

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

**Substantive Hearing
Monday 20 October 2025 – Friday 31 October 2025
Wednesday 29 April 2026 – Thursday 30 April 2026**

Virtual Hearing

Name of Registrant: **Stella Roberts**

NMC PIN: 0510360E

Part(s) of the register: Registered Midwife – (September 2005)

Relevant Location: Wandsworth

Type of case: Misconduct

Panel members: Judith Webb (Chair, Lay member)
Karen Shubert (Registrant member)
Karen Naya (Lay member)

Legal Assessor: Robin Hay (20 – 31 October 2025)
Gillian Hawken (29 – 30 April 2026)

Hearings Coordinator: Monowara Begum (20 – 28 October 2025)
Tyra Andrews (28 October 2025)
Rene Aktar (29 October 2025)
Charis Benefo (30 – 31 October 2025 and 29 – 30 April 2026)

Nursing and Midwifery Council: Represented by Nawazish Choudhury, Case Presenter (20 – 31 October 2025)
Represented by Sophia Ewulo, Case Presenter (29 – 30 April 2026)

Miss Roberts: Not present and not represented at the hearing

Facts proved: Charges 1a(i), 1a(ii), 1b, 1c, 2, 3d(i), 3d(ii), 3e(i), 3e(ii), 3f, 4a, 4b, 4c, 4d, 4e, 4f, 5a, 5b, 6a, 6b, 6c, 6d, 7a, 7b, 7c, 8a, 8b, 8c, 8d, 9, 10a, 10b, 11, 12a, 12b and 12c

Facts not proved:

Charges 3a and 3b

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 Miss Roberts was not in attendance and that the Notice of Hearing letter had been sent to Miss Roberts' registered email address by secure email on 18 September 2025.

Mr Choudhury, on behalf of the Nursing and Midwifery Council (NMC), submitted that the NMC 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 that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Miss Roberts' 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 Miss Roberts 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 Miss Roberts

The panel next considered whether it should proceed in the absence of Miss Roberts. It had regard to Rule 21 and heard the submissions of Mr Choudhury who invited the panel to continue in the absence of Miss Roberts. He submitted that Miss Roberts has voluntarily absented herself.

Mr Choudhury submitted that there had been no engagement at all by Miss Roberts with the NMC in relation to these proceedings and, as a consequence, there was no reason to believe that an adjournment would secure her attendance on some future occasion. He

submitted that several witnesses are due to attend to give live evidence and not proceeding with the hearing may inconvenience the witnesses. He further submitted that these allegations date back to 2019 and that memories do fade with time, and therefore there is a risk that one or more of the witnesses' memories may fade even further if this hearing did not go ahead today.

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 has decided to proceed in the absence of Miss Roberts. In reaching this decision, the panel has considered the submissions of Mr Choudhury 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 had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Miss Roberts;
- Miss Roberts has not engaged with the NMC since August 2021, and has not responded to any of the letters sent to her about this hearing;
- Miss Roberts has not provided the NMC with details of how she may be contacted other than her registered address;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- Seven witnesses are due to attend to give live evidence;
- Not proceeding may inconvenience the witnesses, their employer(s) and, for those involved in clinical practice, the clients who need their professional services;
- The charges relate to events that occurred in 2019;

- 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 disposal of the case.

There is some disadvantage to Miss Roberts in proceeding in her absence. Although the evidence upon which the NMC relies has been sent to her at her registered address, she has made no response to the allegations. 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 Miss Roberts' 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 Miss Roberts. The panel will draw no adverse inference from Miss Roberts' absence in its findings of fact.

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

At the outset of the hearing, Mr Choudhury made a request that this case be held partly in private on the basis that proper exploration of Miss Roberts' case involves reference to her and the witnesses' health and private lives. The application was made pursuant to Rule 19.

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 reference to Miss Roberts' and the witnesses' health and private lives as and when such issues are raised, in order to protect their privacy.

Details of charge [as amended]

That you a registered midwife:

1. In respect of Colleague A:
 - a) At an escalation meeting in 2019:
 - (i) shouted to Colleague A about allocation of baby checks
 - (ii) stated in front of colleagues at the meeting words to the effect that the allocation had been undermining of yourself and/or was not to be repeated
 - b) On an unknown date in 2019, without good reason, read some or all of Colleague A's personal diary
 - c) By your actions at 1 a) and/or b) above, caused Colleague A distress
2. At or after the meeting referred to in charge 1 above, spoke to Colleague B about patient notes in a manner which caused Colleague B distress
3. In respect of Colleague C:
 - a) On an unknown date, said words to the effect of "I know more than you" and/or "I have done more than you to Colleague C
 - b) On one or more occasions informed staff that they were not to carry out tasks which they had properly been requested to do by Colleague C
 - d) On an unknown date, during an escalation meeting, in relation to Colleague C accepting a Patient at the request of Colleague D:
 - (i) raised your voice and shouted or used an angry tone when speaking to Colleague C
 - (ii) required Colleague C to reverse the decision
 - e) On or about 9 September 2019

- (i) shouted at Colleague C
 - (ii) used words to the effect that Colleague C was always late
 - f) By your actions at one or more of charges 3 a)-e) above, caused Colleague C distress
4. On an unknown date, during an escalation meeting:
- a) Locked the door of the meeting room
 - b) Blocked the door with your body
 - c) Spoke in a raised and/or angry tone about interruptions
 - d) Did not let a member of staff enter the room until they had knocked
 - e) By your actions at one or more of charges 4 a)-d) and above caused one or more of your colleagues distress
 - f) Questioned the member of staff in charge 4 d) above in a manner which caused them and/or other colleagues distress
5. On or about 9 September 2019:
- a) Shouted at Colleague E
 - b) By your action at charge 5 a) above caused Colleague E distress
6. On one or more occasions other than those at charges 1 to 5 above:
- a) Shouted at Colleague C
 - b) Shouted at Colleague E
 - c) Shouted at another Colleague or colleagues in a meeting
 - d) By your actions at one or more of charges 6. a)-c) above, caused one or more colleagues distress
7. On an unknown date, on being made aware that Colleague F did not have a colleague to hand over to, was an hour over shift, and needed to leave work:
- a) Said words to the effect that it was not your problem
 - b) Walked away from Colleague F
 - c) Failed to resolve the need for Colleague F to have someone to hand over to

8. Your actions at one or more of charges 1 to 7 above were:
 - a) Bullying and/or belittling to colleagues
 - b) Embarrassing to colleagues
 - c) Dismissive of colleagues
 - d) Undermining of teamwork

9. Having applied for employment with West Hertfordshire Teaching Hospitals NHS Trust, failed to inform that Trust that you had been placed under disciplinary investigation and/or that you had been suspended by St George's University NHS Trust

10. Your action at charge 9 above was dishonest and/or lacked candour and in that:
 - a) You knew the disciplinary investigation and / or suspension would likely be considered by your prospective employer to be relevant to your application for employment
 - b) You knew that by not informing your prospective employer, you were presenting the misleading impression that you had not been placed under any disciplinary investigation and/or suspension from work

11. Having signed a contract of employment with West Hertfordshire Teaching Hospitals NHS Trust, failed to inform them that you had been placed under disciplinary investigation and/or suspended by St George's University NHS Trust

12. Your action at charge 11 above was dishonest and/or lacked candour and in that:
 - a) You knew that you were contractually required to inform them that you had you had been placed under disciplinary investigation and suspended by St George's University NHS Trust
 - b) You knew the disciplinary investigation and / or suspension would likely be considered by your new employer to be relevant to your continued employment with them

- c) You knew that by not informing your new employer, you were presenting the misleading impression that you had not been made subject to any disciplinary investigation or suspension from work

And, in light of the matters 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 Mr Choudhury, to amend charges 3c and 3d(i).

The proposed amendment was to remove charge 3c and amend the wording of charge 3d(i). It was submitted by Mr Choudhury that the proposed amendment is to make it clear that there is no duplication in the charges, and amending the wording of charge 3d(i) would provide clarity and more accurately reflect the evidence.

“That you, a registered midwife:

...

3. In respect of Colleague C:

- c) ~~On an unknown date, in relation to a patient with hyperemesis, shouted at Colleague C~~
- d) On an unknown date, during an escalation meeting, in relation to Colleague C accepting a Patient at the request of Colleague D:
 - (i) Raised your voice and **shouted** or used an angry tone when speaking to Colleague C

...

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

The panel accepted the advice of the legal assessor and had regard to Rule 28.

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 Miss Roberts, 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 to admit Ms Guilbert-Thick's written statement

The panel heard an application made by Mr Choudhury under Rule 31 to allow the witness statement of Catherine Guilbert-Thick to be read in as evidence.

In the preparation of this hearing, the NMC had indicated to Miss Roberts in the Case Management Form (CMF) that it was the NMC's intention for Ms Guilbert-Thick's statement to be read into the record as evidence to the panel. Despite the indication in the CMF, Miss Roberts had not objected to the reading in of Ms Guilbert-Thick's evidence. On this basis, Mr Choudhury advanced the argument that there would be no unfairness or prejudice to Miss Roberts in allowing Ms Guilbert-Thick's written statement into evidence.

The panel accepted the legal assessor's advice on the issues it should take into consideration in respect of this application. This included that 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 is admissible in civil proceedings.

The panel gave the application in regard to Ms Guilbert-Thick consideration. The panel noted that Ms Guilbert-Thick's statement had been prepared in anticipation of being used in these proceedings, and as indicated in the CMF, to be read into the record as evidence.

In these circumstances, the panel concluded that it would be fair and relevant to accept into evidence the written statement of Ms Guilbert-Thick. It assists with the timeline of the events and does not include any opinion.

Background

Miss Roberts was referred to the NMC on 27 July 2020 by the Divisional Director of Nursing and Governance, Children, Women's Critical Care, OPD and Therapies at St George's University NHS Foundation Trust (the Trust).

Miss Roberts was employed at the Trust as Head of Midwifery at the time of the incidents. It is alleged that during Miss Roberts' time at the Trust, she bullied, intimidated and harassed her colleagues on the maternity unit. Concerns were raised regarding Miss Roberts' poor management and leadership style. Some examples of Miss Roberts' alleged behaviour included:

- Berating her colleagues in front of other colleagues and patients
- Shouting and being rude to her colleagues
- Locking her colleagues in a room
- Looking through a colleague's personal diary
- Failing to support staff
- Causing low morale amongst staff and causing them distress.

Miss Roberts was suspended from the Trust on 9 September 2019, whilst an investigation took place into her behaviour. Miss Roberts resigned from the Trust on 13 September 2019 and her last day of employment at the Trust was 24 October 2019.

