

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

**Substantive Hearing
Tuesday, 26 August 2025 – Thursday, 4 September 2025**

Nursing and Midwifery Council
2 Stratford Place, Montfichet Road, London, E20 1EJ

Name of Registrant:	Ruby Faruqi
NMC PIN:	03H02390
Part(s) of the register:	Registered Nurse, Sub Part 1 RN1, Adult Nursing (4 August 2003)
Relevant Location:	Hull
Type of case:	Misconduct
Panel members:	Geraldine O'Hare (Chair, lay member) Catherine McCarthy (Registrant member) Christopher Bithell (Lay member)
Legal Assessor:	Charles Conway
Hearings Coordinator:	Clara Federizo (26 August 2025 – 2 September 2025 and 4 September 2025) Priyam Jain (3 September 2025)
Nursing and Midwifery Council:	Represented by Amy Taylor, Case Presenter
Ms Faruqi:	Not present and unrepresented
Facts proved:	Charges 1, 2, 3 and 4
Facts not proved:	N/A
Fitness to practise:	Impaired
Sanction:	Striking-off order
Interim order:	Interim suspension order (18 months)

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Ms Faruqi was not in attendance and that the Notice of Hearing letter had been sent to her registered email address by secure email on 28 July 2025.

Ms Taylor, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the allegations, the time, dates and venue of the hearing and, amongst other things, information about Ms Faruqi's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In light of all of the information available, the panel was satisfied that Ms Faruqi has been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Ms Faruqi

The panel next considered whether it should proceed in the absence of Ms Faruqi. It had regard to Rule 21 and heard the submissions of Ms Taylor who invited the panel to continue in the absence of Ms Faruqi.

Ms Taylor referred the panel to the record of correspondence between Ms Faruqi and the NMC. She submitted that Ms Faruqi had previously been engaging with the NMC and had made an application for agreed removal from the Register. In an email dated 7 June 2025, Ms Faruqi stated:

"Apologies for a late reply. I was hoping to get a quote this week from a lawyer but it only arrived today. This [PRIVATE]. Neither I have the emotional

strength to fight my case in court by myself nor [PRIVATE] a lawyer. I think the only option left for me is to ask for removal from NMC register. Would this be possible please? Kindly let me know.”

The Panel noted that in the proceeding in absence bundle, produced by Ms Taylor, the agreed removal application had not been granted. Ms Faruqi had since stopped engaging with the process. Ms Taylor submitted that while Ms Faruqi stated that she wished to obtain legal representation but was unable to do so [PRIVATE] she neither requested an adjournment nor indicated an intention to attend/represent herself. Ms Taylor submitted that Ms Faruqi had voluntarily absented herself.

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised ‘with the utmost care and caution’ as referred to in the case of *R v Jones (Anthony William)* (No.2) [2002] UKHL 5.

The panel decided to proceed in the absence of Ms Faruqi. In reaching this decision, the panel considered the submissions of Ms Taylor, the correspondence from Ms Faruqi and the advice of the legal assessor. It had particular regard to the factors set out in the decision of *R v Jones* and *General Medical Council v Adeogba* [2016] EWCA Civ 162 and to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Ms Faruqi;
- Ms Faruqi had previously engaged with the NMC regarding a voluntary removal application, but following its refusal, she appeared to cease all engagement and has not responded to any correspondence relating to this hearing;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- Four witnesses are due to attend to give live evidence to the panel;

- Not proceeding may inconvenience the witnesses, their employer(s) and, for those involved in clinical practice, the clients who need their professional services;
- Further delay may have an adverse effect on the ability of witnesses accurately to recall events; and
- There is a strong public interest in the expeditious dealing of the case.

There is some disadvantage to Ms Faruqi in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to Ms Faruqi at her registered address, she will not be able to challenge the evidence relied upon by the NMC in person and will not be able to give evidence on her own behalf. However, in the panel's judgement, this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies.

Furthermore, the limited disadvantage is the consequence of Ms Faruqi's decisions to absent herself from the hearing, waive her rights to attend, and/or be represented, and to not provide evidence or make submissions on her own behalf.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Ms Faruqi. The panel will draw no adverse inference from Ms Faruqi's absence in its findings of fact.

