel found no evidence to suggest that Miss Hunter used Colleague A's login credentials to assign shifts to Colleague B. This charge was therefore not proved.

Charge 1d)

"That you, a registered nurse:

1) Whilst working as a band 6 nurse [PRIVATE] between December 2018 and

December 2019:

d) Authorised payment for one or more of the bank shifts set out in Schedule B to be made to Colleague B for shifts at the Centre when Colleague B had not worked these bank shifts."

This charge is found proved.

In reaching this decision, the panel took into account the NMC exhibit bundle which had an internal email which set out the actual shifts that Colleague B had worked. The panel was satisfied that Miss Hunter was responsible for authorising one or more of the shifts set out in Schedule B.

The panel noted the presence of retrospective shift allocations made under Colleague B's name. These shifts appeared in the records after the dates on which they were allegedly worked and were allocated and finalised by Miss Hunter. This pattern closely mirrored the conduct observed in relation to Miss Hunter's own shift allocations.

The panel noted that the email which set out the shifts that Colleague B had allegedly worked highlighted discrepancies between the Trust's records and the shifts authorised in the system under Colleague B's name. The panel found that several shifts attributed to Colleague B in the system did not align with the confirmed working records and, therefore, were not actually worked.

In addition, the panel took into account the detailed table showing the dates on which the disputed shifts were assigned, who assigned and finalised them, and whether Colleague B was on duty. The table confirmed that some shifts were allocated and finalised by Miss Hunter despite Colleague B not having worked on those dates.
The panel determined that the evidence identifying Miss Hunter as the person who finalised these shifts led the panel to conclude. The panel therefore found this charge proved.

Charge 2)

"That you, a registered nurse:

2) Your conduct in charges 1a and/or 1b was dishonest in that you knew that you had not worked one or more of the bank shifts in Schedule A and so were not entitled to be paid for them."

This charge is found proved.

The panel took into account the registrant response bundle. It noted that Miss Hunter has no previous adverse findings with the NMC and that she had provided character references contained within the response bundle.
The panel considered the NMC's guidance on dishonesty (DM8) and had regard to the legal principles set out in *Ivey v Genting Casinos [2017]*. The panel also gave due consideration to Miss Hunter's response explaining the reasons behind her actions. In her response, Miss Hunter stated, '*My partner also left me with a mountain of debt, nursery fees of nearly £2,000 and other debts. Unfortunately, this did lead to me on occasions putting myself in for bank shifts and logging in as my manager to lock the shifts down.'* The panel found this explanation significant. It also carefully examined the surrounding evidence, including the timing of the shift allocations. It noted that Miss Hunter retrospectively allocated and locked down shifts several months after they were allegedly worked. The panel determined that this was a deliberate act intended to secure payment for shifts that had not been worked.

The panel found that Miss Hunter used the login details of Colleague A to assign these shifts to herself, she was aware that she was not authorised to do so and that she had not worked those shifts. In the panel's view, this demonstrated a clear intention to deceive.

In applying the objective standard outlined in *Ivey*, the panel concluded that a reasonable and informed member of the public would consider Miss Hunter's actions to be dishonest.

In light of the above, the panel found this charge proved.

Charge 3)

"That you, a registered nurse:

3) Your conduct in charges 1c and/or 1d was dishonest in that you knew that Colleague B had not worked one or more of the bank shifts in Schedule B and so was not entitled to be paid for them.

This charge is found NOT proved.

In reaching this decision, the panel took into account that throughout a number of interviews, Miss Hunter consistently denied having knowingly signing off any shifts that were not actually worked for Colleague B. She maintained that she had no knowledge of Colleague B failing to work the shifts.

The panel noted that there was no direct evidence to contradict Miss Hunter's account. In particular, there was no documentation or witness evidence confirming that she was aware Colleague B had not worked those shifts at the time she approved them. While concerns were raised, the panel concluded that the evidence available was not sufficient to establish, on the balance of probabilities, that Miss Hunter had knowingly authorised false shift for Colleague B.

