

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

**Substantive Meeting  
Monday, 17 November 2025**

Virtual Meeting

**Name of Registrant:** Shimona Tahany

**NMC PIN:** 10K0750E

**Part(s) of the register:** Nurses part of the register Sub part 1  
RNMH: Mental health nurse, level 1 (01  
October 2011)

**Relevant Location:** Cumberland

**Type of case:** Misconduct and Conviction

**Panel members:** John Millar (Chair, Lay member)  
Frances McGurgan (Lay member)  
Genevive Nwanze (Registrant member)

**Legal Assessor:** Attracta Wilson

**Hearings Coordinator:** John Kennedy

**Consensual Panel Determination:** Accepted

**Facts proved:** Charges 1a, 1b, 1c, 2a, 2b, 3a, 3b, 3c, 3d, 4a,  
4b, 5a, and 5b

**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 that the Notice of Meeting had been sent to Miss Tahany's registered email address by secure email on 11 November 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.

The panel noted that Miss Tahany emailed the NMC on 25 September 2025 confirming she was content to waive the statutory 28 days' notice period.

In the light of all of the information available, the panel was satisfied that Miss Tahany 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. On 26 October 2021 at Barrow-in-Furness Magistrates' Court were convicted of the following offences;
  - 1a. On 18 July 2021 at Kendal in the county of Cumbria used threatening or abusive words or behaviour or disorderly behaviour within the hearing or sight of a person likely to be caused harassment, alarm, or distress thereby. Contrary to section 5 (1) and (6) of the Public Order Act 1986.

1b. On 18 July 2021 at Kendal in the county of Cumbria assaulted PC 2371 Schofield an emergency worker, namely a police constable, acting in the exercise of his functions as such a worker, by beating him. Contrary to section 39 of the Criminal Justice Act 1988 and section 1 of the Assaults on Emergency Workers (Offences) Act 2018.

1c. On 18 July 2021 at Kendal in the county of Cumbria assaulted PS 2418 Hill, an emergency worker, namely a Police Sergeant, acting in the exercise of her functions as such a worker, by beating her. Contrary to section 39 of the Criminal Justice Act 1988 and section 1 of the Assaults on Emergency Workers (Offences) Act 2018.

2. On 30 May 2022 at Carlisle Magistrates' Court were convicted of the following offences;

2a. On 18 May 2022 at Kendal when suspected of having driven a vehicle and having been required to provide a specimen or specimens of breath for analysis by means of a device of a type approved by the Secretary of State pursuant to section 7 of the Road Traffic Act 1988 in the course of an investigation into whether you had committed an offence under section 3A, 4, 5 or 5A thereof, failed without reasonable excuse to do so. Contrary to section 7(6) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

2b. On 27 May 2022 at Kendal, County of Cumbria when suspected of having driven a vehicle and having been required to provide a specimen or specimens of breath for analysis by means of a device of a type approved by the Secretary of State pursuant to section 7 of the Road Traffic Act 1988 in the course of an investigation into whether you had committed an offence under section 3A, 4, 5 or 5A thereof, failed without reasonable excuse to do so. Contrary to section 7(6) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

3. On 18 July 2021 failed to safeguard one or more children in your care in that you in the presence of one or more children:
  - a. Appeared to be under the influence of alcohol.
  - b. Was arrested whilst appearing intoxicated.
  - c. Shouted and swore at police officers.
  - d. Prodded a police officer in the chest.
  
4. On 18 May 2022 failed to safeguard a child in your care in that you:
  - a. Appeared to be under the influence of alcohol whilst a child was a passenger in your motor vehicle.
  - b. Was involved in a road traffic collision whilst a child was a passenger in your motor vehicle.
  
5. On 27 May 2022 failed to safeguard a child in your care in that you:
  - a. appeared to be under the influence of alcohol whilst a child was a passenger in your motor vehicle.
  - b. Drove a motor vehicle in a manner causing you to swerve across lanes whilst a child was a passenger in your motor vehicle.

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

Your misconduct with respect of one or more of charges: 3 – 5b and/or your convictions for charges: 1 – 2b.

### **Consensual Panel Determination**

At the outset of this meeting, the panel was made aware that a provisional agreement of a Consensual Panel Determination (CPD) had been reached with regard to this case between the Nursing and Midwifery Council (NMC) and Miss Tahany.