In July 2019, Miss Roberts submitted an employment application to West Hertfordshire Teaching Hospitals NHS Trust (West Herts) for the position of Head of Midwifery. She was officially offered the position of Head of Midwifery at West Herts on 23 September 2019, which was after she had been made aware of her suspension and the commencement of the investigation into her behaviour at the Trust. Miss Roberts allegedly failed to disclose this information to West Herts and commenced employment there on 4 November 2019.

West Herts became aware of the investigation at the Trust and Miss Roberts was given formal notification of her dismissal from West Herts on 4 February 2020, due to her alleged failure to disclose the ongoing investigation and previous suspension.

Decision and reasons on facts

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

The panel has drawn no adverse inference from the non-attendance of Miss Roberts.

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:

- Elizabeth Dighton: Divisional HR Manager at the Trust, overseeing the Children's and Women's Division, at the time of the incidents;
- Colleague A (Emma Josey): Band 7, Senior Midwife within the maternity unit at the Trust at the time of the incidents;

- Debbie Graham: Interim Director of Midwifery and Outpatient Gynaecology at the Trust, at the time of the incidents;
- Colleague C (Jeanette Hennessy): Matron of the Delivery Suite at the Trust at the time of the incidents;
- Colleague D (Sarah Thacker): Professional Midwifery Advocate (PMA) at the Trust at the time of the incidents;
- Robyn Lofting: Midwife and clinical placement facilitator at the Trust at the time of the incidents; and
- Tracey Carter: Chief Nurse and Director of Infection, Prevention Control for West Herts.

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

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

Charge 1a(i)

1. In respect of Colleague A:
 - a) At an escalation meeting in 2019:
 - (i) shouted to Colleague A about allocation of baby checks

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Josey and all of the documentary evidence put before it.

The panel took into account Ms Josey's oral evidence that Miss Roberts had spoken to her rudely. The panel found Ms Josey's oral evidence to be compelling as she was professional and presented a balanced view. Her evidence was consistent with her contemporaneous interview notes and NMC written statement. She is now in a senior role at another Trust and displayed an insight into the role that Miss Roberts had at the time of the incidents. The panel noted that Ms Josey had also stated in oral evidence that Miss Roberts had definitely shouted at her about the allocation of baby checks.

The panel heard that the local interview notes were a summary and not a verbatim account of the interview. Ms Josey confirmed that she had said at the interview that Miss Roberts had shouted, although this had not been recorded in the notes.

Ms Josey's evidence was that there was no clinical justification for Miss Roberts' actions.

The panel therefore found this charge proved.

Charge 1a(ii)

1. In respect of Colleague A:
 - a) At an escalation meeting in 2019:
 - (ii) stated in front of colleagues at the meeting words to the effect that the allocation had been undermining of yourself and/or was not to be repeated

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence from Ms Josey, together with the documentary evidence put before it.

The panel noted that in oral evidence Ms Josey said that she did not remember Miss Roberts using the exact phrase and wording '*undermining*' but remembers that the conversation was very heated and said that she stood by what she had said in her contemporaneous interview.

In Ms Josey's interview notes, she said that:

'[Miss Roberts] said in front of everyone that I was never to undermine her in that way again.'

Ms Josey's evidence was that it was normal for senior midwives to make decisions on who would conduct baby checks. It would only be escalated to a more senior staff member if a decision could not be resolved. Further, Ms Josey said that Miss Roberts was still shouting after the meeting and continued to speak in a raised voice in an open area outside the meeting room.

The panel therefore found this charge proved.

Charge 1b

1. In respect of Colleague A:
 - b) On an unknown date in 2019, without good reason, read some or all of Colleague A's personal diary

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence from Ms Josey, together with the documentary evidence put before it.

Ms Josey was the sole source of evidence for this incident. She gave a clear and detailed description of the appearance and content of her personal work diary as opposed to the unit's '*Red Flag Diary*' which contained details of '*red flag*' events that had occurred and that other members of staff wrote in and would need access to. Ms Josey said her personal work diary was black and personalised with her name. The '*Red Flag Diary*' was red and spiral bound. She stated that the two diaries could therefore not be confused with each other.

Further, Ms Josey stated that it was not practice within the maternity unit to read someone else's personal work diary. Ms Josey would not read another midwife's personal work diary without their permission and there would be no reason for Miss Roberts to do so.

The panel took into account the local interview dated 4 December 2019 where when asked whether she said anything when Miss Roberts was looking in her diary, Ms Josey said:

'I was shocked. I just shut it and moved it, and I did the same when she took it back again.'

The panel found there was no good reason for Miss Roberts to access Ms Josey's personal work diary.

The panel therefore found this charge proved.

Charge 1c

1. In respect of Colleague A:
 - c) By your actions at 1 a) and/or b) above, caused Colleague A distress

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence from Ms Josey, together with the documentary evidence put before it.

The panel took into account that Ms Josey's oral evidence was consistent with her written statement.

The panel also took account of Ms Josey's oral evidence where she stated that she felt "*upset, scared, intimidated*" by Miss Roberts, who had "*raised her voice in anger*", saying she had never experienced such behaviour before and that it made her anxious about going to work because she did not know whether she was going to get shouted at by Miss Roberts. In Ms Josey's oral and written statement, she said that never before in her career had she not wanted to go into work. She was also shocked and upset about the invasion of her privacy by Miss Roberts having looked at her personal work diary.

The panel was satisfied from the evidence that Miss Roberts' actions caused Ms Josey distress.

The panel therefore found this charge proved.

Charge 2

2. At or after the meeting referred to in charge 1 above, spoke to Colleague B about patient notes in a manner which caused Colleague B distress

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence from Ms Josey, together with the documentary evidence put before it.

Ms Josey's written statement stated:

'Ms Roberts also stated that she would be speaking to Colleague B [Philippa Camps] about this. I tried to ring [Ms Camps] to give her a heads up, however, I could not get hold of her. [Ms Camps] informed me that Ms Roberts was extremely unkind towards her. As safeguarding lead, [Ms Camps] was a very unemotional and strong midwife. No one ever made [Ms Camps] upset or angry. However, [Ms Camps] was actually scared because of the way that Ms Roberts had spoken to her. [Ms Camps] was visibly scared and confirmed this to me when I spoke to her. I had not seen this aggressive side of Ms Roberts before and I was scared.'

The panel decided that there was no reason for Ms Josey to fabricate her evidence. It therefore found her evidence persuasive and reliable. The panel therefore found this charge proved.

Charge 3a

3. In respect of Colleague C:
 - a) On an unknown date, said words to the effect of "I know more than you" and/or "I have done more than you to Colleague C"

This charge is found NOT proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Hennessy, together with the documentary evidence put before it.

The panel had heard evidence about the working relationship between Miss Roberts and Ms Hennessy, and it appeared to have been difficult.

In Ms Hennessy's written statement, she stated:

'The issues that I encountered started shortly after Ms Roberts' employment and continued throughout her time at the Hospital. On one occasion, Ms Roberts brought me to one side to tell me that she had more experience than I did. Ms Roberts said things such as, 'I know more than you' and 'I have done more than you.' I used to confide with a former colleague who did not work at St Georges and just cry when I spoke about how Ms Roberts was treating me. Ms Roberts was simply so unkind.'

The panel found that Ms Hennessy's evidence was not specific regarding what Miss Roberts had said to her, nor of any occasion when such wording was used. Ms Hennessy could only speak generally about what Miss Roberts might say to her.

The panel could not be satisfied that there was sufficient evidence to support the charge. The panel therefore found this charge not proved.

Charge 3b

3. In respect of Colleague C:
 - b) On one or more occasions informed staff that they were not to carry out tasks which they had properly been requested to do by Colleague C

This charge is found NOT proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Hennessy, together with the documentary evidence put before it.

The panel took into account Ms Hennessy's written statement where she stated:

'Ms Roberts micromanaged me to the point where I felt extremely disempowered. Prior to Ms Roberts' employment and during her tenure, I often made decisions

which were within my remit. When Ms Roberts found out about these decisions, she would email me to tell me that I had no authority to make these decisions. Ms Roberts also approached my staff and informed them that they were not supposed to do things that I had asked. An example of this was on 6 November 2018 when I had provided a colleague with a list of names and requested that he added these as new manager's on-call to the on-call roster. Ms Roberts requested that I go to see her about this.'

The panel decided that as Miss Roberts was acting in a newly created role, it may have been challenging for her and the other midwives in the unit to operate with this new way of working.

Ms Hennessy exhibited a series of emails between herself and Miss Roberts from 17 October 2018 to 24 June 2019, which she stated were examples of Miss Roberts micromanaging her and using a rude tone. However, the panel concluded that the email exchanges did not do so, indeed they appeared to be standard management emails from Ms Roberts as Ms Hennessy's line manager and were professional in tone.

There was evidence of only one instance when Miss Roberts informed a member of staff that they were not to carry out a task requested by Ms Hennessy. Further, it appears from Miss Roberts' email to Ms Hennessy that the query about the task had been raised with Miss Roberts by the member of staff asked to carry out that task.

The panel determined that Miss Roberts was acting within her role as Head of Midwifery and had made a reasonable management request to Ms Hennessy.

The panel therefore found this charge not proved.

Charges 3d(i) and 3d(ii)

3. In respect of Colleague C:

- d) On an unknown date, during an escalation meeting, in relation to Colleague C accepting a Patient at the request of Colleague D:
 - (i) raised your voice and shouted or used an angry tone when speaking to Colleague C
 - (ii) required Colleague C to reverse the decision

These charges are found proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Hennessy and Ms Thacker, together with the documentary evidence put before it.

The panel found Ms Thacker's evidence to be clear, consistent and credible.

These charges relate to the acceptance of a woman with hyperemesis from the emergency department to the maternity unit. The decision to accept the transfer was made by agreement following discussion between Ms Hennessy and Ms Thacker in the woman's best interest.

Ms Thacker's written statement stated:

'...I reported to the team what the action plan was. I could not believe what happened next. Ms Roberts' face was full of thunder. She stated, 'how dare you make that decision, who gave you the authority to make that decision? Why did you not consult me?' In all honestly, it would not have occurred to me to consult Ms Roberts, as I am aware that a matron is capable of making such decisions... Ms Roberts' eyes were flashing with anger... I felt humiliated. Ms Roberts then spoke to [Ms Hennessy] and said, 'you get on to the phone and you cancel that right now.' This was again in front of everyone who was present at the meeting. No explanation or reason was provided by Ms Roberts.'

There was corroborating evidence in Ms Hennessy's written statement:

'Ms Roberts raised her voice in an angry manner stating that she was the Head of Midwifery. Ms Roberts told me to get on the phone and inform them that we were not taking the woman. I had no idea what to do. Ms Roberts' voice was raised and forceful in tone.'

