

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

**Substantive Hearing
Monday, 13 October 2025 – Friday, 17 October 2025
Monday, 20 October 2025 – Friday, 24 October 2025
Monday, 3 November 2025 – Friday, 7 November 2025
Monday, 10 November 2025 – Tuesday, 11 November 2025**

Virtual Hearing

Name of Registrant: Catherine Anne Wood

NMC PIN: 90A2608E

Part(s) of the register: Nurses part of the register Sub part 1
RN1, Registered Nurse – Adult (08 March 1993)
P199, Accident and Emergency Nursing (24 April 1998)

Relevant Location: London

Type of case: Misconduct

Panel members: Paul O'Connor (Chair, lay member)
Alyson Young (Lay member)
Claire Martin (Registrant member)

Legal Assessor: Trevor Jones (13 October 2025 – 24 October 2025)
Gillian Hawken (3 November 2025 – 11 November 2025)

Hearings Coordinator: Samara Baboolal

Nursing and Midwifery Council: Represented by Heather Beckett, Case Presenter

Mrs Wood: Present and represented by Tope Adeyemi, instructed by Thompsons Solicitors

Facts proved:

Admitted charges: Charge 1(g), 1(h), 1(i), 1(j), Charge 4(g), 4(i), 4(j), 4(l), 4(n) Charge 6(b), 6(f), 6(p)(i), 6(p)(ii) Charge 8(a), 8(c)

Disputed Charges:

Charge 2 in respect of charge 1(h) only,
Charge 4(c), 4(k), 4(m),
Charge 5 in respect of charge 4(c) and 4(k) only,
Charge 8(d), 8(m), 8(n), 8(o)

No case to answer:

Charge 4(b), 4(d), Charge 8(e), 8(f), 8(i)

Facts not proved:

Application to offer no evidence: Charge 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 1(k), 1(l), 1(m), 1(n), Charge 3, Charge 6(a), 6(c), 6(d), 6(e), 6(g), 6(h), 6(i), 6(j), 6(k), 6(l), 6(m), 6(n), 6(o), Charge 8(b), 8(k), 8(l), 8(h)

Disputed charges: Charge 1(o), 4(a), 4(e), 4(f), 4(h), Charge 7, Charge 8(g), 8(j), 8(p)

Fitness to practise:

Impaired

Sanction:

Conditions of practice order (18 months)

Interim order:

Interim conditions of practice order (18 months)

Details of charges (as amended)

'That you a registered nurse:

1. In relation to Colleague A;
 - a. On one or more occasions would not allow Colleague A to speak at team huddles.
 - b. On an unknown date in November 2017 during a team huddle, when Colleague A said that there was an evening clinic, stated to them words to the effect of, '*I am not paying you to sit on your arse*'.
 - c. On a different occasion to that in charge 1b stated to Colleague A when they started a clinic at 08.00, words to the effect of, '*I am not paying you to sit on your arse*'.
 - d. During an appraisal unfairly gave a low score to Colleague A because they had not been nominated.
 - e. Did not speak to Colleague A about their alleged conduct before starting a formal investigation.
 - f. On a date in 2013 refused Colleague A's annual leave request to attend a family funeral.
 - g. On one or more occasions telephoned Colleague A whilst they were on sick leave.
 - h. On one or more occasions stated to Colleague A words to the effect of, '*next time I will give you a verbal warning*'.
 - i. On one or more occasions told Colleague A to '*smile*'.
 - j. During a team huddle whilst Colleague A was present stated words to the effect of, '*where's Colleague A*'.
 - k. On one or more occasions unjustly provided verbal warnings to Colleague A.
 - l. On one or more occasions '*pushed*' Colleague A.
 - m. On one or more occasions instructed Colleague A to complete the department's annual leave for the year; a band 7 role that was outside Colleague A's job description.

- n. On one or more occasions referred to Colleague A as being *'aggressive'*.
 - o. Failed to provide Colleague A with an outcome letter regarding the disciplinary hearing that took place on 27 January 2020.
2. Your actions in any and/or all of the conduct set out in charge 1 amounted to unprofessional and/or bullying and/or intimidating and/or harassing and/or humiliating and/or undermining behaviour towards Colleague A.
 3. Your comment in charge 1n was racially offensive and/or racially discriminatory.
 4. In relation to Colleague B;
 - a. During a staff huddle enquired whether Colleague B had, *'taken their medication'* or words to that effect.
 - b. Disclosed confidential information relating to Colleague B to another member of staff by stating words to the effect of, *'how can you have a headache for three days'*.
 - c. Threatened Colleague B with disciplinary action, when they said they could not do the ENT clinic, by stating words to the effect of, *'you could be disciplined for this'*.
 - d. On or around 23 July 2019 gave Colleague B a verbal warning for failing to check the resus trolley which was not justified.
 - e. On or around 3 October 2019 threatened Colleague B with disciplinary action following an incident that occurred on 22 August 2019.
 - f. Failed to inform Colleague B of the outcome of the disciplinary action for the incident that occurred on 22 August 2019.
 - g. On or around 25 January 2019 denied Colleague B annual leave for the 16 August 2019.
 - h. In 2011 without justification refused Colleague B annual leave to attend a family wedding.

- i. Around 2017 or 2018 when Colleague B decided to do a Botox course, did not allow them to attend the course.
 - j. When Colleague B wanted to learn how to take blood from patients for blood tests, did not allow them.
 - k. On or around July 2017, threatened Colleague B with disciplinary action for taking annual leave to attend a family wedding in Italy when it had been authorised.
 - l. On an occasion in front of another member of staff stated to Colleague B words to the effect of that her *'face was scary' or 'your face, what's the matter with it'*.
 - m. On or before 5 October 2020, when Colleague B requested to work two days a week and/or reduced hours, refused this request.
 - n. Stated in front of Colleague B and other members of staff that Colleague B was not a *'Sister'*.
5. Your actions in any and/or all of the conduct set out in charge 4 amounted to bullying and/or intimidating and/or harassing and/or humiliating and/or undermining behaviour towards Colleague B.
6. In relation to Colleague C;
- a. When Colleague C handed an Occupational Health report stated words to the effect of, *'What! A non-patient facing role!'* and/or then *'laughed'*.
 - b. Did not allow Colleague C to wear a face mask when working in the ENT/MaxFax department.
 - c. Threatened to give Colleague C a formal written warning if they did not admit and/or apologise for walking out of the clinic without informing someone.
 - d. In 2017 stated to Colleague C words to the effect of, *'you're not the only person whose dad was dead'*.
 - e. Refused to provide Colleague C with sufficient compassionate leave to attend her father's funeral in Ghana.
 - f. Stated to Colleague C words to the effect of, *'if you do not come back on this particular day then you will have to face disciplinary action'*.

- g. In 2019 when Colleague C requested four weeks annual leave to attend her brother's memorial in Ghana only approved 2 weeks and 1 day.
 - h. Requested that Colleague C sign an agreement that four hours were to be deducted from Colleague C's salary for attending strike action for 20 minutes.
 - i. Around 2010 or 2011, whilst Colleague C was on sick leave, telephoned them and shouted stating words to the effect of, *'you should have been at work, where are you'*.
 - j. On one or more occasions *'shouted'* at Colleague C.
 - k. When Colleague C raised the issue of being at risk of catching Covid due to being high risk, shouted words to the effect of, *'don't get personal about this'*.
 - l. When Colleague C was wearing a mask became angry and shouted words to the effect of, *'take off the mask'* and/or *'you will make them (the other department) think that we do not have jobs here'*.
 - m. Around 2017, when Colleague C requested to reduce their hours due to having osteoarthritis, stated words to the effect of, *'you are not fit to work then'*.
 - n. Around 2021, when Colleague C enquired why she was being treated differently, stated words to the effect of, *'you have two girls right?'* and *'you can't love them equally can you?'*.
 - o. Refused Colleague C's request to take time off to attend her daughter's open evening.
 - p. Allocated Colleague C roles and/or tasks that were not within their job description including:
 - i. Undertaking appraisals for the HCAs, and/or
 - ii. Covering the dect phone.
7. Your actions in any and/or all of the conduct set out in charge 6 amounted to bullying and/or intimidating and/or harassing and/or humiliating and/or discriminatory behaviour towards against Colleague C.

8. Behaved in an inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory manner by:
- a. Swearing in front of colleagues.
 - b. Shouting at Colleague D.
 - c. Stating to colleagues words to the effect of, *'if I go down, you are going down with me'*.
 - d. Calling a colleague a *'bitch'* in front of others.
 - e. Stating to a colleague words to the effect of, *'you're not a band 5 don't act like one'*.
 - f. Shouting at colleagues during a team huddle words to the effect of, *'listen to me'*.
 - g. Berating a colleague in a team huddle for leaving the treatment door open.
 - h. Instructing a Band 4 nurse to train Band 5 nurses on how to do dressings.
 - i. Grabbing the lapels of a colleague's uniform.
 - j. On one or more occasions re-deployed members of staff without sufficient notice.
 - k. Re-deploying Black and/or ethnic minority members of staff rather than white members of staff to Covid wards.
 - l. Throwing away the annual leave book when decisions had been arranged between staff about when to take annual leave.
 - m. On a date unknown when Colleague E made a request to be removed from the ward during the covid-19 pandemic due to her husband's ill-health, you refused stating words to the effect, *'you are not the only one going through a tough time'*.
 - n. On a date unknown stated to Colleague E in front of other colleagues words to the effect of, *'if I have to tell you again to not go above your station there is going to be trouble'*.
 - o. On one or more occasions referred to healthcare assistants as being *'unqualified'*.
 - p. On a date unknown stated to Colleague E during a telephone conversation words to the effect of, *'you don't want me to lose everything I have worked for'*.

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

Decision and reasons on application to amend the charge

The panel heard an application made by Ms Beckett, on behalf of the Nursing and Midwifery Council (NMC), to amend the wording of charge 4(j) from 'Colleague' to 'Colleague B'.

Ms Beckett submitted that the proposed amendment would provide clarity and more accurately reflect the evidence. She clarified that it appears to be an error that the letter B was omitted from 'Colleague' in this charge, as it pertains to Witness 2/Colleague B.

4. "In relation to Colleague B;
 - j. When Colleague **B** wanted to learn how to take blood from patients for blood tests, did not allow them."

Ms Adeyemi, on your behalf, supported the application.

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

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

Decision and reasons on application for hearing to be held in private

At the outset of the hearing, Ms Beckett made a request that this case be held partly in private on the basis that the witness evidence in this case involves references to the witnesses' health and personal lives. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Ms Adeyemi indicated that she supported the application.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

The panel determined to go into private session in connection with the health and personal lives of the witnesses in this case, as and when such issues are raised, in order to protect their privacy.

Background

The charges relate to matters which occurred while you were employed as a Band 8 Matron in the outpatients department at Barking, Havering and Redbridge University Hospital NHS Trust (the Trust). On or around the 8 October 2020, the Trust Employee Relations team received a letter of complaint via the Chief Executive's Office from several members of staff within your outpatients team.

The allegations related to your behaviour over a sustained period of time. The letter alleged "harassment, bullying, aggression, insensitive lying, and false accusations." Other complaints were subsequently submitted to the Employee Relations team soon after this.

A disciplinary hearing took place on the 7 June 2021, and you were dismissed shortly after.

On 5 October 2020, a colleague (Witness 2/Colleague B) raised further concerns against you.

Decision and reasons on application to admit the written statements of Ms 1 and Ms 2 as evidence

The panel heard an application made by Ms Beckett, on behalf of the Nursing and Midwifery Council (NMC), under Rule 31 to allow the written statements of Ms 1/Colleague A and Ms 2/Colleague C to be adduced into evidence. Neither Ms 1 nor Ms 2 were present at this hearing and, whilst the NMC had made sufficient efforts to ensure that these witnesses were present, they did not attend.

Ms Beckett referred the panel to the case of *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565.

Ms Beckett submitted that Ms 1 responded to the NMC's attempts to secure her attendance and informed the NMC that she is retired, does not wish to know anything about the case, and no longer "wants anything to do" with the case. A witness summons was posted, and signed for on 5 June 2025, but there is no confirmation as to whether Ms 1 signed this.

