

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

**Substantive Order Review Meeting  
Monday 16 June 2025**

**2 Stratford Place, Montfichet Road, London, E20 1EJ**

<b>Name of Registrant:</b>	Marie Catherine Mortley
<b>NMC PIN:</b>	02B1370O
<b>Part(s) of the register:</b>	Registered Nurse –Sub Part 1 Adult Nursing – 30 January 2002
<b>Relevant Location:</b>	London
<b>Type of case:</b>	Misconduct
<b>Panel members:</b>	Tracy Stephenson (Chair, Lay member) Sarah Morgan (Registrant member) Steven Chandler (Lay member)
<b>Legal Assessor:</b>	Charles Conway
<b>Hearings Coordinator:</b>	Rodney Dennis
<b>Order being reviewed:</b>	Suspension order (12 months)
<b>Fitness to practise:</b>	Impaired
<b>Outcome:</b>	<b>Striking-Off order to come into effect on 31 July 2025 in accordance with Article 30 (1)</b>

## **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 Mortley's registered email address by secure email address on 9 May 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 16 June 2025 and inviting Ms Mortley 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 Mortley 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 striking-off order. This order will come into immediate effect at the end of 31 July 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 conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 30 June 2023. This was reviewed on 17 June 2024 and the order was replaced with a 12 month suspension order.

The current order is due to expire at the end of 31 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 nurse:*

*1) On 08 November 2020, failed to administer one, or more, items of medication to Patient A which were intended to be administered at 22:00, including:*

- a) Quetiapine 150mg;*
- b) Lamotrigine 100mg;*
- c) Senna 15mg;*
- d) Lithium Carbonate 800mg; e) Mirtazapine 30mg;*

*2) On 09 November 2020, incorrectly administered one, or more, items of medication to Patient A at, or around, 06:00, including:*

- a) Quetiapine 150mg;*
- b) Lamotrigine 100mg;*
- c) Senna 15mg;*
- d) Lithium Carbonate 800mg;*
- e) Mirtazapine 30mg;*

*3) Inaccurately recorded that you had administered one, or more, items of medication to Patient A as set out in charges 1 and/or 2 above at 22:00;*

*4) Your conduct at any, and/or all, of charge 3 above was dishonest in that you:*

- a) Knew that you had not administered any and/or all of the items of medication referred to at 22:00;*
- b) ...;*
- c) ...;*

*5) ...;*

*6) ...;*

*7) ...;*

*8) ...;*

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

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

*'The panel considered whether Ms Mortley's fitness to practise remains impaired.*

*The panel noted that the original panel did not make a finding of impairment on public interest grounds but only on public protection grounds. The panel noted that the original panel had no evidence before it on whether Ms Mortley had taken steps to strengthen her practice.*

*This panel did not have any evidence as to whether she has taken steps to strengthen her practice or developed any insight.*

*The panel therefore determined that the risk of repetition was likely. In light of this, the panel determined that there remains a significant risk of harm to the public if Ms Mortley was allowed to practise unrestricted.*

*The panel therefore decided 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.*

*It concluded that a fully informed member of the public, aware of Ms Mortley's conduct and her failure to engage with her regulator to address her shortcomings following the original panel, would expect her practice to be restricted at this time. To do otherwise would undermine the public confidence in the nursing profession and the NMC as a regulator.*

*The panel therefore determined that a finding of impairment on public interest grounds is also required. For these reasons, the panel finds that Ms Mortley's fitness to practise remains impaired.'*

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

*'Having found Ms Mortley'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 Mortley'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 Mortley'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 imposing a conditions of practice order on Ms Mortley's registration would*

*still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel noted that, despite the conditions of practice order being in place since June 2021, Ms Mortley has not yet engaged with the NMC nor the order.*

*Ms Mortley has not informed the NMC nor provided any information to the panel as to whether or not she is currently practising as a registered nurse. Further, Ms Mortley has not offered any evidence of the steps she has taken to address the concerns nor whether she has any insight.*

*The panel did not have before it any suggestion from Ms Mortley that she is willing and/or able to comply with the order. On this basis, the panel determined that a conditions of practice order is no longer the appropriate order in these circumstances.*

