

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

**Substantive Hearing
Monday, 29 June 2026 – Tuesday 7 July 2026**

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

Name of Registrant: Hannah Elaine Forbes

NMC PIN 09I0149S

Part(s) of the register: Registered Nurse – Learning Disabilities Nursing
RNLD – (15 October 2012)

Relevant Location: Warwickshire

Type of case: Misconduct

Panel members: Amy Barron (Chair, Lay member)
Alison Smalley (Registrant member)
Sally Kitson (Lay member)

Legal Assessor: Jayne Salt

Hearings Coordinator: Nicola Nicolaou (29 June 2026)
Teige Gardner (30 June 2026 – 7 July 2026)

Nursing and Midwifery Council: Represented by Sila Akin, Case Presenter

Miss Forbes: Not present and not represented at the hearing

Facts proved: Charges 1(b), 1(c), 1(d), 1(e), 3(a), 3(e), 4 and 5

Facts not proved: Charges 1(a), 1(f), 1(g), 2, 3(b), 3(c), 3(d), 6, 7, 8

Fitness to practise: Impaired

Sanction: Suspension Order (6 months) with a review

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 Forbes was not in attendance and that the Notice of Hearing letter had been sent to Miss Forbes's registered email address by secure email on 28 May 2026.

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

The panel accepted the advice of the legal assessor.

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

In the light of all of the information available, the panel was satisfied that Miss Forbes 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 Forbes

The panel next considered whether it should proceed in the absence of Miss Forbes. It had regard to Rule 21 and heard the submissions of Ms Akin who invited the panel to continue in the absence of Miss Forbes. She submitted that Miss Forbes had voluntarily absented herself.

Ms Akin referred the panel to an email sent by Miss Forbes to her NMC Case Officer dated 26 May 2026 which stated:

'No I would not like to attend.'

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 Forbes. In reaching this decision, the panel has considered the submissions of Ms Akin, the email from Miss Forbes dated 26 May 2026, 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:

- Miss Forbes stated in her email dated 26 May 2026 that she does not want to attend this hearing
- No application for an adjournment has been made by Miss Forbes;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- Four witnesses are due to attend this hearing to give live evidence and not proceeding may inconvenience them, their employer(s) and, for those involved in clinical practice, the clients who need their professional services;
- The charges relate to events that occurred between 2021 and 2023 and 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 Forbes in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to Miss Forbes at her registered address, Miss Forbes 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 Forbes's decisions to absent herself from the hearing, waive her rights to attend, and/or be represented, and to not provide evidence or make submissions on her own behalf.

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

Decision and reasons on application to amend charge 3c

The panel heard an application made by Ms Akin, to amend the wording of charge 3c.

The proposed amendment was to replace 2.b. with 3b. It was submitted by Ms Akin that this was a typographical error and that the proposed amendment would provide clarity and more accurately reflect the evidence.

Charge 3c

3. Failed to behave appropriately towards colleagues and/or members of the public, in that you:

...

- c. Spoke to colleagues about the family member at charge ~~2.b.~~ **3b** in a dismissive manner;

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

The panel was of the view that such an amendment, as applied for, was in the interest of justice. The panel was satisfied that there would be no prejudice to Miss Forbes and no injustice would be caused to either party by the proposed amendment being allowed.

It was therefore appropriate to allow the amendment, as applied for, to ensure clarity and accuracy.

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

Ms Akin made a request that this case be held partly in private on the basis that reference may be made to Miss Forbes's health, and that of Heather Heritage. The application was made pursuant to Rule 19 of the Rules.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, 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 as and when matters are raised regarding Miss Forbes's health and Ms Heritage's health, in order to protect their privacy.

Decision and reasons on application to admit the written statement of Ms Heritage and various hearsay statements into evidence

The panel heard an application made by Ms Akin under Rule 31 to allow the written statement and supporting exhibits of Ms Heritage into evidence. Ms Akin submitted that Ms Heritage is not present at this hearing and, whilst the NMC had made sufficient efforts to ensure that Ms Heritage was present, she is unable to attend today due to her [PRIVATE].

Ms Akin submitted that Ms Heritage's evidence is the sole and decisive evidence for charges 2a, 2b, 2c, and 7c. Ms Akin submitted that there is no evidence of any challenge by Miss Forbes. She submitted that there is no reason to suggest that Ms Heritage had fabricated her evidence. Ms Akin submitted that Ms Heritage has provided a sufficient reason for her non-attendance at this hearing. The panel had sight of Ms Heritage's witness statement and [PRIVATE]. Ms Akin submitted that Miss Forbes was

aware that Ms Heritage could not attend this hearing, and that no objection has been raised by Miss Forbes with regard to Ms Heritage's evidence.

In the preparation of this hearing, the NMC had indicated to Miss Forbes that it was the NMC's intention for Ms Heritage to provide live evidence to the panel. Despite knowledge of the nature of the evidence to be given by Ms Heritage, Miss Forbes made the decision not to attend this hearing. On this basis Ms Akin advanced the argument that there was no lack of fairness to Miss Forbes in allowing Ms Heritage's written statement and supporting exhibits into evidence.

Ms Akin also made an application to allow the local statements of Jessica Nesbitt, Amanda Taylor, and Jean Elsworth into evidence. Ms Akin submitted that these local statements are not sole or decisive evidence, and that they would assist in terms of background. She submitted that the NMC have not required these witnesses to attend as it would be disproportionate to do so. She submitted that the NMC had informed Miss Forbes that it intended to make a hearsay application in relation to these local statements, however, it did not receive a response from Miss Forbes. Ms Akin submitted that the contents of the local statements will be able to be tested as Krissy Elton is attending this hearing to give live evidence.

Ms Akin submitted that it would be fair and relevant to admit the local statements of Ms Nesbitt, Ms Taylor, and Ms Elsworth.

The panel heard and 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 first considered the hearsay application for Ms Heritage, and gave this application serious consideration. The panel had regard to the factors of *Thorneycroft v NMC* [2014] EWHC 1565 (Admin) when making its decision. The panel noted that Ms Heritage's statement had been prepared in anticipation of being used in these

proceedings and contained the paragraph, 'This statement ... is true to the best of my information, knowledge and belief' and signed by her.

The panel considered that Ms Heritage's evidence is sole and decisive to charges 2a, 2b, and 2c. It considered that there is no evidence before it to suggest that Ms Heritage has fabricated her evidence. The panel noted that the charges in this case are serious. It considered that Ms Heritage has provided a good reasons for not attending this hearing. It noted that the NMC attempted to secure Ms Heritage's attendance at this hearing, but were unsuccessful. The panel considered that there is no evidence of any challenge by Miss Forbes in relation to Ms Heritage's evidence, and noted that Miss Forbes was informed prior to this hearing that the NMC would be making this hearsay application.

The panel considered whether Miss Forbes would be disadvantaged by the change in the NMC's position of moving from reliance upon the live testimony of Ms Heritage to that of a written statement.

The panel considered that as Miss Forbes had been provided with a copy of Ms Heritage's witness statement and, as the panel had already determined that Miss Forbes had chosen voluntarily to absent herself from these proceedings, she would not be in a position to cross-examine this witness in any case. There was also public interest in the issues being explored fully which supported the admission of this evidence into the proceedings. The panel considered that the unfairness in this regard worked both ways in that the NMC was deprived, as was the panel, from reliance upon the live evidence of Ms Heritage and the opportunity of questioning and probing that testimony. There was also public interest in the issues being explored fully which supported the admission of this evidence into the proceedings.