Details of charge

'That you, a registered nurse:

1. On or around 15 September 2022 used a letter of employment provided by Colleague A for a visa application, as a reference for secondary employment with NLG Health without Colleague A's consent. **[PROVED]**
2. On or around 15 September 2022, deliberately modified the contents of the letter provided by Colleague A in Charge 1. **[PROVED]**

3. Your actions in Charge 1 were dishonest in that you knew Colleague A had not provided the letter as a reference to gain secondary employment. **[PROVED]**
4. Your actions in Charge 2 were dishonest in that you sought to mislead NLG Health into believing that Colleague A had completed a reference of employment assessing you as competent when you knew that was not true. **[PROVED]**

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

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

At the outset of the hearing, Ms Taylor made a request that this case be held partly in private on the basis that proper exploration of Ms Faruqi's case would require reference to [PRIVATE]. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, and 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.

Having considered the application, the panel determined that it would proceed in private session whenever matters relating to [PRIVATE], arose, in order to protect their privacy during these proceedings.

Decision and reasons on redactions relating to previous internal employer's disciplinary hearing

The panel heard submissions from Ms Taylor regarding proposed redactions of information about a previous sanction which should not be before this panel, specifically within the witness statement of Colleague A and in the exhibit bundle (at pages 23, 24 and 68).

The panel accepted the legal assessor's advice on the considerations relevant to the proposed redactions.

Having heard Ms Taylor's submissions, the panel noted that the references concerned the outcome at an internal employer's disciplinary hearing, which was a separate process unrelated to the current proceedings. The panel determined that this information was irrelevant to its task and should not form part of its deliberations, and therefore, there is no need for this information to remain before it.

Although the panel had already seen the material, it recognised that, as a professional panel, it could properly disregard it and ensure that its decision-making would not be prejudiced by its inclusion.

In these circumstances, the panel concluded that it was fair and appropriate to redact all references to the aforementioned internal employer's disciplinary hearing.

Background

The charges arose whilst Ms Faruqi was employed as a Registered Nurse Matron by Doncaster and Bassetlaw Hospitals NHS Foundation Trust (the Trust).

On 18 July 2023, the NMC received a referral from the Trust regarding concerns about Ms Faruqi's alleged dishonesty in relation to her work references.

On 13 October 2022, the NLG Health Recruitment Agency contacted Colleague A, who at the time was the Deputy Director of Nursing at the Trust, regarding a reference for Ms Faruqi. It was identified that a reference originally signed by Colleague A, for visa sponsorship purposes, had allegedly been modified by Ms Faruqi. The modifications related to Ms Faruqi's salary and competence, and the

document had been submitted to the Agency, allegedly without Colleague A's consent.

The Trust undertook a local investigation. During this investigation, Ms Faruqi denied making modifications to the reference but accepted uploading it without Colleague A's consent.

On 13 July 2023, Ms Faruqi was subsequently dismissed from her employment.

Ms Faruqi has not submitted a formal response to the concerns. However, she provided a reflection and context form, in which she expressed remorse for not seeking Colleague A's consent. In her reflection, Ms Faruqi also outlined personal circumstances at the time of the incident, which included the end of a fixed-term role and [PRIVATE].

Decision and reasons on facts

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 by Ms Taylor on behalf of the NMC. The panel has drawn no adverse inference from the non-attendance of Ms Faruqi.

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:

- Colleague A: Deputy Divisional Director of Nursing at Doncaster and Bassetlaw Teaching Hospitals

(DBTH) at the time of the incident;

- Witness 2: Occupational Health Nurse.
Had worked for Hull and East Yorkshire Hospitals Trust alongside Ms Faruqi and knew her on a social basis;
- Witness 3: People Business Partner at DBTH at the time of the incident;
- Witness 4: Ms Faruqi's line manager at the time of the incident.

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor, which included reference to the case of *Ivey v Genting Casinos* [2017] UKSC 67.

The panel considered the witness and documentary evidence provided by the NMC. It then considered each of the charges separately, then cumulatively where relevant, and made the following findings:

Charges 1 and 3

1. *“On or around 15 September 2022 used a letter of employment provided by Colleague A for a visa application, as a reference for secondary employment with NLG Health without Colleague A’s consent.”*
3. *“Your actions in Charge 1 were dishonest in that you knew Colleague A had not provided the letter as a reference to gain secondary employment.”*

These charges are found proved.