The panel determined that this charge was not proved.

The panel noted that Miss Hunter has been in intermittent contact with the NMC and was asked to submit her submissions by 9:30 am on Thursday 12 June 2025, providing her with a clear opportunity to do so.

The panel is also aware of Miss Hunter's email on Wednesday 11 June 2025, in which she expressed her intention to provide a written response. The hearings coordinator responded by email and made five attempts to contact Miss Hunter by phone on Thursday 12 June 2025.

In the interest of fairness and considering Miss Hunter's caring responsibilities, the panel proposed to allow her until 5:00 pm on Thursday 12 June 2025, to submit her response. If she submits the information, she will have the opportunity to join the hearing at 9:30 am on Friday 13 June 2025, to present her submissions directly to the panel. Should the panel not hear from her by that time, the hearing will proceed as planned at 9:30 am on Friday 13 June 2025.

Mr Radley indicated that he had no objections to the panel's actions, noting that it has been fair in providing Miss Hunter with an opportunity to make her submission. He made no further representations on behalf of the NMC, stating that sufficient hearing time has been allocated, and the hearing should proceed within the planned schedule.

Fitness to practise

Having reached its determination on the facts of this case, the panel then moved on to consider, whether the facts found proved amount to misconduct and, if so, whether Miss Hunter's fitness to practise is currently impaired. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's ability to practise kindly, safely and professionally.

The panel, in reaching its decision, has recognised its statutory duty to protect the public and maintain public confidence in the profession. Further, it bore in mind that there is no

burden or standard of proof at this stage, and it has therefore exercised its own professional judgement.

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

Submissions on misconduct

In coming to its decision, the panel had regard to the case of *Roylance v General Medical Council (No. 2)* [2000] 1 AC 311 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.'*

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

Mr Radley identified the specific, relevant standards where Miss Hunter's actions amounted to misconduct. He submitted that Miss Hunter's conduct amounted to serious professional misconduct and invited the panel to make such a finding. Mr Radley submitted that Miss Hunter has been found to have breached several regulatory charges, and that her actions fall significantly below the standards expected under the NMC's Code of Conduct. Mr Radley referred the panel to key sections of the Code that have been breached by Miss Hunter, which included all of section 10, 14.1, 14.2, 14.3, 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 20.8, all of section 21, 23.1 and 24.

He referred the panel to the cases of *Roylance v GMC [1999] UKPC 16 and* Jackson J in *Calhaem v GMC [2007] EWHC 2606 (Admin) and Collins J in Nandi v GMC [2004]*

EWHC2317 (Admin). Mr Radley submitted that misconduct is serious, involving behaviour that would be considered deplorable by fellow professionals. He submitted that Miss Hunter's breaches relate to honesty, integrity, and professional responsibility in a managerial role, including misuse of NHS funds and lack of candour. Mr Radley told the panel that these are not minor breaches, but fundamental failings that damage public trust in the profession. He invited the panel to consider the prolonged nature of the misconduct, financial loss to the NHS, casting suspicion on Colleague A, and Miss Hunter's failure to engage with the NMC proceedings. Mr Radley submitted that such behaviour identifies as serious misconduct in the case of Miss Hunter.

Submissions on impairment

Mr Radley 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. This included reference to the case of Article 22(1)(a) of the Nursing and Midwifery Order 2001).

Mr Radley submitted that the panel must next consider whether Miss Hunter's fitness to practise is currently impaired and whether she can currently practise '*kindly, safely and professionally'*. He invited the panel to apply the guidance from the case of *CHRE v NMC and Grant* [2011] EWHC 927 (Admin). He told the panel that it must consider whether Miss Hunter has in the past and/or is liable in the future to put patients at unwarranted risk of harm, bring the profession into disrepute or breach fundamental tenets of the profession; or act dishonestly.
Mr Radley submitted that Miss Hunter's fitness to practise is currently impaired, and the panel could consider whether any part of the Code has been breached or is liable to be breached again in the future. He told the panel that breaches of the Code strike at the heart of the profession and justify a finding of impairment to mark the seriousness of the behaviour, uphold public confidence, and reaffirm professional standards, in line with *Yeong v GMC* [2009] EWHC 1923 (Admin).

