Nursing and Midwifery Council
Fitness to Practise Committee

Substantive Meeting
Wednesday 25 – Thursday 26 June 2025

Virtual Meeting

Name of Registrant:	**Harald Walseth**
NMC PIN:	85C1459E
Part(s) of the register:	Nursing sub part 1 RN1, Registered Nurse – Adult 9 May 1988 P100, General Intensive care Nursing 26 March 1990
Relevant Location:	North Yorkshire
Type of case:	Misconduct
Panel members:	Charlie Tye (Chair, lay member) Sarah Freeman (Registrant member) Peter Kitson (Lay member)
Legal Assessor:	Lucia Whittle-Martin
Hearings Coordinator:	Peaches Osibamowo
Facts proved:	Charges 1, 2, 3, 4 & 5
Fitness to practise:	Impaired
Sanction:	**Striking-off order**
Interim order:	**Interim suspension order (18 months)**

Decision and reasons on service of Notice of Meeting

The panel was informed at the start of this meeting that the Notice of Meeting had been sent to Mr Walseth's registered email address by secure email on 21 May 2025.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, dates and the fact that this meeting was heard virtually.

In the light of all of the information available, the panel was satisfied that Mr Walseth 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).

Details of charge

That you a Registered Nurse:

1. Between December 2022 and January 2023 whilst acting as the main nurse delivering a package of home care to Person A:

    a. Used offensive and/or discriminatory and/or derogatory language about Patient A and his family in a WhatsApp group.

    b. Failed to intervene when colleagues were using offensive and/or discriminatory and/or derogatory language about Patient A and his family in a WhatsApp group.

2. Provided contact details to the NMC for an employment reference without making clear you were the owner of the company you provided details for.

3. Provided an employment reference to the NMC written by you or written at your direction.

4. Your actions at charge 2 were dishonest in that you knew the contact details provided were your own but intended the NMC to believe they belonged to another.

5. Your actions at charge 3 were dishonest in that you intended the NMC to believe the reference was written by another person but you knew it had been written by you or written at your direction.

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

Background

The charges arose due to conduct which allegedly occurred both whilst Mr Walseth was employed as a Registered Nurse by [PRIVATE], and subsequent thereto.

A referral was received on 19 January 2023 in relation to unprofessional messages on a WhatsApp group in relation to a patient and their family whom Mr Walseth and the Health Care Assistants were supporting. These were messages in the course of his professional employment as a nurse.

Following this the NMC requested a reference from Mr Walseth. It is alleged that on 9 September 2023 he submitted an employment details form that was false in that it did not make it clear that he was the owner of the company that he purported to work for. It is further alleged that on 15 October 2023 Mr Walseth submitted an employment reference that was false in that it was written by himself or by another at his behest. It is asserted that following enquiries made by the NMC into this Mr Walseth sought to bolster the contents of his false reference by means of an email sent on 15 January 2024.

The case was referred to a Fitness to Practice Committee on 14 November 2023 and on 6 May 2025 the case was referred to a substantive meeting.

Decision and reasons on facts

In reaching its decisions on the disputed facts, the panel took into account all the documentary evidence in this case together with the representations made by the NMC.

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 had regard to the written statements of the following witnesses on behalf of the NMC:

- Witness 1: Human Resources manager at [PRIVATE]
- Witness 2: Health Care Assistant/ Complex Care Support worker at [PRIVATE]
- Witness 3: Investigations Team at the NMC

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

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

Charge 1a

Between December 2022 and January 2023 whilst acting as the main nurse delivering a package of home care to Person A:

a. Used offensive and/or discriminatory and/or derogatory language about Patient A and his family in a WhatsApp group.

This charge is found proved.

In reaching this decision, the panel took into account the WhatsApp messages and an email sent by Mr Walseth to the NMC on 25 January 2023.

The panel identified that there was no dispute that Mr Walseth had sent the messages.