Ms Beckett submitted that it is not possible to force a non-registrant to attend a hearing. However, the evidence in Ms 1's written statement is relevant to this case and supports the evidence of other witnesses and from other sources.

Ms Beckett submitted that there is no information to suggest that this evidence has been fabricated.

Ms Beckett submitted that Ms 1's written statement is neither the sole nor decisive evidence in this case. She submitted that there is no unfairness caused to you if this statement were adduced as evidence.

Ms Beckett submitted that the panel could give Ms 1's statement what it deemed appropriate weight, once it had heard and evaluated all the evidence before it.

In relation to Ms 2's written statement, Ms Beckett submitted that there is a reasonable explanation for Ms 2's non-attendance. Ms Beckett submitted that reasonable attempts were made by the NMC to secure Ms 2's attendance at this hearing, however, Ms 2 informed the NMC [PRIVATE].

Ms Beckett also referred the panel to correspondence from Ms 2 to the NMC Case Officer and Hearings Coordinator, dated 14 October 2025, clarifying that she does not wish to attend now nor in the future [PRIVATE].

Ms Beckett submitted that Ms 2's written statement is relevant to the charges, and corroborates the evidence provided by other witnesses.

Ms Beckett submitted that there is no information to suggest that this evidence has been fabricated.

Ms Beckett submitted that Ms 2's written statement is neither the sole nor decisive evidence in this case. She submitted that there will be no unfairness to you if Ms 2's written statement was adduced as hearsay evidence.

Ms Beckett submitted that the panel could give Ms 2's statement what it deemed appropriate weight once it had heard and evaluated all the evidence before it.

Ms Adeyemi, on your behalf, opposed the application.

Ms Adeyemi referred to the cases of *El Karout v NMC* [2019] EWHC 28 (Admin), *Thornycroft v Nursing and Midwifery Council* [2014] EWHC 1565 Admin and *NMC v Ogbonna* [2010] EWCA Civ 1216.

Ms Adeyemi submitted that the admission of Ms 1 and Ms 2's statements into evidence would be so prejudicial as to render the proceedings unfair.

Ms Adeyemi submitted that Ms 1 and Ms 2's evidence are sole and decisive in respect of a large number of serious charges faced by you. She submitted that Ms 1 is the only witness who speaks to charge 1, and Ms 2 is the only witness to charge 6. Ms Adeyemi submitted that there is no other corroborative evidence or witnesses to these charges, which when including sub-charges, total to 34 charges.

Ms Adeyemi submitted that the sanction being sought by the NMC is a strike off order, which is very serious. She submitted that fairness can only properly be attained through consideration of witness evidence that can be tested by you.

Ms Adeyemi submitted that the evidence provided by Ms 1 and Ms 2 may have been fabricated and produced in bad faith. She submitted that it is clear, from the information provided, that these witnesses "*had a personal dislike*" toward you. She submitted that "*this adds to the risk that the evidence is tainted by malice.*"

Ms Adeyemi submitted that hearsay evidence may be admitted if there is a compelling reason for a witness's non-attendance. She submitted that, in this case, neither witness is attending for reasons other than "*they do not want to*".

Ms Adeyemi acknowledged that information has been provided in relation to Ms 2's [PRIVATE]. However, she submitted that reasonable adjustments could have been made, given that this is a virtual hearing. She submitted that it has not been established that Ms 2 is incapable of providing evidence with reasonable adjustments. She stated that it is plain from both witnesses' correspondence that they do not wish to attend.

Ms Adeyemi invited the panel to refuse the application. She submitted that apportioning the appropriate weight is not sufficient to remedy the unfairness that would be caused to you, if the statements of Ms 1 and Ms 2 were adduced as evidence.

The panel accepted the legal assessor's advice on the issues it should take into consideration in respect of this application. The panel was aware of the NMC guidance at DMA-6 and has taken it into account. Rule 31 provides that, so far as it is 'fair and relevant', a panel may accept evidence in a range of forms and circumstances, whether or not it would be admissible in civil proceedings. The legal assessor referred the panel to the following cases: *El Kharout v NMC* [2019] EWHC 28 (Admin); *Thorneycroft v NMC* 2014 EWHC 1565 (admin); *R (on the application of) Chief Constable of Thames Valley v Police Appeal Tribunal* [2016] EWHC 1315; *GMC v Hayat* [2018] EWCA Civ 2796; and *Mansaray v NMC* [2023] EWHC 730 (admin).

The panel gave the application in regard to Ms 1/Colleague A and Ms 2/Colleague C's written statements serious consideration. The panel noted that both statements had been prepared in anticipation of being used in these proceedings and contained the paragraph, 'This statement ... is true to the best of my information, knowledge and belief' and signed by them.

Ms 1/ Colleague A's written statement

The panel first considered whether Ms 1's statement was relevant. It determined that this statement was relevant, and pertained to charges 1, 2 and 3. There is no suggestion that the statement has been fabricated.

It then considered whether the evidence is the sole and decisive evidence. The panel was of the view that Ms 1's evidence was sole and decisive for most of the sub-charges in charge 1, and which in turn were linked to charges 2 and 3. It heard live evidence from Witness 1, Witness 2/Colleague B, and Witness 3, and was due to hear live evidence from Witness 4/Colleague E, each of whom spoke to some of the charges in this case.

The panel next considered whether reasonable attempts were made by the NMC to secure Ms 1's attendance at these proceedings. The panel had regard to the telephone

call record between the NMC Case Officer and Ms 1, dated 22 April 2025. The NMC Case Officer made attempts to secure Ms 1's attendance. In response, Ms 1 is recorded stating:

'I don't know anything about this case, no one has told me anything... the reg/ this woman has been doing this for years, I have never heard about this case, what is going on what is not going on, I am retired and I don't want to go back and when I was working I was there, nothing was done, now I don't care and want to know anything...to be honest, I don't want to attend'

The panel also took into account a Witness Summons, dated 3 June 2025.

The panel determined that Ms 1 did not have a compelling reason for her non-attendance. She expressed that she simply did not wish to attend and had disengaged with the NMC.

Ms 2/ Colleague C's written statement

The panel first considered whether Ms 2's statement was relevant. It determined that this statement was relevant and pertained to charge 6. There is no suggestion that the statement has been fabricated.

It then considered whether the evidence is the sole and decisive evidence. The panel was of the view that Ms 2's evidence was sole and decisive for most of the sub-charges in charge 6 in this case and which in turn were linked to charge 7. It heard live evidence from Witness 1, Witness 2/Colleague B, and Witness 3, and was due to hear live evidence from Witness 4/Colleague E, which spoke to the charges in this case.

The panel next considered whether reasonable attempts were made by the NMC to secure Ms 2's attendance at these proceedings. The panel had regard to a Witness Summons, dated 3 June 2025.

The panel further had regard to email correspondence from Ms 2, dated 7 June 2025, to the NMC Case Officer. The subject line of the email was titled 'Withdrawal of Statement', and stated:

'[PRIVATE]

[PRIVATE]. Based on these 2 reasons i.e. [PRIVATE] and the fact that I did not consent to doing any hearing, I would like to withdraw my statement and also I will be grateful if you can please remove/cancel the court summons.'

The panel took into account that Ms 2 [PRIVATE]. However, it noted that she had returned to work, [PRIVATE]. It further considered that the NMC offered to put reasonable adjustments in place for Ms 2 to accommodate her [PRIVATE]:

'[PRIVATE]. However, the hearing is not until October 2025. I would be grateful if we could conduct a call over MS Teams and ensure any reasonable adjustments to facilitate your ability in giving evidence remotely, such as ensuring that the panel allows you to take regular breaks whilst giving evidence. I would like to emphasise that we can ensure that you give evidence remotely (from home/own location) via Microsoft Teams.'

The panel carefully considered [PRIVATE]:

'[PRIVATE].'

The panel acknowledged Ms 2's [PRIVATE]. However, it determined that this was a vague explanation and did not indicate that [PRIVATE] was a direct result of having to give live evidence as a witness at this hearing.

The panel determined that it would be unfair to you to admit the written statements of Ms 1/Colleague A and Ms 2/ Colleague C. A majority of the charges in this case- at least half-

relate to Ms 1 and Ms 2's evidence. If these charges were allowed to stand and were uncontested and untested by you, they could give consideration as to a serious outcome, given the NMC sanction bid in this case, which is a strike off order. You have made some admissions and they are understood, by the panel, to be literal admissions which are yet to be set in context. You deny the most serious charges which, if proved, may bring about consideration of a strike off order.

The panel recognised that the NMC has taken significant steps to secure both Ms 1 and Ms 2's attendance, including correspondence and witness summons. However, neither witness has provided a compelling reason for their non-attendance. The panel was of the view that Ms 1 and Ms 2 signed a written statement, but did not appear to want the responsibility of attending these proceedings and supporting these statements in cross-examination. The panel determined that this is fundamentally unfair to you.

The panel acknowledged that both witnesses suggest that they are [PRIVATE] by the alleged incidents to which the charges relate. However, Ms 1 did not provide any independent evidence to support her non-attendance. Ms 2 [PRIVATE], however this was vague and did not explore whether reasonable adjustments could be made to facilitate her evidence.

The panel therefore refused the NMC's application for both statements.

Application to offer no evidence

Ms Beckett made an application to offer no evidence in respect of the following charges:

- Charge 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 1(k), 1(l), 1(m), 1(n)
- Charge 6(a), 6(c), 6(d), 6(e), 6(g), 6(h), 6(i), 6(j), 6(k), 6(l), 6(m), 6(n), 6(o)
- Charge 8(b), 8(h), 8(k), 8(l)
- Charge 3 on the basis that 1(n) is accepted.

Ms Beckett made the application in light of the panel's decision not to adduce the written statements of Ms 1 and Ms 2 as hearsay evidence.

Ms Beckett submitted that the NMC has no other evidence to rely on in order to find the above charges proved.

Ms Beckett invited the panel to consider the seriousness of charge 1(a) in particular, and to consider whether there could be evidence that could support the charge.

Ms Adeyemi did not oppose the application.

The panel accepted the advice of the legal assessor, who referred the panel to DMA-3, in connection with its powers at this stage.

The panel considered DMA-6, in relation to its powers to direct further evidence.

The panel accepted the application to offer no evidence in relation to Charge 1(a), 1(b), 1(c), 1(d), 1(e), 1(f), 1(k), 1(l), 1(m), 1(n), Charge 6(a), 6(c), 6(d), 6(e), 6(g), 6(h), 6(i), 6(j), 6(k), 6(l), 6(m), 6(n), 6(o), Charge 8(b), 8(h), 8(k), 8(l) and Charge 3.

The panel carefully considered charge 1(a), but concluded that there was not enough information before it to suggest whether it was very serious. The type of huddle is vague, and the seriousness of the charge could be dependent on the type of huddle taking place, as well as the information being conveyed.

Application for no case to answer

Ms Adeyemi made an application for no case to answer in respect of charges 1(o), 4(b), 4(d), 4(h), 8(e), 8(f), and 8(i). This application was made under Rule 24(7) of the NMC Fitness to Practise Rules 2004. She submitted that this application falls under both limbs of the Galbraith test (*R v Galbraith* [1981] EWCA Crim J0519-1).

Ms Adeyemi submitted that the evidence put before the panel by the NMC in relation to these charges is not present, or is tenuous and weak, and it would be inappropriate for them to go forward.

Ms Adeyemi submitted that, in relation to 1(o), the burden of proof is on the NMC to establish that no outcome letter was provided, and this has not been done. She submitted that the NMC cannot rely on the evidence of Ms 1, as this was not accepted as hearsay evidence.

Ms Adeyemi submitted that, in relation to charge 4(b), Witness 2/Colleague B was unable to identify the member of staff pertaining to this charge in her live evidence. She did not provide any evidence that her name was mentioned, and provided no information on the context of the conversation. Ms Adeyemi submitted that Witness 2/Colleague B conceded that she did not hear the beginning of the conversation or the end of it, and did not take any steps to subsequently clarify what was discussed.