Mr Radley invited the panel to consider the factors around Miss Hunter's actions which included her [PRIVATE], the working environment during COVID, and her lack of cooperation with the governing body. He submitted that these issues significantly undermined Miss Hunter's ability to practise professionally and reinforce that she cannot currently demonstrate the ability to practise safely and with integrity.

Turning to insight and remediation, Mr Radley submitted that Miss Hunter has not engaged in the hearing, offered limited insight, and has not meaningfully addressed the concerns raised. He submitted that her lack of plea necessitated witness to attend to give evidence. Mr Radley told the panel that while some documentation has been submitted, such as training logs and some acceptance of the allegations, this remains insufficient to demonstrate genuine remediation.

Mr Radley submitted there remains a concern in relation to the risk of repetition, given the deliberate nature of the misconduct and the absence of remedial action. The misconduct was serious and deliberate, [PRIVATE], which posed a risk to public trust in the profession.

In conclusion, Mr Radley submitted that Miss Hunter's behaviour fundamentally conflicts with the standards expected of a registered nurse and invited the panel to find Miss Hunter's fitness to practise currently impaired.

The panel accepted the advice of the legal assessor which included the case of *Nandi v General Medical Council* [2004] EWHC 2317 (Admin).

Decision and reasons on misconduct

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

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

> *'**10 Keep clear and accurate records relevant to your practice***
> *This applies to the records that are relevant to your scope of practice. It includes but is not limited to patient records.*
> *To achieve this, you must:*
>
> ***10.3** complete all records accurately and without any falsification, taking immediate and appropriate action if you become aware that someone has not kept to these requirements*
>
> ***20 Uphold the reputation of your profession at all times***
> *To achieve this, you must:*
> ***20.1** keep to and uphold the standards and values set out in the Code*
>
> ***20.2** act with honesty and integrity at all times…*
>
> ***20.3** be aware at all times of how your behaviour can affect and influence the behaviour of other people*
>
> ***20.4** keep to the laws of the country in which you are practising*
>
> ***20.8** act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to*
>
> ***21 Uphold your position as a registered nurse, midwife or nursing associate***
> *To achieve this, you must:*

21.3 *act with honesty and integrity in any financial dealings you have with everyone you have a professional relationship with, including people in your care'*

The panel appreciated that breaches of the Code do not automatically mean there has been misconduct. However, the panel believed that Miss Hunter's actions showed serious misconduct because it involved dishonesty and a breach of trust. The panel determined Miss Hunter's actions did fall seriously short and the standards expected of a nurse and amounted to misconduct.

Decision and reasons on impairment

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

In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 February 2024, 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 and to maintain professional boundaries. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must be honest and open and act with integrity. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* [2011] EWHC 927 (Admin) 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 the grant test and found that limb a is not engaged, while limbs b, c, and d are engaged.

The panel next considered Miss Hunter's insight and was of the view that she has not demonstrated meaningful insight into her misconduct. It noted that while Miss Hunter stated in a written response dated 21 April 2021, *'I can assure you I would never attempt anything of the nature ever again and I'm fully prepared to repay the money'* there has been no evidence before the panel to support that any repayment has been made. The panel noted that mere assertions of regret are insufficient without supporting evidence.

The panel noted that although Miss Hunter did not attend the hearing, she was given multiple opportunities, after the hearing had commenced to engage with the panel. It determined that had she done so, she may have been able to provide an explanation of her current circumstances. The panel therefore determined that there is nothing before it to indicate that Miss Hunter has shown adequate insight or taken any steps towards remediation, for example current workplace references or in depth reflections as to her actions and consequences of her actions.