In these circumstances, the panel came to the view that it would be fair and relevant to accept into evidence the written statement and supporting exhibits of Ms Heritage, but would give what it deemed appropriate weight once the panel had heard and evaluated all the evidence before it.

The panel then considered the hearsay application with regard to Ms Nesbitt's local statement. The panel again referred to the factors of Thorneycroft when making its decision. The panel considered that Ms Nesbitt's evidence was not sole or decisive. It considered that the nature of Ms Nesbitt's evidence is relevant to the charges in this case. The panel considered that there is no evidence before it to suggest that Ms Nesbitt has fabricated her evidence. The panel considered that the NMC did not take sufficient steps to secure Ms Nesbitt's attendance, however, balancing the considerations above, the panel decided to accept her statement as hearsay. The panel noted that the NMC had informed Miss Forbes of its intention to make a hearsay application in relation to Ms Nesbitt's local statement but did not receive a response.

Similar to its reasoning above, the panel considered that there would be no disadvantage to Miss Forbes in allowing the local statement of Ms Nesbitt into evidence. The panel therefore considered that it would be fair and relevant to accept into evidence the local statement of Ms Nesbitt, but would give what it deemed appropriate weight once the panel had heard and evaluated all the evidence before it.

The panel then considered the hearsay application with regard to Ms Elsworth's local statement. The panel considered that Ms Elsworth's evidence was not relevant to the charges in this case. The panel considered that there would be no useful purpose in allowing the local statement of Ms Elsworth into evidence. The panel therefore rejected the NMC's application to admit the local statement of Ms Elsworth into evidence.

The panel finally considered the hearsay application with regard to Ms Taylor's local statement. The panel considered that Ms Taylor's evidence was not relevant to the charges in this case. The panel considered that there would be no useful purpose in allowing the local statement of Ms Taylor into evidence. The panel therefore rejected the NMC's application to admit the local statement of Ms Taylor into evidence.

Decision and reasons on application to amend the charges

Ms Akin submitted that the panel should consider adding the words '*AND in light of the above, your fitness to practise is impaired by reason of your misconduct*'. She submitted

that this amendment would not be unfair to the registrant as she has known that this hearing would be about determining whether her fitness to practice is currently impaired by reason of her misconduct. She submitted that the proposed amendment would ensure clarity.

The panel accepted the advice of the legal assessor.

The panel decided to allow this application. It was of the view that adding the suggested words brings clarity to the end of the charge. 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 Forbes 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.

Details of charge (as amended)

That you, a registered nurse, whilst employed as a Team Lead by Mary Ann Evans Hospice (the 'Hospice'):

1. Failed to appropriately, or at all, support [Krissy Elton], in that you:
 - a. Did not introduce [Krissy Elton] to any of your colleagues;
 - b. Did not explain your role to [Krissy Elton];
 - c. Told [Krissy Elton] '*I'm not your mentor, I'm your line manager*', or words to that effect, in an aggressive tone and/or manner;
 - d. Did not engage [Krissy Elton] in conversation;
 - e. Did not provide [Krissy Elton] with assistance in relation to patient welfare and/or needs and/or emergency procedures;
 - f. Did not provide [Krissy Elton] with access to EMIS;
 - g. Did not supervise [Krissy Elton's] work.
2. Failed to communicate appropriately with [Heather Heritage], in that you:

- a. Told [Heather Heritage] '*I've already told you and shown you*' followed by a tut, or words to that effect, in a dismissive tone;
 - b. Ignored [Heather Heritage], before saying '*I'm not really ignoring you*' and then laughing, or words to that effect;
 - c. Shrugged your shoulders when [Heather Heritage] raised concerns with you.
3. Failed to behave appropriately towards colleagues and/or members of the public, in that you:
 - a. Mocked an unknown colleague who had approached you with a concern;
 - b. Spoke to the family member of a service user using a rude tone and/or raised voice;
 - c. Spoke to colleagues about the family member at charge 3b in a dismissive manner;
 - d. Told colleagues that [Heather Heritage] had been off work for family reasons, when it had been as a result of [PRIVATE];
 - e. Stated that Senior Care Support Workers were '*only SCSWs*', or words to that effect, in a demeaning manner.
4. Your conduct at any or all of charges 1, 2, and/or 3 amounted to bullying, harassing, and/or intimidating behaviour.
5. On one or more occasions, in response to questions relating to the care of a patient with HIV, stated '*do not drink his blood*', or words to that effect.
6. Your conduct at charge 5 was discriminatory in that your comment(s) related to a protected characteristic.
7. Failed to treat colleagues equally, in that you showed preferential treatment to one of more of the following colleagues:
 - a. [Jessica Nesbitt];
 - b. [Kay Green];

c. [Jemma Stokes].

8. Your conduct at charge 7 was unprofessional and/or created a hostile working culture.

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

Background

The NMC received a referral on 18 May 2023 by Esther Reilly, the Director of Clinical Services at Mary Ann Evans Hospice ('the Hospice'). The referral raised the following concerns:

- Failed to respond to the clinical needs of a patient.
- Failed to supervise, communicate and support junior members of staff.
- Incivility towards junior colleagues creating an intolerable working environment.

The referral relates to incidents that are said to have taken place at the Hospice between 2021 and 2023 when Miss Forbes was working as a registered nurse and Team Lead in the Community Services Team.

Decision and reasons on facts

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

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

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:

- Krissy Elton: Registered nurse at the Hospice at the time of the alleged incidents.
- Tracey McGhee: Senior Care Support Worker at the Hospice at the time of the alleged incidents
- Sara Kerr: Senior Care Support Worker at the Hospice at the time of the alleged incidents
- Esther Reilly: Associate Director of Clinical Services at the Hospice at the time of the alleged incidents

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

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

Charge 1(a)

“Failed to appropriately, or at all, support [Krissy Elton], in that you:

- a. Did not introduce [Krissy Elton] to any of your colleagues;”*

This charge is found not proved.

In reaching this decision, the panel took into account the oral and documentary evidence from Krissy Elton and Esther Reilly, the timeline of events, the interview minutes with Miss Forbes, Miss Forbes reflective piece, her job description at the Hospice and Ms Elton's induction booklet.

The panel took into consideration the timeline of events provided by Esther Reilly. It noted that, at the time of the incident, Miss Forbes *"did not deny that she failed to engage with KE"*. However, Miss Forbes stated that this was due to the [PRIVATE] she had been under managing two teams whilst the other Team Lead had been absent.

The panel further noted the evidence provided by Ms Elton, who stated, in her NMC witness statement:

"Ms Forbes did not introduce me to anyone, and care staff were coming and going at the Hospice."

This is corroborated by Ms Elton's oral evidence where she expressed that she was not introduced to anyone despite several opportunities during the two-day period for Miss Forbes to do so.

The panel then considered Heather Heritage's interview with Ms Reilly, dated 1 February 2023, which stated:

"HH said Hannah introduced her to Krissy and told her she was the person who organises the catering and volunteers in the Day Hospice. Heather told Krissy she would support her in the Wellbeing centre on Thursday."

The panel noted that this is hearsay evidence, however it is corroborated by Ms Elton, who stated during her oral evidence that she had spoken with Ms Heritage on the day of this incident. Therefore, Ms Elton was introduced at least one colleague that day.