In reaching this decision, the panel took into account the evidence before it, including the initial reference signed by Colleague A for Ms Faruqi, the reference provided by Ms Faruqi to NLG Health, the related email communications between Colleague A, Ms Faruqi and NLG Health. The panel also considered the informal meeting notes, the local statements of Colleague A, the investigation meeting notes and Ms Faruqi's statement to the Trust dated 8 December 2022, as well as the NMC witness statements and oral evidence of Colleague A, Witness 2 and Witness 4.

The panel first considered Colleague A's account in her written statement:

"At some point after I had been promoted Ruby approached me to ask for a reference. She informed me that [PRIVATE] was coming to England and, for her to be able to obtain a visa, she needed a reference with evidence of employment. Ruby had drafted the letter and, once I had satisfied myself that it was accurate, I signed it for her..."

On 13th October 2022 I received an email from NLG Health thanking me for providing a statement for Ruby and asking if I could add some dates... On looking at the reference that I had been contacted by NLG Health about, I could see that the salary had been removed and replaced with a line saying, "and she is a competent nurse"...

I emailed Ruby on 18th October 2022 to ask her if she knew anything about the second reference. She responded to say that she had uploaded the one from the past and that she was going to ask me personally, but the Agency had made contact first...

I then provided a second statement on 9th January 2023. This detailed a meeting that took place on 14th November 2022... During this meeting Ruby explained that she had used the original reference that I had provided her with and asked a friend to submit it on her behalf."

The panel also considered Colleague A's local statement dated 7 January 2023, where she stated that:

"Although the signature was mine, I did not recall providing the reference and was not aware Matron Faruqi had applied for a position outside of DBTH."

The panel found Colleague A's oral evidence to be consistent with her contemporaneous interview notes and local statements. The panel also considered the related email correspondence, which Colleague A referred to, which the panel found credible.

The panel had regard to Witness 4's evidence, which corroborated the account of Colleague A that the original reference Colleague A signed was for a separate visa application, not related to employment:

"[Colleague A] informed me that she had supplied a reference for Ruby previously for a visa request which confirmed her employment, but not for employment reasons. I was informed that it appeared to have been this reference that had been altered and provided to the Agency."

The panel also considered Witness 2's statement and oral evidence, which confirmed this:

"Ruby told me that she had uploaded a reference to an agency that was offering lucrative contracts. This reference, she told me, had been supplied by a manager for her to use to assist [PRIVATE]/ coming to the UK and to prove that they would not be relying on benefits."

The panel also had sight of the investigation meeting notes dated 3 February 2023, where Ms Faruqi admits to uploading the reference to NLG Health, but denies she made any modifications:

"I'm not sure who made the change to the document. I uploaded the information that [Colleague A] had given me..."

Having considered the oral and documentary evidence before it, the panel determined that, on the balance of probabilities, it was more likely than not that Ms Faruqi had used a letter of employment previously provided to her by Colleague A for a visa application, as a reference for secondary employment with NLG Health without Colleague A's consent. Accordingly, the panel finds Charge 1 proved.

The panel then went on to consider whether it was likely that Ms Faruqi's actions were dishonest, in that she knew that Colleague A had not provided the letter as a reference to gain secondary employment.

The panel considered Ms Faruqi's alternative explanations. It noted that Ms Faruqi mentioned in her reflections and in the investigation meetings that it was her friend, Witness 2, that uploaded the reference on her behalf, and that there were technical issues during this process.

The panel had regard to the evidence of Witness 2:

"Ruby went on to inform me that the Agency had contacted her manager and it had therefore come to light that the Reference was not one that was intended to gain employment. She then went on to say that she had told her manager that I had uploaded it on her behalf.

...I can confirm that I had never seen or uploaded a reference to any Agencies websites or applications on behalf of Ruby. Nor have I therefore amended or modified [sic] any reference on her behalf..."

The panel found that Witness 2's evidence contradicts the account of Ms Faruqi. The panel preferred the evidence of Witness 2. The panel considered that Witness 2's oral evidence was honest and consistent with the accounts of Colleague A and Witness 4. It also noted that Witness 2 knew Ms Faruqi on a social basis and did not have any reason to fabricate the facts.

The panel also noted Ms Faruqi's own admissions on the FtP Reflective Account Form dated 4 August 2023, where she acknowledged:

"I should have asked for consent before uploading the document. I am genuinely sorry for my conduct. I have reflected on the incident and will make sure such a mistake is not repeated."