Ms Adeyemi submitted that, in relation to 4(d), the NMC has provided a copy of the verbal warning letter pertaining to this charge, composed by Ms 3 and signed by her, not by you. As such, there is therefore no evidence to substantiate this allegation. This application was not opposed by the NMC.

Ms Adeyemi submitted that, in relation to charge 4(h), no evidence has been presented regarding what the matter related to. She submitted that it is established that there was a wedding in Italy, but it is not entirely clear if this is what is being referenced in this particular charge. She submitted that this is just a mere assumption, and there is insufficient evidence to establish a case to answer.

Ms Adeyemi submitted that, in relation to charge 8(e), there is a presumption that this charge relates to Witness 4/Colleague E, however, she did not give oral evidence in

relation to this charge. She submitted that there is insufficient evidence in relation to this charge and it is not properly particularised.

Ms Adeyemi submitted that, in relation to charge 8(f), Witness 4/Colleague E is explicit in that she never heard you shout at colleagues. She submitted that Witness 2/Colleague B's written statement does not recite in detail any shouting incidents, and this is not raised in her oral evidence. She submitted that there is no evidence to substantiate this allegation.

Ms Adeyemi submitted that, in relation to charge 8(i), this charge relates to the evidence of Ms 1 and Ms 2, neither of whom are present at these proceedings. Ms Adeyemi submitted that Witness 2/Colleague B did not provide oral or written evidence in relation to the allegation in this charge. She submitted that the evidence is insufficient and vague, and does not amount to a case to answer.

Ms Beckett did not challenge the application in respect of charges 4(d) and 8(f). However, she opposed the application in respect of charges 1(o), 4(b), 4(h), 8(e), and 8(i).

In relation to charge 1(o), Ms Beckett outlined that the local investigation interview between yourself and Witness 1 is the relevant evidence, namely notes from this interview dated 16 November 2020. Ms Beckett also referred the panel to local disciplinary hearing minutes, in which you refer to Ms 1, who is Colleague A and the subject of charge 1(o).

In relation to charge 4(b), Ms Beckett submitted that the evidence of Witness 2/Colleague B is relevant to this charge.

In relation to charge 4(h), Ms Beckett submitted that the written statement provided by Witness 2/Colleague B is relevant to this charge, as she outlines that she was invited to her brother-in-law's wedding in 2011. She submitted that Witness 2/Colleague B also discusses this incident in her oral evidence. Ms Beckett submitted that this allegation is capable of complete identification as being separate to the incident regarding the wedding in Italy.

In relation to charge 8(e), Ms Beckett submitted that the Trust investigation meeting with Witness 2/Colleague B, dated 11 November 2020 is relevant, as she recounts the alleged incident in the charge.

In relation to charge 8(i), Ms Beckett submitted that Witness 2/Colleague B provides the relevant evidence to substantiate this charge. She wrote to the Chief Executive of the Trust recounting the incident.

Ms Beckett submitted that all of the evidence outlined, when taken at its highest, can amount to a case to answer.

The panel took account of the submissions made and accepted the advice of the legal assessor who referred the panel to DMA-6 of the NMC Guidance and the case of Galbraith.

In reaching its decision, the panel has made an initial assessment of all the evidence that had been presented to it at this stage. The panel was solely considering whether sufficient, if any evidence, had been presented, to determine whether you had a case to answer.

The panel considered both limbs of the Galbraith test, which stipulates:

1. There is no evidence; or
2. There is some evidence, but evidence which, taken at its highest, could not properly result in a fact being found proved against the nurse.

Charge 1(o)

The panel determined that there is a case to answer in relation to this sub-charge.

The panel took into account the local investigation interview that you attended, dated 16 November 2020. In particular, it noted the following question and your subsequent answer during this interview:

'Q: Have you had cause to order an investigation or a Hearing and for what sort of allegations?

A: Yes, a couple of resuscitation recess trolley incidents, an FP10 and another where someone was locked in a room. One went on to hearing, the FP10 one.

Q: Are you aware that none of these individuals have ever had an outcome to these matters?

A: They would not have because I have been waiting for HR to get back to me.

Q: Is there a reason why you have not advised them that the investigations have been dropped rather than leave them to think the matters are still on-going?

A: Yes, they should have been told but with the pandemic [PRIVATE] and them not being in work it was overlooked. I was having to redeploy staff as well as upskill other staff...

Q: Have you formally informed the individual of the outcomes now?

A: At no point have they come and ask me about it. It went out the window. 1 of them has now retired and she confirmed she felt she is ready to retire now.'

The panel also considered the Trust Disciplinary Hearing notes, dated 7 June 2021, in which yourself and Witness 1 were present. During this hearing, you made reference to Ms 1, who is relevant to the allegations in this charge.

The panel also took into account the oral evidence provided by Witness 1.

The panel concluded that there is some evidence that an outcome letter was to be provided to colleagues, and that this was not provided.

The panel was of the view that there has been sufficient evidence provided that a properly directed panel could (if it were compelled to do so at this stage without hearing anything further) find this charge proved. It was not prepared, based on the evidence before it, to accede to an application of no case to answer. What weight the panel gives to the evidence, in terms of whether the charge is found proved or otherwise, remains to be determined at the conclusion of all the evidence.

Charge 4(b)

The panel determined that there is no case to answer in relation to this sub-charge.

The panel considered that the charge specifically outlines that confidential information relating to Colleague B was conveyed to another member of staff. However, based on the information before it, the panel concluded, much in line with Ms Adeyemi's submission, that the charge is vague. The colleague who the information was conveyed to is unnamed.

The panel took into account that Witness 2/Colleague B, in their live evidence, said that she assumed the unnamed colleague was herself, however, this was based on part of a conversation that was overheard. The panel took into account that the beginning of the conversation, and the end of the conversation, were not heard by Witness 2/Colleague B.

The panel was of the view that there is some evidence, but when taken at its highest, it could not properly support a finding of there being a case to answer.

Charge 4(d)

The panel determined that there is no case to answer in relation to this sub-charge.

The panel considered the wording of the charge, which outlines that the warning you gave to Witness 2/Colleague B was 'not justified'.

The panel carefully considered the copy of the verbal warning letter addressed to Witness 2/Colleague B, which was written and signed by Ms 3. The panel took into account that there is no evidence to suggest that this letter was fabricated. In particular, it noted that Ms 3 clarified that failure to check the resus trolley 'is considered a misconduct issue'.

The panel determined that there was no evidence before it that the verbal warning you gave to Witness 2/Colleague B was not justified. It therefore determined that there is no evidence to properly support a finding of a case to answer in relation to this charge.

Charge 4(h)

The panel determined that there is a case to answer in relation to this charge.

The panel took into account Witness 2/Colleague B's written statement, which explicitly mentions an invitation to her brother in law's wedding:

'I was invited to a wedding for my brother-in-law on a Thursday in the Summer of 2011 [PRIVATE]. The Nurse knew about this as I had previously told them that my [PRIVATE]; and the nurse still did not let me go. The Nurse did not give me a reason why.'

The panel also considered that Witness 2/Colleague B discussed this charge in her oral evidence at this hearing. The panel was of the view that this evidence provided by Witness 2/Colleague B has not been discredited as a result of cross-examination, that it is to be regarded as unreliable at this stage.

The panel was of the view that there has been sufficient evidence provided that a properly directed panel could (if it were compelled to do so at this stage without hearing anything further) find this charge proved. It was not prepared, based on the evidence before it, to accede to an application of no case to answer. What weight the panel gives to the evidence, in terms of whether the charge is found proved or otherwise, remains to be determined at the conclusion of all the evidence.

Charge 8(e)

The panel determined that there is no case to answer in relation to this charge.

The panel considered the wording of the charge, which outlines that you made a statement 'to a colleague'. The panel took into account that there is no evidence to clarify who this colleague was, the charge and the evidence received so far does not make this clear. There is no mention of the identity of the colleague in the witness evidence heard by the panel.

The panel therefore determined that there is no evidence to properly support a finding of a case to answer in relation to this charge.

Charge 8(f)

The panel determined that there is no case to answer in relation to this charge.

The panel took into account the oral evidence of Witness 4/Colleague E who said that she never heard you shout at colleagues. The panel also took into account that Witness 2/Colleague B's written statement does not mention any incidents of you shouting at colleagues, and she did not raise such incidents in her oral evidence.

The panel therefore determined that there is no evidence to properly support a finding of a case to answer in relation to this charge.

Charge 8(i)

The panel determined that there is no case to answer in relation to this charge.

The panel took into account the letter to the Chief Executive of the Trust, dated 5 October 2020 and signed by Witness 2/Colleague B, which mentions the alleged incident in the charge. The account, as detailed in the letter, states:

‘Obviously it is not my place to place a grievance on behalf of other staff, but I have listed some of the witnessed behaviour.

1. ...
2. *Grabbing a department sister by the labels of her uniform and telling her to do her top button up.’*

However, the panel carefully noted that the aforementioned department Sister, who is subject of this charge, is not explicitly named. This incident is undated, and was not witnessed by anyone else. Whilst the panel is of the view that Witness 2/Colleague B is a reliable witness, there is no independent evidence to support this statement.

The panel therefore determined that there is some evidence, but when taken at its highest, it could not properly support a finding of a case to answer.

Decision and reasons on facts

At the outset of the hearing, the panel heard from Ms Adeyemi, who informed the panel that you made full admissions to charges 1(g), 1(h), 1(i), 1(j), 4(g), 4(i), 4(j), 4(l), 4(n), 6(b), 6(f), and 6(p).

The panel therefore finds the above charges proved in their entirety, by way of your admissions.

Ms Adeyemi informed the panel that you made partial admissions to the following charges:

- 8(a) for inappropriate and unprofessional behaviour only
- 8(c) for inappropriate and unprofessional behaviour only
- 8(j) admitted factually, but does not admit that it constitutes inappropriate or unprofessional behaviour

In reaching its decisions on the disputed facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made Ms Beckett on behalf of the NMC and by Ms Adeyemi on your behalf.

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

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

- Witness 1: Currently Director of Nursing, Quality and Safety at the Trust.
- Witness 2: Band 5 Bank nurse at the Trust
- Witness 3: Head of Patient Administration at the Trust
- Witness 4: Former Healthcare Assistant at the Trust within the Outpatients Department

You called Witness 5 on your behalf following the closing of the NMC Case.

- Witness 5: Patient Experience Lead in the Trust
Outpatients Department

The panel also heard evidence from you under affirmation.

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

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

Charge 1(o)

'In relation to Colleague A, failed to provide Colleague A with an outcome letter regarding the disciplinary hearing that took place on 27 January 2020'

This charge is found NOT proved.

In making its decision, the panel took into account your oral evidence, the Trust disciplinary policy, and the Trust investigation meeting notes, which you attended, dated 16 November 2020.

The panel first considered whether the incident in the charge factually occurred. The panel took into account that, in the Trust investigation meeting, you were asked whether you had “*cause to order an investigation*” to which you answered affirmatively, and explained the incident involving FP10 and Colleague A. You were then asked whether you were aware that no individuals were given an outcome to these matters, to which you answered:

“They would not have because I have been waiting for HR to get back to me.”

When asked whether there was a reason you did not inform Colleague A that the investigations against them were dropped, you answered that they should have been informed, however, the COVID-19 pandemic and [PRIVATE] led to it being 'overlooked'.

The panel therefore determined that factually, you did not give Colleague A the outcome letter.

However, the panel considered that a failure to provide Colleague A with the outcome letter suggest that there is a duty to do so. The panel therefore evaluated whether you were under such a duty before considering whether this duty was failed.

The panel took into account that you were not a member of the disciplinary committee at the Trust, and that you outlined that you were waiting for HR to get in touch with you regarding the investigation letters. There is no policy which indicated that you had a mandatory duty to provide the outcome letters to Colleague A, and therefore, you could not have failed to provide the outcome letters.

As such, the panel determined that the NMC has failed to discharge the burden of proof in relation to this charge, and finds it not proved.