The agreement, which was put before the panel, sets out Miss Tahany's full admissions to the facts alleged in the charges, that her actions in charges 3 – 5b amounted to misconduct and that her fitness to practise is currently impaired on public interest grounds by reason of that misconduct and convictions. It is further stated in the agreement that an appropriate sanction in this case would be striking-off order.

The panel has considered the provisional CPD agreement reached by the parties.

That provisional CPD agreement reads as follows:

*'The Nursing & Midwifery Council ("the NMC") and Simona Tahany, PIN 10K0750E ("the Parties") agree as follows:*

1. *Miss Tahany is content for her case to be dealt with by way of a CPD meeting. Miss Tahany is aware of the CPD meeting and does not intend on attending and is content for it to proceed in their absence. Miss Tahany will endeavour to be available by telephone should any clarification on any point be required or should the panel wish to make other amendments that requires Miss Tahany's agreement.*

***The charges***

2. *Miss Tahany admits the following charges:*

*That you, a registered nurse:*

2. *On 26 October 2021 at Barrow-in-Furness Magistrates' Court were convicted of the following offences;*

- 3.

- 1a. *On 18 July 2021 at Kendal in the county of Cumbria used threatening or abusive words or behaviour or disorderly behaviour within the hearing or sight of*

*a person likely to be caused harassment, alarm, or distress thereby. Contrary to section 5 (1) and (6) of the Public Order Act 1986.*

*1b. On 18 July 2021 at Kendal in the county of Cumbria assaulted PC 2371 Schofield an emergency worker, namely a police constable, acting in the exercise of his functions as such a worker, by beating him. Contrary to section 39 of the Criminal Justice Act 1988 and section 1 of the Assaults on Emergency Workers (Offences) Act 2018.*

*1c. On 18 July 2021 at Kendal in the county of Cumbria assaulted PS 2418 Hill, an emergency worker, namely a Police Sergeant, acting in the exercise of her functions as such a worker, by beating her. Contrary to section 39 of the Criminal Justice Act 1988 and section 1 of the Assaults on Emergency Workers (Offences) Act 2018.*

*3. On 30 May 2022 at Carlisle Magistrates' Court were convicted of the following offences;*

*4. 2a. On 18 May 2022 at Kendal when suspected of having driven a vehicle and having been required to provide a specimen or specimens of breath for analysis by means of a device of a type approved by the Secretary of State pursuant to section 7 of the Road Traffic Act 1988 in the course of an investigation into whether you had committed an offence under section 3A, 4, 5 or 5A thereof, failed without reasonable excuse to do so. Contrary to section 7(6) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.*

*5. 2b. On 27 May 2022 at Kendal, County of Cumbria when suspected of having driven a vehicle and having been required to provide a specimen or specimens of breath for analysis by means of a device of a type approved by the Secretary of State pursuant to section 7 of the Road Traffic Act 1988 in the*

*course of an investigation into whether you had committed an offence under section 3A, 4, 5 or 5A thereof, failed without reasonable excuse to do so. Contrary to section 796) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.*

*6. On 18 July 2021 failed to safeguard one or more children in your care in that you in the presence of one or more children:*

- e. Appeared to be under the influence of alcohol.*
- f. Was arrested whilst appearing intoxicated.*
- g. Shouted and swore at police officers.*
- h. Prodded a police officer in the chest.*

*7. On 18 May 2022 failed to safeguard a child in your care in that you:*

- a. Appeared to be under the influence of alcohol whilst a child was a passenger in your motor vehicle.*
- b. Was involved in a road traffic collision whilst a child was a passenger in your motor vehicle.*

*8. On 27 May 2022 failed to safeguard a child in your care in that you:*

- a. appeared to be under the influence of alcohol whilst a child was a passenger in your motor vehicle.*
- b. Drove a motor vehicle in a manner causing you to swerve across lanes whilst a child was a passenger in your motor vehicle.*

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

*7. Your misconduct with respect of one or more of charges: 3 – 5b and/or your convictions for charges: 1 – 2b.*