The panel also noted that induction for Ms Elton was meant to last between 1 February and 23 February 2023, and this incident occurred on day two. The panel noted that,

whilst Ms Elton should have been introduced to colleagues, it was not clear as to whether this should have been done on the day this incident occurred or at some point between 1 February 2023 and 23 February 2023 as part of her induction. The panel therefore could not be sure whether Ms Elton would have been introduced to her colleagues if she had finished the induction programme and not left after two days.

The panel also took into consideration that Ms Perrin undertook introductory meetings between Ms Elton and colleagues at the start of her first day.

In conclusion, the panel determined that, whilst Ms Elton provided evidence that she was not introduced to other colleagues, Ms Forbes did introduce her to Ms Heritage and Ms Perrins also introduced her to several colleagues. Therefore, Ms Elton was introduced to at least one colleague by Ms Forbes on the day this incident occurred. Further, the panel noted that, had Ms Elton finished her induction, she might have been introduced to her colleagues over her induction period. For these reasons, the panel finds this charge not proved.

Charge 1(b)

“Did not explain your role to [Krissy Elton];”

This charge is found proved.

In reaching this decision, the panel took into account the oral and documentary evidence from Ms Elton and Ms Reilly, the job description and the timeline of events.

The panel first determined whether Miss Forbes had a duty to explain her role to Ms Elton. The panel noted in Miss Forbes job description for the Hospice, it states that she must *“Lead on induction for all staff”*. The panel further noted Ms Reilly’s oral evidence, in which she stated that, as part of leading on induction for all staff, Ms Forbes should have explained her role to Ms Elton. The panel accepted this evidence and determined that Miss Forbes did have a duty to explain her role to Ms Elton during her induction.

The panel considered the oral and documentary evidence provided by Ms Elton. In her NMC witness statement, she stated that:

'Ms Forbes did not introduce me to anyone, and care staff were coming and going at the Hospice... I tried very hard to engage in conversation with Ms Forbes, but she did not want to speak to me or engage with me, which I found surprising. Ms Forbes did not want to know/identify my training needs, background or discuss my induction plan.'

This is supported by Ms Elton's meeting notes with Ms Reilly during the investigation, dated 8 February 2023, which states:

'I was made to feel so unwelcome, isolated and unsupported'

The panel noted that Ms Elton provided a consistent account of her interactions with Miss Forbes across both her written and oral evidence. The panel was of the view that Ms Forbes failed to communicate appropriately to Ms Elton on the day of this incident.

The panel also considered Ms Reilly's oral evidence, in which she informed the panel that Miss Forbes was Ms Elton's line manager and mentor, and she should have been clear with her about this. This is corroborated in the timeline of events, dated 1 February 2023, where in it states that Miss Forbes *"did not deny that she failed to engage with KE"*.

In light of Ms Elton's consistent evidence regarding Miss Forbes not communicating with her and Miss Forbes not denying that she failed to engage with Ms Elton, the panel determined that it is more likely than not that Miss Forbes did not explain her role appropriately to Ms Elton and therefore finds this charge proved.

Charge 1(c)

"Told [Krissy Elton] 'I'm not your mentor, I'm your line manager', or words to that effect, in an aggressive tone and/or manner"

This charge is found proved.

In reaching this decision, the panel took into account the oral and documentary evidence of Ms Elton and Ms Reilly, and Miss Forbes interview statement with Ms Reilly.

The panel first considered the oral evidence of Ms Reilly, who confirmed that Miss Forbes was Ms Elton's line manager and mentor at the time of the incident.

The panel then considered Ms Elton's oral and documentary evidence. It noted that in her NMC witness statement, she states:

"It was not clear to me what Ms Forbes' role was. I therefore wrongly assumed that Ms Forbes was my mentor. After my first day at the Hospice, I had not received any support or information from Ms Forbes. I therefore asked Ms Forbes if she was my mentor to try and stimulate discussion, and she stated that she was not my mentor, she was my line manager in an authoritarian manner."

Further, in Ms Elton and Ms Reilly's investigation minutes, dated 3 February 2023, Ms Elton stated:

'I therefore asked Ms Forbes if she was my mentor to try and stimulate discussion, and she stated that she was not my mentor, she was my line manager in an authoritarian manner... When I asked whether Ms Forbes was my mentor, I anticipated that this would lead onto what I would be doing, but she had shut me down'.

The panel also noted Ms Elton's oral evidence where she explained this incident in detail, stating that Miss Forbes was 'quite aggressive' and she 'felt as if she was exerting her authority over me'. She told the panel that this conversation was direct, Miss Forbes had raised her voice and was talking in an authoritative manner. The panel

was of the view that Ms Elton provided very consistent and clear evidence in relation to this charge.

The panel did note that, during Miss Forbes interview statement with Miss Reilly dated 24 February 2023, she stated *'As far as I was aware I was her Line Manager.'* The panel was of the view that this indicated that she might not have known she was also Ms Elton's mentor. However, the panel was not convinced that this was reason enough for Miss Forbes to speak in an aggressive tone towards Ms Elton. The panel also heard Ms Reilly's oral evidence which confirmed that it was usual practice for line managers to also take the role of mentor due to the limited registered nurse numbers in the team.

Having considered the evidence above, the panel determined that, on the balance of probabilities, Miss Forbes spoke words to the effect of *'I'm not your mentor, I'm your line manager'* in an aggressive tone. Therefore, the panel finds this charge proved.

Charge 1(d)

"Did not engage [Krissy Elton] in conversation"

This charge is found proved.

In reaching this decision, the panel took into account Miss Forbes job description, the oral and documentary evidence from Ms Elton and Ms Reilly and the timeline of events.

The panel then noted Ms Elton's oral and documentary evidence. The panel noted that, across both her oral and written evidence, Ms Elton set out a clear picture that Miss Forbes did not engage her in conversation. In the contemporaneous investigation minutes between Ms Reilly and Ms Elton, dated 3 February 2023, she states:

'HR [Miss Forbes] largely ignored me since I started working there... after initial introductions [with Ms Perrins]... 'odd' atmosphere... no interest in me or attempt to make conversation... HR [Miss Forbes] did not ask me how I got on yesterday, no other conversation or offered any plan for my induction.'

Further, in Ms Elton's NMC witness statement, she states:

"Quite soon after I was introduced to Ms Forbes, we were left alone together. I had rather a lot of online learning to complete and I was sat opposite Ms Forbes in the Team Leads' office at the Hospice ("the Office"), in which there were two desks. I tried very hard to engage in conversation with Ms Forbes, but she did not want to speak to me or engage with me, which I found surprising."

The panel noted that this was consistent with Ms Elton's oral evidence, in which she stated that when she attempted to speak with Ms Forbes, *"she did not give eye contact"*, created a *"hostile environment"* and clearly *"didn't want to speak"* to her. The panel accepted Ms Elton's evidence in relation to this charge, as she was very clear and consistent about Miss Forbes not engaging her in conversation.

The panel did note Miss Forbes interview statement, provided by Ms Reilly, dated 24 February 2023, in which she stated, in response to a question about Ms Elton resigning after her experience with Miss Forbes:

"I find that difficult to hear and could have done better to support her 100%. I will learn from this going forward. Unsure how she could feel I was resentful or made her feel isolated though as we were sharing an office and having conversations."