Charge 2

'Your actions in any and/or all of the conduct set out in charge 1 amounted to unprofessional and/or bullying and/or intimidating and/or harassing and/or humiliating and/or undermining behaviour towards Colleague A'

This charge is found proved on the basis of 1(h)

The panel assessed the sub-charges found proved in charge 1 in making its decision. It took into account your oral evidence, the Trust 'Outpatient Department Local Guidelines for Sickness/Absence', your correspondence to Colleague A dated 22 May 2018, and the

oral evidence and written statements of Witness 1, Witness 2/Colleague B, Witness 3, and Witness 5.

In assessing your conduct in charge 1(g), the panel considered that the Trust policy explicitly outlines that there is a requirement for managers to communicate with staff members throughout their sick leave:

'Line managers are responsible for the effective management of sickness absence and attendance of their staff at work. This is an important aspect of performance and a core objective evidence by: maintaining regular contact with their member of staff during sickness absence.'

The panel took into account that this contact is important from both a welfare and an operational perspective. It is reasonable that you would attempt to contact Colleague A throughout their [PRIVATE] absence, as if a colleague is not heard from, the manager would not be able to determine whether they will be coming back for their shifts.

The panel took into account the Trust investigation meeting notes:

'Q: A member of staff mentioned whilst [PRIVATE] covered by a fit note, you called them every day for 4 days on work related matters, do you recall this?

A: No- if it was the person I think it was, she was not covered by a fit note. I called her after 5 pm and she answered and stated she did not want to speak to me – I would have no reason to call her on work related matters.'

The panel did not have any information before it to suggest that your calls were unprofessional, bullying, harassing, intimidating, humiliating and/or undermining.

In assessing your conduct in charge 1(h), the panel took into account that you described yourself as *'by the book'*. Witness 3 corroborated this description of your management

style. However, the panel carefully considered the wording of the email that you sent to Colleague A, and the circumstances around it.

The panel noted that you used words such as '*I have decided*', and '*I will not tolerate*'. The panel took into account the evidence from Witnesses 1 and 2, and was of the view that you utilised disciplinary policies and warnings as a tool when your staff were not listening to you. It took into account that in the Trust disciplinary meeting, you said that you printed out and laminated the Disciplinary Policy Appendix relating to verbal warnings for '*lateness, rudeness, [and] behavioural*' matters.

The panel determined that you over-formalised a verbal warning.

The panel therefore determined that your conduct in charge 1(h) was intimidating and bullying.

In assessing your conduct in charge 1(i), the panel took into account that there is no information before it to suggest that you made this statement in a malicious manner. It took into account your oral evidence, and the oral evidence of Witness 5. Witness 5 explained that colleagues were told to '*smile*' for patients, in order to provide a welcoming environment for them. This explanation corroborated your oral evidence, where you explained the context around telling Colleague A to smile. You also explained this in the Trust disciplinary meeting, that you ask staff to '*smile for our patients*'. You also told Colleague A to smile after she was awarded a Family and Friend Test Award, as this was a '*good thing*' to have been awarded.

The panel, in considering the oral evidence provided by you and Witnesses 1, 2, 3, and 5, determined that this was simply your management style. It found that your actions did not amount to unprofessional and/or bullying and/or intimidating and/or harassing and/or humiliating and/or undermining behaviour towards Colleague A.

In assessing your conduct in charge 1(j), the panel took into account your oral evidence, and the Trust investigation meeting notes. You made admissions that this factually occurred. The panel then went on to assess whether your actions amounted to unprofessional and/or bullying and/or intimidating and/or harassing and/or humiliating and/or undermining behaviour towards Colleague A.

During the Trust investigation meeting, you addressed this incident:

'Q: It has been said you frequently ask 'Where is [Ms 1]' during huddles, even if she is standing next to you, as if it is a joke, is this correct?

A: This is not correct – [Ms 1] often does not attend the huddle as she does not feel she has to attend. [...] All senior staff should attend the huddle and [Ms 1] felt that she did not need to attend these.'

The panel considered that Ms 1 chose not to attend this hearing, and as such, it was unable to hear the impact this statement may have had on her. It accepted your account of the incident, and determined that enquiring where a colleague is, where their attendance is mandatory, and they frequently do not attend, does not meet the threshold of the stem of this charge.

On the balance of probabilities, the panel found charge 2 proved on the basis of 1(h) only.

Charge 4(a)

'In relation to Colleague B, during a staff huddle enquired whether Colleague B had, 'taken their medication' or words to that effect.'

This charge is found NOT proved.

In making its decision, the panel took into account your oral evidence, and the oral evidence of Witness 2/Colleague B.

You told the panel in your oral evidence that Colleague B had some health concerns which you were aware of and which you spoke to them about privately if necessary or if raised by Colleague B. You told the panel that you would have asked this in private, but never during a staff huddle where other colleagues were present.

The panel also took into account Witness 2/Colleague B's oral evidence, and noted the consistency between her oral evidence and her written statement in relation to this particular incident. Witness 2/Colleague B described being made to feel 'stupid' during the staff huddle in question.

However, the panel noted that Witness 2/Colleague B's statement and your statement were conflicting, and there was no independent evidence which corroborates either account of the events. No other witnesses who presented evidence before the panel were able to recall this incident.

As such, the panel determined that the NMC has failed to discharge the burden of proof in relation to this charge, and finds it not proved.

Charge 4(c)

'In relation to Colleague B, threatened Colleague B with disciplinary action, when they said they could not do the ENT clinic, by stating words to the effect of, 'you could be disciplined for this'.'

This charge is found proved.

The panel took into account Witness 2/Colleague B's oral evidence and written statement, as well as your own oral evidence.

The panel bore in mind that to ‘threaten’ Witness 2/Colleague B, the manner in which you spoke to them, the way it was communicated and then interpreted by Witness 2/Colleague B must be threatening.

The panel took into account Witness 2/Colleague B’s oral evidence. She explained that she was not contracted to work on the day. This was an extra bank shift. The panel had sight of an email, dated 8 June 2017, from HR to you, confirming that Witness 2/Colleague B was not contracted to work on this date.

HR was asked for clarification of Witness 2/Colleague B’s contractual obligations. HR then responded to Witness 2/Colleague B that they were not made aware that this request was outside of her contractual commitment:

‘My understanding is that you refused to do this, hence the decision to invoke the informal route of the disciplinary policy. It was not however my understanding that this request was outside of your contractual commitment.’

You accepted in your oral evidence that you told Witness 2/Colleague B that she could be disciplined for not attending the clinic.

In her written statement, Witness 2/Colleague B explained that the ENT clinic in which you asked her to work on Saturday was “*an all day clinic*”, and she had child-care obligations on that afternoon. Witness 2/Colleague B said that you told her ‘*you could be disciplined for this*’, and felt threatened as she said in her statement that she thought there was no need for you to ‘*threaten*’ her.

The panel accepted Witness 2/Colleague B’s evidence in relation to you telling her that she ‘*could be disciplined*’ and accepted that she felt threatened.

On the balance of probabilities, the panel found this charge proved.

Charge 4(e)

'In relation to Colleague B, on or around 3 October 2019 threatened Colleague B with disciplinary action following an incident that occurred on 22 August 2019.'

This charge is NOT proved.

In making its decision, the panel took into account your oral evidence, Witness 2/Colleague B's oral evidence and written statement, and correspondence between Ms 3, Ms 4 and yourself, dated 21 August 2019 through 25 August 2019.

In your oral evidence, you explained that there was an audit by another team who noticed that the resus trolley checks had not been undertaken as required that morning. You were directed by a senior colleague to inform the Witness 2/Colleague B that she could face disciplinary action as a result of the failure to complete the checks.

The panel took into account an email from Ms 4, dated 21 August 2019, sent to Ms 3:

'During my walkabout this morning on team 1 at 0.9.00 am (sic) I noted that the daily top resus trolley check had not been done, and clinics had already started. I spoke with the Witness 2/Colleague B who stated that she had been busy getting clinics ready and had presumed it had been done. The regular person allocated on Wednesday was off sick today and no one had been allocated.'

'[...] As discussed with you I returned to team 1 and informed Witness 2/Colleague B that you had been made aware of the incident.'

On 25 August 2019, you sent an email stating:

'Two weeks ago, Senior Staff Nurse [Witness 2/Colleague B] was given a verbal warning by [Ms 3] for the resuscitation trolley not being checked before clinics had started at either 8am or 8.30am on the day, depending on the commencement time of clinics.

Please see the below, for which [Ms 3] spoke with [Witness 2/Colleague B] informing her that this is not acceptable and this will require HR input.'

The panel was of the view that there was no malice intended by you, and that this was not a threat toward Witness 2/Colleague B. A decision was made at a higher level, and you were directed to inform Witness 2/Colleague B of the potential consequences of the failure to check the resus trolley by the Deputy Chief Nurse. You were doing what you were told to do by senior colleagues. The panel also took into account that the incident was discovered in an audit by another team, and was not connected to you or directed by you in any way.

As such, the panel determined that the NMC has failed to discharge the burden of proof in relation to this charge, and finds it not proved.

Charge 4(f)

'In relation to Colleague B, failed to inform Colleague B of the outcome of the disciplinary action for the incident that occurred on 22 August 2019.'

This charge is NOT proved.

In reaching this decision, the panel took into account Witness 2/Colleague B's oral evidence and written statement, and your oral evidence.

The panel first considered whether the incident in the charge factually occurred. It took into account that, in the Trust investigation notes, you admitted that you did not inform Witness 2/Colleague B of the outcome of the disciplinary action against her.

The panel therefore determined that factually, you did not inform Witness 2/Colleague B of the outcome of the disciplinary action.

However, the panel considered that a failure to provide Witness 2/Colleague B with the outcome of the disciplinary action against her suggests that there is a duty to do so. The panel therefore evaluated whether you were under such a duty before considering whether this was failed.

The panel took into account that you were not a member of the disciplinary committee at the Trust. There is no policy which indicated that you had a mandatory duty to inform colleagues of the outcome of disciplinary matters, and therefore, you could not have failed in a duty to inform Witness 2/Colleague B.

As such, the panel determined that the NMC has failed to discharge the burden of proof in relation to this charge, and finds it not proved.

Charge 4(h)

'In relation to Colleague B, in 2011 without justification refused Colleague B annual leave to attend a family wedding'

This charge is NOT proved.

This charge refers to a request for a single day's annual leave, made 14 years ago, and as such the panel felt it was reasonable that you were unable to recall the incident. It noted that decisions on whether or not to allow annual leave are at your discretion, and as such there is no evidence, even if the charge is factually correct, that you have done anything wrong.

As such, the panel determined that the NMC has failed to discharge the burden of proof in relation to this charge, and finds it not proved.

Charge 4(k)

'In relation to Colleague B, on or around July 2017, threatened Colleague B with disciplinary action for taking annual leave to attend a family wedding in Italy when it had been authorised.'

This charge is found proved.

In making its decision, the panel took into account your oral evidence, Witness 2/Colleague B's written statement and oral evidence, and email correspondence from Witness 2/Colleague B and the Trust dated 27 July 2017.

The panel took into account Witness 2/Colleague B's oral evidence, where she explained that her annual leave request was initially denied by you. She explained that her brother's wedding was taking place in Italy during those days. A few days later, she received an email that it was approved, and she went on her holiday.

The panel took into account the email from Witness 2/Colleague B, dated 27 July 2017:

'I was very disappointed on my return from annual leave to be reprimanded by matron Catherine Wood. She mentioned disciplinary action could have been taken against me, as this was unauthorised leave and would have been unpaid. I was mortified by the way I was spoken to in the presence of [senior nurse]. She then admitted in the same conversation that this was not authorised by herself but by [Senior Nurse 1] (by mistake). I was led to believe that this annual leave approval was genuine, I had no reason to believe otherwise.'

The panel was of the view that while the annual leave was authorised when it should not have been, that was not Witness 2/Colleague B's fault.

In considering whether you threatened Witness 2/Colleague B with disciplinary action, the panel took into account Witness 2/Colleague B's oral evidence, where she described feeling terrible upon returning from her annual leave and being threatened by you that she could face disciplinary action. The panel also took into account that Witness 2/Colleague B describes feeling 'mortified' in her email, felt '*singled out*' by you, and felt stressed. The panel therefore determined that your actions did amount to a threat, and had an emotional and mental impact on Witness 2/Colleague B.