### **The facts**

3. *Miss Tahany appears on the register of nurses, midwives and nursing associates maintained by the NMC as a Registered Mental Health Nurse and has been on the NMC register, since 1 October 2011.*
4. *On 31 May 2022, the NMC received a referral from Cumbria County Council's Children's Services (CCCCS). Concerns were raised about Miss Tahany's alcohol use and mental health.*
5. *On 17 August 2021, another referral was also received by Cumbria Police, in relation to charges 1 a - c. However, the matter was closed, and no further action was taken at that time due to the events having occurred in Miss Tahany's private life, with no link to her role as a nurse. The threshold with regard to meeting the public interest is high, and on the merits of this case alone the threshold was not met.*
6. *After receiving the referral from CCCCCS on 31 May 2022, the case was subject to a Rule 7A review, which directed further investigations to be carried out, and for the case to be reconsidered by the case examiners. The previous matters relating to the 17 August 2021 referral were reopened and form part of the charges contained herein this provisional determination, which is agreed by both the Parties.*
7. *Miss Tahany has not worked as a nurse since November/December 2020.*

### **Charges 1 a – c**

8. *On 17 August 2021 the NMC received disclosure from Cumbria Police about Miss Tahany. The disclosure stated that Miss Tahany had been arrested for the following offences:*
  - 11.1. *2 charges of Assault by beating of an emergency worker*
  - 11.2. *Use threatening/abusive words/behaviour or disorderly behaviour likely to cause harassment/alarm or distress*
9. *The circumstances are that at approximately 13:00 hours on 18 July 2021, Cumbria Police received a report of an intoxicated female shouting and swearing in the street outside an address in Kendal. Miss Tahany had four children in her care.*

*Police officers attended the scene where they located Miss Tahany, who appeared under the influence of alcohol. Miss Tahany continued to shout and swear at officers in the presence of her four children and refused to go back inside her home address.*

- 10. Whilst stood at the doorstep, she prodded PC Schofield to the chest despite warnings not to do so and was arrested for assault on an emergency worker and a Section 5 public order offence. Following her arrest, Miss Tahany continued to resist, arrest. PC Schofield used force to take Miss Tahany to the kitchen floor. Whilst in handcuffs Miss Tahany scratched PC Schofield's hands, causing two cuts to PC Schofield's hand with minor bleeding.*
- 11. Following her arrest, Miss Tahany was taken to Kendal police station and was conveyed to the custody suite. Miss Tahany was escorted to her cell and refused to co-operate. Two officers took Miss Tahany from her cell by force. Miss Tahany attempted to pull away from them and swung her arm out making contact with PS Hill's head.*
- 12. The charge of obstructing and or resisting a constable in the execution of duty on 18 July 2021, was later withdrawn by the Crown Prosecution Service.*
- 13. On 26 October 2021 at Barrow-in-Furness Magistrates' Court Miss Tahany subsequently entered guilty pleas to:
  - 14.1. 2 charges of Assault by beating of an emergency worker*
  - 14.2. Use threatening / abusive words / behaviour likely to cause harassment, alarm, or distress**
- 14. Miss Tahany was convicted and sentenced to a 12-month Community Order with an 8-week curfew requirement and a fine of £150.*

**Charges 2 a – b**

- 15. In the afternoon of 18 May 2022, the Police received a 999 call, reporting a possible drink driving offence. The caller told the Police that they had been involved in a minor road traffic collision with Miss Tahany's vehicle, and while exchanging details, the caller smelt alcohol on Miss Tahany's breath. The caller also expressed concern that Miss Tahany had a young child in her vehicle.*

16. *Following the 999 call, police officers located Miss Tahany's vehicle at her mother's address. One of the police officers in attendance smelt alcohol on Miss Tahany's breath. The police officers noted recent damage to her vehicle and an open can of vodka and coke within the vehicle.*
17. *Miss Tahany refused to provide the police with a specimen of breath. She was arrested for failing to provide a specimen. Following a police interview, in which Miss Tahany denied drink driving, Miss Tahany was charged with failing to provide a specimen and child neglect. She was bailed to attend the Magistrates' Court on 7 June 2022.*
18. *On 27 May 2022, the Police received a 999 call from a member of the public who said they saw Miss Tahany's car being driven on the M6 motorway "swerving across lanes 1 and 2". The caller advised of the number plate of the vehicle (which matched Miss Tahany's vehicle) and said the driver was female and that there was a young child in the back seat. The caller stated that they thought the driver was under the influence of alcohol.*
19. *A further call was received from another member of the public, advising of similar facts. This caller stated that they had tried to get Miss Tahany to pull over, but she did not pull over and noted that Miss Tahany could hardly keep her eyes open.*
20. *About 20 minutes later, the Police saw Miss Tahany's vehicle driving into Kendal. They saw her vehicle hit the nearside kerb and then required it to stop, which it did. A police officer spoke to Miss Tahany and formed the view that she was under the influence of alcohol. Miss Tahany was arrested on suspicion of driving whilst unfit through drink or drugs and for child neglect.*
21. *At the police station Miss Tahany refused to provide a specimen of breath for analysis. In interview, she said that she was not driving under the influence of*