The panel however preferred the evidence provided by Ms Elton in relation to this charge, as she described very clearly both orally and in her written statement how hostile the working environment was, Miss Forbes failed to engage her in conversation and felt like she was not wanted there.

Therefore, the panel determined that, on the balance of probabilities Miss Forbes did not appropriately engage Ms Elton in conversation. The panel finds this charge proved.

Charge 1(e)

“Did not provide Colleague A with assistance in relation to patient welfare and/or needs and/or emergency procedures.”

This charge is found proved.

In reaching this decision, the panel took into account the oral evidence provided by Ms Reilly and Ms Elton and the induction pack.

The panel first noted the timeline of events. It noted that Ms Elton began work at the Hospice on 1 February 2023. It noted from the induction pack that she was to commence a period of induction between 1 February 2023 and 23 February 2023. On day one of Ms Elton’s employment, Lisa Perrins showed her around the Hospice and, according to the induction pack, had showed Ms Elton where the fire assembly was. Ms Elton left the Hospice on 3 February 2023, before she had finished her induction.

Having established a timeline of events, the panel noted that the induction pack provided to Ms Elton outlined policies that she should have been familiar with over the full induction period. It noted however that there was no date given to when these policies should be learned by Ms Elton, the induction pack states *“over the first few weeks of your employment”*. Therefore, the panel was not satisfied that, as Ms Elton had left after two days of her induction, Miss Forbes should have ensured that Ms Elton was familiarised with all the policies. Further, the panel noted that Ms Perrins had showed Ms Elton where the fire assembly point was, so Ms Elton was familiar with some of the Hospice’s emergency procedures. The panel was of the view that it is more likely than not that Miss Forbes was under the impression that Ms Perrin had already shown Ms Elton the emergency procedures and was therefore not required to.

The panel then considered the oral evidence of Ms Reilly. She told the panel that Ms Elton was supernumerary during her induction period. This is corroborated by Ms Elton’s oral evidence; she told the panel that *“she [Miss Forbes] told me I would be supernumerary...”*. The panel considered that Ms Elton, whilst supernumerary, was not solely responsible for caring in the Hospice at the time of the incidents. However, the

panel was satisfied that Miss Forbes still had a responsibility to ensure that she provided assistance to Ms Elton through supervision when Ms Elton requested support.

The panel therefore determined that Miss Forbes did fail to provide assistance to Ms Elton when she requested support and finds this charge proved.

Charge 1(f)

“Did not provide Colleague A with access to EMIS.”

This charge is found not proved.

In reaching this decision, the panel took into account the oral evidence of Ms Reilly and Ms Elton.

As seen above in charge 1(e), the panel established that Ms Elton was supernumerary at the time of this incident. Therefore, the panel determined that Miss Forbes did not have a responsibility to ensure Ms Elton had access to EMIS, and she was not expected to access and add information before any training had been completed. The panel noted that this was scheduled to take place over her induction period.

The panel determined that this charge is not proved.

Charge 1(g)

“Did not supervise Colleague A’s work.”

This charge is found not proved.

In reaching this decision, the panel took into account the oral evidence of Ms Reilly and Ms Elton.

The panel noted that Ms Forbes had limited opportunities to evidence supervision as Ms Elton left her employment after the third day. As seen above in charge 1(e), the panel

established that Ms Elton was supernumerary at the time of this incident, shadowing and observing others. Therefore, the panel was of the view that there is insufficient evidence to show conclusively that Ms Elton carried out activities within the three day period she was employed by the Hospice that required supervision by Ms Forbes.

The panel determined that this charge is not proved.

Charge 2

“Failed to communicate appropriately with [Heather Heritage], in that you:

- a. Told [Heather Heritage] ‘I’ve already told you and shown you’ followed by a tut, or words to that effect, in a dismissive tone;*
- b. Ignored [Heather Heritage], before saying ‘I’m not really ignoring you’ and then laughing, or words to that effect;*
- c. Shrugged your shoulders when [Heather Heritage] raised concerns with you;”*

This charge is found not proved.

In reaching this decision, the panel took into account the written evidence from Heather Heritage and the mediation meeting minutes.

The panel noted that Ms Heritage provided evidence regarding these incidents. In regard to 2(a), Ms Heritage states:

‘If I did not get things right regarding IT, Ms Forbes would say ‘I’ve already told you and shown you’, followed by a tut at the end’. For example, this occurred regarding accessing the “W” drive, how to make spreadsheets, how to add information and save information. I cannot confirm the precise date of these incidents, but I consider that this occurred in late 2021.’”

In relation to charge 2(b), Ms Heritage stated:

'This is because Ms Forbes would blank me and then state 'I'm not really ignoring you, Heather' followed by Ms Forbes then laughing. There would be other members of staff present such as secretaries. Ms Forbes would then respond to my question'.

In relation to charge 2(c), Ms Heritage stated:

'I had discussed my concerns directly with Ms Forbes previously but she Shrugged her shoulders'

The panel did not place much weight on Ms Heritage's evidence in relation to charge 2. It noted that there is no other evidence that supports that these incidents occurred and she was unable to provide detailed accounts or specific dates as to when they happened. Further, there was a mediation meeting carried out between Miss Forbes and Ms Heritage, with Ms Perrins acting as the mediator, on 1 February 2022. These incidents, according to Ms Heritage, occurred before this mediation session occurred and they are not mentioned within the meeting minutes.

Therefore, as the only evidence to support these charges comes from Ms Heritage's hearsay evidence, the panel determine that charge 2 in its entirety is found not proved.

Charge 3(a)

"Failed to behave appropriately towards colleagues and/or members of the public, in that you:

- a. Mocked an unknown colleague who had approached you with a concern;"*

This charge is found proved.

In reaching this decision, the panel took into account the investigation minutes between Ms Elton and Ms Reilly, Miss Elton's NMC witness statement, Jessica Nesbitt's investigation interview minutes and Ms Kerr's oral evidence.

The panel was of the view that there was a clear pattern that Miss Forbes would mock colleagues whilst at work. It first noted that in the investigation minutes between Ms Elton and Ms Reilly, dated 3 February 2023, it states:

'During this time HR and JN were 'mocking' another member of staff who had raised concerns about JN who had upset her. This was done in front of other staff in the room and I felt shocked by this...'

This is corroborated by Ms Elton's NMC statement, in which she states:

'I felt that Ms Forbes was mocking the care worker, as she was speaking in a derogatory manner in relation to the care worker who was upset. I felt that boundaries had been blurred as Ms Forbes had breached confidentiality and was discussing this matter with her subordinates.'

Ms Elton gave consistent oral evidence in relation to this event, but was unable to recall which member of staff Miss Forbes had mocked.

The instances of mocking are also highlighted in Ms Nesbitt's interview minutes with Ms Reilly, where she states:

'HR [Miss Forbes] did bring this up around the table...in front of staff and said something along the lines 'at least you don't upset staff like this one does' – meaning me. It was said in a sarcastic joke sort of way'.

The panel particularly noted Ms Kerr's oral evidence, wherein she told the panel that, on another occasion, Miss Forbes had openly mocked her in front of other members of staff, making her feel uncomfortable.

In light of all the evidence above, the panel determined that it is more likely than not that Miss Forbes mocked an unknown colleague who had approached her with a concern, as there is a clear pattern of her repeatedly exhibiting this sort of behaviour. Therefore, the panel finds this charge proved.