On the balance of probabilities, the panel found this charge proved.

Charge 4(m)

'In relation to Colleague B, on or before 5 October 2020, when Colleague B requested to work two days a week and/or reduced hours, refused this request.'

This charge is found proved.

In making its decision, the panel took into account your oral evidence, Witness 2/Colleague B's oral evidence and written statement, Trust investigation notes, and Witness 2/Colleague B's letter to Mr 1 dated 5 October 2020.

The panel took into account that Witness 2/Colleague B described her request to reduce her working hours in her letter to Mr 1:

'Personally I felt that reducing my hours would enable me to cope more effectively at work with the stress induced but this was a decision that Matron Wood refused to consider as an option. I approached Matron Wood in August 2020 to discuss this and

she refused on the spot, without any consideration. Matron cited the reason as “money” which I cannot understand as I would have been costing the trust (sic) less.’

The panel took into account the Trust investigation meeting notes:

‘Q: It is alleged when a member of staff requested a reduction in hours you refused without even look up [sic], do you recall this?’

A: It is not easy for staff to come back for just 2 days – I had previously discussed this with (two colleagues) and they agreed with me at the time. Band 5 was offered although I could not confirm this.

Q: What process do you use to determine who can reduce their hours and how do you record this?’

A: There is not a policy on Retirement, they usually come to me verbally and I decide. Nothing is in writing.’

The panel considered that factually, you did refuse this request. However, it considered that this is not outside of your scope as a line manager. You are allowed to make discretionary calls such as refusing requests for reduced working hours. The panel therefore finds that this charge is found proved, as it did happen factually, but bore in mind that you were allowed to make this decision.

On the balance of probabilities, the panel found this charge proved.

Charge 5

‘Your actions in any and/or all of the conduct set out in charge 4 amounted to bullying and/or intimidating and/or harassing and/or humiliating and/or undermining behaviour towards Colleague B.’

This charge is found proved in relation to 4(c) and 4(k)

The panel assessed the sub-charges found proved in charge 4 in making its decision. The panel took into account Witness 2/Colleague B's oral evidence and written statement, the Trust investigation meeting notes, your oral evidence,

In assessing your conduct in charge 4(c), the panel took into account that Witness 2 described your statement as a threat toward her; in her written statement she said '*there was no need ...to threaten her*'. She had explained to you that she was unable to work in the afternoon of that day given her family commitments and was not contractually obliged to do so as this was outside of her agreed working hours. The panel took into account that you told Witness 2/Colleague B words to the effect that she '*could be disciplined for this*' as a response to her reluctance to attend the ENT clinic. The panel determined that you did this to intimidate and bully Witness 2/Colleague B, and therefore your actions and conduct in charge 4(c) amounted to intimidating and bullying behaviour toward Witness 2/Colleague B.

In assessing your conduct in charge 4(g), the panel took into account both your oral evidence and Witness 2/Colleague B's oral evidence. It also took into account email correspondence from Witness 2/Colleague B to you, dated 6 February 2019. The email from Witness 2/Colleague B outlined that she had put in an annual leave request for 16 February, but this was denied by you. When she enquired about why it was denied, you explained that the 16 February is Ms 3's birthday which she had historically taken as a day off. Witness 2/Colleague B found this unfair to her.

The panel took into account your explanation in your oral evidence, that you were adhering to Trust policy. The panel was of the view that you were being inflexible, and this was unfair to Witness 2/ Colleague B. However, there is no evidence before the panel which demonstrates malicious intent by you. You made admissions to charge 4(g) on the facts. The panel determined that your actions and conduct toward Witness 2/Colleague B in

charge 4(g), albeit unfair, did not amount to bullying and/or intimidating and/or harassing and/or humiliating and/or undermining behaviour.

In assessing your conduct in charge 4(i), the panel took into account your oral evidence and Witness 2/Colleague B's oral evidence. There was already a specialist nurse practitioner with this particular skill of Botox administration, and as a manager, you were allowed to say no to this request. The panel determined that, while it may have been of benefit for Witness 2/Colleague B to attend a Botox course, it was not necessary and would not benefit the department in her Band 5 role. The panel determined that your actions and conduct toward Witness 2/Colleague B in charge 4(i), did not amount to bullying and/or intimidating and/or harassing and/or humiliating and/or undermining behaviour.

In assessing your conduct in charge 4(j), the panel took into account your oral evidence and Witness 2/Colleague B's oral evidence. The panel took into account that your department did not handle blood testing, and that there was a separate designated phlebotomy clinic nearby whose function was taking blood. The panel determined that, while it may have been a useful skill for Witness 2/Colleague B to learn, it was not necessary and would not benefit the department. The panel determined that your actions and conduct toward Witness 2/Colleague B in charge 4(j), did not amount to bullying and/or intimidating and/or harassing and/or humiliating and/or undermining behaviour.

In assessing your conduct in charge 4(k), the panel took into account your oral evidence, Witness 2/Colleague B's written statement and oral evidence, and email correspondence from Witness 2/Colleague B and the Trust dated 27 July 2017.

In her email, Witness 2/Colleague B expressed feeling 'mortified'. The panel accepted Witness 2/Colleague B's evidence that you embarrassed and humiliated her in the presence of senior staff, for a misunderstanding that was no fault of Witness 2/Colleague B. The annual leave being approved was not Witness 2/Colleague B's fault, and the panel was of the view that by threatening her with disciplinary action in the presence of others upon her return, when the annual leave approval was simply an accident and/or oversight, you were

intimidating her. Therefore, the panel determined your actions and conduct in charge 4(k) amounted to intimidating and humiliating behaviour toward Witness 2/Colleague B.

In assessing your conduct in charge 4(l), the panel took into account your oral evidence, and Witness 2/Colleague B's oral evidence and written statement. You admitted this charge on the facts, and the panel took into account that in your oral evidence, you explained that you were trying to 'lighten the mood'. Witness 2/Colleague B, in her oral evidence, commented that her face 'speaks volumes sometimes'.

In the Trust investigation notes, you were asked about this incident:

'Q: Do you recall saying to a member of staff "your face – what's the matter with it"?
A: I did not say it in those words, but words to that effect, it was a light gesture, [Witness 2/Colleague B] laughed at the time, I think I said scary face.'

The panel acknowledged that, while this was not the best comment to make, you did not say this with malicious intentions, or as a way to bully Witness 2/Colleague B.

The panel determined that your actions and conduct toward Witness 2/Colleague B in charge 4(l), did not amount to bullying and/or intimidating and/or harassing and/or humiliating and/or undermining behaviour.

In assessing your conduct in charge 4(m), the panel took into account your oral evidence, Witness 2/Colleague B's oral evidence and written statement, Trust investigation notes, and Witness 2/Colleague B's letter to Mr 1 dated 5 October 2020. The panel found charge 4(m) proved on the basis that it factually happened. However, the panel took into account that, as Witness 2/Colleague B's line manager, you are allowed to make these decisions. While it may have seemed unfair to Witness 2/Colleague B, refusing her request to work two days a week and/or reduced hours was not malicious or outside of your scope of decision making as a line manager. The panel determined that your actions and conduct toward Witness

2/Colleague B in charge 4(m), did not amount to bullying and/or intimidating and/or harassing and/or humiliating and/or undermining behaviour.

In assessing your conduct in charge 4(n), the panel took into account your oral evidence and Witness 2/Colleague B's oral evidence. Witness 2/Colleague B outlined that she felt picked on by you during this incident. However, the panel did not have enough evidence before it to determine whether you made this statement in a bullying and/or intimidating and/or harassing and/or humiliating and/or undermining way. There is no context around why the statement was made, and the panel determined that this is otherwise a factually true statement. The panel determined that your actions and conduct toward Witness 2/Colleague B in charge 4(n), did not amount to bullying and/or intimidating and/or harassing and/or humiliating and/or undermining behaviour.

On the balance of probabilities, the panel found this charge proved on the basis of 4(c) and 4(k).

Charge 7

'Your actions in any and/or all of the conduct set out in charge 6 amounted to bullying and/or intimidating and/or harassing and/or humiliating and/or discriminatory behaviour towards against Colleague C.'

This charge is NOT proved.

The panel assessed the sub-charges found proved in charge 6 in making its decision. It took into account your oral evidence, Witness 4/Colleague E's oral evidence and written statement, and the Trust investigation meeting notes.

In assessing your conduct in charge 6(b), the panel took into account your oral evidence where you explained why you did not allow Colleague C to wear a face mask. You told the panel that this happened during the early stages of the Covid-19 pandemic. You were under

explicit instructions that were handed down to you by senior colleagues. You told the panel that when you said this, you were following the national policy at the time. You accepted that it was a difficult time for Colleague C, but maintained that you were following instructions and guidance. You were also told that masks would frighten patients.

The panel took into account the Trust investigation meeting notes:

‘Q: It is alleged you asked staff not to wear masks because it frightens patients, is this correct?’

‘A: Yes, at the start of the pandemic it was advised that it was not necessary generally (directive from [Ms 5]) and it frightened patients... we were guided by infection control and completed risk assessments to identify vulnerable staff who could wear surgical masks.’

The panel took into account Witness 4/Colleague E’s written statement:

‘When Catherine saw the team wearing facemasks, she told us to take them off and said that we were frightening the patients and the Trust had not formally told us to wear them.’

The panel determined that, while this charge factually happened, it did not cross into the threshold of being bullying and/or intimidating and/or harassing and/or humiliating and/or discriminatory behaviour towards against Colleague C. The panel accepted that you were following instructions and guidelines that were handed down to you. Therefore, the panel determined that your actions and/or conduct in charge 6(b) did not amount to bullying and/or intimidating and/or harassing and/or humiliating and/or discriminatory behaviour towards against Colleague C.

In assessing your conduct in charge 6(f), the panel took into account your oral evidence. The panel carefully considered that charge 7 requires an assessment of the impact of your conduct on Colleague C. However, as Colleague C has chosen not to attend these

proceedings, and their statement has not been adduced as hearsay evidence, the panel cannot assess what the impact of your conduct and actions are. Therefore, the panel determined that your actions and/or conduct in charge 6(f) did not amount to bullying and/or intimidating and/or harassing and/or humiliating and/or discriminatory behaviour towards against Colleague C.

In assessing your conduct in charge 6(p)(i) and 6(p)(ii), the panel took into account your oral evidence. The panel was of the view that asking Colleague C to undertake appraisals for HCAs and cover the dect phone does not cross the threshold into bullying and/or intimidating and/or harassing and/or humiliating and/or discriminatory behaviour. In terms of undertaking appraisals for HCAs, the panel noted that a registered nurse would be very familiar with this process. The panel also noted that being asked to cover a phone is not unreasonable. Therefore, the panel determined that your actions and/or conduct in charge 6(p)(i) and 6(p)(ii) did not amount to bullying and/or intimidating and/or harassing and/or humiliating and/or discriminatory behaviour towards against Colleague C.

As such, the panel determined that the NMC has failed to discharge the burden of proof in relation to this charge, and finds it not proved.

Charge 8(a)

‘Behaved in an inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory manner by: swearing in front of colleagues.’

This charge is found proved.

The panel took into account that you made admissions to this charge on the basis that it was inappropriate and unprofessional. You accepted that you did swear in front of colleagues. The panel took into account your oral evidence, and the evidence of Witness 5. The panel considered whether your behaviour in charge 8(a) was also intimidating and/or

bullying and/or humiliating and/or unkind and/or discriminatory, but did not find any evidence to support this. The panel noted that whilst a degree of swearing seemed commonplace in this environment, your seniority would have set a tone for others for what may be interpreted as acceptable.

On the balance of probabilities, the panel found this charge proved on the basis of being inappropriate and unprofessional.

Charge 8(c)

'Behaved in an inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory manner by stating to colleagues words to the effect of, 'if I go down, you are going down with me'

This charge is found proved.

In making its decision, took into account Witness 1, Witness 3, and Witness 4/Colleague E's oral evidence and written statements, the Trust investigation meeting notes, and your oral evidence.