*alcohol. Miss Tahany told the police that her car had developed a mechanical fault, and that she did not want to stop on the motorway. Miss Tahany said that she refused to provide a specimen of breath because she did not like the police. Miss Tahany denied child neglect, saying that she had not had a drink for the past five days. Following Miss Tahany's interview, she was charged with failing to provide a specimen of breath and bailed to attend court.*

*22. On 11 August 2022, Miss Tahany appeared at Carlisle Magistrates' Court and was sentenced to a total of 20 weeks imprisonment, suspended for 12 months. Miss Tahany was also made subject to a three-month alcohol treatment order to be supervised by the Probation Service and disqualified from driving for a period of 36 months.*

*23. The offence of child neglect was not pursued by the Crown Prosecution Service.*

### **Charges 3 – 5b**

*24. Miss Tahany agrees that the matters above pertaining to 18 July 2021, 18 May 2022, and 27 May 2022 amount to a failure to properly safeguard one or more children who were in her care, and who were present at the time of the incidents.*

*25. Miss Tahany has engaged with the NMC investigation and in the Case Management Form ("CMF") dated 23 October 2023, Miss Tahany admitted all the charges and conceded that her fitness to practise is impaired.*

*26. On 16 September 2025, Miss Tahany emailed the NMC with a letter from the Disclosure and Barring Service attached, dated 1 October 2024. Miss Tahany asked in her email to leave the NMC register, stipulating that she has been barred from working with children or vulnerable adults for 10 years.*

*27. Furthermore, in an email to the NMC, dated 18 September 2025 Miss Tahany also states: 'I no longer want to practice. I agree to the charges and that my fitness to practice was impaired. I agree with a strike off. I am happy with this being dealt with a one-day CPD hearing or meeting.'*

### **Facts in relation to conviction charges**

28. *Carlisle Magistrates' Court produced a Certificate of Conviction which reflects the charges. Barrow-in-Furness Magistrates' Court produced a Certificate of Conviction which reflects the charges.*

29. *The Parties agree that the conduct as particularised in the admitted charges amount to both convictions and misconduct.*

**The NMC Code**

30. *Where the acts or omissions of a registered nurse are in question, what would be proper in the circumstances (per Roylance) can be determined by having reference to the Nursing and Midwifery Council's Code of Conduct.*

31. *At the relevant time, Miss Tahany was subject to the provisions of The Code: Professional standards of practice and behaviour for nurses and midwives (2015) ('the Code'). The Code divides its guidance for nurses into four categories which can be considered as representative of the fundamental principles of nursing care.*

32. *These are:*

*Prioritise people;*

*Practice effectively;*

*Preserve safety and*

*Promote professionalism and trust.*

33. *The Parties agree that the following parts of the Code have been breached in this case:*

- *20 Uphold the reputation of your profession at all times*
- *20.1 Keep to and uphold the standards and values set out in the Code*
- *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 to aspire to.*

34. *Upholding the nursing profession is a fundamental nursing task and it was the professional duty of Miss Tahany to ensure that she acted in a manner that was appropriate and upholds the law of the land.*
35. *In respect of charges 1 a – c, although Miss Tahany’s actions were serious and involved a failure to uphold the law of the land. The events occurred in Miss Tahany’s private life, there was no clinical misconduct or malpractice and as stated, the threshold for meeting the public interest is high.*
36. *However, charges 1 a - c compounded with the remaining charges does meet the threshold for public interest grounds being met, and a failure to uphold the reputation of the profession at all times.*
37. *In light of the circumstances surrounding Miss Tahany's offending the NMC sought to investigate whether she has a health condition which is capable of impairing her fitness to practise. There was no evidence to suggest a risk of harm to patients or concerns Miss Tahany attended work whilst under the influence of alcohol. It was noted that December 2020 was the last time Miss Tahany worked as a nurse. The NMC is satisfied that the charges brought against Miss Tahany represent the case which was referred by the Case Examiners to the Fitness to Practise Committee. The NMC attempted to engage Miss Tahany with medical testing, but Miss Tahany withdrew her consent.*
38. *In respect of charges 2a – b, Miss Tahany acted inappropriately by not providing the specimens of breath as requested by the police. Miss Tahany committed both offences within a nine-day period. The second offence was committed whilst on bail for the first offence. This demonstrates a disregard for the law and for professional standards as a nurse.*
39. *Miss Tahany accepts that her failings, inclusive of charges 3 – 5b are damaging to the reputation of nursing, the trust that the public places in the profession and what would be considered acceptable behaviour of a registered nurse.*
40. *Additionally, the misconduct at charges 3 – 5b meets the test for **Roylance v General Medical Council UKPC**. Although the misconduct occurred in a non-clinical setting, on the grounds of public interest and in line with what would be expected of a registered nurse; Miss Tahany’s actions can be considered*

