

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

**Substantive Meeting**

**Thursday, 18 June 2026 - Monday, 22 June 2026**

Virtual Meeting

**Name of Registrant:** **Richard Bartley**

**NMC PIN:** 09H2953E

**Part(s) of the register:** Registered Nurse - Sub part 1  
Adult Nursing - Level 1 (20 July 2010)

**Relevant Location:** England

**Type of case:** Misconduct

**Panel members:** Rachel Carter (Chair, Registrant member)  
Michelle Providence (Lay member)  
Hazel Walsh (Registrant member)

**Legal Assessor:** Michael Hosford-Tanner

**Hearings Coordinator:** Priyam Jain

**Facts proved:** Charges 1, 2, 3, 5, 6, 7, and 8

**Facts not proved:** Charge 4

**Fitness to practise:** Impaired

**Sanction:** **Striking-off Order**

**Interim order:** **Interim Suspension Order (18 months)**

## **Decision and reasons on service of Notice of Meeting**

The panel was informed at the start of this meeting that that the Notice of Meeting had been sent to Mr Bartley's registered address by recorded delivery and by first class post on 14 May 2026.

The panel had regard to the Royal Mail 'Track and trace' printout which showed the Notice of Meeting was delivered to Mr Bartley's registered address on 18 May 2026. It was signed for against the printed name of '*Richard Bartley*'.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, dates and the fact that this meeting was heard virtually and Mr Bartley's right to make written representations and to request that the matter be considered at a hearing rather than at a meeting.

The panel further noted that Mr Bartley had not requested that the case be considered at a hearing and had not objected to the case proceeding by way of a substantive meeting.

In light of all of the information available, the panel was satisfied that Mr Bartley has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

## **Details of charge**

'That you, a registered nurse, between 26 January 2022 and 25 August 2022, whilst applying for the role of / employed as Functional Assessor at the Centre for Health and Disability Assessments (CHDA):

- 1) On 26 January 2022 during a telephone screening/interview, did not disclose to CHDA that you were subject to a disciplinary investigation by your former employer ('Salford Care Organisation').

- 2) On or before 2 February 2022, did not disclose in your Baseline Personnel Security Standard Application Form to CHDA that you were subject to a disciplinary investigation by Salford Care Organisation.
- 3) On or before 2 February 2022, provided Person 1's details in section B1 of the Baseline Personnel Security Standard Application Form.
- 4) On 2 February 2022, during a telephone screening/interview, did not disclose to CHDA that you were subject to a disciplinary investigation by Salford Care Organisation.
- 5) Between March 2022 and August 2022, whilst employed as Functional Assessor did not disclose to CHDA that that you were subject to a disciplinary investigation by Salford Care Organisation.
- 6) Your actions at charge 1 / 2 / 4 / 5 were dishonest in that you knew that you were subject to a disciplinary investigation conducted by Salford Care Organisation.
- 7) Your actions at charge 3 were dishonest as you knew that Person 1 had not been your former supervisor and/or Matron.
- 8) Your actions at charges 1 / 2 / 3 / 4 / 5 / 6 / 7 above were motivated by an intention to conceal from CHDA that you were subject to a disciplinary investigation by Salford Care Organisation.

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

## **Background**

The charges arose whilst Mr Bartley was employed as a Registered Nurse by Salford Care Organisation ('Salford'). In July 2020, concerns were raised regarding his conduct, including allegations of inappropriate behaviour towards colleagues. As a result, Mr Bartley was suspended from duty pending an investigation.

On 26 January 2022, when employed by Salford, Mr Bartley participated in a telephone screening interview with the Centre for Health and Disability Assessments (CHDA) in connection with an application for the role of Functional Assessor. During that process, and subsequently as part of the recruitment and onboarding procedures, he was required to provide information relating to his employment history, professional background and suitability for the role.

Mr Bartley commenced employment with CHDA as a Functional Assessor in March 2022. The role involved undertaking assessments on behalf of the Department for Work and Pensions and required a high degree of honesty, integrity and probity.