Miss Roberts was under a duty to act within the patients' best interest. Ms Thacker was the specialist midwifery advocate on the unit and Ms Hennessy was a matron. It was clear to the panel that they had made an appropriate clinical decision based on their knowledge and experience.

The panel therefore found these charges proved.

Charges 3e(i) and 3e(ii)

3. In respect of Colleague C:
 - e) On or about 9 September 2019
 - (i) shouted at Colleague C
 - (ii) used words to the effect that Colleague C was always late

These charges are found proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Hennessy, together with the documentary evidence put before it.

Ms Hennessy's written statement stated:

'As I entered the room, I said good morning to Ms Roberts, she was alone in the office at this time. Ms Roberts started to just shout at me asking me where I had been and stated that I was always late. This was not true. I went to my desk and [Ms Rezvani] attempted to chat with Ms Roberts. Ms Roberts was extremely short

with her. After [Ms Rezvani] left the room, Ms Roberts shut the door and then proceeded to berate and rant at me. I tried to explain to Ms Roberts why I was not in the office at 09.00. I told Ms Roberts that the phone had never rung and that I had just completed the escalation meeting when she called. Ms Roberts told me that she had been waiting for me. another Matron was completing a staff meeting, I asked Ms Roberts to not shout out at when she came into the office as I had informed her where [Ms Rezvani] was and what she was undertaking. I was almost pleading with Ms Roberts.'

In relation to this incident, the panel found Ms Hennessy's evidence to be clear and detailed. Further, her oral evidence was consistent with what she said in her NMC written statement and contemporaneous interview.

The panel therefore found that these charges are proved.

Charge 3f

3. In respect of Colleague C:

- f) By your actions at one or more of charges 3 a)-e) above, caused Colleague C distress

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence of Colleague C, together with the documentary evidence put before it.

The panel had regard to the letter from [PRIVATE], which stated:

'[Ms Hennessy] gave an account of ongoing behaviours and interactions by a senior colleague (her direct line manager) and how those behaviours were impacting negatively on her [PRIVATE]. Specific examples of behaviours and

interactions include rudeness, dictatorial behaviours, removing support from her, undermining and patronising actions and poor communication (e.g. shouting at her and/or others). [Ms Hennessy] feels she is being treated differently (in a negative way) by this colleague and these behaviours could potentially be perceived as bullying.

...

[PRIVATE]

[PRIVATE]

The panel was satisfied that there was sufficient evidence that Miss Roberts' actions caused Ms Hennessy distress.

The panel therefore found this charge proved.

Charge 4a

4. On an unknown date, during an escalation meeting:
 - a) Locked the door of the meeting room

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Hennessy and Ms Thacker, together with the documentary evidence put before it.

Ms Hennessy's written statement stated:

'However, when these staff members arrived late, there was a sudden outburst from Ms Roberts. Ms Roberts got very angry and stated that she was locking the door. Ms Roberts turned the key, blocked the door with her body and raised her

voice in an angry manner about the numerous interruptions. I was intimidated and shocked. I felt imprisoned in the office.

...

The whole situation from locking us in the office to berating a member of staff was totally unacceptable and cruel.'

The panel also took into account Ms Thacker's written statement where it stated:

'However, on this occasion, Ms Roberts was on time. As people were coming into the room in dribs and drabs, Ms Roberts decided to lock the door. A Matron had to ask Ms Roberts to unlock the door. She did so when asked. This is not usual practice and is absolutely unheard of. I have never been in an escalation meeting, where another member of staff has locked the door. You do not lock adults in a room. I was flabbergasted.'

The panel determined that both Ms Hennessy and Ms Thacker confirmed that Miss Roberts had locked the door.

The panel was satisfied from the evidence that Miss Roberts had locked the door of the meeting room.

The panel therefore found this charge proved.

Charge 4b

4. On an unknown date, during an escalation meeting:
 - b) Blocked the door with your body

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Hennessy, together with the documentary evidence put before it.

Ms Hennessy's written statement stated:

'Ms Roberts got very angry and stated that she was locking the door. Ms Roberts turned the key, blocked the door with her body and raised her voice in an angry manner about the numerous interruptions.'

The panel also noted that in oral evidence, Ms Hennessy said that although the room was quite small in size, there was space for Miss Roberts to stand elsewhere, and she did not need to position herself in front of the door. She said that Miss Roberts also moved into a position closer in front of the door after locking it.

The panel was satisfied from the evidence that Miss Roberts had blocked the door with her body.

The panel therefore found this charge proved.

Charge 4c

4. On an unknown date, during an escalation meeting:
 - c) Spoke in a raised and/or angry tone about interruptions

This charge is found proved.

In reaching this decision, the panel took into account the reasons given in respect of charge 4a.

During her oral evidence, Ms Hennessy stated that Miss Roberts had her arms folded and angrily said that she was "*fed up with the constant interruptions*".

The panel was therefore satisfied from the evidence that Miss Roberts had spoken in a raised and/or angry tone about interruptions.

The panel found this charge proved.

Charge 4d

4. On an unknown date, during an escalation meeting:
 - d) Did not let a member of staff enter the room until they had knocked

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Hennessy, together with the documentary evidence put before it.

Ms Hennessy's written statement stated:

'...Ms Roberts was so angry, I could not fathom what was happening. A neonatal nurse then arrived at the door ... After this nurse, knocked on the door, Ms Roberts finally unlocked it...'

The panel was therefore satisfied from the evidence that Miss Roberts did not let a member of staff enter the room until they had knocked.

The panel therefore found this charge proved.

Charge 4e

4. On an unknown date, during an escalation meeting:

- e) By your actions at one or more of charges 4 a)-d) and above caused one or more of your colleagues distress

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence from Ms Hennessy and Ms Thacker, together with the documentary evidence put before it.

Ms Hennessy's written statement stated:

'The neonatal nurse informed us about the activity on her Ward and I asked if the neonatal ward had any occupancy. Ms Roberts was not happy with the information that the neonatal nurse provided and proceeded to challenge and grill this member of staff. The neonatal nurse was becoming visibly upset. I was embarrassed and felt desperate for her. Ms Roberts' bombardment of questions to the neonatal nurse left me feeling uncomfortable.'

The contemporaneous interview notes of Ms Hennessy stated:

'I felt intimidated and shocked. Nobody said anything but we looked at each other... A few of us remarked to each other about her behaviour...As adults ... shouldn't treat people like that. It's like you're being held against your will.'

In evidence Ms Hennessy said that this was "*absolutely unheard of...I was flabbergasted ... [and] it was the worst I'd ever seen her*".

Ms Thacker in her oral evidence stated that the door was never locked and that this was about power and control. Ms Thacker also stated that the lock was removed after the incident.

The panel was therefore satisfied from the evidence that Miss Roberts' actions at one or more of charges 4a to 4d caused one or more of her colleagues distress.

The panel therefore found this charge proved.

Charge 4f

4. On an unknown date, during an escalation meeting:
 - f) Questioned the member of staff in charge 4 d) above in a manner which caused them and/or other colleagues distress

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence from Ms Hennessy, together with the documentary evidence put before it.

The panel took into account Ms Hennessy's oral evidence which stated that the neonatal nurse was put on the spot by Miss Roberts, berated by her, questioned beyond what was reasonable and became tearful in response. Ms Hennessy felt unhappy with how Miss Roberts had treated the nurse and after the meeting went to check on the nurse whom she found with a matron, sobbing. The panel noted that the NMC written statement matched what Ms Hennessy said.

Ms Hennessy said that she felt "*embarrassed as a midwife as the questions were unnecessary, it was a public forum*".

The panel acknowledged that Miss Roberts was in a position of seniority and had confronted the nurse in a room with other colleagues present.

The panel was therefore satisfied from the evidence that Miss Roberts questioned the member of staff in charge 4d in a manner which caused them and other colleagues distress.

The panel therefore found this charge proved.

Charges 5a and 5b

5. On or about 9 September 2019:
 - a) Shouted at Colleague E
 - b) By your action at charge 5 a) above caused Colleague E distress

These charges are found proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Hennessy and Ms Lofting, together with the documentary evidence put before it.

Ms Hennessy's written statement stated:

'Colleague E [Kristina Salin] had no sooner walked into the office before Ms Roberts was shouting at her. I told Ms Roberts to stop shouting. [Ms Salin] burst into tears left the room and went to the bathroom. [Angela Gallon], one of our secretaries followed her to the bathroom to console [Ms Salin]. I sent [Ms Salin] a phone message and told her to come back and that I would not let Ms Roberts treat her badly, I would support her. [Ms Salin] returned after about 30 minutes...'

The panel noted the oral evidence from Ms Hennessy in which she stated that she had "never heard shouting like it in a professional environment".

Ms Lofting described that she was seconded as a clinical placement facilitator at the time. This was a supportive role for student midwives. Her office was on the management

corridor for maternity and almost directly opposite Miss Roberts' office. The panel found that Ms Lofting was very well placed to hear what was going on. Ms Lofting also said that she could hear Miss Roberts shouting at Ms Salin. The panel found Ms Lofting's evidence to be clear, balanced and consistent.

Both Ms Hennessy and Ms Lofting described Ms Salin as an experienced safeguarding lead, stoic and not usually emotional.

The panel was satisfied from the evidence that Miss Roberts shouted at Ms Salin and by doing so caused Ms Salin distress.

The panel therefore found this charge proved.

Charges 6a and 6b

6. On one or more occasions other than those at charges 1 to 5 above:
 - a) Shouted at Colleague C
 - b) Shouted at Colleague E

These charges are found proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Lofting, together with the documentary evidence put before it.

The panel took into account the written statement of Ms Lofting where she stated:

'There were multiple occasions, when I was in my office role, when I would hear Ms Roberts shouting and screaming at Colleagues [Ms Salin] and [Ms Hennessy]. These individuals would then often come into our office to explain what had happened and the reasons as to why they had been shouted at. I could hear Ms Roberts' speaking very rudely and abruptly.'

Ms Lofting's evidence was that there were "*numerous*" occasions when she heard Miss Roberts shouting at Ms Hennessy and Ms Salin. She could be sure that Miss Roberts was shouting at them because not only could she hear through her open door and the walls, but people would have to walk past her office so she could see who it was.

The panel was satisfied from the evidence that Miss Roberts shouted at Ms Hennessy and Ms Salin.

The panel therefore found this charge proved.

Charge 6c

6. On one or more occasions other than those at charges 1 to 5 above:
 - c) Shouted at another Colleague or colleagues in a meeting

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Lofting, together with the documentary evidence put before it.

Ms Lofting's written statements were clear that Miss Roberts shouted in a meeting at Ms Gallon. Her oral evidence was that Miss Roberts shouted at Ms Gallon in an open meeting for not printing her itinerary for that day.