Charge 3(b)

“Spoke to the family member of a service user using a rude tone and/or raised voice.”

This charge is found not proved.

In reaching this decision, the panel took into account the oral and documentary evidence of Ms McGhee and Ms Elton’s NMC statement.

The panel noted that Ms Elton makes a reference to this incident in her NMC statement:

‘There was a telephone call in the next office, and Tracey McGhee (whose job title I cannot confirm) came in and asked for Ms Forbes (as seen in). It sounded like a disgruntled relative was on the telephone. I could hear Ms Forbes’ side of the telephone call. Ms Forbes was very brisk and rude on the telephone as she sounded angered at what the relative was saying, as Ms Forbes’ voice was raised. I do not know what the relative was saying to Ms Forbes. When Ms Forbes put the telephone down, she said it is her wellbeing service and she will decide if a patient can come to the service or not.’

The panel noted that during her oral evidence, Ms Elton stated that *‘I only heard one side of the conversation’* and Miss Forbes voice was raised.

The panel noted that Ms McGhee gave a different account of this telephone call. She gave a detailed account of what happened shortly after the event in her interview statement with Ms Reilly, dated 14 February 2023. She stated:

'TM went back into office to Hannah, Hannah phoned wife, explained about the programme, apologised for not liaising about end date and not being informed, Hannah said it would have been on the original letter with the start and finish time of the programme, wife said that didn't receive this. Hannah again apologised and said this programme has been a learning curve for her too as it's a new programme. Hannah agreed to refer back to H@H for respite and to see if she can find alternative respite facilities whilst not on programme.'

The panel also noted that Ms McGhee said orally that this this was a challenging phone call for Miss Forbes to make. The panel was of the view that this is a plausible explanation of this incident and the way in which Miss Forbes handled this conversation, according to Ms McGhee's account, was entirely appropriate. The panel preferred the evidence of Ms McGhee in relation to this charge, as she had a greater understanding of the history leading to this call and gave fair and balanced evidence and was very clear in her contemporaneous investigation statement, even though she did not include reference to this in her NMC statement.

For the reasons listed above, the panel finds this charge not proved on the balance of probabilities.

Charge 3(c)

"Spoke to colleagues about the family member at charge 3b. in a dismissive manner."

This charge is found not proved.

In reaching this decision, the panel took into account the oral and documentary evidence of Ms McGhee and Ms Elton.

The panel first noted Ms Elton's account of events in her investigation minutes with Ms Reilly, dated 3 February 2023. She stated:

“It sounded like a challenging phone call from a relative. TM came in and discussed the call with HR. HR's response was 'this is my Wellbeing service and I decide' and 'I am going to make her wait now before I ring her back' I was horrified that HR. would speak like that and deliberately decide to delay making contact with a relative.”

The panel noted that Ms Elton only heard one side of the phone call and during oral evidence she told the panel that Miss Forbes was *“brusque, sounded angry and it was obvious she wasn't happy”*. The panel then considered Ms McGhee's evidence. In her interview statement with Ms Reilly, dated 14 February 2023, she stated:

'TM asked ER if she was referring to a conversation with a patient's wife...TM reported the patient's wife was very angry, very upset, didn't listen and didn't seem to take anything in...TM said she tried to explain that it was a twelve week session but the wife was getting angrier asking who had authorised this. You can sometimes receive a sarcastic reply or comment but can't recall it being anything other than a normal conversation.'

During oral evidence, Ms McGhee indicated that she could not hear the other side of the phone call but could recall that the family member Miss Forbes was speaking with was difficult. She said orally that she could not recall whether Miss Forbes had spoken to colleagues about the family member dismissively, but she stated that if she had said Miss Forbes had not in her investigation minutes then Miss Forbes more than likely did not do this. The panel preferred Ms McGhee's evidence in relation to this charge as it was of the view she gave balanced and credible evidence.

Therefore, the panel determined that this charge is found not proved on the balance of probabilities.

Charge 3(d)

“Told colleagues that [Heather Heritage] had been off work for family reasons, [PRIVATE].”

This charge is found not proved.

In reaching this decision, the panel took into account Ms Heritages hearsay evidence and Ms Kerr's interview statement with Ms Reilly.

The panel noted that Ms Heritage stated in her witness statement that:

'[PRIVATE] built up as a result of the lack of communication. Ms F would communicate purely by email. [PRIVATE]. However, Ms F told staff that I was off due to family problems. I am aware of this as on my return, other staff members had commented that they had been told that I was off due to family problems'

However, the panel had insufficient evidence before it to determine that Ms Forbes had informed staff that Ms Heritage had been off sick for family issues. There is no supporting evidence before the panel that suggests the reason as to why Ms Heritage had been off sick at this time nor was there other evidence that would indicate that it was Ms Forbes who had informed colleagues incorrectly.

The panel noted that, whilst managers are expected to maintain confidentiality, there appears to be a wider issue within the Hospice surrounding confidentiality. It noted Ms Kerr's interview statement with Ms Reilly, dated 7 March 2023, in which she stated "*confidentially is an issue... if people are off sick you would hear about it.*" It is not clear from this account whether these issues were attributed directly to Ms Forbes.

Taking this into consideration, the panel determined that, on the balance of probabilities, it is not likely that Miss Forbes informed colleagues that Ms Heritage was off work for family reasons rather than [PRIVATE].

Charge 3(e)

“Stated that Senior Care Support Workers were ‘only SCSWs’, or words to that effect, in a demeaning manner.”

This charge is found proved.

In reaching this decision, the panel took into account the oral and documentary evidence of Ms Kerr.

The panel noted that Ms Kerr provided significant evidence surrounding Miss Forbes demeaning care support workers. In her NMC witness statement, she states:

‘Ms F made comments such as stating we were ‘only SCSW’s’ and that SCSWs had not completed tasks. SCSW staff were made to feel inadequate for instance when discussing patients. We would discuss as a team however, SCSW staff would mainly be seeing patients and have a good knowledge of patients... ‘I consider that comments were made by Ms Forbes, in order to belittle and/or humiliate others. The comments made me feel embarrassed, especially if they were made in front of other staff members’.

This was supported by Ms Kerr’s oral evidence, when she recounted times Miss Forbes had been demeaning to her and other care workers. The panel accepted Ms Kerr’s evidence, as it was consistent and detailed throughout both her written and oral evidence.

Therefore, on the balance of probabilities, the panel finds this charge proved.

Charge 4

“Your conduct at any or all of charges 1, 2, and/or 3 amounted to bullying, harassing, and/or intimidating behaviour.”

This charge is found proved.

In reaching this decision, the panel took into account ACAS definition of bullying and the oral and documentary evidence of Ms Elton, Ms Reilly, Ms McGhee and Ms Kerr.

The panel first sought out a definition for bullying. The ACAS definition states:

‘Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either:

- *offensive, intimidating, malicious or insulting*
- *an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone*

Bullying might:

- *be a regular pattern of behaviour or a one-off incident*
- *happen face-to-face, on social media, in emails or calls*
- *happen at work or in other work-related situations*
- *not always be obvious or noticed by others.’*

The panel was of the view that, in their oral evidence, Ms McGhee and Ms Kerr painted a compelling picture of a toxic working environment, which was supported by Ms Elton’s experiences and the concluding comments from Ms Reilly’s investigation.

