

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

**Substantive Order Review Meeting
Tuesday 3 June 2025**

Virtual Meeting

Name of Registrant:	Seana Mary Kerr
NMC PIN:	07I0143N
Part(s) of the register:	Registered Midwife (RM) – 17 September 2007
Relevant Location:	Newry, Mourne and Down
Type of case:	Misconduct
Panel members:	Caroline Rollitt (Chair, Lay member) Angela O'Brien (Registrant member) Chanelle Gibson-McGowan (Lay member)
Legal Assessor:	Angus Macpherson
Hearings Coordinator:	Emily Mae Christie
Order being reviewed:	Suspension order (12 months)
Fitness to practise:	Impaired
Outcome:	Striking-off order to come into effect at the end of 18 July 2025 in accordance with Article 30 (1)

Decision and reasons on service of Notice of Meeting

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Ms Kerr's registered email address by secure email on 9 April 2025.

The panel took into account that the Notice of Meeting provided details of the review, that the review meeting would be held no sooner than 2 June 2025 and invited Ms Kerr to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Ms Kerr 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 make a Striking-off order. This order will come into effect at the end of 18 July 2025 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 20 June 2024.

The current order is due to expire at the end of 18 July 2025.

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

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

'That you, a registered midwife:

1. *On or around 14 August 2020, identified yourself as a midwife and advised a member of the public:*
 - a. *That she should not be wearing a face mask whilst pregnant.*
 - b. *That wearing a face mask whilst pregnant was reducing the amount of oxygen her baby was receiving.*
 - c. *That she should not receive a flu vaccination.*
 - d. *That if she received a flu vaccination this would increase the risk of her baby being stillborn.*
2. *Your actions at charge 1 were unprofessional in that the advice you purported to give was:*
 - a. *unsolicited.*
 - b. *given outside of a clinical relationship,*
 - c. *contrary to the position of your employer and/or the World Health Organisation and/or mainstream medical opinion and provided with this qualification or caveat.*
3. *Between 27 September 2020 and 19 December 2021, identified yourself as a midwife on social and/or other media and advised the public at large:*
 - a. *On 27 September 2020, that babies were being attacked in the womb through vaccination of mothers during pregnancy.*
 - b. *On 04 March 2021, that:*
 - i. *Professionals who were ‘complicit’ in the national response to Covid-19 no longer had the ‘I didn’t know what I didn’t know get out clause’.*
 - ii. *the current health crisis was a Trojan horse intend to introduce a new era for humanity.*

- c. *On 19 December 2021, that ‘they’ had been ‘planting the seeds’ about Covid-19 over Christmas 2020 by referring to ‘some bat in China’.*

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

The original panel determined the following with regard to impairment:

‘The panel finds that Patient A and their family were put at risk and were caused significant emotional harm as a result of Ms Kerr’s misconduct.

The panel noted that it is a reasonable expectation of everyone working in a public environment, such as a shop, that they will not be approached and given personal, clinical advice and that such advice would normally only be given during a private clinical appointment or at an antenatal class.

Therefore, by approaching Patient A in her place of work, outside a clinical relationship, unsolicited, Ms Kerr placed her at significant risk of harm. It noted that at that time Patient A had no easy means to avoid the conversation, being at her place of work. Additionally she was pregnant and the panel considered that this made Patient A more vulnerable, especially given the Covid-19 pandemic.

Ms Kerr’s misconduct had breached the fundamental tenets of the midwifery profession and therefore brought its reputation into disrepute.

Regarding insight, the panel considered that Ms Kerr has demonstrated no insight at all. The panel considered that by making repeated comments online after the concerns were raised to Ms Kerr by the Trust, she has shown a disregard for the Trust’s disciplinary process and a total absence of insight or remediation.

The panel was satisfied that the misconduct in this case is capable of being addressed. However, the panel had no information before it that Ms Kerr

has taken any steps to reflect on her conduct or shown any insight or to strengthen her practice.