The panel was satisfied from the evidence that Miss Roberts shouted at another colleague in a meeting.

The panel therefore found this charge proved.

Charge 6d

6. On one or more occasions other than those at charges 1 to 5 above:
 - d) By your actions at one or more of charges 6 a)-c) above, caused one or more colleagues distress

This charge is found proved.

In reaching this decision, the panel took into account its findings in respect of charges 6a-b.

In Ms Lofting's NMC written statement, she said that Ms Hennessy and Ms Salin would often come into her office having been shouted at by Miss Roberts. Ms Lofting's oral evidence was "*after the dust had settled, they would often come into our office to talk about what had happened, for a debrief or just for compassion*". Ms Lofting stated that although she did not see Miss Roberts shouting, she saw the matrons visibly upset when they came into her office afterwards, and that this happened on more than one occasion for Ms Hennessy and Ms Salin.

In respect of charge 6c, the panel had no direct evidence about whether Miss Roberts caused Ms Gallon distress.

The panel determined that there was sufficient evidence that Miss Roberts' actions at charges 6a and 6b caused one or more colleagues distress. It therefore found this charge proved.

Charges 7a, 7b and 7c

7. On an unknown date, on being made aware that Colleague F did not have a colleague to hand over to, was an hour over shift, and needed to leave work:
 - a) Said words to the effect that it was not your problem

- b) Walked away from Colleague F
- c) Failed to resolve the need for Colleague F to have someone to hand over to

These charges are found proved.

In reaching this decision, the panel considered charges 7a, 7b and 7c together as they related to a single incident. It took into account the written and oral evidence of Ms Thacker, together with the documentary evidence put before it.

Ms Thacker's written statement stated:

'I can remember, Colleague F [Emma Freeman] Midwife, came to me in tears after an exceptionally busy shift. [Ms Freeman] had not had a break and was already an hour late off shift and needed to get home [PRIVATE]. Ms Roberts was present and [Ms Freeman] spoke to her to inform her that her shift had finished and she needed to leave, but there was no one to handover to. Ms Roberts told her that it was not her problem and marched off. However, it was Ms Roberts' 'problem' as the operational lead. There are countless examples of Ms Roberts failing to demonstrate any compassion to staff.'

Ms Thacker's oral evidence was that she did not hear the interaction, but she saw Ms Freeman crying and it was very soon after the incident. She said "*I was doing walkabouts, and I was at the midwife's station. It had been an exceptionally busy night and [Ms Freeman] was concerned about getting home [PRIVATE]. I was surprised to see [Ms Freeman] there, I saw she was crying, and she told me what had happened. I had passed Miss Roberts as she was coming out so felt sure it had only just happened*".

Ms Thacker said that she had no reason to disbelieve Ms Freeman, she had known her a long time and she was clearly very frustrated that the Head of Midwifery had not listened or had compassion or sought a solution.

The panel determined that there was sufficient evidence to find these charges proved.

Charge 8a

8. Your actions at one or more of charges 1 to 7 above were:
 - a) Bullying and/or belittling to colleagues

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Hennessy, Ms Thacker and Ms Lofting, together with the documentary evidence put before it.

The panel had regard to the letter from [PRIVATE], which stated:

'[Ms Hennessy] gave an account of ongoing behaviours and interactions by a senior colleague (her direct line manager) and how those behaviours were impacting negatively on her [PRIVATE]. Specific examples of behaviours and interactions include rudeness, dictatorial behaviours, removing support from her, undermining and patronising actions and poor communication (e.g. shouting at her and/or others). feels she is being treated differently (in a negative way) by this colleague and these behaviours could potentially be perceived as bullying.'

The panel took into account that oral evidence, contemporaneous interview notes and written statements consistently referred to Miss Roberts shouting at and belittling colleagues. The panel found there to be consistent and clear accounts from witnesses who had observed the interactions between Miss Roberts and other staff members. Further, it was common that the interactions would occur in the presence or hearing of others and that Miss Roberts' colleagues did not feel comfortable speaking up in meetings in fear of being shut down by her. The panel decided that locking people in a room was an

action that in itself amounted to bullying and that by any reasonable standard, her behaviours were bullying.

The panel determined that there was sufficient evidence that Miss Roberts' actions were bullying and/or belittling to colleagues.

The panel therefore found this charge proved.

Charge 8b

8. Your actions at one or more of charges 1 to 7 above were:
 - b) Embarrassing to colleagues

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Hennessy and Ms Thacker, together with the documentary evidence put before it.

Ms Thacker's written statement stated:

'During the escalation meetings, it became clear through staff members' body language and behaviour that Ms Roberts instilled fear and trepidation in the team. Ms Roberts often humiliated colleagues in a public forum.'

The panel took into account the oral evidence of Ms Hennessy in relation to charge 4f that Miss Roberts asked the neonatal nurse one question after the other, several of which were unnecessary and that as a midwife, she felt embarrassed by this.

The panel found that Miss Roberts' actions could well have embarrassed anyone within the vicinity or earshot. The panel also determined Miss Roberts' actions humiliated colleagues.

The panel decided that a number of incidents occurred in a public setting and could have been overheard by other staff, patients and members of the public.

The panel therefore found this charge proved.

Charge 8c

8. Your actions at one or more of charges 1 to 7 above were:
 - c) Dismissive of colleagues

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence of Ms Hennessy and Ms Thacker, together with the documentary evidence put before it.

The panel had regard to its findings in respect of charge 3d(ii) in which Miss Roberts objected to the acceptance of a woman with hyperemesis from the emergency department to the maternity unit and insisted that Ms Hennessy reverse the decision to do so.

The panel therefore found this charge proved.

Charge 8d

8. Your actions at one or more of charges 1 to 7 above were:
 - d) Undermining of teamwork

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence of all of the witnesses, together with the documentary evidence put before it.

Ms Graham, although not directly involved in any of the incidents, was brought in as an interim senior lead and only worked with Miss Roberts for a few weeks. However, she was fully aware of the culture and environment on the maternity unit. The panel found her evidence to be clear, consistent and unbiased.

In addition to the specific evidence at charges 1 to 7, the panel heard from a number of witnesses that morale on the maternity unit was at an all-time low and that it was a toxic environment, which Ms Graham described as a “*really dangerous situation*” which could potentially lead to patient safety issues. Further, witnesses described how they were afraid to escalate concerns for fear of Miss Roberts’ reactions in response to them.

The panel determined from the evidence that Miss Roberts’ actions were undermining of teamwork.

The panel therefore found this charge proved.

Charge 9

9. Having applied for employment with West Hertfordshire Teaching Hospitals NHS Trust, failed to inform that Trust that you had been placed under disciplinary investigation and/or that you had been suspended by St George’s University NHS Trust

This charge is found proved.

The panel determined that Miss Roberts was under a duty to inform West Herts that she had been placed under disciplinary investigation and/or that she had been suspended by the Trust.

The panel took the phrase '*applied for employment*' to be all stages of the process from the submission of an application form through to signing the employment contract.

Miss Roberts was in a position of seniority and therefore knew the recruitment process and requirement to bring to the attention of potential employers, at the earliest opportunity, whether she was subject to any disciplinary investigation.

The timeline evidence came from Ms Carter, Ms Guilbert-Thick and Ms Dighton. This included exhibits of forms from the recruitment process completed by Miss Roberts, correspondence between Miss Roberts, the Trust and West Herts, employment policies from West Herts, and the oral evidence from Ms Dighton and Ms Carter.

Ms Dighton was a senior HR manager for the Trust. The panel found her evidence professional, consistent and credible. Ms Carter was the chief nurse at West Herts, she was not directly involved in the recruitment of Miss Roberts, however she provided evidence of the recruitment process. The panel found her evidence knowledgeable, clear and balanced. Ms Guilbert-Thick's evidence was only from her read in written statement.

The timeline of events was as follows:

- 22 July 2019: Miss Roberts submitted an application form to West Herts for the role of Head of Midwifery.
- 23 August 2019: Miss Roberts was interviewed by West Herts.
- 27 August 2019: An Organisation Assessment commenced at the Trust by Ms Guilbert-Thick to review concerns around leadership and management within the maternity unit at the Trust.
- 28 August 2019: Miss Roberts was sent a conditional offer of employment, and she signed and returned a '*model declaration*' for West Herts.
- 30 August 2019: Miss Roberts confirmed her referees at West Herts' request.
- 2 September 2019: Ms Guilbert-Thick undertook a face-to-face interview with Miss Roberts at the Trust as part of the Organisation Assessment.

On the same date, Miss Roberts emailed West Herts to ask if there was anything she could do to move the pre-employment checks along, she stated she had told colleagues at the Trust she was leaving.

- 6 September 2019: An Interim Organisation Assessment Report was produced by Ms Guilbert-Thick identifying serious concerns regarding Miss Roberts' behaviours.
- 9 September 2019: Miss Roberts was informed by the Trust of their decision to suspend her pending investigation into her behaviours. She was also provided with Terms of Reference for the investigation.
- 13 September 2019: Miss Roberts emailed the Trust resigning from her post.
- 16 September 2019: Miss Roberts attended ID checks at West Herts.
- 19 September 2019: A letter from the Trust responding to Miss Roberts' resignation and confirming her suspension and investigation.
- 23 September 2019: Miss Roberts received an unconditional offer of employment from West Herts by letter, confirming her start date of 7 October 2019.
- 27 September 2019: Ms Guilbert-Thick produced the Final Organisational Assessment Report.
- 4 October 2019: Miss Roberts emailed the Trust denying any wrongdoing and saying she intended to return to work at the Trust on 7 October 2019 to clear her name. This email mentioned her suspension and the investigation.
On the same day, Miss Roberts sent a second email to the Trust, in which she said that she '*resigns immediately*' and again mentioned the investigation.
- 8 October 2019: The Trust responded to Miss Roberts' email of 4 October 2019 noting that immediate resignation was a breach of her contract. The Trust also raised concerns [PRIVATE] and advised her that her suspension had been extended until 11 November 2019 and that the investigation would continue despite her resignation. This correspondence also outlined the allegations against Miss Roberts and the expectation for her to co-operate with the investigation.
- 11 October 2019: Miss Roberts responded to the Trust, where she mentioned the suspension and investigation and denied the allegations.
- 24 October 2019: The Trust sent a letter to Miss Roberts confirming her resignation and that she would be provided with her P45. This letter also advised Miss Roberts

that the investigation would be continuing with details about the investigation and of the lead investigator.

- 29 October 2019: Miss Roberts emailed the Trust confirming she had received her final salary and was awaiting contact from the lead investigator regarding the investigation.
- 4 November 2019: Miss Roberts signed her contract of employment with West Herts.