On this basis, the panel determined that, on the balance of probabilities, it was more likely than not that Ms Faruqi was dishonest in that she knew Colleague A had not provided the letter as a reference to gain secondary employment. In the signed statement from Ms Faruqi, dated 8 December 2022, she stated:

"I facilitated a reference outside of its intended purpose which is dishonest behaviour and breaches trust values. I am genuinely sorry for my conduct."

The panel finds Charge 3 proved.

The panel also noted an inconsistency in relation to the oral witnesses' evidence on the context of the culture in the workplace. However, the panel did not find this relevant to the charges in question.

Charges 2 and 4

2. *"On or around 15 September 2022, deliberately modified the contents of the letter provided by Colleague A in Charge 1."*

4. *"Your actions in Charge 2 were dishonest in that you sought to mislead NLG Health into believing that Colleague A had completed a reference of employment assessing you as competent when you knew that was not true."*

These charges are found proved.

In reaching this decision, the panel took into account the documentary and oral evidence before it. This included:

- The reference originally signed by Colleague A;
- The altered version of the reference submitted to NLG Health;
- The IT analysis of the documents (screenshots of the document properties for the original and the amended references);
- Related email correspondence between Colleague A, Ms Faruqi and NLG Health;
- The local statements of Colleague A;
- The statement and oral evidence of Witness 2 and Witness 4; and
- The reflective accounts provided by Ms Faruqi.

The panel first considered the evidence from the IT team during the local investigations, which confirmed that the original reference document was last modified by Colleague A on 31 March 2022, whereas the amended reference document was last modified by Ms Faruqi on 15 September 2022. The panel found this evidence to be reliable and compelling, and directly contradicting Ms Faruqi's explanation that a friend, Witness 2, had been responsible for the changes.

The panel also found the IT evidence to be consistent with the evidence of Colleague A, who confirmed that whilst she had signed the original letter for visa purposes, she had not made or authorised any amendments to it. She stated in her oral evidence that she had not provided the altered reference to NLG Health and had no knowledge that it was being used for employment purposes.

The panel also accepted the evidence of Witness 4, who stated that the original reference was intended solely for visa purposes and not for employment. The panel also accepted the oral and written evidence of Witness 2, who confirmed that she had never uploaded or modified any reference on behalf of Ms Faruqi. The panel find Witness 2 and Witness 4, each to be truthful, reliable and consistent.

The panel had regard to Ms Faruqi's reflective statements and evidence. It noted that Ms Faruqi put forward inconsistent explanations during the investigations. At different times, she suggested that Witness 2 had modified the reference, that IT issues might have caused changes, that there could have been malicious interference by others or that NLG staff could have been responsible.

On the investigation meeting notes dated 8 December 2022, Ms Faruqi stated:

"I don't know if they are put under that much pressure, they may need to reach targets. Or it could be malicious or for other reasons."

The panel found that these explanations were not supported by the documentary or oral evidence at this hearing. The panel therefore determined that the explanations provided by Ms Faruqi were inconsistent and lacking credibility.

Having weighed all the evidence, the panel was satisfied that on the balance of probabilities it was more likely than not that Ms Faruqi deliberately modified the contents of the letter provided by Colleague A.

Accordingly, the panel finds Charge 2 proved.

The panel then considered whether Ms Faruqi's conduct in Charge 2 was dishonest.

The panel noted that, despite several opportunities during the investigation, Ms Faruqi failed to accept accountability, instead proposing unlikely explanations for the discrepancy in the versions of the references. The panel determined that by Ms Faruqi inserting wording into the document describing herself as *"a competent nurse"* and removing salary details, the altered reference gave the false impression that Colleague A had endorsed her competence for employment purposes. The panel accepted and preferred the evidence of Colleague A, Witness 2 and Witness 4, all of which confirmed that no such employment reference had been given.

The panel could find no credible alternative innocent explanation that pointed away from dishonesty. The panel heard evidence from Witness 2 that Ms Faruqi contacted

her on two occasions within the period of one week, in the hope that Witness 2 “*would go along with her*”, causing her undue stress. The panel was therefore satisfied that Ms Faruqi acted dishonestly in seeking to misrepresent the reference as an assessment of her competence by Colleague A.

Accordingly, on the balance of probabilities, the panel determined that it was more likely than not that Ms Faruqi’s actions were dishonest in that she sought to mislead NLG Health into believing that Colleague A had completed a reference of employment assessing her as competent, when she knew that was not true.

Accordingly, the panel finds Charge 4 proved.