Therefore, in light of the above, the panel is of the view that there is a risk of repetition. The panel therefore decided 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.

The panel acknowledges Ms Kerr's right to freedom of expression as enshrined in Article 10 of the European Convention of Human Rights. However, Ms Kerr's advice and social media comments were given when she identified herself as a midwife, promoting her opinion on matters of clinical importance. Ms Kerr's actions therefore engaged her professional responsibilities as a registered midwife.

The panel considered that the actions of Ms Kerr took place during an exceptionally unusual time, where the entirety of the NHS was mobilised to protect the public from the international Covid-19 pandemic. Therefore, by expressing the view that other healthcare professionals, who Ms Kerr was working with in the Trust, were acting in ways which may cause harm, a view Ms Kerr held which was against the recognised guidance at the time, Ms Kerr risked seriously undermining the public confidence in the profession. It further noted that by making these accusations that Ms Kerr's colleagues may have suffered harm while working in an unprecedented and challenging situation.

The panel concluded that in light of the above a finding of impairment on public interest grounds is required.

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 Ms Kerr's fitness to practise impaired on the grounds of public interest.

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

The original panel determined the following with regard to sanction:

'The panel then went on to consider whether a suspension order would be an appropriate sanction. The panel was satisfied that in this case the seriousness of the misconduct found proved requires temporary removal from the register and a period of suspension would be sufficient to protect patients, uphold public confidence in midwives, and professional standards, and mark the public interest. The panel noted its findings in relation to Patient A involved one single patient and Ms Kerr's social media postings were repeated over a period of time. The panel concluded that a period of suspension would allow Ms Kerr to address its findings in relation to her misconduct.

The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register.

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

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

The panel noted the hardship such an order will inevitably cause Ms Kerr. However, this is outweighed by the public interest in this case.

The panel considered that this order is necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered midwife.

The panel determined that a suspension order for a period of 12 months was appropriate in this case to mark the seriousness of the misconduct..’

Decision and reasons on current impairment

The panel has considered carefully whether Ms Kerr’s fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has stated fitness to practise is 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 proof of service and meeting bundle.

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 Ms Kerr’s fitness to practise remains impaired.

The panel noted that the original panel found that Ms Kerr had insufficient insight into the concerns and that she was liable to repeat matters of the kind found proved. Today’s panel has no new information before it regarding Ms Kerr’s current insight, remorse, or any

efforts she may or may not have made in order to improve her practice. In light of this, the panel determined that Ms Kerr remains liable to repeat matters of the kind found proved.

The panel had no new information before it which represented any progress following the decision of the original panel. It therefore determined that a finding of continuing impairment is necessary on the grounds of public protection.

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 determined that, in this case, a finding of continuing impairment on public interest grounds is also required for the same reasons as the original panel.

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

Decision and reasons on sanction

Having found Ms Kerr's 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, and the public protection issues identified, an order that does not restrict Ms Kerr'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 Ms Kerr'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 on Ms Kerr'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 the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Ms Kerr's misconduct.

The panel next considered imposing a further suspension order. The panel noted that Ms Kerr has not shown remorse for her misconduct, nor has she demonstrated any insight into her previous actions. The panel was of the view that considerable evidence would be required to show that Ms Kerr no longer posed a risk to the public.

Furthermore, the panel had sight of the NMC guidance '*Removal from the register when there is a substantive order in place*' (REV-3h). It took into account that Ms Kerr has not engaged with the NMC since June 2022; she did not engage during the substantive hearing and has not engaged since the suspension order was originally imposed. The panel could therefore have no confidence that Ms Kerr would ever engage with the NMC in relation to her fitness to practice.

The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances. The panel determined that it was necessary to take action to prevent Ms Kerr from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 18 July 2025, in accordance with Article 30(1).

This decision will be confirmed to Ms Kerr in writing.

That concludes this determination.