The panel first noted Ms McGhee’s oral evidence, in which she told the panel that:

“Miss Forbes mood on a bad shift – one of them moods – best not to say anything she could snap at you, just not good days... 80% bad 20% good – but I had a good relationship with her... others didn’t though”

Ms Kerr, in her NMC Witness statement, stated:

‘I cannot recall who Ms Forbes would and would not greet. I also felt that Ms Forbes’ body language made staff feel ignored, as upon going into a room to

seek advice, Ms Forbes would not turn around and would remain looking at her laptop. However, with other staff members, Ms Forbes would again turn around to and appear happy to see other colleagues. This caused a feeling of isolation, and an occasional lack of confidence to step into the Hospice. I am unable to provide specific examples or dates of these concerns. This is because the concerns could happen regularly though I cannot recall exactly how many times... I consider that comments were made by Ms Forbes in order to belittle and/or humiliate others. The comments made me feel embarrassed, especially if they were made in front of other staff members.'

The panel noted that both Ms McGhee and Ms Kerr gave consistent oral accounts regarding the working environment and Miss Forbes as a senior nurse responsible for the team. Ms Elton also expressed similar concerns in her short employment at the Hospice, stating in the investigation minutes that:

"I felt very uncomfortable, anxious and bullied as her behaviour caused me to feel ignored, isolated and neglected. I felt that Ms Forbes could compromise patient safety."

The panel was of the view that the consistent evidence provided by Ms McGhee, Ms Kerr and Ms Elton clearly indicates that Miss Forbes as a senior nurse had contributed to a toxic working environment at the Hospice.

The panel also noted Ms Reilly's NMC witness statement. She stated:

'As outlined in the local investigation, there was psychological and emotional harm caused to staff involved. Even now, some staff have been unable to revisit these events and need to care for their mental wellbeing. Staff, such as Ms Taylor, had generously shared deeply hurtful experiences at work, which they cannot revisit for the purposes of this NMC investigation.'

The panel accepted the investigation report summary, as Ms Reilly was able to answer questions regarding her investigation and provided consistent evidence throughout.

The panel determined that Miss Forbes' actions did amount to bullying, as she exhibited a regular pattern of behaviour in which she was offensive, demeaning and caused emotional harm to colleagues. Therefore, on the balance of probabilities, the panel finds this charge proved.

Charge 5

“On one or more occasions, in response to questions relating to the care of a patient with HIV, stated ‘do not drink his blood’, or words to that effect.”

This charge is found proved.

In reaching this decision, the panel took into account the oral and documentary evidence of Ms McGhee and Ms Reilly.

The panel first considered Ms McGhee's investigation minutes with Ms Reilly, dated 14 February 2023, in which she states:

‘H R was very sarcastic and said, ‘you just don't drink his blood’.TM became very upset and said it is very difficult as HR is a Team lead. TM explained that HR doesn't always say what you need to hear and says things that are unprofessional. For example on this occasion TM wanted to know the best policy and procedures to follow as a patient being HIV positive is very sensitive for staff and the family and wanted to be prepared for visiting the patient. TM said she knows the comment was meant to be a joke but there is a time and a place and it is not what you want to hear when you are asking for support’.

This is supported in Ms McGhee's NMC witness statement, where she states:

'When I asked Ms Forbes whether additional PPE was required / a different approach was required for this patient, Ms Forbes said something along the lines of 'yeah, just do not drink his blood' in a sarcastic and joking manner.'

Ms Reilly also had an account of this event in her NMC witness statement. She states:

'Then, I saw Ms Forbes in her office at the Hospice, and I confirmed that a member of the team had asked me about caring for a patient with HIV, in order to feed this back to Ms Forbes. I would expect the Senior Care Support Worker to approach the team lead on duty for advice. Ms Forbes responded 'yes I told them not to drink his blood'. I cannot recall for certain if I said anything in response to Ms Forbes, but I am aware that at the time, I did not challenge or directly address the comment which she made.'

The panel further noted that both Ms Reilly and Ms McGhee provided consistent oral evidence when questioned about this incident. The panel was of the view that they both gave credible and reliable evidence in relation to this charge.

The panel therefore determined that, on the balance of probabilities, this charge is proved.

Charge 6

"Your conduct at charge 5 was discriminatory in that your comment(s) related to a protected characteristic."

This charge is found not proved.

In reaching this decision, the panel took into account The Equality Act 2010 England and Wales and the submissions from Ms Akin.

The panel noted that disability is a protected characteristic under schedule 1 of the Equality Act 2010. HIV is considered to be a disability. The panel considered the definition of discrimination arising from disability:

- (1) A person (A) discriminates against disabled person (B) If*
- (a) A treats B unfavourably because of something arising in consequence of B's disability and*
 - (b) A cannot show that the treatment is a proportionate means of achieving an aim...*

The panel was of the view that a hostile working environment was created as a result of Miss Forbes comment. The panel noted Ms McGhee's oral evidence, in which she told the panel that she was taken aback by Miss Forbes remark and felt very uncomfortable. The panel was of the view that Ms McGhee provided clear and reliable evidence throughout the course of this hearing and accepted her evidence in relation to this charge. The panel was of the view that Miss Forbes comment regarding this patient was highly inappropriate, flippant and extremely insensitive. As a senior registrant nurse, Mrs Forbes should have known better and acted as a role model in this instance.

The panel noted that Ms Akin submitted that the patient in this incident received worse care as a result of Miss Forbes comment. However, the panel did not agree with this submission. The panel saw no evidence before it to understand how the patient was subsequently treated and to be able to determine if there was direct or indirect discrimination as a result of Miss Forbes comment.

For these reasons, the panel determined that this charge is not proved.

Charge 7

"Failed to treat colleagues equally, in that you showed preferential treatment to one of more of the following colleagues:

- a. [Jessica Nesbitt];*

b. [Kay Green];

c. [Jemma Stokes].”

This charge is found NOT proved.

In reaching this decision, the panel took into account Ms Heritage’s hearsay evidence and Ms Elton’s NMC witness statement.

The panel considered the evidence for 7(a). It noted that in Ms Elton’s witness statement she states:

“Ms Nesbitt and Ms Forbes spent a good portion of thirty minutes organising an afternoon tea ticket as Ms Nesbitt wanted to give this ticket to her grandmother. Additionally, a tent was also being sold, and Ms Nesbitt and Ms Forbes were discussing setting the tent up at the Hospice in order to take photographs of it.”

The panel also noted that Miss Forbes accepts that this incident occurred in the investigation interview statement, dated 24 February 2023. The panel was of the view however that this one-off incident does not show preferential treatment had been given to Ms Nesbitt. Rather, Miss Forbes offers an explanation as to why she was speaking with Ms Nesbitt in the same interview statement. She states:

‘HH had noticed lack of self-confidence in Jess Nesbitt (JN) on her return-to-work last Autumn. When HH asked JN about this she stated ED and was close to tears, HH told JN to have a quiet meeting with her. HH has encouraged JN to speak up.’

The panel was of the view that this only indicates that Miss Forbes offering personal support to Ms Nesbitt, rather than treating her preferentially.