In his WhatsApp messages Mr Walseth stated that:

'[Patient A's] *a fat fucker'*

'Not one fucker came to the hospital or even shed a tear yet now the blame is heading our way'

'Me and [Person 1] *were given a warmed up plate of shit by* [Patient A's wife] *last night which we put straight in the bin'*

'Muslim mafia'

'Does he need it or is this professor [Patient A's wife's] *medical opinion'*

The panel considered that these messages described Patient A and their family in an insulting fashion and made frequent use of insulting language. Moreover, an explicit reference is made to the family's faith in an insulting manner when describing them

as a '*muslim mafia'*. The panel determined that these messages about Patient A and their family are offensive, discriminatory and derogatory.

In light of this, on the balance of probabilities, charge 1a is found proved.

Charge 1b

> Between December 2022 and January 2023 whilst acting as the main nurse delivering a package of home care to Person A:
>
> Failed to intervene when colleagues were using offensive and/or discriminatory and/or derogatory language about Patient A and his family in a WhatsApp group.

This charge is found proved.

In reaching this decision, the panel took into account the WhatsApp messages and the witness statement from witness 2.

The panel found that Mr Walseth was the instigator of many of the derogatory threads. The panel also identified a considerable volume of messages from other members of the group which used offensive, discriminatory and derogatory language about Patient A and their family. Rather than shutting these down and making it clear that these messages were not appropriate, Mr Walseth affirmed these inappropriate messages by responding with his own comments. Therefore, he failed to intervene or shut down the conversation at the first instance.

The panel considered that junior colleagues may have taken their lead from him as the sole registrant and senior professional leading on Patient A's care.

In light of this, on the balance of probabilities, charge 1b is found proved.

Charge 2

> Provided contact details to the NMC for an employment reference without making clear you were the owner of the company you provided details for

This charge is found proved.

In reaching its decision the panel considered Mr Walseth's personal contact and employment details form sent to the NMC on 9 September 2023 and the witness statement from witness 3.

The panel accepted the evidence of witness 3 which identified the postal address and contact number listed for the company Medical Repatriations are identical to Mr Walseth's personal details listed on the NMC Register. It also found that Mr Walseth listed himself as the owner of the company on LinkedIn. Therefore, the panel concluded that Mr Walseth was the owner of Medical Repatriations, knew he was the owner of the company and did not disclose this when providing details to the NMC.

In light of this, on the balance of probabilities, the panel found charge 2 proved.

Charge 3

> Provided an employment reference to the NMC written by you or written at your direction

This charge is found proved.

In reaching its decision the panel considered the reference sent to the NMC on 15 October 2023, Mr Walseth's personal contact and employment details form sent to the NMC on 9 September 2023 and the witness statement from witness 3.

The panel identified that Mr Walseth's name and email address appears at the top of the reference email. Moreover, the panel observed that Mr Walseth provided contact

details for a company that he was in control of, therefore he knew that the reference request from the NMC would go to company he controlled.

The panel also considered that when challenged on the authenticity of the reference, Mr Walseth claimed to be a sole trader who had no contact with the purported author of the reference, Person 2. No explanation was provided as to why Mr Walseth told the NMC to get his employment details from Medical Repatriations as if he were a sole trader he was not employed, nor was any explanation provided as to how Person 2 could have sent the reference if he had limited involvement with the company. Indeed Mr Walseth offered no explanation or comments regarding the authenticity of the reference within his response to the NMC.

The panel considered that the most likely explanation was that Mr Walseth had given the NMC his own contact details intending them to contact him for a reference that he himself intended to write.

The panel concluded that Mr Walseth completed the reference himself or had someone complete it on his direction and then returned it to the NMC. This would be consistent with the reference then coming from his email address.

In light of this, on the balance of probabilities, charge 3 is found proved.

Charge 4

> Your actions at charge 2 were dishonest in that you knew the contact details provided were your own but intended the NMC to believe they belonged to another.

This charge is found proved.

In reaching its decision the panel considered Mr Walseth's personal contact and employment details form sent to the NMC on 9 September 2023.

The panel applied the test in *Ivey v Genting Casinos* [2017] UKSC 67 and determined that Mr Walseth must have known that he was providing his own contact details, and did so with the intention that the NMC would believe they belonged to another.

The panel determined that this was dishonest by the standards of the ordinary decent person.

In light of this, on the balance of probabilities, charge 4 is found proved.