*tantamount to serious professional misconduct. It can also be defined as an act or omission that falls short of what is proper for a medical practitioner, and which is of a "serious" nature.*

### **Impairment**

15. *The NMC's Guidance at DMA-1 provides that whilst the term impairment is not defined by the legislation, the body of legal cases determines that the question is whether the registrant can practise kindly, safely and professionally.*
16. *The Parties both agree that Miss Tahany's fitness to practise is currently impaired by reason of her misconduct and convictions.*
17. *The NMC's guidance<sup>1</sup> explains that impairment is not defined in legislation but is a matter for the Fitness to Practise Committee to decide. This involves a consideration of both the nature of the concern and the public interest.*
18. *The Parties agree that consideration of the nature of the concern involves looking at the factors set out by Dame Janet Smith in her Fifth Report from Shipman, approved in the case of **Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant [2011] EWHC 927 (Admin) by Cox J;***
  - a. *Has (the registrant) 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 (the registrant) in the past brought and/or is liable in the future to bring the professions into disrepute; and/or*
  - c. *Has (the registrant) in the past breached and/or is liable in the future to breach one of the fundamental tenets of the professions; and/or*
  - d. *Has (the registrant) in the past acted dishonestly and/or is liable to act dishonestly in the future?*
19. *Impairment needs to be considered as at today's date, that is whether Miss Tahany's fitness to practice is currently impaired.*
20. *The Parties agree that limbs ii and iii are engaged in this case.*

*Limb ii)*

21. *Miss Tahany's convictions are likely to bring or have brought the nursing profession into disrepute. The public would be extremely concerned to hear that a nurse was convicted failure to provide a breath specimen on two occasions, within a nine-day period, in addition to being culpable of a public disorder offence and assaulting two emergency workers. The fact that one or more of Miss Tahany's children were present at the time of each incident and that they witnessed the incidents whilst Miss Tahany was tasked with safeguarding her children is also concerning.*

22. *Miss Tahany has brought the profession into disrepute by the very nature of the conduct displayed. Registered professionals must abide by the laws of the land and act and always promote integrity at all times; Miss Tahany's conduct fell short of this.*

23. *The public has the right to expect high standards of registered professionals. The seriousness of the convictions is such that it calls into question Miss Tahany's professionalism in the workplace. This therefore has a negative impact on the reputation of the profession and, accordingly, has brought the profession into disrepute.*

*Limb iii)*

24. *Nurses are expected to act with integrity and promote trust. The convictions and misconduct show a lack of integrity and does not promote trust in the profession. Miss Tahany has breached fundamental tenets of the profession by failing to act with professionalism and integrity.*

25. *The NMC has set out above the relevant sections of the Code we consider have been breached in this case and which we consider demonstrate breaches by Miss Tahany of the fundamental tenets of the profession.*

26. Registered professionals occupy a position of trust in society. The public, quite rightly, expects nurses to provide safe and effective care, and conduct themselves in a way that promotes trust and confidence. Miss Tahany's actions and subsequent convictions undermines the public's trust and confidence in the nursing profession and could result in patients, and members of the public, being deterred from seeking nursing assistance when needed.