*The panel concluded that conditions of practice are no longer workable in order to sufficiently protect the public or satisfy the wider public interest.*

*The panel had regard to the NMC's guidance on 'Suspension order' (Reference: SAN3d). It took into account the following factors:*

- a single instance of misconduct but where a lesser sanction is not sufficient*
- no evidence of harmful deep-seated personality or attitudinal problems*
- no evidence of repetition of behaviour since the incident*
- the Committee is satisfied that the nurse, midwife or nursing associate has insight and does not pose a significant risk of repeating behaviour The panel was mindful of the facts found proved by the original panel.*

*Whilst there was no evidence of deep-seated personality or attitudinal problems during the original substantive hearing, this panel was concerned with the lack of engagement by Ms Mortley. It had no evidence of any insight or remorse demonstrated by Ms Mortley. The panel determined that Ms Mortley should nevertheless be provided with an opportunity to re-engage with these proceedings and the NMC as her regulator.*

*The panel therefore decided that a suspension order is the most appropriate sanction at this time, which would both protect the public and satisfy the wider public interest.*

*The panel also took into account the NMC's guidance on 'Striking-off order' (Reference: SAN-3e). It was of the view that Ms Mortley's lack of engagement with the NMC as her regulator and her lack of willingness to address her shortfalls raises questions about her professionalism.*

*It was of the view that a continuing review cycle will serve no purpose for a registrant who is not willing to engage. However, it was of the view that a suspension order would give her another opportunity to engage with the NMC and the Fitness to Practise process.*

*Accordingly, the panel determined to impose a suspension order for the period of 12 months which would provide Ms Mortley with an opportunity to engage with the NMC and to provide evidence of the recommendations provided by the original panel.*

*It considered this to be the most appropriate and proportionate sanction available. This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 31 July 2024 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. Any future panel reviewing this case would be assisted by:*

- Engagement with the NMC and attendance at the next review hearing;*
- Evidence of engagement with any training or professional development;*
- A statement from Ms Mortley stating her intention as to whether she intends to continue with her nursing practice;*
- A detailed reflective piece covering the impact of her behaviour on patients, colleagues and the wider public; and*
- Testimonials from her current employer or any voluntary agency'*

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

The panel has considered carefully whether Ms Mortley's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as a registrant's ability to practise safely, kindly and professionally and suitability to remain on the register without restriction. 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.

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 Mortley fitness to practise remains impaired.



The panel noted that the last reviewing panel found that despite a conditions of practice order being in place since June 2021, Ms Mortley had not engaged with the NMC nor the order.

At the previous review hearing, Ms Mortley was told that a future panel would be assisted with evidence of engagement with the NMC, engagement with any training or professional development and statement confirming whether she wished to continue with her nursing practice.

Ms Mortley has failed to engage with the NMC and provided no information or evidence that demonstrates how she has addressed the regulatory concerns raised. The panel further note that there is no evidence to indicate what steps Ms Mortley has taken to strengthen her practice.

The panel therefore decided 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 and public protection grounds is required.

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

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

Having found Ms Mortley'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 Mortley'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 Mortley'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 Mortley'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 noted that a conditions of practice order had been imposed for a period of 12 months in June 2023 and Ms Mortley had failed to engage with the NMC or the order. At a review hearing on the 17 June 2024 a panel determined to replace the conditions of practice order with a suspension order.

The panel next considered imposing a further suspension order. The panel noted that Ms Mortley has not provided any information to the panel that demonstrated that the concerns raised have been addressed.

Ms Mortley has failed to provide any insight or reflection to the panel on their actions and there has now been four years of non-engagement from Ms Mortley.

The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances.

The panel took into account the NMC's guidance on 'Striking-off order' (Reference SAN-3e). The panel is of the view that Ms Mortley's continued lack of engagement with the NMC as their regulator, not only shows an unwillingness to address the concerns raised but also demonstrates further attitudinal issues towards the nursing profession. It is the panel's view that a nurse that does not address their failings or engage with their regulator is fundamentally incompatible with remaining on the register.

The panel determined that it is necessary to take action to prevent Ms Mortley 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 immediately on expiry of the current order in accordance with Article 30(1).

This decision will be confirmed to Ms Mortley in writing.

That concludes this determination.