In July 2022, the Nursing and Midwifery Council (NMC) received a referral from Salford concerning Mr Bartley. During the course of its enquiries, the NMC contacted CHDA. As a result of these enquiries, concerns were identified regarding information provided by Mr Bartley during the recruitment process and whilst employed by CHDA.

The concerns included allegations that Mr Bartley had failed to disclose that he was subject to a disciplinary investigation by Salford and that he had provided inaccurate information relating to the reference from his supervisor. It was further alleged that these actions were dishonest and were motivated by an intention to conceal the existence of the disciplinary investigation.

These matters were referred to the Case Examiners. The Case Examiners determined that there was a case to answer in respect of the allegations and recommended that the matter proceed to a substantive meeting and subsequently agreed by a panel.

### **Decision and reasons on facts**

In reaching its decisions on the disputed facts, the panel took into account all the documentary evidence in this case together with the written representations made by the NMC in their statement of case, which is part of the case bundle which was sent to Mr Bartley with the notice of meeting. 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 is also aware that, although the standard of proof remains the same, the more serious a charge the greater the need for cogent evidence to be presented.

The panel had regard to the written statements of the following witnesses on behalf of the NMC:

- Ann Wraith: Head of Nursing Professional Standards at CHDA;
- Sarn Hayer: Senior Talent Acquisition Specialist at Maximus;
- Pippa Smith: Senior Investigator at the NMC;
- Hayley Graham: Vetting & Compliance Manager at Maximus and knew Mr Bartley in a professional capacity.

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

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

### **Charge 1**

“That you, a registered nurse, between 26 January 2022 and 25 August 2022, whilst applying for the role of / employed as Functional Assessor at the Centre for Health and Disability Assessments (CHDA’):

- 1) On 26 January 2022 during a telephone screening/interview, did not disclose to CHDA that you were subject to a disciplinary investigation by your former employer (‘Salford Care Organisation’).”

**This charge is found proved.**

In reaching this decision, the panel took into account the witness statement of Anne Wraith in which it was stated that:

*“In around July 2022, the NMC contacted CHDA to ask for employment information about Mr Bartley as a fitness to practise referral had been raised by a previous employer. Following this contact from the NMC, I contacted the trust where Mr Bartley had previously been employed in order to understand what they knew about the trust’s internal investigation and the NMC referral before they left the trust’s employment. The trust’s HR department were able to confirm to me that Mr Bartley knew they were under investigation by the trust and that there was an NMC referral made before they left the trust’s employment.*

*And,*

*Mr Bartley’s failure to disclose this information was important to CHDA from a probity standpoint. Mr Bartley was asked to declare information about previous internal investigations and referrals to professional bodies during the onboarding stage at CHDA. There were multiple points during their onboarding where they could have declared this information.*

*And,*

*If Mr Bartley had made CHDA aware of the NMC referral from the outset, then we would have been unable to employ him. Had we been made aware of the trust’s disciplinary investigation processes by Mr Bartley, CHDA would have looked into this on an individual basis and considered what the outcome of the local investigation was. If Mr Bartley had been upfront and honest, it would have allowed us to ask more questions about the incidents being investigated and find out if they were able to take his application further. As Mr Bartley did not disclose any of this information, it did not allow CHDA this opportunity.”*

The panel further had regard to CHDA Telephone Interview Form dated 26 January 2022 in which to questions on standard form produced by Sarn Hayer, the interviewer about *'Have you ever been under investigation by an employer or professional body, if so details?'* and *'Do you have any pending issues with your professional registration body?'*, Mr Bartley responded 'No' to both questions.

The panel also had regard to the correspondence sent by Salford to Mr Bartley regarding suspension from duty dated 9 July 2020 in which it was stated that:

*"I am writing to confirm details of our meeting on 09.07.2020, where I informed you that I was suspending you from duty on full pay with immediate effect..... Due to the seriousness of these concerns it is necessary to suspend you from duty pending further investigation..... You are also not permitted to work during the period of your suspension, either at the Trust or elsewhere during the hours that you would normally be contracted to work at the Trust."*

In relation to the above, the panel was satisfied that the suspension letter clearly established that Mr Bartley was aware that he was subject to an ongoing disciplinary investigation. The panel noted that the investigation by Salford pre-dated Mr Bartley's application to CHDA for a significant period of time. The panel was satisfied that the investigation was ongoing at the time of the telephone screening interview and that Mr Bartley was fully aware of its existence.