*Remorse, reflection, insight, training, and remediation*

1. With regard to future risk the Parties have considered the comments of Silber J in **Cohen v General Medical Council [2008] EWHC 581 (Admin)** namely (i) whether the concerns are easily remediable; (ii) whether they have in fact been remedied; and (iii) whether they are highly unlikely to be repeated.
2. The Parties have considered the NMC guidance "Can the concern be addressed?" FTP-13a. The Parties agree that Miss Tahany has not provided evidence in relation to the concerns raised, to prove that she has strengthened her practice. Although the offences did not occur in clinical practice but in Miss Tahany's private life, this is a relevant factor to consider.
3. However, it is agreed that as the matters are not clinical but attitudinal in nature they are therefore difficult to remediate.
4. Miss Tahany has demonstrated some insight in that she has accepted her limitations, and ability to work safely and effectively as a nurse for some time before the incidents occurred, and for a while prior to being barred from the children and vulnerable adult's lists. Miss Tahany pleaded guilty to the offences for which she was convicted, she accepts the NMC charges. Her conduct should be considered serious as professionalism and integrity are fundamental tenets of the profession.
5. The NMC's guidance entitled "Insight and strengthened practice (FTP-13)" states "Evidence of the nurse, midwife or nursing associate's insight and any steps they have taken to strengthen their practice will usually be central to deciding whether their fitness to practise is currently impaired".
6. The Parties next considered to what extent Miss Tahany had reflected upon events and had demonstrated insight into what happened, together with steps taken to remediate the concerns.

7. *With regard to insight, Miss Tahany pleaded guilty to the offences and also accepted the NMC charges in October 2023 via a Case Management Form. However, Miss Tahany has not expressed remorse or provided a reflective piece in respect of the relevant concerns and for that matter her insight is substantially limited.*
8. *Miss Tahany has not worked as a nurse since November/December 2020 and although the concerns are not related to her clinical practice, she has stated that she is not able to return to clinical practice due to not being able to work with children or vulnerable adults for approximately the next nine years. The concerns are attitudinal in nature and relate to more than one incident demonstrating a pattern of behaviour.*

*Public protection impairment*

*27. A finding of impairment is not necessary on public protection grounds. As stated above, Miss Tahany is barred from working with children and vulnerable adults for circa the next nine years. If Miss Tahany wanted to return to nursing after such time, she would need to satisfy a future panel that she is safe to do so, and that the attitudinal concerns have been addressed and remediated. In addition to this, nursing training would have to have been undertaken, as Miss Tahany would have been out of practice for significant amount of time.*

*Public interest impairment*

9. *A finding of impairment is necessary on public interest grounds.*
10. *In accordance with Article 3(4) of the Nursing and Midwifery Order 2001 (“the Order”) the overarching objective of the NMC is the protection of the public and Article 3(4A) provides:*

*“The pursuit by the Council of its overarching objective involves the pursuit of the following objectives-*

*to protect, promote and maintain the health, safety, and well-being of the public;  
to promote and maintain public confidence in the professions regulated under this*

*Order; and*

*to promote and maintain proper professional standards and conduct for members of those professions.”*

11. *The case of Grant acknowledges that, in order to protect the public, there must be a separate consideration of the wider relevant public interest issues. Cox J stated at para 71:*

*"It is essential, when deciding whether fitness to practise is impaired, not to lose sight of the fundamental considerations ... namely, the need to protect the public and the need to declare and uphold proper standards of conduct and behaviour so as to maintain public confidence in the profession"*

12. *At paragraph 101 of Grant Cox J commented that:*

13. *“The Committee should therefore have asked themselves not only whether the Registrant continued to present a risk to members of the public, but whether the need to uphold proper professional standards and public confidence in the Registrant and in the profession would be undermined if a finding of impairment of fitness to practise were not made in the circumstances of this case”.*

14. *Consideration of the public interest therefore requires the Fitness to Practise Committee to decide whether a finding of impairment is needed to uphold proper professional standards and conduct and/or to maintain public confidence in the profession.*

15. *A finding of impairment is necessary on public interest grounds in this case because of the convictions and misconduct. The conduct of Miss Tahany has brought nursing into disrepute and served to undermine public confidence and trust in the profession.*

### **Sanction**

16. *The appropriate and proportionate sanction in this case is a Striking Off Order. The guidance (SAN-1) indicates that before deciding on sanction, consideration must be given to a number of factors including proportionality, aggravating features, and mitigating features.*

17. *The aggravating features in this case include:*

- *Two convictions for failing to provide a specimen of breath. Second conviction whilst on bail for first conviction*
- *Convictions occurred within a short period of time of each other*
- *Two convictions for assault of emergency workers, one for public disorder*
- *Commissions of the offences with children present*
- *Criminal offence affecting the reputation of the profession*

18. *The mitigating features in this case include;*

- *Acceptance of the concerns. Pled guilty to the offences and accepted the NMC charges in the case management form*
- *Some insight with regard to nursing practice in that Miss Tahany had stopped working as a nurse for approximately eight months prior the incidents*