Ms Elton also provided evidence for charge 7(b). She states in her NMC witness statement that:

'Mid-morning on 1 February 2023, Ms Forbes had spoken to Kay Green (Senior Manager) in the Office about Ms Forbes' dog, when Ms Green had entered the Office. I was present during this discussion. When Ms Green entered the Office, Ms Forbes' demeanour quickly changed as Ms Green was a senior manager at the Hospice. For example, whilst Ms Green was present, Ms Forbes was very friendly and chatty. When Ms Green had left the Office, Ms Forbes reverted to silence. When Ms Green had left the room, I then tried to show interest to Ms Forbes by asking what breed Ms Forbes' dog was. This was because this provided me with something to try and continue the conversation and build a rapport on a personal level. Ms Forbes had her head down and showed limited eye contact. I felt that there was no point trying as Ms Forbes did not wish to speak to me.'

However, the panel was of the view that this is again a one-off interaction with no detail as to how preferential treatment was shown to Ms Green. Therefore, the panel did not find that this amounted to preferential treatment.

The panel noted that Ms Heritage made reference to charge 7(c). She states:

'There would be a variety of witnesses to the concerns. Ms Forbes would talk to who she liked, and would not acknowledge those who she did not like. I consider that Ms Forbes illustrated preferential treatment, in which Ms Forbes was very friendly with a younger Healthcare Assistant ("HCAs"), Jemma Stokes, who was a similar age to Ms Forbes. I could see that some of the longer term HCAs were unimpressed and rather jealous by this behaviour.'

However, the panel determined that this was a personal impression Ms Heritage had of the situation. As Ms Heritage did not attend to give live evidence, the panel placed little weight on her evidence in relation to this incident.

Therefore the panel finds this charge not proved in its entirety.

Charge 8

“Your conduct at charge 7 was unprofessional and/or created a hostile working culture.”

This charge is found not proved.

As the panel determined that charge 7 was found not proved in its entirety, charge 8 is also found not proved.

Fitness to practise

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

Submissions on misconduct

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

Ms Akin invited the panel to take the view that the facts found proved amount to misconduct. The panel had regard to the terms of “The Code: Professional standards of practice and behaviour for nurses and midwives 2015’ (the Code) in making its decision.

Ms Akin identified the specific, relevant standards where Miss Forbes’s actions amounted to misconduct. She submitted that charges relating to bullying and harassment amount to serious misconduct. She submitted that, charges 1(b), 1(c), 1(d), 1(e), 3(a) and 3(e) paint a clear picture that Miss Forbes created a hostile working environment and bullied and demeaned colleagues. She submitted that Ms Elton resigned early as a result of the toxic working environment Miss Forbes helped to create and emotional harm was caused to other colleagues because of Miss Forbes actions. She submitted that Ms Forbes actions, as set out in all the charges found proved, did amount to serious misconduct and fell seriously short of the standards expected of a registered nurse.

Ms Akin invited the panel to find serious misconduct on all the charges found proved.

Submissions on impairment

Ms Akin moved on to the issue of impairment and addressed the panel on the need to have regard to protecting the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. This included reference to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin) and *Cohen v General Medical Council* [2008] EWHC 581 (Admin).

Ms Akin submitted that, whilst no actual harm was caused to patients as a result of Miss Forbes actions, she helped create a hostile working environment by demeaning, harassing and bullying colleagues. She submitted that this could have put patients at a risk of harm. She submitted that Miss Forbes actions have brought the profession and the NMC into disrepute, as she contributed to creating a hostile working environment. She submitted that emotional harm was caused to colleagues, as evidenced by Ms Elton leaving her employment early and Ms Reilly's evidence surrounding the harm experienced by other members of the team.

Ms Akin referred the panel to Miss Forbes' reflections and submitted that this indicates that she has shown some remorse for her actions. However, she submitted that this insight is not detailed enough, as it does not address how Miss Forbes actions have affected colleagues, patients, the nursing profession nor how she would do things differently in the future. She submitted, as Miss Forbes has not engaged with this hearing, she has not shown any evidence of strengthened practice in the areas of concern identified. Ms Akin submitted that charges relating to bullying indicate a deep-seated attitudinal issue which is hard to remediate. She submitted that, for these reasons, there is a real risk of repetition in this case.

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

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Roylance v General Medical Council* (No 2) [2000] 1 A.C. 311, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), *General Medical Council v Meadow* [2007] QB 462 (Admin) and *Cohen v General Medical Council* [2008] EWHC 581 (Admin).

Decision and reasons on misconduct

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

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

1 Treat people as individuals and uphold their dignity

To achieve this, you must:

1.1 treat people with kindness, respect and compassion

8 Work cooperatively

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

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

To achieve this, you must:

9.4 support students' and colleagues' learning to help them develop their professional competence and confidence

20 Uphold the reputation of your profession at all times

To achieve this, you must:

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

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

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

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

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. However, the panel was of the view that charge 4, relating to bullying, does amount to serious misconduct. The panel was of the view that Miss Forbes actions, as set out in charges 1(c), 1(d), 3(a) and 3(e), highlight a clear pattern of her bullying and demeaning colleagues and contributing to a toxic working environment.

The panel was of the view that, especially as a senior member of staff, Miss Forbes actions fell seriously short of the standards expected of a registered nurse.

The panel also considered charge 1(e) amounted to serious misconduct. The panel was of the view that, by not communicating with Ms Elton and not assisting her with patient welfare, Miss Forbes actions fell short of the standards expected of a registered nurse. The panel determined that, as a senior member of staff, Miss Forbes should have been acting as a role model and leader for all members of staff, and in this instance, she did not act in that manner.

In relation to charge 5, the panel was of the view that Miss Forbes remark fell seriously short of the standards expected of a registered nurse. The panel was of the view that Miss Forbes acted in a highly inappropriate manner and unprofessional manner, and made Ms McGhee feel uncomfortable as a result of her comment. Therefore, the panel determined that Miss Forbes comment in charge 5 amounted to serious misconduct.

The panel determined that 1(b) did not amount to serious misconduct. It was of the view that Miss Forbes not explaining her role to Ms Elton failed to support her appropriately, it did not constitute bullying.

The panel found that Miss Forbes's actions, as set out in 1(c), 1(d), 1(e), 3(a), 3(e), 4 and 5 did fall seriously short of the conduct and standards expected of a nurse and amounted to misconduct.

Decision and reasons on impairment

The panel next went on to decide if as a result of the misconduct, Miss Forbes's 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:28/01/2026) 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.'

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional and to maintain professional boundaries. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. 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...'*

The panel considered whether Miss Forbes' actions put patients at an unwarranted risk of harm. The panel noted that Ms Elton provided evidence that she believed patients were put at an unwarranted risk of harm. However, the panel noted that Ms Elton was only at the Hospice for two days, therefore it placed little weight on this evidence. The panel determined that, whilst there is evidence from several witnesses that indicate Miss Forbes' actions did contribute to a toxic working atmosphere for staff, there is also evidence from the same witnesses that Miss Forbes was caring and professional with patients. The panel however identified that there was a risk of harm to patients as result of the toxic work environment Miss Forbes contributed to. The panel determined that, if Miss Forbes' actions were to be repeated in the future, there would be a risk that patient care could be adversely impacted.

The panel determined that Miss Forbes had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. It was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to demeaning and bullying colleagues serious.