The panel decided from the timeline evidence that Miss Roberts would have been aware of the investigation and her suspension, and there were multiple opportunities for her to disclose her circumstances to West Herts. However, there was no evidence before the panel that she had done so.

The panel therefore found this charge proved.

Charge 10a

10. Your action at charge 9 above was dishonest and/or lacked candour and in that:
- a) You knew the disciplinary investigation and / or suspension would likely be considered by your prospective employer to be relevant to your application for employment

This charge is found proved.

In reaching this decision, the panel had regard to its findings in respect of charge 9.

The panel had regard to the NMC guidance on making decisions on dishonesty charges and the professional duty of candour (reference: DMA-8). It also had regard to the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67 in which the Supreme Court, giving judgment, stated as follows:

'When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.'

The panel first considered Miss Roberts' state of mind as to the facts, i.e. whether she knew that the disciplinary investigation and/or suspension would likely be considered by her prospective employer to be relevant to her application for employment with them.

The panel concluded that Miss Roberts' motivation for not informing was to obtain the role of Head of Midwifery at West Herts and that if she had disclosed the disciplinary investigation and/or suspension, then her application may not have been successful. Ms Carter, in oral evidence said that if these matters had been disclosed, it may have affected Miss Roberts' application to West Herts, and they would have wanted further information and discussion.

Miss Roberts was in a senior position and in oral evidence Ms Carter stated that Miss Roberts would have known that she was subject to a disciplinary investigation and had a duty to inform her employers at the earliest opportunity about the ongoing disciplinary investigation and that she had been under suspension.

The panel found that Miss Roberts would have known she was under disciplinary investigation and had a duty to inform West Herts of this at the earliest opportunity. Further, there had been numerous communications between her and the Human

Resources (HR) department at West Herts providing her with opportunities to inform West Herts of her situation.

The panel was satisfied that Miss Roberts knew the disciplinary investigation and/or suspension would likely be considered by her prospective employer to be relevant to her application for employment. It decided that there were no other reasonable explanations for her failure to inform them.

The panel next considered whether, in the context of what Miss Roberts knew, she was dishonest by the standards of the ordinary decent person. The panel was satisfied that by the objective standards of ordinary decent people, Miss Roberts' actions at charge 9 were dishonest. An ordinary decent person would expect a registered midwife to make truthful and accurate declarations in full.

The panel therefore determined that Miss Roberts' conduct at charge 9 was dishonest in that she knew that the disciplinary investigation and/or suspension would likely be considered by her prospective employer to be relevant to her application for employment.

The panel therefore found this charge proved.

Charge 10b

10. Your action at charge 9 above was dishonest and/or lacked candour and in that:
 - b) You knew that by not informing your prospective employer, you were presenting the misleading impression that you had not been placed under any disciplinary investigation and/or suspension from work

This charge is found proved.

Having found charge 10a proved in respect of charge 9, the panel found charge 10b proved for the same reasons.

The panel concluded that by failing to inform West Herts that she had been placed under disciplinary investigation and/or that she had been suspended by the Trust, Miss Roberts knew that the disciplinary investigation and/or suspension would likely be considered by West Herts to be relevant to her application for employment, and therefore presented the misleading impression that she had not been placed under any disciplinary investigation and/or suspension from work.

The panel therefore found this charge proved.

Charge 11

11. Having signed a contract of employment with West Hertfordshire Teaching Hospitals NHS Trust, failed to inform them that you had been placed under disciplinary investigation and/or suspended by St George's University NHS Trust

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence from Ms Dighton and Ms Carter. It had regard to the West Herts' Professional Registrations policy, together with correspondence between the Trust and Miss Roberts, including correspondence from the Trust's lead investigator.

The panel determined that having signed a contract of employment with West Herts, Miss Roberts had a duty to inform them that she was under disciplinary investigation and/or suspended by the Trust.

Miss Roberts was an experienced and senior midwife and should have been fully aware of the requirement to inform her employers of such matters, at the earliest opportunity.

The timeline of correspondence was as follows:

- 4 November 2019: Miss Roberts' contract of employment commenced with West Herts and her start date was confirmed as 11 November 2019.
- 8 November 2019: Miss Roberts emailed the Trust and stated her intention to speak with the lead investigator.
- 20 November 2019: The lead investigator invited Miss Roberts to attend an investigation meeting on 3 December 2019.
- 3 December 2019: Miss Roberts' responded to the lead investigator's invite but did not attend the investigation meeting.
- 5 December 2019: The lead investigator responded to Miss Roberts offering another meeting date of 18 December 2019.
- 16 December 2019: Miss Roberts responded to the lead investigator saying she would bring a solicitor with her to the meeting.
- 22 January 2020: The lead investigator offered a third and final opportunity to meet with Miss Roberts on 29 January 2020, as she had not attended on 18 December 2019.
- 27 January 2020: West Herts scheduled a mid-probation meeting for Miss Roberts.
- 29 January 2020: Email communications between Miss Roberts and the Trust's lead investigator discussing the allegations and investigation process in which she summarised her case. Miss Roberts did not attend the scheduled final opportunity to meet on 29 January 2020.

Around this time, West Herts had become aware of the Trust's disciplinary investigation regarding Miss Roberts' behaviours and her previous suspension by the Trust.

- 4 February 2020: Termination of employment letter by West Herts was sent to Miss Roberts on the grounds of her dishonesty in failing to disclose her suspension and disciplinary investigation. The letter stated that:
'This constitutes a breakdown in trust and confidence as you had been dishonest in acquiring a role at West Hertfordshire Trust.'

The panel decided from the timeline evidence that Miss Roberts would have been aware that she had been placed under disciplinary investigation and/or suspended by the Trust, and there were multiple opportunities for her to inform West Herts of her circumstances after signing her contract of employment with them and starting work. However, there was no evidence before the panel that she had informed them of these matters.

The panel therefore found this charge proved.

Charges 12a, 12b and 12c

12. Your action at charge 11 above was dishonest and/or lacked candour and in that:

- a) You knew that you were contractually required to inform them that you had you had been placed under disciplinary investigation and suspended by St George's University NHS Trust
- b) You knew the disciplinary investigation and / or suspension would likely be considered by your new employer to be relevant to your continued employment with them
- c) You knew that by not informing your new employer, you were presenting the misleading impression that you had not been made subject to any disciplinary investigation or suspension from work

These charges are found proved.

In reaching this decision, the panel considered charges 12a, 12b and 12c together as they were closely related. It also took into account its findings in respect of charge 11.

The panel had regard to the NMC guidance on making decisions on dishonesty charges and the professional duty of candour (reference: DMA-8). It also had regard to the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* as set out above.

The panel first considered Miss Roberts' state of mind as to the facts, i.e. whether she knew that she was contractually required to inform West Herts that she had been placed under disciplinary investigation and suspended by the Trust; whether she knew the disciplinary investigation and/or suspension would likely be considered by West Herts to be relevant to her continued employment with them; and whether she knew that by not informing West Herts, she was presenting the misleading impression that she had not been made subject to any disciplinary investigation or suspension from work by her previous employer, the Trust.

The panel concluded that Miss Roberts' motivation was to retain the role of Head of Midwifery at West Herts and that if she had informed them of the disciplinary investigation and/or suspension, then her employment would have been called into question. Ms Carter, in oral evidence said that if Miss Roberts had informed them of these matters, they may have affected her employment at West Herts.

Miss Roberts was in a senior position and in oral evidence Ms Carter stated that Miss Roberts would have known that she was subject to a disciplinary investigation and had a duty to inform her employers about the ongoing disciplinary investigation and that she had been under suspension at the Trust.

The panel found that Miss Roberts would have known she remained under disciplinary investigation. Having signed the contract of employment with West Herts, she had a duty and was contractually required to inform them of this at the earliest opportunity. Further, there had been numerous opportunities for her to do so especially now she was working at West Herts, and would have had direct contact with her line manager, the Director of Midwifery.

The panel was satisfied that Miss Roberts knew:

- that she was contractually required to inform West Herts that she had been placed under disciplinary investigation and suspended by the Trust;

- that the disciplinary investigation and/or suspension would likely be considered by West Herts to be relevant to her continued employment with them; and
- that by not informing West Herts, she was presenting the misleading impression that she had not been made subject to any disciplinary investigation or suspension from work by her previous employer, the Trust.

The panel decided that there were no other reasonable explanations for her failure to inform.

The panel next considered whether, in the context of what Miss Roberts knew, she was dishonest by the standards of the ordinary decent person. The panel was satisfied that by the objective standards of ordinary decent people, Miss Roberts' actions at charge 11 were dishonest. An ordinary decent person would expect a registered midwife to fulfil their professional and contractual obligations.

The panel therefore determined that Miss Roberts' conduct at charge 11 was dishonest in that she knew that she was contractually required to inform West Herts that she had been placed under disciplinary investigation and suspended by the Trust; that the disciplinary investigation and/or suspension would likely be considered by West Herts to be relevant to her continued employment with them; and that by not informing West Herts, she was presenting the misleading impression that she had not been made subject to any disciplinary investigation or suspension from work by her previous employer, the Trust.

The panel therefore found this charge proved.

The hearing adjourned part-heard on 31 October 2025.

Interim order

The panel considered its obligation under Rule 32(5) to consider whether to make an interim order at this stage of proceedings.

Submissions on interim order

The panel took account of the submissions made by Mr Choudhury. He invited the panel to make an interim suspension order for a period of 18 months. Mr Choudhury highlighted the charges which had been found proved and submitted that they pointed to deep-seated attitudinal issues of bullying, intimidating and harassing behaviour. In addition, he submitted that dishonesty is more difficult to remediate and put right.

Mr Choudhury reminded the panel that there had been no engagement by Miss Roberts, no evidence of strengthened practice, no evidence of what she has been doing since the events in questions, and no evidence of insight or reflection. He submitted that an interim order was required on public protection and public interest grounds due to the seriousness of the charges found proved.

Mr Choudhury submitted that there is a risk of repetition and a risk of significant harm to members of the midwifery profession. He submitted that a reasonable, well-informed member of the public knowing of the charges now found proved, would consider these matters very serious and would be shocked and concerned if Miss Roberts were allowed to practise without any restriction.

Mr Choudhury submitted interim conditions of practice would not be workable in this case.

The panel accepted the advice of the legal assessor.

Decision and reasons on interim order

The panel had regard to the seriousness of the facts found proved in reaching the decision to impose an interim order.

The panel considered the number of charges found proved, which appeared to demonstrate a pattern of bullying, intimidating and harassing behaviour towards colleagues and had the potential to cause harm to patients. It had also found that Miss Roberts acted dishonestly in respect of her employment with West Herts.

Miss Roberts has not engaged with these proceedings, and the panel had no evidence of insight or reflection from her, nor her current working situation.