Fitness to practise

Having reached its determination on the facts of this case, the panel then moved on to consider, whether the facts found proved amount to misconduct and, if so, whether Ms Faruqi’s fitness to practise is currently impaired. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant’s ability to practise kindly, safely and professionally.

The panel, in reaching its decision, has recognised its statutory duty to protect the public and maintain public confidence in the profession. Further, it bore in mind that there is no burden or standard of proof at this stage, and it has therefore exercised its own professional judgement.

The panel adopted a two-stage process in its consideration. First, the panel must determine whether the facts found proved amount to misconduct. Secondly, only if the facts found proved amount to misconduct, the panel must decide whether, in all the circumstances, Ms Faruqi’s 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 Taylor submitted that, in this case, the panel found that Ms Faruqi used a reference letter, provided by Colleague A for a visa application, as an employment reference without consent. The panel also found that Ms Faruqi deliberately modified that reference and that both actions were dishonest.

Ms Taylor submitted that there was evidence of an underlying deep-seated attitudinal issue. This was demonstrated not only by the dishonest acts themselves, but also by Ms Faruqi’s attempts to involve Witness 2 by “*trying to get her to go along with it*”, which caused Witness 2 undue stress. Ms Taylor also submitted that the explanations Ms Faruqi later provided, suggesting IT breaches or third-party involvement, were inconsistent and lacked credibility.

Ms Taylor invited the panel to take the view that the facts found proved amount to misconduct. She referred the panel to the terms of ‘*The Code: Professional standards of practice and behaviour for nurses and midwives 2015*’ (the Code). She then identified the specific, relevant standards where Ms Faruqi’s actions amounted to misconduct, namely parts 20.1, 20.2 and 20.3 of the Code.

Ms Taylor submitted that Ms Faruqi’s conduct breached the standards on promoting professionalism and trust, which require nurses to uphold the reputation of the profession, act with honesty and integrity at all times and act as role models of professional behaviour. Ms Taylor submitted that Ms Faruqi’s actions represented a serious departure from these standards. While she acknowledged that Ms Faruqi was qualified for the role, Ms Taylor submitted that dishonesty of this nature could enable unqualified individuals to secure posts, thereby posing a risk to patient safety. Moreover, Ms Taylor submitted that Ms Faruqi’s behaviour was sufficiently serious to undermine public trust and confidence in the nursing profession.

Submissions on impairment

Ms Taylor 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 case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin).

Ms Taylor submitted that the panel should adopt a holistic approach, taking into account both the nature of the concerns and the wider public interest.

In relation to the nature of the concerns, Ms Taylor outlined five factors for the panel to consider:

- 1) Unwarranted risk of harm to the public: Ms Taylor submitted that dishonesty of this kind carries a real risk to patient safety as it could allow unqualified or unsuitable individuals to obtain employment.
- 2) Breach of fundamental tenets: Ms Taylor submitted that Ms Faruqi's actions breached a fundamental tenet of the profession, namely the requirement to promote professionalism and trust.
- 3) Dishonesty: Ms Taylor highlighted that the panel has found two separate dishonest acts.
- 4) Context: Ms Taylor noted that the panel should consider any personal factors that may have affected Ms Faruqi's conduct at the time. However, she submitted that Ms Faruqi's actions were independent and avoidable and were not caused by workplace culture or external pressures. While Ms Faruqi admitted using the reference without consent, she denied altering it and put forward explanations that the panel found implausible. Ms Taylor submitted that this demonstrated a lack of accountability, limited insight and no genuine remorse.

- 5) Risk of repetition: Ms Taylor submitted that although the incident might appear isolated, the underlying attitudinal issues identified mean there is a real risk of repetition as these issues tend to be more difficult to address.

Turning to the public interest, Ms Taylor submitted that dishonesty is inherently serious and difficult to remediate through training or education. She noted that Ms Faruqi was in a senior position and aware of the proper processes for obtaining a reference. Ms Taylor submitted that the seriousness of Ms Faruqi's misconduct was compounded by her attempts to deflect blame. She submitted that to date, Ms Faruqi has not demonstrated meaningful insight into the seriousness of her behaviour or its impact on public confidence in the nursing profession.

Ms Taylor outlined that there are cases where, even if misconduct could be addressed through remediation, the seriousness is such that a finding of impairment is required in order to uphold professional standards and maintain public confidence. She submitted that this was such a case. Ms Taylor outlined that the dishonesty in this case was directly linked to Ms Faruqi's professional practice, was aggravated by her attempts to avoid responsibility and has not been addressed.