The panel was satisfied that the misconduct in this case is capable of being addressed, but the panel also noted that dishonesty is inherently difficult to remediate and found nothing before it to suggest Miss Hunter has developed any genuine insight into her actions.

It carefully considered the evidence before it in determining whether or not Miss Hunter has taken steps to strengthen her practice. The panel considered *the* case of *R (on application of Cohen) v General Medical Council [2008] EWHC 581* (Admin) and concluded that, in the absence of any concrete action or evidence of remediation, there is nothing before it to demonstrate that Miss Hunter has strengthened her practice in any meaningful way.

The panel is of the view that although Miss Hunter stated in her written response a willingness to repay the money, there is no indication that any steps have been taken to do so, nor any evidence to demonstrate that she is no longer in a financial position where she might be tempted to repeat such conduct. It determined that there is a risk of repetition based on the absence of any evidence to the contrary. The panel noted that she was in a position of responsibility and abused her professional role by manipulating the financial system for personal gain for her own advantage. In the panels view, such conduct would be regarded as appalling by a fellow professional. The dishonesty took place over a sustained period of 12 months and only ceased when Miss Hunter was caught. Her actions led to a significant loss of public funds to the NHS.

Additionally, the panel noted that Miss Hunter used Colleague A's credentials in order to finalise shifts, which not only implicated a fellow colleague and cast suspicion upon them but also represented a further act of dishonesty. The panel considered that this conduct demonstrated a level of forward planning and deliberate intent. There is no evidence before the panel to provide assurance that such behaviour would not be repeated. The panel therefore concluded that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

In addition, the panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also finds Miss Hunter's fitness to practise impaired on the grounds of public interest.

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

Sanction

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Miss Hunter off the register. The effect of this order is that the NMC register will show that Miss Hunter has been struck-off the register.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had careful regard to the Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

Submissions on sanction

The panel noted that in the Notice of Hearing, dated 30 April 2025, the NMC had advised Miss Hunter that it would seek the imposition of a striking off order if it found Miss Hunter's fitness to practise currently impaired.

Mr Radley submitted that a fair balance must be struck between Miss Hunter's rights and the overarching objective of public protection, referencing the case law of (Huang v Secretary of State for the Home Department [2007] UKHL 11).

He directed the panel to relevant referred to the NMC Sanctions Guidance (SAN-2), submitting that that Miss Hunter's right to practise should be restricted. He reminded the panel that sanctions must be considered from least to most serious, assessing whether a lesser sanction could achieve public protection and serve the wider public interest. However, Mr Radley submitted that given the panel's findings of misconduct and current impairment, Miss Hunter is not fit to practise.

Mr Radley submitted the several aggravating features which included, Miss Hunter's misconduct involved a prolonged period of dishonesty (almost 12 months), blame-shifting to colleagues, improper sign-off of a family member, and personal financial gain. He

further submitted that the actions reflect attitudinal concerns, a lack of full insight, no clear remediation, including the seriousness of the impact on the profession and public trust. He noted breaches of the duty of candour, breaches of the fundamental tenets of nursing, and that the grant test was engaged, particularly concerning Miss Hunter's dishonesty.

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

Decision and reasons on sanction

Having found Miss Hunter's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Registered nurses occupy a position of privilege and trust in service. They must maintain professional standards and provide professional service.
- The long standing period of time, Miss Hunter's dishonesty took place (12 months)
- Personal financial gain.
- The panel was of the view that there was evidence of attitudinal issues, in that the dishonesty ended only when Miss Hunter was caught, without clear remediation since.
- Miss Hunter has not displayed a full insight into her failings.
- The severe impact on the profession, this is a serious case of dishonesty and breach of trust whereby the public would not expect a nurse of Miss Hunter's seniority to be practising with such a finding against her.
- Public protection and public interest are engaged.

The panel also took into account the following mitigating features:

- No direct harm to patients.
- [PRIVATE].

The panel took into account that Miss Hunter has been a registered nurse for 14 years with no previous regulatory findings. She also provided brief testimonials attesting to her good character.