The panel therefore determined that there may be a risk of repetition and a consequent risk of harm in light of the nature and seriousness of the charges found proved.

As such, the panel was satisfied that an interim order is necessary on the ground of public protection.

The panel also considered that an interim order is otherwise in the wider public interest as there would be serious damage to the reputation of the midwifery profession if Miss Roberts were not subject to an interim order. It considered that public confidence in the midwifery profession would be undermined if an interim order were not imposed in this case, which includes findings of bullying, belittling and embarrassing colleagues, undermining teamwork and causing distress to colleagues, and of dishonesty. The panel therefore decided that an interim order is otherwise in the public interest to maintain confidence in the professions and the NMC as a regulator.

The panel concluded that an interim conditions of practice order would not be workable, appropriate or sufficient to protect the public, based on its factual findings particularly in relation to dishonesty. Whilst the panel had yet to determine misconduct, it determined that such an order would be insufficient to protect the public and to meet the wider public interest considerations of this case.

The panel therefore decided to impose an interim suspension order for a period of 18 months to ensure that Miss Roberts cannot practise without restriction before the substantive hearing resumes.

Although the panel noted the hardship such an order may cause Miss Roberts, it found that this was outweighed by the need to protect the public and otherwise to address the wider public interest.

This will be confirmed to Miss Roberts in writing.

The hearing resumed on 29 April 2026.

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of the resuming hearing that Miss Roberts was not in attendance and that the Notice of Hearing letter had been sent to Miss Roberts' registered email address by secure email on 8 April 2026.

Ms Ewulo, on behalf of the NMC, submitted that the NMC had complied with the requirements of Rule 32(3).

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing had been sent to Miss Roberts '*as soon as practicable*', in accordance with the Rules, and it provided details of the dates and time of this resuming hearing, and that it would be conducted via the Microsoft Teams virtual platform, including instructions on how to join.

In light of all of the information available, the panel was satisfied that Miss Roberts has been served with the Notice of Hearing in accordance with the requirements of Rule 32(3).

Decision and reasons on proceeding in the absence of Miss Roberts

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

Ms Ewulo submitted that there had been no engagement at all by Miss Roberts with the NMC in relation to these proceedings and, as a consequence, there was no reason to believe that an adjournment would secure her attendance on some future occasion.

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*.

The panel has decided to proceed in the absence of Miss Roberts. In reaching this decision, the panel has considered the submissions of Ms Ewulo 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* and had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Miss Roberts;
- There has been no engagement from Miss Roberts with the NMC since August 2021, and she has not responded to any of the correspondence sent to her about this hearing or to the panel's determination on the facts in October 2025;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- The charges relate to events that occurred in 2019; and
- There is a strong public interest in the expeditious disposal of the case.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Miss Roberts.

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 Miss Roberts' 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 safely and effectively without restriction.

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, Miss Roberts' fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct

Ms Ewulo invited the panel to take the view that the facts found proved amount to misconduct. She submitted that the facts which had been found proved were extensive, serious, and fell into two broad categories:

1. In respect of charges 1 to 8 (with the exception of charges 3a and 3b which were not found proved), a sustained pattern of bullying and intimidating conduct towards

colleagues at the Trust between August 2018 and September 2019, during Miss Roberts' tenure as the Head of Midwifery.

2. In respect of charges 9 to 12, deliberate dishonesty and failing to disclose her suspension from the Trust and the ongoing disciplinary investigation when Miss Roberts applied for, was offered and then took up employment as Head of Midwifery at West Herts.

Ms Ewulo referred the panel to the case of *Roylance v General Medical Council (No. 2)* [2000] 1 AC 311 and the NMC guidance on '*misconduct*' (reference: FTP-2a) which affirms that misconduct includes conduct that falls short of the standards expected of a registrant. She referred to '*The Code: Professional standards of practice and behaviour for nurses and midwives 2015*' (the Code), and submitted that Miss Roberts had breached paragraphs 1.1, 1.2, 8.1, 9.1 and 20. Ms Ewulo submitted that breaches of the Code do not automatically amount to a finding of misconduct, however, the facts found proved in this case are serious and wide-ranging, and should be marked as such.

Regarding the bullying, Ms Ewulo submitted that Miss Roberts' conduct fell well below the standards expected of a registered midwife and far below those expected of a Head of Midwifery. She highlighted Miss Roberts' position of seniority and responsibility, particularly as the third most senior person in the midwifery hierarchy at the Trust. In addition, Ms Ewulo submitted that dignity at work and values and behaviour policies at the Trust expressly required managers to role model the expected behaviours, but Miss Roberts did the opposite. She highlighted that it was noted that one of the Trust policies was clear that bullying behaviour constituted misconduct. Ms Ewulo submitted that Miss Roberts was required to help colleagues, and this was critical to patient safety.

Ms Ewulo submitted that Miss Roberts' conduct was not a single isolated incident, but a sustained pattern of behaviour, affecting multiple colleagues, across multiple incidents, and over a significant period of time.

Ms Ewulo referred to the panel's specific findings on the facts in respect of Miss Roberts' colleagues, Ms Josey, Ms Hennessy, Ms Salin and others. She highlighted the evidence from each of these individuals that they felt upset, scared, intimidated, distressed and shocked by Miss Roberts' totally unacceptable, bullying and cruel behaviour.

Ms Ewulo addressed the panel on the risk to patient safety and highlighted Ms Graham's evidence that she had escalated her concerns about Miss Roberts due to the toxic environment and breakdown in communications, which could lead to a poor clinical outcome for a mother, baby or both. She submitted that Miss Roberts' conduct extended beyond personal bullying, but also into direct interference with clinical decision making. Ms Graham, the Interim Director of Midwifery and Outpatient Gynaecology at the Trust had stated that poor teamwork is one of the factors that contribute to clinical incidents, adverse outcomes and poor communication, and you have to have a team that feels confident to communicate. Ms Ewulo submitted that in the case of Miss Roberts, there was degradation of the professional environment and a number of witnesses said that morale on the maternity unit was at an all-time low and it was a toxic environment, which Ms Graham described as a "*really dangerous situation*".

Ms Ewulo submitted that Miss Roberts' conduct, taken individually and collectively amounted to a serious departure from the standards expected of a registered midwife and they plainly constituted misconduct.

Regarding the dishonest conduct, Ms Ewulo referred to the panel's findings on the facts and submitted that dishonesty in the regulatory context is a very serious matter. She submitted that employers and the public must be able to rely on the honesty and transparency of registered professionals, especially in matters directly bearing on their fitness to practise. Ms Ewulo submitted that Miss Roberts' dishonesty was not momentary, impulsive or isolated, but was planned and spanned over several months across two employers and involved repeated acts of decisions to conceal material information despite having multiple opportunities to disclose.

Ms Ewulo submitted that in all the circumstances, Miss Roberts' conduct fell far below the standards which would be considered acceptable and as such, the facts found proved amount to misconduct.

Submissions on impairment

Ms Ewulo 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 Ewulo referred to the case of *CHRE v NMC and Grant*, which endorsed Dame Janet Smith's "test", and submitted that all four limbs were engaged.

Ms Ewulo reminded the panel that Miss Roberts has not engaged with these proceedings at any stage since August 2021, and so there was no evidence of insight into the impact of her conduct on colleagues, patients or the profession. She submitted that there was also no evidence of remorse or apology from Miss Roberts, no reflection on the causes of her behaviour, no evidence of any steps taken to remediate her practice, no evidence of her current professional circumstances, including whether she is seeking to remediate, no references or testimonials, no engagement with the disciplinary investigation at the Trust despite multiple opportunities, and no engagement with these proceedings, despite service by email to her registered address.

Ms Ewulo submitted that in the absence of any such evidence, the panel would be unable to conclude that the misconduct in this case had been acknowledged by Miss Roberts, let alone remediated. She submitted that the nature of the misconduct was highly relevant to the risk of repetition. Ms Ewulo submitted that this was distinct from a single act, a single failure or a failure of clinical skill; Miss Roberts' misconduct showed a deliberate and

sustained pattern of bullying, belittling, intimidating conduct by a senior midwife towards her colleagues and of dishonesty, and it was clearly attitudinal in type. She submitted that it is particularly difficult to remediate attitudinal concerns.

Ms Ewulo submitted that there remained a real and present risk that, if allowed to return to unrestricted practice, Miss Roberts would repeat similar conduct.

Ms Ewulo invited the panel to consider the cumulative effect of the findings. She submitted that there had been a sustained pattern of bullying conduct, including locking colleagues in a room that was described as a really dangerous situation, the potential to cause patient harm, [PRIVATE], active interference with appropriate clinical decisions concerning the interests of a patient, deliberate dishonesty maintained over several months towards an NHS employer, and total non-engagement with the regulatory process. Ms Ewulo submitted that each of these factors alone were serious, but cumulatively, a finding of impairment was required.

In addition, Ms Ewulo submitted that, given the nature of the conduct, public confidence in the profession and the regulatory process would be undermined and proper standards would not be upheld without such a finding.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Roylance v General Medical Council*, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), *General Medical Council v Meadow* [2007] QB 462 (Admin), *R (On the application of Remedy UK) v GMC* [2010] EWHC 1245 (Admin), *CHRE v NMC and Grant*, *Cohen v General Medical Council* [2008] EWHC 581 (Admin) and *GMC v Chaudhary* [2017] EWHC 2561 (Admin).

Decision and reasons on misconduct

In coming to its decision, the panel had regard to the case of *Roylance v General Medical Council* 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.*’

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 Miss Roberts’ actions did fall significantly short of the standards expected of a registered midwife, and that Miss Roberts’ actions amounted to several breaches of the Code. Specifically:

‘1 Treat people as individuals and uphold their dignity

To achieve this, you must:

1.1 *treat people with kindness, respect and compassion*

1.2 *make sure you deliver the fundamentals of care effectively*

8 Work co-operatively

To achieve this, you must:

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

8.2 *maintain effective communication with colleagues*

8.5 *work with colleagues to preserve the safety of those receiving care*

9 Share your skills, knowledge and experience for the benefit of people receiving care and your colleagues

To achieve this, you must:

9.1 *provide honest, accurate and constructive feedback to colleagues*

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

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

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

The panel accepted that there were two underlying areas of concern that the charges which had been found proved could be separated into, namely:

1. Bullying, belittling, embarrassing, dismissive and undermining behaviour (charges 1a(i), 1a(ii), 1b, 1c, 2, 3d(i), 3d(ii), 3e(i), 3e(ii), 3f, 4a, 4b, 4c, 4d, 4e, 4f, 5a, 5b, 6a, 6b, 6c, 6d, 7a, 7b, 7c, 8a, 8b, 8c and 8d)
2. Dishonest behaviour (charges 9, 10a, 10b, 11, 12a, 12b and 12c)

The panel then considered whether these charges amounted to misconduct within the areas of concern.