Accordingly, Ms Taylor submitted that Ms Faruqi's fitness to practise is currently impaired, both because she cannot presently be relied upon to practise safely, kindly and professionally, and because the public interest requires such a finding.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments.

Decision and reasons on misconduct

When determining whether the facts found proved amount to misconduct, the panel had regard to the terms of the Code.

The panel was of the view that Ms Faruqi's actions did fall significantly short of the standards expected of a registered nurse, and that Ms Faruqi's actions amounted to a breach of the Code. Specifically:

'20 Uphold the reputation of your profession at all times

To achieve this, you must:

20.1 keep to and uphold the standards and values set out in the Code

20.2 act with honesty and integrity at all times, treating people fairly and without discrimination, bullying or harassment

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

20.5 treat people in a way that does not take advantage of their vulnerability or cause them upset or distress'

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct.

However, the panel found that Ms Faruqi's actions in using a visa application letter from Colleague A as an employment reference without consent, and modifying that letter to obtain employment, were deliberate and dishonest acts which are a significant departure of the standards expected of a registered nurse.

The panel also found that Ms Faruqi's involvement of Witness 2, attempting to deceive her and deliberately approaching her on two occasions in an effort to persuade her to, "*go along with it*", was unkind and unprofessional, placing Witness 2 under considerable and repeated stress. The panel considered this conduct to demonstrate deep-seated attitudinal issues.

The panel determined that Ms Faruqi took advantage of Colleague A's willingness to support her and placed Witness 2 in an unacceptable position.

The panel noted that Ms Faruqi then attempted to justify her behaviour with unfounded explanations, including allegations of IT breaches and the involvement of third parties. The panel found these explanations to be implausible. The panel

considered that Ms Faruqi's actions went beyond simple denial as it reflected active attempts by her to deceive her organisation, colleagues and the regulator.

The panel considered that Ms Faruqi was given many opportunities during the local and regulatory investigations to accept responsibility for her actions, but instead she persisted in denial and attempts to implicate others. The panel determined that the lengths to which Ms Faruqi went to create false explanations added to the seriousness of her conduct.

The panel determined that Ms Faruqi's sustained dishonesty, taking advantage of colleagues/friends and attempts to deflect responsibility were actions that fell 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, Ms Faruqi's fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 March 2023, which states:

'The question that will help decide whether a professional's fitness to practise is impaired is:

"Can the nurse, midwife or nursing associate practise kindly, safely and professionally?"

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

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. 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 be honest and open and act with integrity. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 74, she said:

‘In determining whether a practitioner’s fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.’

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's “test” which reads as follows:

‘Do our findings of fact in respect of the doctor’s misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/ 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) has in the past acted dishonestly and/or is liable to act dishonestly in the future.’*

The panel determined that limbs (a), (b), (c) and (d) of the *Grant* test are engaged. The panel did not find that patients were put at risk in the past, but find that patients were liable to be put at risk of harm in the future as a result of Ms Faruqi's actions. Ms Faruqi's misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. The panel was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to dishonesty to be serious.

Regarding insight, the panel acknowledged that Ms Faruqi demonstrated limited insight by admitting charges 1 and 3, in that she uploaded the reference without consent. However, she demonstrated no insight into the more serious aspects of her conduct, specifically the deliberate modification of the reference, despite clear IT evidence to the contrary. The panel noted that Ms Faruqi's reflections showed some expressions of remorse but failed to acknowledge the crux of her dishonesty. The panel concluded that in persistently denying charges 2 and 4, advancing unfounded explanations and seeking to implicate others, Ms Faruqi's insight is insufficient at this time.

The panel was of the view that Ms Faruqi's misconduct is in principle capable of remediation. However, there was no evidence before it of any meaningful steps taken to address the concerns. The panel noted that Ms Faruqi's conduct was compounded by serious deep-seated attitudinal issues. As a senior nurse/matron at the time of the events, Ms Faruqi was expected to act as a role model and uphold the standards of the profession. Instead, the panel found that she acted in a calculated dishonest manner and abused her position of trust.