Before moving on to consider the appropriate sanction, the panel took into account the NMC guidance in SAN-2, which is relevant in cases involving serious misconduct, including dishonesty. The panel considered that this case involved a significant abuse of position and a breach of trust, as Miss Hunter had access to the Health Roster which she used to sign off shifts for personal financial gain. Her actions demonstrated a clear misuse of power, which was premeditated, systematic, and took place over an extended period of time.

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, and the public protection issues identified, an order that does not restrict Miss Hunter's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that Miss Hunter's misconduct was not at the lower end of the spectrum and that a caution order 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 impose a caution order.

The panel next considered whether placing conditions of practice on Miss Hunter's registration would be a sufficient and appropriate response. The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges found proved in this case. The misconduct identified in this case was not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Miss Hunter's registration would not adequately address the seriousness of this case and would not protect the public.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that a suspension order may be appropriate where some of the following factors are apparent:

- *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;*
- *In cases where the only issue relates to the nurse or midwife's health, there is a risk to patient safety if they were allowed to continue to practise even with conditions; and*
- *In cases where the only issue relates to the nurse or midwife's lack of competence, there is a risk to patient safety if they were allowed to continue to practise even with conditions.*

The conduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse. The panel noted that the serious breach of the fundamental tenets of the profession evidenced by Miss Hunter's actions is fundamentally incompatible with Miss Hunter remaining on the register.

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

Finally, 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 carefully considered all the circumstances of this case before determining the appropriate sanction. It was of the view that Miss Hunter did not attend the hearing and provided no further engagement with the proceedings. As a result, the panel was left without up-to-date information regarding any steps she may have taken towards remediation, including whether the money had been repaid and current employment feedback.

The panel determined that the misconduct involved repeated dishonesty which was carried out over a prolonged period of time, of 12 months. This was not a single isolated incident in judgement but a sustained pattern of behaviour, which suggests a concerning attitudinal issue rather than an error of judgement. The panel was of the view that despite the seriousness and duration of the misconduct, Miss Hunter has not demonstrated deep insight into her actions, nor provided evidence to reassure the panel that she no longer poses a risk of repeating such behaviour.

No evidence of in depth reflection was submitted to demonstrate that Miss Hunter understands the seriousness of her actions, the impact it has had on public confidence in the nursing profession, or the potential harm to the reputation and the trust of the public in the NHS. The panel further noted that it has not received any reference or support from her current or recent employer, and no assurance has been provided that this behaviour is out of character or has since been addressed.

Given the absence of engagement, reflection, or remediation, and in light of the gravity and persistent nature of the misconduct, the panel determined that Miss Hunter's actions were significant departures from the standards expected of a registered nurse. The panel was of the view that the findings in this particular case demonstrate that Miss Hunter's actions were serious and to allow her to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the effect of Miss Hunter's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct herself, the panel has concluded that nothing short of a striking off order would be sufficient in this case.

The panel considered that this order was 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.

This will be confirmed to Miss Hunter in writing.

Interim order

As the striking-off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Miss Hunter's own interests until the striking-off sanction takes effect.

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

Submissions on interim order

Mr Radley submitted that, in the absence of an interim order, Miss Hunter would be able to continue practising without restriction. Given the nature of the concerns raised, it is necessary and appropriate to impose an interim order in the circumstances. Such an order is necessary on the grounds of public interest and the need to ensure ongoing protection of the public. Mr Radley further submitted that if Miss Hunter was to appeal, there could be a significant delay before any substantive sanction takes effect. In light of these considerations, he submitted the panel to consider an interim order for a period of 18 months.

Decision and reasons on interim order

The panel carefully considered and took into account the submissions made by Mr Radley in reaching its decision and determined that the application met the NMC guidance INT 2 criteria. The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest. The panel supported the application for an interim suspension order for 18 months, noting that an appeal could take that long, and that the order would lapse after 28 days if no appeal is made.

The panel had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

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

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

That concludes this determination.