The panel took into account that you made admissions to this charge on the basis that it was inappropriate and unprofessional. However, the panel carefully considered that Witness 1, in her oral evidence, described being made to feel intimidated by your statement. The panel took into account that you were in a position of authority, and this statement was interpreted as you threatening your colleagues' careers.

The panel considered the Trust investigation meeting notes:

'Q: Have you repeatedly advised staff during these huddles "if I go down, I am taking you all with me" if so what does this relate to?

A: Absolutely not, that has been mentioned to [Witness 3] by someone but absolute (sic) not, I would never say that to anyone, it is not pleasant. And anyway, I do not intend on going down anyway!

The panel was of the view that, in relation to this charge, Witness 1's evidence was preferable to yours. Her evidence was consistent on this point, and the panel determined that it was reliable.

The panel also took into account Witness 4/Colleague E's oral evidence and written statement. Witness 4/Colleague E's written statement recalls the incident:

'During a huddle Catherine was explaining that there was going to be a Quality Care Control inspection and said to the department "if I'm going down I'm taking you lot with me". I was surprised when Catherine said this and I felt as though she was deadly serious.'

The panel therefore determined that you behaved in an inappropriate, unprofessional and intimidating manner.

On the balance of probabilities, the panel found this charge proved on the basis of being inappropriate, unprofessional and intimidating.

Charge 8(d)

'Behaved in an inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory manner by calling a colleague a 'bitch' in front of others.'

This charge is found proved.

In making its decision, the panel took into account your oral evidence, and Witness 5's oral evidence.

The panel took into account that you made admissions to this charge in your oral evidence, on the basis that it was inappropriate and unprofessional. In your oral evidence, you provided context. You explained that your colleague had lost some weight and in your opinion, 'looked great'. Although you admit using the word 'bitch', you said that it was used in friendly 'banter'. You told the panel that this was not said in front of patients and was not shouted. You also told the panel that the colleague laughed. Shortly after the incident, you became worried that your comment may have been taken the wrong way, and you went out of your way to apologise to the colleague, who clarified that she did not care and was not upset by what you said.

Witness 5, in her oral evidence, told the panel that swearing is used from time to time when patients are not present, and is done as a form of 'banter'.

You admitted that this was unprofessional and inappropriate. The panel considered whether it crossed into the threshold of being intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory behaviour. However, while the panel considered that the language may be questionable, it accepted your account of the events and the context around it. It was of the view that this was not said with malicious intent.

On the balance of probabilities, the panel found this charge proved on the basis of being inappropriate and unprofessional.

Charge 8(g)

'Behaved in an inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory manner by berating a colleague in a team huddle for leaving the treatment door open.'

This charge is NOT proved.

In making its decision, the panel took into account your oral evidence. In your oral evidence, you could not recall who the colleague in this charge was. The panel took into account that none of the witnesses that gave oral evidence in these proceedings were able to recall this incident. As there is no evidence indicating who this colleague was, and there is no evidence that a colleague was berated in front of others in a staff huddle, the panel did not find this charge factually proved. As such, it did not go on to consider whether your behaviour was an inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory.

As such, the panel determined that the NMC has failed to discharge the burden of proof in relation to this charge, and finds it not proved.

Charge 8(j)

'Behaved in an inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory manner by on one or more occasions re-deployed members of staff without sufficient notice'

This charge is NOT proved.

The panel took into account that you made admissions to this charge on the basis that it factually happened. It accepted these admissions and went on to assess whether your behaviour met the stem of this charge.

The panel took into account that part of your role as a Matron is to redeploy and move staff where it is necessary and needed. As you were acting within the scope of your role, the panel determined that this did not meet the stem of the charge, in that your behaviour was not inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory.

As such, the panel determined that the NMC has failed to discharge the burden of proof in relation to this charge, and finds it not proved.

Charge 8(m)

Behaved in an inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory manner by on a date unknown when Colleague E made a request to be removed from the ward during the covid-19 pandemic due to her husband's ill-health, you refused stating words to the effect, 'you are not the only one going through a tough time'

This charge is found proved.

The panel took into account Witness 4/Colleague E's oral evidence and written statement, and your own oral evidence. It determined that Witness 4/Colleague E's oral evidence was consistent with her written statements, and she was a credible witness. Her wording was very specific when recalling the event.

Witness 4/Colleague E's written statement states:

'[PRIVATE] Owing to this I went to Catherine and asked her to come off the ward for 6 weeks. Catherine said no and did not give me a specific reason, she just told me that her hands were tied and I must take all the proper precautions. [PRIVATE]. During the conversation that I had with Catherine she said to me "you are not the only one going through a tough time". I felt that whenever I went to her about something which I need support with, Catherine would turn it around to be about her.'

Witness 4/Colleague E, in her oral evidence, [PRIVATE]. She told the panel that she took sick leave to avoid working on the ward, and when she was due to return, a Sister informed you that the ward was overstaffed and she was released to the Outpatients Department.

In your oral evidence, you told the panel that you were aware that Colleague E/Witness 4 [PRIVATE]. You explained that you took steps to support her. You maintained that you never said these words to her, and that you did everything you could to support her, including giving her your home telephone number.

The panel accepted Witness 4/Colleague E's account of the impact that your behaviour and refusal to accommodate her request had on her. [PRIVATE]. The panel was of the view that your statement 'you are not the only one going through a tough time', was dismissive. It determined that by refusing Colleague E's request and making that statement to her, you behaved in an inappropriate, unprofessional, and unkind manner.

On the balance of probabilities, the panel found this charge proved on the basis of being inappropriate, unprofessional and unkind.

Charge 8(n)

'Behaved in an inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory manner by on a date unknown stated to Colleague E in front of other colleagues words to the effect of, 'if I have to tell you again to not go above your station there is going to be trouble'.'

This charge is found proved.

In making its decision, the panel took into account Witness 4/Colleague E's written statement and oral evidence, the Trust investigation meeting notes, and your oral evidence.

Witness 4/Colleague E explained that she was trying to help an infection control colleague install hand sanitiser equipment when there were no senior members of staff available. She pointed out where the equipment could be placed. In the office with other colleagues present, including senior sisters, you warned Witness 4/Colleague E and said, “if I have to tell you again not to go above your station there is going to be trouble.”

Witness 4/Colleague E, in her witness statement, stated:

‘Catherine did not say why it was not appropriate for me to assist the infection control colleague as there was no clinical aspect to what we were doing I (sic) was not doing anything that I was unable to do. I thought that by helping the colleague I was helping the department as there was no other person to show him.’

Witness 4/Colleague E was very specific in her recollection that this statement was said in front of others. She explained that she thought she was using her initiative to help. The panel accepted Witness 4/Colleague E’s evidence that you used your professional rank to threaten her, that there “*would be trouble*”, which humiliated Witness 4/Colleague E and which she took as a threat. The panel determined that you acted in an inappropriate, unprofessional, humiliating, intimidating and unkind manner toward Colleague E.

On the balance of probabilities, the panel found this charge proved on the basis of being inappropriate, humiliating, intimidating, unprofessional, and unkind.

Charge 8(o)

‘Behaved in an inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory manner by on one or more occasions referred to healthcare assistants as being ‘unqualified’

This charge is found proved.

The panel took into account Witness 4/Colleague E's oral evidence and written statement, and your oral evidence.

Witness 4/Colleague E, who was an HCA at the time, told the panel that you would refer to HCAs as unqualified members of staff, while you would refer to nurses as 'qualified'. She explained that this made her feel belittled.

The panel took into account Witness 4/Colleague E's written statement, which stated:

'In the huddles that Catherine ran in the mornings she would often refer to healthcare assistants as "unqualified" and would refer to nurses as "qualified".'

You told the panel, in your oral evidence, that you did not make this distinction. You maintained that you did not refer to HCAs as 'unqualified'. The panel was of the view that Witness 4/Colleague E's evidence was preferable. Her oral evidence was consistent with her written statement, and she was a plausible witness.

The panel was of the view that by calling HCA members of staff 'unqualified', you behaved inappropriately and unprofessionally. This expression was demeaning, as it made staff members feel lesser than others, and your behaviour was humiliating toward colleagues.

On the balance of probabilities, the panel found this charge proved on the basis of being humiliating, inappropriate, unkind, and unprofessional.

Charge 8(p)

'Behaved in an inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory manner by on a date unknown stated to Colleague E during a telephone conversation words to the effect of, 'you don't want me to lose everything I have worked for'.

This charge is NOT proved.

In making its decision, the panel took into account your oral evidence, and Witness 4/Colleague E's oral evidence and witness statement.

Witness 4/Colleague E told the panel that after she had left, you called her to discuss 'where you went wrong'. She said that you told her words to the effect of 'you don't want me to lose everything I have worked for'. Witness 4/Colleague E admitted in her oral evidence that she was rude and angry, and did not want to speak with you.

You explained in your oral evidence that you were apologetic. You wanted to reflect on the incidents around your dismissal as part of a learning process. You did not intend for the phone call to be a threat to Witness 4/Colleague E. You told the panel that you wanted to understand where exactly you had gone wrong and how you could change your behaviour in the future.

The panel determined that the phone call took place. It then assessed whether this went to the stem of the charge, in that it was inappropriate and/or unprofessional and/or intimidating and/or bullying and/or humiliating and/or unkind and/or discriminatory.

The panel determined that your motive for making the call was reasonable. The panel accepted your explanation that you wanted to learn from your mistakes and improve. You wanted to understand what you had done wrong. The panel carefully considered the impact on Witness 4/Colleague E. She described herself as being rude to you and feeling angry, which does not suggest that she was feeling intimidated, bullied, or humiliated. In her oral evidence, she did not express that she felt intimidated or harassed by your call. The nature of the call was not malicious, unkind, or discriminatory. Therefore, although the call factually took place, it did not reach the stem of this charge.

As such, the panel determined that the NMC has failed to discharge the burden of proof in relation to this charge, and finds it not proved.

Fitness to practise

At the outset of this stage, the panel heard evidence from Witness 6 on your behalf, and evidence from you under affirmation.

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 your 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, your fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct

In coming to its decision, the panel had regard to the case of *Roylance v General Medical Council (No. 2)* [2000] 1 AC 311 which defines misconduct as a '*word of general effect, involving some act or omission which falls short of what would be proper in the circumstances.*'

Ms Beckett invited the panel to take the view that the facts found proved amount to misconduct. The panel had regard to the terms of 'The NMC code of professional conduct: standards for conduct, performance and ethics' (the Code) in making its decision.

Ms Beckett identified the specific, relevant standards where your actions amounted to misconduct within the NMC Code. She submitted that your actions in the conduct found proved amount to breaches of the fundamental tenets of the nursing profession.

Ms Beckett submitted that, in accordance with the NMC code, a Matron in an outpatient department is expected to act at a level consistent with the seniority of the post. She submitted that, in the facts found proved, you behaved in a way that was bullying, humiliating, intimidating, unprofessional, inappropriate, and unkind to others, all in the context of a professional leadership position.

Ms Beckett submitted that, when taken as a whole, the charges found proved amounted to serious misconduct. Ms Beckett submitted that you did not lead in a way that maintained effective communication with or respect for colleagues, and your management style did not demonstrate a dignified approach and mutual respect for your colleagues.

Ms Adeyemi submitted that your actions in the charges found proved did not amount to misconduct.

Ms Adeyemi submitted that you have consistently expressed your regret for upsetting anyone. She submitted that while matters could have been better handled, this is not the test for misconduct.

Ms Adeyemi submitted that none of the charges found proved relate to your clinical practice and do not relate to more serious findings such as malice, dishonesty, cover-up, or prejudice. She submitted that there has been no actual harm caused to patients or colleagues, although some colleagues have been upset by some of your decisions.

Ms Adeyemi submitted that there was a genuine and legitimate objective to every action that you took, with the primary aim being to ensure that your department was run well and that patients were taken care of to a high standard.

Ms Adeyemi submitted that adherence to guidance and policy is not misconduct. She submitted that you managed over 100 staff members, and no pattern of behaviour can be extracted from this. She submitted that your behaviour was, in many regards, consistent with the Code.

Ms Adeyemi submitted that you accept your shortcomings in the charges found proved and that you have demonstrated regret.