The panel considered whether there was any realistic possibility that Mr Bartley misunderstood the questions posed to him during the telephone screening interview. Having reviewed the wording of the questions and the surrounding circumstances, the panel concluded that there was no ambiguity in what was being asked. The questions were clear and directly related to investigations and complaints involving an employer.

The panel was satisfied that Mr Bartley knew he was subject to an investigation by Salford when he participated in the telephone screening interview. The panel therefore concluded that his answers were inaccurate and that he failed to disclose the existence of the disciplinary investigation when directly asked to provide that information.

Accordingly, the panel was satisfied, on the balance of probabilities, that Mr Bartley did not disclose that he was subject to a disciplinary investigation by Salford Care Organisation during the telephone screening interview on 26 January 2022.

The panel therefore found Charge 1 proved.

## **Charge 2**

“That you, a registered nurse, between 26 January 2022 and 25 August 2022, whilst applying for the role of / employed as Functional Assessor at the Centre for Health and Disability Assessments (CHDA):

- 2) On or before 2 February 2022, did not disclose in your Baseline Personnel Security Standard Application Form to CHDA that you were subject to a disciplinary investigation by Salford Care Organisation.”

**This charge is found proved.**

In reaching this decision, the panel took into account the witness statement of Anne Wraith in which it was stated that:

*“I understand Mr Bartley was asked to declare any information about pending investigations or NMC referrals during their telephone screening interview (which was conducted by Sarn Hayer), and then as part of the Baseline Personnel Security Standard Application Form, which is completed after a successful interview and telephone screening.*

*And,*

*I understand that during a further interview held on 2 February 2022, Mr Bartley was also asked about his previous role and his reasons for applying to CHDA and this represented another opportunity for Mr Bartley to share the information of concern.”*

The panel also had regard to the Baseline Personnel Security Standard Application Form (BPSS) dated 2 February 2022 produced by Ann Wraith. The panel noted that the BPSS Application Form formed part of the pre-employment checks undertaken by CHDA and was designed to assess an applicant's suitability, reliability and integrity for a role involving access to sensitive information and government assets.

The panel had particular regard to the questions contained within the BPSS Application Form and the declaration signed by Mr Bartley. The panel noted that the form required applicants to disclose matters which might call into question their reliability or suitability for the role. The panel further noted that Mr Bartley signed a declaration confirming that the information provided was true and complete to the best of his knowledge and acknowledging that false information or deliberate omissions could affect his employment.

The panel considered that an ongoing disciplinary investigation by a previous employer was a matter which could affect an applicant's reliability and suitability for employment. The panel noted that to the questions within the BPSS Application Form (within Section B4) to questions about '*Have you ever been the subject of any proceedings for professional misconduct?*' and '*Do you know of any other matters in your background which might cause your reliability or suitability to have access to government assets to be called into question?*' you responded '*No*'. The panel was satisfied that such information fell sufficiently within the scope of the questions contained within the BPSS Application Form.

The panel took into account its findings in relation to Charge 1. The panel had already determined that Mr Bartley was aware that he was subject to an ongoing disciplinary investigation by Salford at the time he completed the BPSS Application Form and Mr Bartley was aware from his telephone interview on 26 January 2022 that CHDA considered it important to know whether he had '*ever been under investigation by an employer or professional body, if so details?*'. The panel was therefore satisfied that he possessed the relevant knowledge when completing and signing the form both of the information and its relevance to CHDA.

The panel also considered Mr Bartley's seniority and experience as a registered nurse. The panel concluded that a practitioner of Mr Bartley's experience would reasonably

understand the significance of an ongoing disciplinary investigation and appreciate that it was information that ought to be disclosed during a recruitment and vetting process of this nature.