Given Ms Faruqi's lack of meaningful insight, her deep-seated attitudinal issues, and her persistent dishonesty, the panel considered the risk of repetition to be high. It therefore concluded 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. The panel determined that a

finding of impairment was otherwise in the wider public interest, in order to uphold proper professional standards and maintain confidence in both the profession and the regulator. It determined that public confidence in the profession would be undermined if a finding of impairment was not made in this case.

Having regard to all of the above, the panel determined that Ms Faruqi's fitness to practise is currently impaired.

Sanction

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

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had careful regard to the Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

Submissions on sanction

Ms Taylor submitted that the NMC's position on sanction is for a strike-off order to be made. It was her submission that this would be the most appropriate and proportionate sanction.

Ms Taylor referred the panel to NMC guidance '*Factors to consider before deciding on sanctions*' SAN-1. She took the panel through the aggravating factors that she submitted were appropriate in this case which are:

- a. Lack of insight into failings;
- b. Pattern of misconduct over a period of time;
- c. Conduct which put people receiving care at a risk of suffering harm.

In relation to the aggravating factors listed above, Ms Taylor submitted that Ms Faruqi's reflection showed some expression of insight but failed to acknowledge the crux of the dishonesty found proved. She submitted that although it was the same incident, the local investigation went on for some months and that Ms Faruqi provided evidence which was inconsistent and lacked clarity, therefore resulting in a pattern of misconduct over a period of time. Ms Taylor further submitted that Ms Faruqi's attempt to obtain a job with a false reference put patients at a risk of harm.

Ms Taylor next took the panel through the potential mitigating factor that she submitted were appropriate in this case which is:

- Personal mitigation

In relation to the above, Ms Taylor invited the panel to consider that honesty is of central importance to a nurse, midwife or nursing associate's practice and that given the seriousness of the misconduct and dishonesty found in this case, a more serious sanction should be the most appropriate. She submitted that in this case there was a direct personal gain to obtain secondary employment and that the incidents were not outside of professional practice.

Ms Taylor referred the panel to the NMC Sanctions Guidance and submitted that taking no further action or a caution order would be inappropriate in this case as the misconduct found proved is serious. She submitted that this would not sufficiently protect the public or maintain public confidence and that since the panel has found the misconduct had not been remedied, there lies a risk of repetition.

Ms Taylor next submitted that since Ms Faruqi's misconduct was of a serious nature and indicates a harmful deep-seated attitudinal concern, no practical conditions would sufficiently protect the public and maintain confidence. She submitted that there are no practical or workable conditions that could be drafted and imposed to prevent dishonesty.

Ms Taylor further submitted that the concerns in this case include dishonesty and Ms Faruqi's conduct demonstrates deep-seated attitudinal issues which means a suspension order is not appropriate or proportionate.

Ms Taylor in conclusion invited the panel to consider a strike-off order and submitted that Ms Faruqi's misconduct is fundamentally incompatible with being a nurse. She submitted that Ms Faruqi's conduct raises a fundamental question about her professionalism since, as a senior nurse, Ms Faruqi was very much aware of the importance of being honest. She submitted that public confidence in nursing professionals cannot be maintained if Ms Faruqi is not removed from the register.

Ms Taylor submitted that the regulatory concerns in this case do breach the fundamental tenets of the Code as set out by the panel in its determination. She further submitted that a striking off order is the only sanction which will be sufficient to protect patients, members of the public and maintain professional standards.

Ms Taylor therefore submitted that for all these reasons an order for strike-off is the only order that will meet the public interest of maintaining public confidence in the profession and uphold proper professional standards. She submitted that the NMC therefore invites the panel to find that a striking off order is the most appropriate and proportionate order in this case.

Decision and reasons on sanction

The panel accepted the advice of the legal assessor.

The legal assessor advised the panel that the purpose of the imposition of a sanction is not to punish, but it is to adequately address any public protection or public interest concerns identified. He reminded the panel that not all instances of dishonesty are of equal seriousness, and that not all findings of dishonesty would indicate the imposition of a striking-off order. He advised the panel to consider all the available sanctions before it in ascending order, in reaching its decision.

Having found Ms Faruqi's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel found the following aggravating features:

- Abuse of a position of trust
- Lack of insight into failings
- A pattern of misconduct over a period of time
- Conduct which put patients at risk of suffering harm.