Ms Adeyemi submitted that your conduct in the charges found proved do not amount to serious professional misconduct.

Submissions on impairment

Ms Beckett moved on to the issue of impairment and addressed the panel on the need to have regard to protecting the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. This included reference to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin).

Ms Beckett invited the panel to make a finding of impairment.

Ms Beckett submitted that there is a risk of repetition in this case. She submitted that, while you have demonstrated developing insight, you remain deflective towards your colleagues. Ms Beckett submitted that, when spoken to by Witness 3 about concerns around your management style, Witness 3 felt that you did not really listen to her. She told the panel in her oral evidence that she felt you were intent on your own management

style. Ms Beckett submitted that, in your oral evidence at the impairment stage of this hearing, you told the panel that in hindsight, your manager or professional lead had never told you that you were a bully, intimidator, harasser, humiliator, or that you undermined any members of staff.

Ms Beckett submitted that your insight is still in the process of developing, as you are still saying that someone should have told you that your behaviour in the charges found proved were wrong, not that you should have stopped and thought about it on your own volition.

Ms Beckett submitted that you are a good clinical nurse, and in relation to your management of large groups of diverse staff, you are developing insight, but this insight is not completely developed.

Ms Beckett submitted that there is a real risk of harm to patients if the conduct in the charges found proved were repeated. She submitted that bullying could have a serious effect on workplace culture and therefore could impact the safety of people receiving care.

Ms Beckett submitted that public confidence in the nursing profession would be seriously undermined and damaged if a finding of impairment were not made. She submitted that members of the public would be concerned if a nurse with charges of bullying, intimidating, unkind, inappropriate and unprofessional behaviour towards colleagues were allowed to practise without a finding of impairment.

Ms Adeyemi submitted that your practice is not currently impaired.

Ms Adeyemi submitted that you have demonstrated an ability to practise kindly, safely, and professionally. She submitted that you have been working for over five years since these allegations, during which time you have established a track record of working kindly, safely, and professionally.

Ms Adeyemi submitted that you have consistently expressed your distress for any upset caused to colleagues, and offered sincere apologies for your behaviour.

Ms Adeyemi submitted that Witness 3, your manager at the time of the charges found proved, did not find you to be partial or discriminatory.

Ms Adeyemi submitted that you have demonstrated comprehensive and sincere reflection which is substantiated by evidence from referees who work with you on a day-to-day basis. Ms Adeyemi submitted that you understand where you went wrong and where you need to improve.

Ms Adeyemi submitted that you have apologised repeatedly for your actions, provided explanations, and taken ownership of your actions.

Ms Adeyemi submitted that you have undertaken training that engages the areas of concern, namely equality, human rights, treating people with dignity, Neuro Linguistic Programming (NLP), and human factors, including transactional analysis.

Ms Adeyemi submitted that there is no risk of repetition. She submitted that you have worked to remediate the concerns, and you have had no concerns raised against you in your current employment.

Ms Adeyemi submitted that the public protection and public interest grounds are not engaged. She submitted that your practice does not undermine public confidence or threaten public safety. She submitted that you are an individual with a desire to contribute to the profession and that you are working to a high standard.

The panel accepted the advice of the legal assessor, who referred to *Remedy UK Ltd. v General Medical Council* [2010] EWHC 1245 (Admin), *Roylance, General Medical Council v Meadow* [2007] QB 462 (Admin), *Sayer v General Osteopathic Council* [2021] EWHC

370 (Admin), *Sawati v General Medical Council* [2022] EWHC 283 (Admin), *Cohen v General Medical Council* [2008] EWHC 581 (Admin) and *Grant*.

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. It assessed whether each matter found proved is “sufficiently serious misconduct in the exercise of professional practice, such that it can be properly described as misconduct going to fitness to practise” as per *Remedy UK Ltd*.

Charge 1(g)

The panel determined that this charge did not amount to misconduct.

You were acting within your role as a manager and adhering to Trust policy. You made these phone calls to ascertain whether Colleague A was returning to work, in order to cover her in the department if necessary. You were not harassing Colleague A. The panel was of the view that this was not a serious departure from the NMC Code.

Charge 1(h)

The panel determined that this charge amounted to misconduct.

Having found that this amounted to bullying and intimidating behaviour towards Colleague A while in a leadership position, the panel considered this to be a serious falling short of the conduct expected of a registered nurse. It determined that misconduct was established in relation to this charge.

Charge 1(i)

The panel determined that this charge did not amount to misconduct.

The panel took into account that this relates to your management style. It accepted your explanation in your oral evidence that you told colleagues to smile for their patients in order to create a welcoming atmosphere for them. You did not say this to colleagues with malicious intentions, and the panel was of the view that this did not amount to a serious departure from the NMC Code.

Charge 1(j)

The panel determined that this charge did not amount to misconduct.

The panel was of the view that you asked where Colleague A was in order to identify whether they attended the huddle or not. It accepted your explanation that Colleague A was often not at the huddles, despite them being mandatory. The panel was of the view that this did not amount to a serious departure from the NMC Code.

Charge 4(c)

The panel determined that this charge amounted to misconduct.

Having found that this amounted to bullying and intimidating behaviour towards Witness 2/Colleague B, particularly while in a leadership position, the panel considered this to be a serious falling short of the conduct expected of a registered nurse. It determined that misconduct was established in relation to this charge.

Charge 4(g)

The panel determined that this charge did not amount to misconduct.

The panel was of the view that this action was not malicious and accepted that it was within your scope as a manager to approve or deny annual leave. While it was of the view

that it was unfair of you to deny Witness 2/Colleague B this annual leave day when it had not been requested by anyone else, the panel determined that it did not reach the threshold of seriousness.

Charge 4(i)

The panel determined that this charge did not amount to misconduct.

The panel was of the view that your role allowed you to accept or reject this request, and accepted your argument that the rejection was on the basis that it was not beneficial to the department. The panel was of the view that this did not amount to a serious departure from the NMC Code.

Charge 4(j)

The panel determined that this charge did not amount to misconduct.

The panel was of the view that your role allowed you to accept or reject this request, and accepted your argument that the rejection was on the basis that it was not beneficial to the department. The panel was of the view that this did not amount to a serious departure from the NMC Code.

Charge 4(k)

The panel determined that this charge amounted to misconduct.

Having found that this amounted to bullying and intimidating behaviour towards Colleague A, particularly while in a leadership position, the panel considered this to be a serious falling short of the conduct expected of a registered nurse. It determined that misconduct was established in relation to this charge.

Charge 4(l)

The panel determined that this charge did not amount to misconduct.

The panel accepted your evidence that you made this comment with light-hearted intentions. The panel accepted Witness 2/Colleague B's comment in oral evidence that her face 'speaks volumes sometimes' and was of the view that you were trying to lighten the mood and did not make this comment maliciously.

The panel was of the view that this did not amount to a serious departure from the NMC Code.

Charge 4(m)

The panel determined that this charge did not amount to misconduct.

The panel took into account that you are allowed to refuse this request, and refusing Witness 2/Colleague B's request to work two days a week and/or reduced hours was not malicious or outside of your scope of decision making as a line manager.

The panel was of the view that this did not amount to a serious departure from the NMC Code.

Charge 4(n)

The panel determined that this charge did not amount to misconduct.

The panel took into account that you were stating a fact, as Witness 2/Colleague B was a senior staff nurse and not a sister. The panel noted that badges were changed when they should have not been, and you were identifying the roles of colleagues factually.

The panel was of the view that this did not amount to a serious departure from the NMC Code.

Charge 6(b)

The panel determined that this charge did not amount to misconduct.

The panel took into account that you were following national policy at the time, and that instructions were being delegated to you from senior colleagues.

The panel was of the view that this did not amount to a serious departure from the NMC Code.

Charge 6(f)

The panel determined that this charge did not amount to misconduct.

The panel took into account that there is not enough evidence for it to assess whether your threat of disciplinary action to Colleague C was justified. There is no information as to the date of this charge, why you thought disciplinary action was necessary, and how it made Colleague C feel.

As the panel was unable to properly assess the seriousness in this charge, it was of the view that this did not amount to a serious departure from the NMC Code.

Charge 6(p)(i)

The panel determined that this charge did not amount to misconduct.

The panel was of the view that asking colleagues to assist with HCA appraisals was not serious misconduct. The panel was of the view that this was not an unusual task for

registered nurses to assist with and that you were acting in line with your role as a manager, and ensuring that the department was running as it should.

The panel was of the view that this did not amount to a serious departure from the NMC Code.

Charge 6(p)(ii)

The panel determined that this charge did not amount to misconduct.

The panel was of the view that asking colleagues to assist with the dect phone was not serious misconduct. The panel was of the view that this was not an abnormal task for colleagues to assist with, and you were acting in line with your role as a manager and ensuring that the department was running as it should.

The panel was of the view that this did not amount to a serious departure from the NMC Code.

Charge 8(a)

The panel determined that this charge amounted to misconduct.

Having found that this amounted to unprofessional and inappropriate behaviour towards colleagues, particularly while in a leadership position, the panel considered this to be a serious falling short of the conduct expected of a registered nurse. It determined that misconduct was established in relation to this charge.

Charge 8(c)

The panel determined that this charge amounted to misconduct.

Having found that this amounted to inappropriate, unprofessional, and intimidating behaviour towards colleagues, particularly while in a leadership position, the panel considered this to be a serious falling short of the conduct expected of a registered nurse. It determined that misconduct was established in relation to this charge.

Charge 8(d)

The panel determined that this charge did not amount to misconduct.

The panel considered the wider context and accepted your explanation that this was 'banter', meant as a compliment and a positive exclamation towards a colleague's appearance. The panel accepted the evidence from witnesses that banter was commonplace within the workplace. The panel was of the view that your wording was not the most appropriate you could have chosen, however, it took into account that you went out of your way to speak to the colleague after and make sure that your comment had not caused offence, and the colleague reassured you that she was not offended.

The panel was of the view that, under these specific circumstances, this did not amount to a serious departure from the NMC Code.

Charge 8(m)

The panel determined that this charge amounted to misconduct.

Having found that this amounted to inappropriate, unprofessional, and unkind behaviour towards colleagues, particularly while in a leadership position, the panel considered this to be a serious falling short of the conduct expected of a registered nurse. It determined that misconduct was established in relation to this charge.

Charge 8(n)

The panel determined that this charge amounted to misconduct.

The panel found that this amounted to inappropriate, humiliating, unprofessional, unkind and intimidating behaviour towards colleagues, particularly while in a leadership position. The panel considered this to be a serious falling short of the conduct expected of a registered nurse. It determined that misconduct was established in relation to this charge.

Charge 8(o)

The panel determined that this charge amounted to misconduct.

Having found that this amounted to inappropriate, unkind, unprofessional, and humiliating behaviour towards colleagues, particularly while in a leadership position, the panel considered this to be a serious falling short of the conduct expected of a registered nurse. It determined that misconduct was established in relation to this charge.

The panel was of the view that your actions in charges 1(h), 4(c), 4(k), 8(a), 8(c), 8(m), 8(n), and 8(o) fell significantly short of the standards expected of a registered nurse, and that your actions amounted to breaches of the Code. Specifically:

‘7.1 use terms that people in your care, colleagues and the public can understand

8.1 respect the skills, expertise and contributions of your colleagues, referring matters to them when appropriate

8.2 maintain effective communication with colleagues

8.7 be supportive of colleagues who are encountering health or performance problems. However, this support must never compromise or be at the expense of patient or public safety

- 19.1 *take measures to reduce as far as possible, the likelihood of mistakes, near misses, harm and the effect of harm if it takes place*

- 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*
- 20.5 *treat people in a way that does not take advantage of their vulnerability or cause them upset or distress*
- 20.8 *act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to*

- 25.1 *identify priorities, manage time, staff and resources effectively and deal with risk to make sure that the quality of care or service you deliver is maintained and improved, putting the needs of those receiving care or services first'*

In relation to paragraph 19.1 of the code, the panel was of the view that you contributed to an unapproachable culture within the outpatients department. While there was no evidence of clinical harm caused to patients, such a tense environment in which you repeatedly referred to disciplinary action when it was not necessary created a potential for harm. More junior colleagues, of which there were many, were uncomfortable approaching you with concerns, for fear of disciplinary action. Such high-stress environments may be to the detriment of patient care.