#### ***No action/imposing a caution order***

19. *Taking the least serious sanctions first, it is submitted that taking no action or imposing a caution order would not be appropriate in this case. The NMC Sanctions Guidance (“the Guidance”) states that taking no action will be rare at the sanction stage and this would not be suitable where the nurse presents a continuing risk to patients. In this case, the seriousness of the convictions means that taking no action would not be appropriate. A caution order would also not be appropriate as this would not mark the seriousness of the concerns, and the case is not at the lower end of the spectrum of impaired fitness to practise. Additionally, neither sanction would restrict Miss Tahany from practising.*

#### ***Conditions of Practice Order***

20. *The Guidance (SAN-3c) says that a conditions of practice order is appropriate when the concerns can easily be remediated and when conditions can be put in place that will be sufficient to protect the public and address the areas of concern to uphold public confidence. In this case, a conditions of practice order would not be*

*sufficient to protect the public and would not be in the public interest. Miss Tahany's actions raise attitudinal concerns which cannot be addressed by a conditions of practice order. There are no conditions which can be formulated to address the nature of the concerns, as they are not related to clinical practice. Miss Tahany has not worked as a nurse in a healthcare setting since November/December 2020, therefore suitable and workable conditions cannot be formulated. Moreover, a conditions of practice order would not be sufficient to mark the seriousness of the concerns.*

### **Suspension Order**

21. *The guidance on suspension orders is as follows:*
22. *A suspension order (SAN-3d) "may be appropriate in cases where the misconduct isn't fundamentally incompatible with the nurse, midwife or nursing associate continuing to be a registered professional, and our overarching objective may be satisfied by a less severe outcome than permanent removal from the register."*
23. *A non-exhaustive checklist suggests that a suspension may be appropriate in the following circumstances:*
  - *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*
24. *This was not a single instance of misconduct and there is cogent evidence of a repetition of behaviour since the first incident occurred. In the very nature of the concerns there is evidence of deep seated and attitudinal problems. Therefore, a temporary period of suspension from the register would not be suitable.*

### **Striking-off Order**

25. *The Guidance (SAN-3e) says that a striking-off order is likely to be appropriate when what the nurse, midwife or nursing associate has done is fundamentally incompatible with being a registered professional. Before imposing this sanction, key considerations the panel will take into account include:*

- *Do the regulatory concerns about the nurse, midwife or nursing associate raise fundamental questions about their professionalism?*
- *Can public confidence in nurses, midwives and nursing associates be maintained if the nurse, midwife, or nursing associate is not struck off from the register?*
- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

*26. The convictions, misconduct and nature of the concerns involve a serious departure from the standards expected of a nurse. They raise fundamental questions about Miss Tahany's professionalism.*

*27. Public confidence in nurses, midwives and nursing associates may be undermined if a lesser sanction were imposed. The fundamental tenets of the profession have been breached and continued registration would not be suitable. Both the Parties agree that a striking off order would be the appropriate outcome in the circumstances.*

*28. Taking into account the nature and seriousness of the conduct, the Parties agree that Miss Tahany's removal from the register would be suitably sufficient to protect public confidence in the nursing profession, the NMC as its regulator and professional standards.*

*29. It is submitted that Miss Tahany's conduct is fundamentally incompatible with ongoing registration, and a Striking off Order is proportionate to fully address the concerns.*

*30. For the above reasons both the Parties agree that a Striking Off Order is sufficient in this matter.*

### ***Interim order***

*28. An interim order is required in this case. The interim order is otherwise in the public interest for the reasons given above. The interim order should be for a period of 18 months in the event that Miss Tahany seeks to appeal the panel's decision. The interim order should take the form of an interim suspension order.*

*The Parties understand that this provisional agreement cannot bind a panel, and that the final decision on findings impairment and sanction is a matter for the panel. The*

*Parties understand that, in the event that a panel does not agree with this provisional agreement, the admissions to the charges and the agreed statement of facts set out above, may be placed before a differently constituted panel that is determining the allegation, provided that it would be relevant and fair to do so.'*

Here ends the provisional CPD agreement between the NMC and Miss Tahany. The provisional CPD agreement was signed by Miss Tahany on 15 October 2025 and the NMC on 7 November 2025.

### **Decision and reasons on the CPD**

The panel decided to accept the CPD.