Bullying, belittling, embarrassing, dismissive and undermining behaviour

The panel considered that each of the charges that had been found proved in this category, although separate, consisted of a sustained course of similar actions towards a number of colleagues in different situations.

The panel had regard to the NMC guidance on '*Misconduct*' (reference: FTP-2a) and found that Miss Roberts' conduct towards her colleagues was very serious due to the effect on workplace culture and therefore the safety of people receiving care. It noted that as a result of Miss Roberts' behaviour:

- [PRIVATE].
- Ms Salin, who was described as stoic and usually unemotional and experienced in her role, burst into tears and left the room due to Miss Roberts' behaviour during an interaction with her.
- Ms Lofting had described repeatedly observing colleagues returning to their office visibly distressed after encounters with Miss Roberts.
- Ms Josey's interactions with Miss Roberts made her not want to go into work;
- Ms Camps was visibly scared due to the manner Miss Roberts spoke to her about patient notes.
- Ms Freeman burst into tears following an incident with Miss Roberts.

The panel considered that despite being the Operational Lead and Head of Midwifery at the Trust, Miss Roberts consistently failed to demonstrate compassion and respect to staff. Miss Roberts had created a negative and toxic culture within the team, causing significant distress to colleagues who were reluctant to raise issues with her. The panel considered that as such, there was a direct impact on the workplace culture and the service, which had the potential to affect patient safety.

The panel was of the view that Miss Roberts' actions would be regarded as deplorable by fellow practitioners. The panel therefore found that Miss Roberts' actions at charges 1a(i), 1a(ii), 1b, 1c, 2, 3d(i), 3d(ii), 3e(i), 3e(ii), 3f, 4a, 4b, 4c, 4d, 4e, 4f, 5a, 5b, 6a, 6b, 6c, 6d, 7a, 7b, 7c, 8a, 8b, 8c and 8d fell seriously short of the conduct and standards expected of a registered midwife, and therefore amounted to misconduct.

Dishonest behaviour

The panel considered that Miss Roberts had a duty as a registered midwife to be open and honest, and act with integrity, but she did not do so. In the process of seeking and securing employment with a new employer, Miss Roberts did not disclose her circumstances regarding the disciplinary investigation and her suspension from the Trust. The panel considered that Miss Roberts' dishonesty was self-serving and sustained, as she did not put it right despite the multiple opportunities she had to disclose her situation to West Herts.

The panel considered that this was further compounded by the fact that Miss Roberts was one of the three most senior members of the midwifery department at the Trust and commenced employment at West Herts in an equally senior position. The panel was of the view that Miss Roberts' behaviour was morally culpable and brought disgrace to the profession.

The panel therefore determined that Miss Roberts' dishonesty brought her integrity into question and was a significant departure from the conduct and standards expected of a registered midwife. The panel was therefore satisfied that Miss Roberts' dishonesty at charges 9, 10a, 10b, 11, 12a, 12b and 12c was so serious as to amount to misconduct.

In all the circumstances, the panel therefore concluded that Miss Roberts' actions at all of the charges found proved amounted to misconduct, both individually and cumulatively.

Decision and reasons on impairment

The panel next went on to decide if as a result of the misconduct, Miss Roberts' fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the NMC Guidance on '*Impairment*' (Reference: DMA-1 Last Updated: 28 January 2026) in which the following is stated:

'Being fit to practise is not defined in our legislation but for us it means that a professional on our register can practise as a nurse midwife or nursing associate safely and effectively without restriction.'

Midwives 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 midwives with their lives and the lives of their loved ones. To justify that trust, midwives 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) are engaged in this case. The panel found that patients were put at risk of harm as a result of Miss Roberts' misconduct, due to the emotional harm and toxic workplace culture she created for colleagues, which could have affected patient care and safety. It considered that by carrying out sustained bullying towards colleagues at the Trust and acting dishonestly during her employment process with West Herts, Miss Roberts brought the reputation of the midwifery profession into disrepute. The panel determined that Miss Roberts' misconduct had breached the fundamental tenets of the midwifery profession, which included prioritising people and practising professionally, treating people with compassion and respect and upholding their dignity. In addition, the panel was satisfied that confidence in the midwifery profession would be undermined if its regulator did not find deliberate and sustained dishonesty extremely serious.

In its consideration of the future, the panel had regard to the factors set out in the case of *Cohen v General Medical Council*:

- whether the conduct is capable of being addressed;
- whether it has been addressed; and
- whether it is highly unlikely to be repeated.

The panel determined that Miss Roberts' misconduct raised deep-seated attitudinal concerns which are serious and more difficult to address. It was of the view that Miss Roberts' misconduct was on the higher end of the scale of seriousness, as it involved multiple instances of bullying behaviour towards colleagues over a sustained period of time, which caused emotional and [PRIVATE] harm, and deliberate and sustained dishonesty.

Regarding insight, the panel noted the email correspondence between Miss Roberts and the NMC in June and July 2021, in which she focussed on the negative impact of the allegations on herself, did not demonstrate any acknowledgement of her actions, and sought to blame others for bullying and attacking her and for preventing support for her during the Trust's disciplinary process.

In light of her subsequent lack of engagement with these NMC proceedings, the panel had no evidence of insight from Miss Roberts. It therefore had no evidence from her about her understanding of how her actions caused colleagues harm and put patients at risk of harm, why what she did was wrong, and how this impacted negatively on her colleagues, patients and the reputation of the midwifery profession. There was also no evidence of remorse from Miss Roberts for her misconduct, nor an indication of how she would handle the situation in the future. In addition, the panel had no evidence as to Miss Roberts' current work circumstances and whether she has taken any steps to address her shortcomings regarding her conduct towards colleagues and her lack of honesty and integrity.

As such, the panel could not be satisfied that it is '*highly unlikely*' (as per *Cohen v General Medical Council*) that Miss Roberts' misconduct would be repeated in the future. It therefore found that there is a significant risk of repetition and that a finding of current impairment of fitness to practise is necessary on the grounds of public protection.

The panel bore in mind 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 to mark the seriousness and unacceptability of Miss Roberts' misconduct and to uphold proper professional standards. Miss Roberts is a registered midwife who, in a position of seniority, created a bullying and toxic environment for colleagues and in doing so, caused risks to patient safety, and who also acted dishonestly in securing employment elsewhere. The panel considered that an ordinary and informed member of the public and fellow practitioners would be concerned and confidence in the profession would be undermined, if a finding of impairment were not made in this case. It therefore also found Miss Roberts' fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was not satisfied that Miss Roberts can practise safely and effectively without restriction. It therefore determined that her 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 Miss Roberts off the register. The effect of this order is that the NMC register will show that Miss Roberts 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 regard to the NMC Guidance on '*The sanctions available*' (Reference: SAN-2 Last Updated: 28 January 2026).

Submissions on sanction

In the Notice of Hearing, dated 18 September 2025, the NMC had advised Miss Roberts that it would seek the imposition of a striking-off order if the panel found Miss Roberts' fitness to practise currently impaired.

Ms Ewulo submitted that the appropriate sanction in this case is that of a striking-off order. She submitted that the following aggravating factors were present in this case:

- The misconduct was persistent and sustained over a significant period, rather than isolated.
- The misconduct affected multiple colleagues across multiple incidents.
- Miss Roberts held a position of seniority and trust, which she abused.
- The misconduct caused demonstrable and serious [PRIVATE] harm to colleagues.
- The dishonesty was deliberate, calculated and maintained over several months.
- The dishonesty involved two separate NHS employers and concerned matters directly relevant to fitness to practise.
- The dishonesty involved premeditated behaviour.
- There was a failure to work collaboratively with colleagues.
- Miss Roberts has shown no insight, remorse or acceptance of responsibility.
- Miss Roberts has failed to engage with the regulatory process.
- The conduct had the potential to cause direct harm to patients through the undermining of clinical teamwork and the reversal of an appropriate clinical decision.
- There was no evidence of any remediation whatsoever.

Ms Ewulo submitted that by way of a mitigating factor, Miss Roberts had disputed the allegations in her early communications, and she attributed the difficulties to a breakdown in her relationship with the Trust's Director of Midwifery at the time. She submitted that whilst the panel had already considered and rejected the substance of those matters in its

findings on the fact, it may wish to note the contextual difficulties that existed in the management structure at the time.

Ms Ewulo addressed the panel in relation to a suspension order and a striking-off order in light of its earlier findings and the seriousness of the charges found proven.

Ms Ewulo referred to the relevant factors in the guidance on '*Suspension order*' (reference: SAN-2d) and submitted that a suspension order would be insufficient in this case. She submitted that there had not been a single lapse, but sustained bullying involving a misuse of power, which caused significant harm to colleagues and created a toxic working environment. Ms Ewulo submitted that Miss Roberts' conduct was serious, but further aggravated by her dishonesty, which strikes at the heart of the profession. She submitted that the combination of persistent bullying and dishonesty demonstrated deep-seated attitudinal concerns and a lack of integrity, going beyond what can be addressed by a period of suspension. Ms Ewulo submitted that Miss Roberts' misconduct is not easily remediable, and in the absence of clear evidence of full insight and remediation, the risk of repetition remains. She submitted that a suspension order would fail to maintain public confidence and uphold proper professional standards, and asked the panel to determine that Miss Roberts' conduct is fundamentally incompatible with her continued registration.

In respect of a striking-off order, Ms Ewulo referred the panel to the guidance on '*Striking-off order*' (reference: SAN-2e) and the following four questions that would assist the panel in its determination:

'Do the charges found proved raise fundamental questions about their professionalism?'

Can public confidence in the profession be maintained if the professional is not removed from the Register?'

Is there any amount of insight and reflection which could keep people receiving care and members of the public safe, maintain public confidence in the profession, and uphold professional standards?

Is there a realistic prospect that, after suspension, the professional will have gained insight and strengthened their practice such that the risk they pose will have reduced?’

In respect of each question, Ms Ewulo highlighted the detail of the panel’s findings on misconduct and impairment. She submitted that the first question could be answered in the affirmative, whilst the following three questions could be answered in the negative, such that a striking-off order is the appropriate sanction in this case.

In these circumstances, Ms Ewulo also asked the panel to consider the guidance on ‘*Sanctions for the highest risk cases*’ (reference: SAN-4) which states that:

‘Some concerns are particularly serious and are likely to attract the strongest sanctions because they are mostly likely to risk:

- *the health and safety of the public*
- *public confidence in the profession*
- *upholding professional standards.’*

Ms Ewulo submitted that there were multiple grounds for a striking-off order to be made out in this case. She submitted that the combination of the sustained bullying of colleagues and the calculated dishonesty towards an employer over many months represented conduct that is fundamentally incompatible with Miss Roberts’ continued registration as a midwife. Ms Ewulo submitted that there had been no insight or engagement from Miss Roberts, nor any evidence that she had acknowledged the panel’s findings, accepted responsibility, or taken any steps towards remediation. She submitted

that there is a clear risk of repetition and that Miss Roberts poses an ongoing risk to public protection.