Having considered all of the above, the panel was satisfied that it had cogent evidence that Mr Bartley failed to disclose the disciplinary investigation within the BPSS Application Form despite knowing that he was subject to an investigation. The panel noted that as a registered nurse Mr Bartley would clearly understand the requirement to provide complete and accurate information as part of the recruitment process.

Accordingly, the panel found, on the balance of probabilities, that Mr Bartley did not disclose that he was subject to a disciplinary investigation by Salford Care Organisation within the BPSS Application Form to CHDA.

The panel therefore found Charge 2 proved.

### **Charge 3**

“That you, a registered nurse, between 26 January 2022 and 25 August 2022, whilst applying for the role of / employed as Functional Assessor at the Centre for Health and Disability Assessments (CHDA):

- 3) On or before 2 February 2022, provided Person 1’s details in section B1 of the Baseline Personnel Security Standard Application Form.”

### **This charge is found proved.**

In reaching this decision, the panel took into account the witness statement of Anne Wraith in which it was stated that:

*“Mr Bartley had also provided the details of a referee in the Baseline Personnel Security Standard Application Form this was somebody called Helen Bagley (Person 1) who was suggested to be a matron at the trust. CHDA would have approached Helen directly for the reference, based on the details that Mr Bartley*

*had provided for her. I was concerned because Mr Bartley was asked to provide the details of a previous line manager and it was felt that Helen was a peer of Mr Bartley's, and not his senior/line manager.*

*And,*

*I felt that Helen was Mr Bartley's peer because the onboarding paperwork had Mr Bartley's previous role as ward matron from 2011 to 2022. The reference was provided by Helen whose role was also matron, and which would suggest that they may possibly be peers and that Helen may not be Mr Bartley's line manager or senior..... The reference form Helen completed did not ask directly about any local investigations or concerns that may have occurred in the course of previous employment, but the form did ask "would you employ this person again?" and I feel that this would have been the appropriate place for a referee to disclose this sort of information.*

*And,*

*I feel that the information provided by Mr Bartley had been taken in good faith but that as a result of this incident, we have now changed the process of obtaining clinical references and now stipulate much more clearly that references should be provided by line managers or senior colleagues, and not peers."*

The panel next had regard to the BPSS Application Form wherein in the current/most recent employer section. The panel noted that Mr Bartley correctly identified Salford Royal Foundation Trust as his most recent employer. However, he identified Person 1 as his supervisor and described Person 1's position as "*Matron*".

The panel further took into account the communication record between Pippa Smith, who is employed by the NMC as Senior Investigator and Tricia Brookes, Practice Manager at Manor Medical Practice dated 1 June 2023 wherein it was stated that:

*"Tricia confirmed that Helen had been employed at the practice for around 30 years; she was a practice nurse..... I asked Tricia if she knew whether Helen had ever*

*worked as a band 7 matron at Salford Care Organisation (part of the Northern Care Alliance NHS Foundation Trust), perhaps as recently as 2021. Tricia said she did not know, that Helen may well have done so, and that she was quite involved in spirometry, for example. I asked Tricia if she was aware if Helen had taken up further employment after she had retired; Helen said she may well have done so and that she wasn't sure without Helen's file in front of her."*

The panel also noted the email exchanges between NMC and Salford's HR Department regarding Helen Bagley (Person 1) dated 5 June 2023 to 7 June 2023 and with MCCN's HR department, wherein it was stated that:

*"In addition, I would be grateful if you could please confirm if an individual named Helen Bagley has ever worked at the organisation, and if so, if she was ever in a position where she managed RB?"*

*I have just searched our ESR which covers the whole of the NCA and there is no one appearing with that name on the database. Unless she used a different surname as I know some do, I don't believe she worked for us. Does it say which role she was the reference for? If it was a specific department, I can ask the manager just to check there wasn't a Helen Bagley known by a different surname.*

*In terms of locating a Helen Bagley within your organisation, the reference she provided for RB stated she was a Matron. Enquiries I have made so far indicate that this was probably not the case, and as you have suggested, it is likely that no one within Salford/NCA was employed with that name. Many thanks for looking into this for me.*