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 your unprofessional, intimidating, bullying, unkind, inappropriate, and humiliating behaviour while in a leadership role, identified in the charges found proved, is very serious and breaches fundamental tenets of the nursing profession and professional standards expected of a registered nurse.

The panel found that your 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, your fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the NMC Guidance on *'Impairment'* DMA-1 (Last Updated: 03/03/2025) 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.'

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must 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/ fitness to practise is impaired in the sense that S/He:

- a) has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b) has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c) has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- d) ...'*

While there was no evidence of harm caused to patients, the panel was of the view that your actions had the potential to put patients at risk of harm. You contributed to an environment where staff could not approach you or openly voice their concerns. The panel was of the view that an environment of fear is not conducive to good patient care. You have also demonstrated inappropriate communication with staff, such as swearing or threats, which has the potential to bring the profession into disrepute. The panel was of the view that nurses must exhibit qualities of kindness and empathy. As a senior leader,

you have not demonstrated these qualities, and you contributed to a culture and environment that did not meet the highest standards expected of a Matron, given the way you treated and interacted with your staff.

The panel was of the view that clear and open communication with staff is essential for good quality care for patients, reducing the risk of harm and preserving safety. However, the panel was of the view that the key aspects of misconduct in this case are focussed on your failure to promote professionalism in the way that you interacted with your colleagues, and a failure to promote trust. The panel determined that you breached several fundamental tenets of the nursing profession through your conduct towards your staff.

The panel was of the view that the misconduct identified is remediable with the right training and support. When considering whether it has been remedied by you, the panel acknowledged that you have made some admissions to the charges, apologised for your actions, and expressed remorse. It was of the view that you have demonstrated some developing insight, but was not satisfied that this has been fully developed. In your oral evidence, you were remorseful but still deflective. You explained that your intentions were not to cause distress to your colleagues, and often attributed their reactions to their own stressors or the stressful environment at the time. You did not mention the harm you caused to your colleagues, and did not take full responsibility for your actions.

The panel acknowledged that you have undertaken relevant training, including NLP and human factors training.

The panel also carefully considered the numerous positive testimonials provided by you, and the positive oral evidence provided by Witness 6.

The panel took into account that while you have been working in a Band 5 nursing role in your current employment, you were recently successful in securing a position as Sister. While the panel carefully considered that you have shown some insight into how your

previous behaviours, in a post that involves managing people, have affected others, it could not be satisfied that your insight has developed sufficiently as to prevent future repetition now that you are once again in a senior role. The panel was not satisfied that the risk of repetition was “highly unlikely” as per *Cohen*.

The panel determined that limbs a, b and c of the *Grant* test are engaged, and that you are liable in the future to put patients at risk of harm, bring the profession into disrepute, and breach the fundamental tenets of the nursing profession.

The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

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

The panel determined that a finding of impairment on public interest grounds is required, as public confidence in the nursing profession would be seriously undermined if a nurse with charges relating to unkind, intimidating, humiliating, unprofessional, and inappropriate behaviour were allowed to practise without a finding of impairment. It determined that a finding of impairment is necessary to maintain public confidence in the nursing profession and the NMC as regulator, and uphold proper standards of professional conduct.

Having regard to all of the above, the panel was satisfied that your fitness to practise is currently impaired.

Submissions on sanction

Ms Beckett initially informed the panel that in the Notice of Hearing, the NMC had advised you that it would seek the imposition of a striking off order if it found your fitness to practise currently impaired. During the course of the hearing, the NMC revised its proposal and submits that a suspension order is more appropriate in light of the panel's findings.

Ms Beckett submitted that conditions of practice, if formulated, could potentially address the public protection and public interest concerns arising from the misconduct. She acknowledged that you have not had any further concerns in your current employment, and that the concerns do not relate to your clinical practice.

Ms Beckett submitted that due to the nature of the concerns and the lack of properly developed insight, a suspension order for a period of six months with review is the appropriate and proportionate order. She submitted that temporary removal from the NMC register would mark the serious nature of the conduct, protect the public from harm, and meet the public interest.

The panel also bore in mind Ms Adeyemi's submissions. Ms Adeyemi submitted that a conditions of practice order is appropriate and proportionate in light of the panel's findings. Ms Adeyemi submitted that you have had no other previous regulatory findings against your career, which started in 1993.

Ms Adeyemi submitted that you have demonstrated some insight and reflection. She submitted that you have provided many positive references which reflect your good clinical practice. She submitted that the concerns are remediable.

Ms Adeyemi submitted that you are aware of your limitations and you are committed to addressing the concerns, undertaking courses and improving yourself.

The panel accepted the advice of the legal assessor, who referred it to NMC Guidance SAN-3.

Decision and reasons on sanction

Having found your 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:

- Evidence of some attitudinal concerns
- Emotional harm caused to some colleagues
- Repeated failings in a leadership role
- Conduct which put patients at risk of harm, by contributing to a poor work environment as a result of your serious communication failures with more junior colleagues
- Contributed to a poor work environment over a sustained period of time

The panel also took into account the following mitigating features:

- Your engagement with the process and the NMC
- Your acceptance that you caused emotional harm to some of your colleagues
- You are of previous good character
- Some of your serious breaches of the Code took place during a difficult time, namely at the start of the Covid-19 pandemic
- You have developing insight and demonstrated some reflection
- You have completed training courses
- You orally expressed remorse for your conduct and apologised
- You made admissions to some charges
- The conduct is historic and took place at least five years ago

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 determined that there remained a risk of harm and repetition, and no further action would therefore be inappropriate. The panel decided that it would be neither proportionate nor in the public interest to take no further action, and would not mark the seriousness of the misconduct.

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 your 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 your 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 misconduct is serious, and while you have developing insight, this is not fully developed. The panel acknowledged that there are no concerns with your clinical practice, and that you have provided several positive testimonials from your current employment. However, it took into account that you have not yet been exposed to the level of seniority at your current employer, that you had during the misconduct. The panel determined that there remained a risk of harm and repetition, and a caution order would therefore be inappropriate. 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 your registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel took into account the SG, in particular:

- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *Identifiable areas of the nurse or midwife's practice in need of assessment and/or retraining;*
- *No evidence of general incompetence;*
- *Potential and willingness to respond positively to retraining;*
- *Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- *The conditions will protect patients during the period they are in force; and*
- *Conditions can be created that can be monitored and assessed.*

The panel determined that it would be possible to formulate appropriate and practicable conditions which would address the failings highlighted in this case. The panel accepted that you would be willing to comply with conditions of practice.

The panel had regard to the fact that these incidents happened a long time ago and that, other than these incidents, you have had an unblemished career as a nurse. The panel carefully considered that the misconduct relates to your management style in a leadership role, specifically your communication and treatment of colleagues, but not your clinical practice. While there is some evidence that your attitude influences your poor approach to communication and management of your colleagues and junior colleagues, there is no evidence of deep-seated and harmful personality or attitudinal concerns.

The panel was satisfied that you have shown a willingness to engage in appropriate training to address your areas of misconduct, and that the current concerns and misconduct can be addressed by conditions. The panel was satisfied that the conditions it has identified will protect the public while you continue to practise.

The panel was of the view that it was in the public interest that, with appropriate safeguards, you should be able to remain practising as a nurse.

Balancing all of these factors, the panel determined that that the appropriate and proportionate sanction is that of a conditions of practice order.

In making this decision, the panel carefully considered the submissions of Ms Beckett in relation to the suspension order that the NMC was seeking in this case. The panel took into account that you are currently employed and working as a nurse without any further concerns, and your impairment cannot be addressed and remediated if you do not have the opportunity to continue working, strengthening your practice, whilst your communication skills are supported in your new, more senior, managerial position.

The panel was of the view that to impose a suspension order would be disproportionate and would not be a reasonable response in the circumstances of your case, where you have demonstrated a willingness to remediate, and the concerns can be addressed by focussed conditions of practice.

Having regard to the matters it has identified, the panel has concluded that a conditions of practice order will mark the importance of maintaining public confidence in the profession, and will send to the public and the profession a clear message about the standards of practice required of a registered nurse.

The panel determined that the following conditions are appropriate and proportionate in this case:

‘For the purposes of these conditions, ‘employment’ and ‘work’ mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, ‘course of study’ and ‘course’ mean any course of educational study connected to nursing, midwifery or nursing associates.

1. While you remain in a leadership role, you must work for one substantive organisation and must not work for an agency or in a self-employed capacity.
2. You must undertake monthly clinical supervision meetings with a named senior nurse to discuss the following in relation to your communication and leadership skills:
 - Examples of successful communication
 - New communication strategies that you may have used
 - Any difficulties that you have faced and strategies to overcome them
3. You must work with your line manager to create a personal development plan (PDP). Your PDP must:
 - a) address the concerns about your communication in a leadership role, discuss management style and decisions, and your delivery of information and how it is received by staff
 - b) include 360 Degree Appraisals from a range of staff whom you work with, including those you manage
4. You must send a copy of your PDP to the NMC prior to any review hearing or meeting.
5. You must undertake fortnightly 1-2-1 meetings with your line manager for three months, following the date this order comes into effect, to discuss your PDP and insight. After three months has elapsed, these meetings may be on a monthly basis.
6. You must read, review, and provide a written reflection of NHS England “What Does Compassionate and Inclusive Leadership Mean

to Us?”. The reflection should address the implications on your practice.

7. You must send the NMC an up-to-date report ten days in advance of the next NMC hearing or meeting from either:
 - Your line manager
 - Your mentor or supervisor

This report must comment on your progress with communication in a leadership role, your management style and decisions, and your delivery of information and how it is received by staff.

8. You must send your NMC case officer evidence of your compliance with these conditions, in particular:
 - a) Your PDP and notes of progress
 - b) Your 360 Degree Appraisals
 - c) Your monthly supervision notes and reflections
 - d) Your completed written reflection of NHS England “What Does Compassionate and Inclusive Leadership Mean to Us?”
9. You must keep us informed about anywhere you are working by:
 - a) Telling your case officer within seven days of accepting or leaving any employment.
 - b) Giving your case officer your employer’s contact details.
10. You must immediately give a copy of these conditions to:
 - a) Any organisation or person you work for.
 - b) Any employers you apply to for work (at the time of application).

11. You must tell your case officer, within seven days of your becoming aware of:
 - a) Any clinical incident you are involved in.
 - b) Any investigation started against you.
 - c) Any disciplinary proceedings taken against you.

12. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:
 - a) Any current or future employer.
 - b) Any other person(s) involved in your retraining and/or supervision required by these conditions

The period of this order is for 18 months.

Before the order expires, a panel will hold a review hearing to see how well you have complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- Evidence of compliance with the conditions
- Testimonials from a line manager or supervisor

This will be confirmed to you in writing.

Submissions on interim order

The panel took account of the submissions made by Ms Beckett, who invited the panel to impose an interim conditions of practice order in the same terms as the substantive order. She submitted that this interim order would protect the public and meet the public interest during any period of appeal. Ms Beckett submitted that not imposing an interim conditions of practice order would be inconsistent with the panel's findings. She invited the panel to impose the interim order for 18 months.

The panel also took into account the submissions made by Ms Adeyemi, who submitted that an interim order is not necessary. She submitted that you have been practising without an interim order in place, that the test for an interim order is different from that of a substantive order, and that not imposing one would not be inconsistent with the panel's findings.

Decision and reasons on interim order

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest.

The panel took account of the fact that you have only been in your senior leadership role for a short period of time, and have not had an opportunity to demonstrate that you have strengthened your management style and communication at this level. The panel had regard to the risk of harm identified set out in its decision for the substantive order, in reaching the decision to impose an interim order.

The panel concluded that the only suitable interim order would be that of a conditions of practice order, as to do otherwise would be incompatible with its earlier findings. The conditions for the interim order will be the same as those detailed in the substantive order for a period of 18 months.

If no appeal is made, then the interim conditions of practice order will be replaced by the substantive conditions of practice order 28 days after you are sent the decision of this hearing in writing.

That concludes this determination.