Charge 5

> Your actions at charge 3 were dishonest in that you intended the NMC to believe the reference was written by another person but you knew it had been written by you or written at your direction.

This charge is found proved.

In reaching its decision the panel considered the reference sent to the NMC on 15 October 2023, Mr Walseth's personal contact and employment details form sent to the NMC on 9 September 2023 and the witness statement from witness 3.

With reference to the panel's decision in relation to charge 3, it noted that the reference was signed by 'Person 2'. This shows that Mr Walseth intended for the reader to believe that the reference provided to the regulator was from someone other than himself, whilst knowing that it has been written by himself or someone at his direction. The panel concluded that intentionally falsifying a reference to mislead the regulator would be considered dishonest by the standards of ordinary decent people.

In light of this, on the balance of probabilities, the panel found charge 5 proved.

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 Mr Walseth'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, Mr Walseth's fitness to practise is currently impaired as a result of that misconduct.

Representations on misconduct and impairment

In coming to its decision, the panel had regard to the case of Roylance v GMC (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.'*

The NMC 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.

The NMC identified the specific, relevant standards where Ms Walseth's actions amounted to misconduct which included the offensive and disrespectful language used in the WhatsApp messages, the potential impact that his messages had on

junior colleagues, and the dishonesty exhibited through falsifying a reference to the regulator.

The NMC requires the panel to bear in mind its overarching objective to protect 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. The panel has referred to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin).

The NMC invited the panel to find Mr Walseth's fitness to practise impaired on the grounds of public protection and public interest.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Roylance v General Medical Council* (No 2) [2000] 1 A.C. 311, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), and *General Medical Council v Meadow* [2007] QB 462 (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 Mr Walseth's actions did fall significantly short of the standards expected of a registered nurse, and that Mr Walseth's actions amounted to a breach of the Code. Specifically:

> **1 Treat people as individuals and uphold their dignity**
> **To achieve this, you must:**
>
> 1.1 treat people with kindness, respect and compassion
>
> 1.2 avoid making assumptions and recognise diversity and individual choice

1.5 respect and uphold people's human rights

3 Make sure that people's physical, social and psychological needs are assessed and responded to
To achieve this, you must:

3.4 act as an advocate for the vulnerable, challenging poor practice and discriminatory attitudes and behaviour relating to their care

5 Respect people's right to privacy and confidentiality As a nurse, midwife or nursing associate, you owe a duty of confidentiality to all those who are receiving care. This includes making sure that they are informed about their care and that information about them is shared appropriately.
To achieve this, you must:

5.1 respect a person's right to privacy in all aspects of their care

5.4 share necessary information with other health and care professionals and agencies only when the interests of patient safety and public protection override the need for confidentiality

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, treating people fairly and without discrimination, bullying or harassment

20.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people

20.8 act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to

20.10 use all forms of spoken, written and digital communication (including social media and networking sites) responsibly, respecting the right to privacy of others at all times

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. However, the panel was of the view that the WhatsApp messages show a derogatory and dismissive attitude which is wholly unbecoming of a Registered Nurse. The panel considered that Mr Walseth's conduct shows a lack of the fundamental qualities expected of a nurse. The panel decided that Mr Walseth had a duty to challenge unacceptable conduct from junior members of staff and he did not do this, moreover, he instigated the disrespectful messages on a number of instances. The panel also found that his conduct in falsifying a reference to the NMC shows disrespect to the regulator itself, and a breach of the professional duty of candour. This constitutes a breach of the code and serious professional misconduct.

The panel found that Mr Walseth's actions did fall seriously short of the conduct and 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, Mr Walseth'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 March 2023, which states:

'The question that will help decide whether a professional's fitness to practise is impaired is:
"Can the nurse, midwife or nursing associate practise kindly, safely and professionally?"

If the answer to this question is yes, then the likelihood is that the professional's fitness to practise is not impaired.'

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional and to maintain professional boundaries. Patients and their families must be able to trust nurses to care for them in line with the fundamental tenets of nursing at the most vulnerable moments of their lives or 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* 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/their fitness to practise is impaired in the sense that S/He/They:

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 finds that a patient was put at a risk of emotional harm as a result of Mr Walseth's misconduct. Mr Walseth's misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. It was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to dishonesty extremely serious.