Regarding insight, the panel considered Miss Forbes' reflective piece, undated, and her local investigation statement. It noted that Miss Forbes had shown some remorse for her actions. However, the panel was of the view that this insight is limited, as Miss

Forbes did not address the impact her actions had on colleagues, patients, the nursing profession and the wider public nor did she explain how she would act differently in the future. Further, the panel noted that, whilst Miss Forbes has engaged somewhat with NMC proceedings, she did not share reasons for her non-attendance at this hearing or provide updated testimonials, current employer's reference, recent training or updated reflections. Therefore, the panel determined that there is insufficient evidence before it to suggest that Miss Forbes' professional practice has strengthened at this time.

The panel was satisfied that the misconduct in this case is capable of being addressed. The panel was of the view that, whilst Miss Forbes actions indicate an attitudinal issue, it is not deep-seated. The panel noted that Miss Forbes engaged with the internal investigation at the time of the incidents and with the NMC, for some time. She expressed remorse and apologised for her actions during the internal investigation, and she expressed remorse in her reflective piece. Therefore, the panel determined that, although Miss Forbes does not have full insight and she has not shown any evidence of remedying her actions, she has shown developing insight and remorse. For this reason, the panel determined that Miss Forbes is capable of addressing her misconduct.

However, the panel is of the view that there is a risk of repetition based on Miss Forbes limited insight and lack of evidence of her strengthening her practice in the areas of concern identified.

The panel referred itself to the NMC Guidance surrounding impairment and public protection and considered if Miss Forbes repeated her actions in a future role, it could contribute to creating a toxic working environment and potentially impacting colleagues and the wider public. It considered that were Miss Forbes to repeat her actions in the future, there is a risk that harm could be caused to patients. The panel therefore decided that a finding of impairment is necessary on the ground of public protection.

The panel bore in mind that the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public

confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel determined that a finding of impairment on public interest grounds is required because public confidence in the professions and the NMC as regulator would be seriously damaged should a senior registered nurse who demeaned and bullied colleagues be allowed to practice without a finding of impairment. Therefore, the panel finds Miss Forbes's fitness to practise impaired in the wider public interest.

Having regard to all of the above, the panel was satisfied that Miss Forbes's fitness to practise is currently impaired.

Sanction

The panel has considered this case very carefully and has decided to make a suspension order for a period of 6 months. The effect of this order is that the NMC register will show that Miss Forbes's registration has been suspended.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had careful regard to the Sanctions Guidance (SG) published by the NMC and last updated on 28 January 2026.

Submissions on sanction

The panel noted that in the Notice of Hearing, dated 28 May 2026, the NMC had advised Miss Forbes that it would seek the imposition of a striking-off order if it found Miss Forbes's fitness to practise currently impaired.

However, Ms Akin submitted that the NMC had changed its sanction bid to a suspension order for a period of 12 months. She outlined the aggravating and mitigating features. She submitted that the charges found proved are on the serious end of the spectrum. However, the charges found proved are not incompatible with Miss Forbes remaining on the register. She submitted that there is a realistic possibility that Miss

Forbes can be fit to practice in the future, but only with a short period out of practice to allow her to demonstrate full insight and strengthened practice.

The panel accepted the advice of the legal assessor.

Decision and reasons on sanction

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

The panel took into account the following aggravating features:

- Abuse of a position of trust as a registered nurse in a senior position
- A pattern of misconduct over a period of time
- Failure to attend this hearing without good reason
- Limited insight
- Failure to work collaboratively
- Risk of future harm

The panel also took into account the following mitigating features:

- Engagement and openness during the local investigation
- Remorse and acceptance that behaviour was below standards expected
- Additional work pressures
- New to leadership in the Band 6 nursing role with limited support in the workplace due to managerial attrition and turnover
- Two years working as a registered nurse since the concerns arose with no formal concerns raised about her safety and capability and being promoted into a leadership role.

- [PRIVATE]
- Difficult personal circumstances

The panel did note the testimonials provided by Miss Forbes. However, it was of the view that these are historic references from sometime ago. It further noted from other evidence that these testimonials came from Miss Forbes' former work colleagues at the Hospice, which limits the weight the panel gave to them.

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case and the continuing risk of harm to patients. 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: 28/01/2026) 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 Forbes's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the seriousness of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether placing conditions of practice on Miss Forbes's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

The misconduct identified in this case was not something that can be easily addressed through a conditions of practice order, as it relates to Miss Forbes' professional behaviour and attitude. The panel is of the view that there are no practical or workable conditions that could be formulated to address the concerns identified and ensure public safety. The panel concluded, in the absence of workable conditions, the seriousness of this case would not be addressed and the public would not be reassured.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The latest edition of the SG states that in considering a suspension order the panel should take into account a number of key factors the most relevant of which were:

- *is it realistic that the professional could return to unrestricted practice in the future, even if it is not appropriate for them to do so now?*
- *What would the registrant need to do in order to be fit to practise in the future? Is it realistic that they will be able to do this?*

The panel recognised that there is a risk of future harm posed by Miss Forbes should she be allowed to practice without restriction. However, it was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register. The panel considered that, whilst Miss Forbes has shown some limited insight and remorse for her actions, she will still need to show more to demonstrate that she is no longer impaired. Miss Forbes has had some engagement with proceedings, as she has corresponded with the NMC over the course of the hearing. The panel was of the view this shows that she has the ability and motivation to engage with the NMC in the future. The panel further noted that Miss Forbes has worked for two years as a registered nurse without restriction on her practice since the concerns arose without further issues being raised. Therefore, in light of the above, the panel determined that there is a realistic prospect of Miss Forbes being able to show a future panel that she is fit to practise without restriction.

Whilst the panel determined that Miss Forbes' comments and actions were not appropriate and professional, it also received evidence from witnesses who expressed

that Miss Forbes is a responsive, kind and compassionate nurse. In light of the above, the panel concluded that there is a realistic possibility that Miss Forbes can return to practice without restriction in the future. The panel determined that public confidence could only be maintained if Miss Forbes is removed from practice for a period of time to mark the seriousness of her actions.

It did go on to consider whether a striking-off order would be proportionate but, taking account of all the information before it, and of the mitigation provided, the panel concluded that it would be disproportionate. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in Miss Forbes's case to impose a striking-off order.

Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction.

The panel noted the hardship such an order will inevitably cause Miss Forbes. However, this is outweighed by the public interest in this case.

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

The panel determined that a suspension order for a period of 6 months is appropriate in this case to mark the seriousness of the misconduct, address the public protection requirements and uphold the public interest. The panel was of the view that a period of 6 months would give Miss Forbes sufficient and focused time to fully strengthen her practice through reflection, insight and development of learning.

At the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- Your attendance at the next review of your case.
- Evidence of insight through a updated reflective piece, showing how your actions affected colleagues, patients, the Hospice, confidence in the nursing profession, the NMC as regulator.
- Evidence of reflections on how you would manage the situation differently if placed in a similar situation in the future.
- Evidence of training undertaken, specifically training in bullying and harassment, and working collaboratively.
- [PRIVATE]
- Updated testimonials.
- Details of your current employment and responsibilities.
- Reference from your current employer.

This will be confirmed to Miss Forbes in writing.

Submissions on interim order

The panel took account of the submissions made by Ms Akin. She submitted that an interim suspension order is necessary on the grounds of public protection and is otherwise in the public interest. She submitted that an interim suspension order for a period of 18 months would protect the public during any potential appeal process.

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 in order to protect the public if any appeal is made in this case.

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

That concludes this determination.