The panel accepted that Ms Faruqi had limited insight into her failings but determined that no evidence of any other explanations was given to demonstrate any steps or actions taken to remediate or strengthen her practice. The panel was of the view that Ms Faruqi's behaviour incorporated various forms of misconduct. The panel determined that as a senior nurse/matron, Ms Faruqi was aware of the position of trust and authority that she held. The panel noted that Ms Faruqi's line manager trusted her to use the letter that she had written to support [PRIVATE] visa application, and Ms Faruqi abused this position of trust and acted dishonestly. The panel also noted that Ms Faruqi did blame others and did not take any accountability for her actions.

The panel further determined that there was a pattern of misconduct over a period of time. The panel did acknowledge that this misconduct was not limited to a single incident, but determined that Ms Faruqi's dishonest behaviour was repeated over a period of time. The panel noted that Ms Faruqi had several opportunities during her disciplinary interviews to reflect on her failures and be honest, but determined that Ms Faruqi continued to be dishonest and did not provide any acceptable explanations for her actions.

The panel next determined that whether Ms Faruqi's actions did put the patients receiving care and the public at a risk of harm and found that her repeated dishonest behaviour continued to expose the wider public and patients to a future risk of harm. The panel also determined that given Ms Faruqi's deep-seated attitudinal issues, it would be difficult to trust her if Ms Faruqi continued to remain on the register.

The panel also took into account the following mitigating features:

- Personal mitigation [PRIVATE].

The panel before deciding on the most appropriate sanction in this case referred to the Guidance (SAN-2) which deals with sanctions for particularly serious cases:

'Not all dishonesty is equally serious. Generally, the forms of dishonesty which are most likely to call into question whether a nurse, midwife or nursing associate should be allowed to remain on the register will involve:

- *deliberately breaching the professional duty of candour by covering up when things have gone wrong, especially if it could cause harm to people receiving care*
- *misuse of power*
- *vulnerable victims*
- *personal financial gain from a breach of trust*
- *direct risk to people receiving care*
- *premeditated, systematic or longstanding deception'*

The panel considered the above guidance, and determined that all of the above were engaged, and that Ms Faruqi's actions did fall into the most serious form of dishonesty.

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

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Ms Faruqi's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where:

'The case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'

The panel considered that Ms Faruqi's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the risk of repetition and the public protection issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether placing conditions of practice on Ms Faruqi's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel took into account the SG, in particular:

- *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;*

The panel is of the view that there are no practical or workable conditions that could be formulated, given the serious nature of the charges in this case. The misconduct identified in this case was not something that can be addressed through retraining as Ms Faruqi's misconduct deals with dishonesty and harmful deep-seated attitudinal concerns for which Ms Faruqi has not yet gained sufficient insight or remedied.

The panel determined that Ms Faruqi's lack of insight with regard to her dishonesty undermines the panel's confidence in her compliance with any conditions imposed.

The panel concluded that a conditions of practice order would therefore not protect the public. Furthermore, the panel concluded that the placing of conditions on Ms Faruqi's registration would not adequately address the seriousness of the case and would not satisfy the public interest.

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

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

The panel considered that none of the above was engaged, and therefore, suspension was not the appropriate and proportionate sanction.

Finally, in looking at a striking-off order, the panel took note of the following paragraphs of the SG:

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

The panel considered the above guidance and determined that Ms Faruqi's actions were significant departures from the standards expected of a registered nurse and are fundamentally incompatible with her remaining on the register. The panel was of

the view that the findings in this particular case demonstrate that Ms Faruqi's actions were serious, and to allow her to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the only appropriate and proportionate sanction is that of a striking-off order. Having regard to the effect of Ms Faruqi's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct herself, the panel has concluded that nothing short of this would be sufficient in this case.

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

This will be confirmed to Ms Faruqi in writing.

Interim order

As the striking-off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Ms Faruqi's own interests until the striking-off sanction takes effect.

Submissions on interim order

The panel took account of the submissions made by Ms Taylor.

She invited the panel to consider an interim suspension order for 18 months. This duration accounts for the possibility that an appeal may be lodged during the interim period. Ms Taylor submitted that given the panel's findings that Ms Faruqi's conduct

is fundamentally incompatible with remaining on the register, an interim order is necessary under the ground of public interest.

The panel accepted the advice of the legal assessor.

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 had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive striking-off order.

The panel determined that an interim suspension order was necessary to protect the public and uphold public confidence in the nursing profession and to do otherwise would be incompatible with its earlier findings. The period of this order is for 18 months to allow for the possibility of an appeal to be made and concluded.

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

That concludes this determination.