Regarding insight, the panel considered that Mr Walseth has expressed remorse for the WhatsApp messages which shows insight. The panel concluded that this conduct is highly unlikely to be repeated. As a result there is no need for a finding of impairment on public protection grounds in respect of the messages.

However, he has not addressed or acknowledged the reference submitted to the NMC and he has shown no insight into the dishonesty involved in this instance. The panel considered Mr Walseth's conduct involved a sophisticated attempt to deceive the regulator with false details demonstrating a deep seated attitudinal issue when dealing with the regulator. The panel found that there was no evidence before it to show that Mr Walseth has strengthened his practice. The panel also noted that this is particularly difficult in terms of dishonesty. As such, there is a risk of repetition on the dishonesty aspect.

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 determined that a finding of impairment on public interest grounds is required because the public would consider the WhatsApp messages wholly unbecoming of a nurse. Even with the insight Mr Walseth has shown, a finding of impairment was necessary to mark the conduct as unacceptable and reinforce to the public that it will not be tolerated.

Moreover, the panel concluded that public confidence in the profession would be undermined if registered professionals were able to dishonestly provide false details and fabricate references in an effort to mislead the regulator without robust action being taken. The public may consider the dishonesty was not being taken seriously by the regulator and so they may be hesitant in entrusting their care to professionals for fear they cannot trust them and no action would be taken to safeguard them against dishonest conduct. Therefore, the panel concluded that public confidence in the profession and the upholding of professional standards would be undermined if a finding of impairment were not made in this case and therefore it finds Mr Walseth's fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Mr Walseth's fitness to practise is currently impaired on public interest grounds.

Sanction

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

Decision and reasons on sanction

Having found Mr Walseth'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:

- No insight into the dishonesty
- Dishonesty over a prolonged period of time

The panel also took into account the following mitigating features:

- Insight into the WhatsApp messages

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 interest issues identified, an order that does not restrict Mr Walseth'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 Mr Walseth'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 Mr Walseth'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 in this case. The dishonest misconduct identified in this case was not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Mr Walseth's registration would not adequately address the seriousness of this case.

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

- *A single instance of misconduct but where a lesser sanction is not sufficient;*
- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *No evidence of repetition of behaviour since the incident;*
- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*

The misconduct 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 Mr Walseth's actions is fundamentally incompatible with Mr Walseth 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?*

Mr Walseth's actions were significant departures from the standards expected of a Registered Nurse, and are fundamentally incompatible with him remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Mr Walseth's actions were serious and to allow him to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

The panel also had regard to the NMC Guidance (Sanctions for particularly serious cases), focusing particularly on the section 'cases involving dishonesty.' The guidance indicates that cases of dishonesty will always be serious and a nurse, midwife or nursing associate who has acted dishonestly will always be at some risk of being removed from the register. Although not all dishonesty is equally serious.

Mr Walseth's dishonesty was a systematic attempt to mislead the regulator, and a breach of the professional duty of candour. For rather than be open and honest when an investigation was launched, he instead sought to falsify a reference so that he might portray himself in the best possible light to the NMC. The guidance indicates that systematic deception, and a breach of the duty of candour is very serious dishonesty which is most likely to call into question whether a registered professional should be allowed to remain on the Register.

Mr Walseth's conduct was not an isolated incident, but a series of incidents with him submitting false details, falsifying a reference, attributing it to a different person, and sending it to the NMC. As a result this was neither a one-off incident of dishonesty, nor was it opportunistic or spontaneous. Accordingly, none of the factors indicating that this is less serious dishonest conduct is present in this case. The panel concludes that Mr Walseth's dishonesty was very serious indeed.

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 matters it identified, in particular the effect of Mr Walseth's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct himself, the panel has concluded that nothing short of this 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.

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 and inn the public interest until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

Decision and reasons on interim order

The panel was satisfied that an interim order is in the public interest. 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 due to an ongoing

risk of repetition regarding dishonesty, and therefore, to maintain public confidence for the duration of the appeal period.

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

This will be confirmed to Mr Walseth in writing.

That concludes this determination.