The panel heard and accepted the legal assessor's advice. She referred the panel to the 'NMC Sanctions Guidance' (SG) and to the 'NMC's guidance on Consensual Panel Determinations'. She reminded the panel that they could accept, amend or outright reject the provisional CPD agreement reached between the NMC and Miss Tahany. Further, the panel should consider whether the provisional CPD agreement would be in the public interest. This means that the outcome must ensure an appropriate level of public protection, maintain public confidence in the professions and the regulatory body, and declare and uphold proper standards of conduct and behaviour.

The panel noted that Miss Tahany admitted the facts of the charges. Accordingly the panel was satisfied that the charges are found proved by way of Miss Tahany admissions as set out in the signed provisional CPD agreement.

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

The panel then went on to consider whether Miss Tahany's fitness to practise is currently impaired. Whilst acknowledging the agreement between the NMC and Miss Tahany, the

panel has exercised its own independent judgement in reaching its decision on impairment.

The panel endorsed paragraphs 28 to 40 of the provisional CPD agreement in respect of misconduct and convictions. The panel adopted the reasons set out in the provisional CPD and found Miss Tahany's actions amounted to misconduct.

The panel then considered whether Miss Tahany's fitness to practise is currently impaired by reasons of misconduct and convictions.

In coming to its decision, the panel had regard to the NMC Guidance on 'Impairment' (DMA-1) in which the following is stated:

*'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.'*

The panel endorsed the paragraphs from page 10 to 14 of the provisional CPD agreement, that relate to public interest impairment. The panel considered the following paragraph of the provisional CPD as it relates to public protection impairment:

*'A finding of impairment is not necessary on public protection grounds. As stated above, Miss Tahany is barred from working with children and vulnerable adults for circa the next nine years. If Miss Tahany wanted to return to nursing after such time, she would need to satisfy a future panel that she is safe to do so, and that the attitudinal concerns have been addressed and remediated. In addition to this, nursing*

*training would have to have been undertaken, as Miss Tahany would have been out of practice for significant amount of time.'*

The panel noted that the misconduct and convictions found proved, while not directly connected to Miss Tahany's clinical practice, represented a serious attitudinal concern which presents a risk of future harm towards the public. The panel noted that two of the convictions relate to assault on an emergency worker which the panel considered to be especially serious and indicative of an attitudinal concern which is an indicator that Miss Tahany is liable in the future to put patients at risk of harm. The panel also took into account that Miss Tahany has failed to demonstrate meaningful insight into her failings. She has not expressed remorse and her decision to discontinue nursing practice is on the balance of probabilities related to the fact that she has been barred from working with children and vulnerable adults, rather than a decision taken by herself for public protection reasons. Furthermore, she has not indicated what steps she has taken or would take in the future to avoid a repetition of her offending behaviour. The panel also noted that Miss Tahany has been placed on the DBS Barring list for Children and Adults for a period of ten years, which is consistent with and there is a real risk of future harm to the wider public, including any patients.

Therefore, the panel finds that Miss Tahany is impaired on the grounds of both public protection and in the wider public interest.

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

Having found Miss Tahany'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:

- Two convictions for failing to provide a specimen of breath. Second conviction whilst on bail.
- Convictions occurred within a short period of time
- Two convictions for assault of emergency workers
- Commissions of the offences with children present
- Criminal offences affecting the reputation of the profession.

The panel also took into account the following mitigating features:

- Acceptance of the concerns. Pleaded guilty to the offences and accepted the NMC charges

The panel did not accept the fact that Miss Tahany had discontinued working as a registered nurse as an indicator of insight, so as to amount to a mitigating factor.

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, an order that does not restrict Miss Tahany'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 Tahany'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 Tahany'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 misconduct identified in this case was not something that can be addressed through further training. Furthermore, the panel concluded that the placing of conditions on Miss Tahany'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 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 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 Tahany's actions is fundamentally incompatible with Miss Tahany 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?*

Miss Tahany's actions were significant departures from the standards expected of a registered nurse and are fundamentally incompatible with her remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Miss Tahany's actions were serious and to allow her to continue practising would put patients at unwarranted risk of harm and 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 agreed with the CPD that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to protect the public and 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.

### **Decision and reasons on interim order**

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 Tahany's own interest. The panel heard and accepted the advice of the legal assessor.

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interests. 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 agreed with the CPD 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 on the grounds of public protection and otherwise in the public interest to cover any potential appeal period.

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

That concludes this determination.