In relation to the public interest, Ms Ewulo submitted that Miss Roberts had bullied multiple colleagues over a prolonged period, caused serious [PRIVATE] harm to staff, potentially compromised patient safety, and then dishonestly concealed her suspension and investigation to obtain a senior NHS position. She submitted that a reasonable, well-informed member of the public, aware of that, would be deeply shocked and seriously concerned if Miss Roberts were permitted to remain on the register without the imposition of a striking-off order.

The panel accepted the advice of the legal assessor.

Decision and reasons on sanction

Having found Miss Roberts' fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose. 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 decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Miss Roberts held a position of seniority and trust, which she abused.
- Miss Roberts' misconduct amounted to a pattern of bullying, belittling, embarrassing, dismissive and undermining behaviour, which was persistent and sustained over a significant period and affected multiple colleagues across multiple incidents.
- Miss Roberts failed to work collaboratively with colleagues.
- Miss Roberts' misconduct caused demonstrable and serious emotional and [PRIVATE] harm to colleagues.

- Miss Roberts' misconduct had serious potential of putting people receiving care at risk of suffering harm.
- Miss Roberts' dishonesty was calculated and sustained over several months and was for her personal and professional gain.
- Miss Roberts had failed to attend this hearing, or to engage in the fitness to practise process, without good reason.
- Miss Roberts had not demonstrated remorse, reflection or insight into her actions, and there was no evidence that she had addressed the concerns.

Notwithstanding Ms Ewulo's submissions about Miss Roberts' denial of the allegations and her reference to the breakdown in her relationship with the Trust's Director of Midwifery in her earlier correspondence with the NMC, the panel did not identify any mitigating features in this case. It considered that Ms Graham, in her evidence, had provided an overview about that relationship, however, there was nothing before it to substantiate this. The panel determined that there was insufficient evidence that the context offered around Miss Roberts' relationship with the Director of Midwifery would have mitigated how she consistently treated colleagues and acted dishonestly.

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

The panel next considered a caution order and had regard to the NMC guidance on 'Caution order' (reference: SAN-2b Last Updated: 28 January 2026) in which the following is stated:

'A caution is only appropriate if the Committee has decided there's no risk to the public or to people using services that requires the professional's practice to be restricted. This means the case is at the lower end of the spectrum of impaired fitness to practise, but the Committee wants to mark that what happened was unacceptable and must not happen again.'

The panel considered that Miss Roberts' actions were not at the lower end of the spectrum, and it found that there is a risk to patient and public safety. The panel therefore determined that a sanction that does not restrict Miss Roberts' practice would not protect the public. The panel also determined that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether to place a conditions of practice order on Miss Roberts' registration. In considering whether conditions of practice are appropriate, the panel had regard to the factors set out in the NMC guidance on '*Conditions of practice order*' (reference: SAN-2c Last Updated: 28 January 2026). The panel had found that there were deep-seated attitudinal concerns and that Miss Roberts had not engaged with her regulator since 2021, acknowledged her misconduct or demonstrated remorse, insight or reflection. It considered that the misconduct identified in this case was not something that could be addressed through retraining. As such and having regard to the nature and seriousness of Miss Roberts' conduct, the panel determined that a conditions of practice order would not be appropriate in the circumstances. The panel considered that there are no relevant, proportionate, workable or measurable conditions that could be formulated to protect patients and to uphold professional standards, given the nature of the misconduct in this case.

The panel went on to consider whether a suspension order is appropriate in this case. The panel had regard to the NMC guidance on '*Suspension order*' (reference: SAN-2d Last Updated: 28 January 2026) in which the following factors on when a suspension order may be appropriate are set out:

- *'the impairment is very serious but not fundamentally incompatible with continuing to be a registered professional*
- *an outcome less severe than strike-off would still satisfy the over-arching objective.'*

The panel also had regard to the key considerations as set out in the NMC guidance to weigh up before imposing a suspension. It noted the following list of circumstances that may make a suspension order an appropriate sanction:

- *‘the charges found proved are at the most serious end of the spectrum and call into question the professional’s suitability to continue practising, either currently or at all*
- *while it is possible that the professional could be fit to practise in future, only a period out of practice would be sufficient to allow them to fully strengthen their practice through reflection, the development of their professional skills and / or development of insight and remediation*
- *there is a risk to the safety of people using services if the professional were allowed to continue to practise even with conditions*
- *what went wrong is so serious that public confidence in the profession and professional standards could not be maintained if the professional were able to continue practising without stopping for a period of time*
- *despite the seriousness of what happened, the professional has engaged in the proceedings and has shown at least some meaningful insight which evidences a realistic possibility that they will continue to develop this insight, address their concerns and return to practice.’*

The panel considered that the charges found proved were at the most serious end of the spectrum and called into question Miss Roberts’ suitability to continue practising. It determined that the risks identified could not be managed by Miss Roberts being removed from the register only temporarily, and such a course would not be sufficient to uphold public confidence in the profession and maintain professional standards due to the seriousness and nature of the facts found proved. With particular reference to the NMC guidance on *‘Deciding between suspension and strike off’* (reference: SAN-3 Last Updated: 28 January 2026) and given Miss Roberts’ lack of engagement, insight, remorse or evidence of a willingness to address the concerns, the panel considered that there was no realistic possibility that she would address the deep-seated attitudinal concerns to such a level where she could return to practise safely.

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

In considering a striking-off order, the panel had regard to the NMC guidance on ‘*Sanctions for the highest risk cases*’ (Reference SAN-4 Last Updated: 28 January 2026) and, in particular, noted the following in respect of cases involving dishonesty:

‘Honesty is of central importance to a professional’s practice because of the large degree of trust placed in them. Therefore, allegations of dishonesty will almost always put the public at risk of the professional not being trustworthy; because of this a professional who has acted dishonestly will always be at risk of strike-off. However, in every case the Committee must carefully consider the kind of dishonest conduct that has taken place. Not all dishonesty is equally serious. Generally, the forms of dishonesty which are most likely to require consideration of striking-off will involve (but are not limited to):

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

Dishonest conduct will generally be less serious in cases of:

- *one-off incidents*
- *spontaneous conduct*
- *no direct personal gain*
- *incidents outside professional practice.*

This is not an exhaustive list.

Professionals who have behaved dishonestly can engage with the Committee to:

- *show that they feel remorse*
- *recognise that they acted in a dishonest way*
- *explain, with evidence, how this will not happen again.*
- *Where the professional denies dishonesty, it is particularly important that they make every effort to attend the hearing so that the Committee can hear at first hand their response to the allegations.'*

The panel was satisfied that Miss Roberts' dishonesty was for personal or financial gain and that it was a deliberate and sustained deception over a period of time and there were multiple opportunities for her to disclose to West Herts that she was suspended and under investigation, but she did not do so. The panel did not identify any of the factors that could make Miss Roberts' dishonest conduct less serious in this case. Furthermore, the panel had no evidence that Miss Roberts had shown remorse, recognised that she acted in a dishonest way, explained how it would not happen again or engaged with the hearing process. Having regard to all of the above, the panel determined that this case fell within the definition of being a '*highest risk case*' and Miss Roberts' dishonesty was more likely to call into question whether she should be allowed to remain on the register.

In respect of Miss Roberts' misconduct towards her colleagues, the panel was mindful of its earlier findings. It bore in mind that Miss Roberts' actions were serious and aggravated, involving sustained bullying and belittling and a failure to demonstrate compassion and respect for colleagues, which represented a clear misuse of power and raised deep-seated attitudinal concerns. It noted that this was not a single lapse, but a pattern of conduct, which created a toxic working environment characterised by fear and intimidation. The panel took into account that colleagues were distressed and, in some instances, reduced to tears and fearful of coming into work. The panel determined that the

impact of Miss Roberts' misconduct in this regard was significant and far-reaching; it resulted in [PRIVATE] harm to colleagues, undermined teamwork and open communication, and had the potential to place patients at risk of suffering harm. It therefore concluded that Miss Roberts' misconduct in relation to her treatment of colleagues was also on the higher end of the scale of seriousness.

The panel then considered the following, as set out in the NMC guidance entitled '*Striking-off order*' (reference: SAN-2e Last Updated: 28 January 2026):

- *Do the charges found proved raise fundamental questions about their professionalism?*
- *Can public confidence in the profession be maintained if the professional is not removed from the Register?*
- *Is there any amount of insight and reflection which could keep people receiving care and members of the public safe, maintain public confidence in the profession, and uphold professional standards?*
- *Is there a realistic prospect that, after suspension, the professional will have gained insight and strengthened their practice such that the risk they pose will have reduced?*

In all the circumstances and having regard to the above considerations, the panel concluded that the charges found proved did raise fundamental questions about Miss Roberts' professionalism; public confidence in the profession would not be maintained if Miss Roberts were not removed from the register; there had been no insight or reflection which could keep people receiving care and members of the public safe, maintain public confidence in the profession and uphold professional standards; and there was no realistic prospect that after suspension, Miss Roberts would have gained insight and strengthened her practice such that the risk she poses would have reduced.

Miss Roberts' actions were significant departures from the standards expected of a registered midwife and fundamentally incompatible with her remaining on the register. The

panel was of the view that the findings in this particular case demonstrated that Miss Roberts' actions were serious and to allow her to continue practising would not protect the public and 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 appropriate and proportionate sanction is that of a striking-off order. Having regard to protecting the public and the effect of Miss Roberts' actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered midwife should conduct herself, the panel concluded that nothing short of this would be sufficient in this case.

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

This will be confirmed to Miss Roberts 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 Miss Roberts' own interests until the striking-off sanction takes effect.

Submissions on interim order

The panel took account of the submissions made by Ms Ewulo. She submitted that an interim order was required on public protection and public interest grounds for the same

reasons given for the substantive striking-off order. Ms Ewulo invited the panel to make an interim suspension order for a period of 18 months to cover any appeal period until the substantive striking-off order takes effect.

The panel heard and accepted the advice of the legal assessor.

Decision and reasons on interim order

The panel was satisfied that an interim order is 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 order. The panel therefore imposed an interim suspension order for a period of 18 months to ensure that Miss Roberts cannot practise without restriction before the substantive striking-off order takes effect. This will cover the 28 days during which an appeal can be lodged and, if an appeal is lodged, the time necessary for that appeal to be determined.

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

That concludes this determination.