*It doesn't appear to be an individual who was on CCU as the ADNS has been there a while and never heard of this name. Likewise, not a name from when he was based in MCCN so I don't think this individual worked for us."*

The panel also had regard to the character reference completed by Helen Bagley (Person 1) dated 15 July 2020 in which it was stated that:

*“I have known Richard Bartley for 6 years. Richard was my neighbour and he remains a good friend and we keep in touch regularly since I moved to Wales in May of this year. I can attest to his strength of character and compassion for others..... When we met, we quickly found our paths crossed not just as neighbours but also professionally as we are both registered nurses; Richard in secondary care and me in primary care.”*

Having considered all of the above, the panel noted that Helen Bagley (Person 1) was not known as a Matron and was not Mr Bartley’s supervisor at Salford. The panel also noted that Person 1 had worked as a Practice Nurse within primary care. The panel noted that Person 1 had a friendship with Mr Bartley and they had previously provided a personal reference for Mr Bartley which described herself as working within primary care whilst Mr Bartley worked within secondary care. The panel noted that the personal reference was dated six days after Mr Bartley received the letter of suspension from Salford dated 9 July 2020.

The panel acknowledged that there was no evidence suggesting that witnesses could not have known definitively if Person 1 may have undertaken other roles during her career. However, the panel found no evidence demonstrating that Person 1 had acted as Mr Bartley’s supervisor or held the position of Matron at Salford during the relevant period and rather there was cogent evidence that Helen Bagley had never been Mr Bartley’s supervisor nor held the position of Matron at Salford.

The panel therefore concluded that the information provided by Mr Bartley in Section B1 of the BPSS Application Form was inaccurate. The panel was satisfied that Person 1 was presented as a supervisory referee connected to Mr Bartley’s most recent employment when the available evidence did not support that position.

Accordingly, on balance of probabilities, the panel found that Mr Bartley provided Person 1’s details in Section B1 of the BPSS Application Form as alleged.

The panel therefore found Charge 3 proved.

#### **Charge 4**

“That you, a registered nurse, between 26 January 2022 and 25 August 2022, whilst applying for the role of / employed as Functional Assessor at the Centre for Health and Disability Assessments (CHDA’):

- 4) On 2 February 2022, during a telephone screening/interview, did not disclose to CHDA that you were subject to a disciplinary investigation by Salford Care Organisation.”

**This charge is found NOT proved.**

In reaching this decision, the panel took into account the witness statement of Anne Wraith as outlined above. The panel determined that the further interview provided another opportunity for Mr Bartley to disclose that he was subject to a disciplinary investigation by Salford.

The panel had regard to the Maximus interview notes dated 2 February 2022. It noted that the interview consisted primarily of questions relating to Mr Bartley’s professional experience, clinical knowledge, leadership skills, reasons for applying for the role and suitability for the position. The panel was unable to identify any question specifically asking Mr Bartley whether he was subject to a disciplinary investigation, whether he had been suspended by a previous employer, or whether there were any ongoing disciplinary or regulatory concerns.

The panel accepted that the interview may have provided Mr Bartley with an opportunity to volunteer information regarding the disciplinary investigation. However, the panel distinguished between an opportunity to disclose information and a specific request or requirement to disclose that information.

In reaching its decision, the panel took account of its findings in relation to Charges 1 and 2. In those charges, Mr Bartley had been asked clear and direct questions, or had completed documentation which specifically required the provision of information relevant to his suitability and reliability. The panel considered that the circumstances relating to Charge 4 were materially different.

The panel was not satisfied that the interview questions imposed an obligation upon Mr Bartley to disclose the disciplinary investigation. Whilst the panel considered that Mr Bartley did have the opportunity to disclose the information, it was not persuaded by the evidence established that he was required to do so during this interview.

The panel therefore concluded that, on the balance of probabilities, Mr Bartley did not fail to disclose the disciplinary investigation in the manner alleged within this charge.

Accordingly, the panel found Charge 4 not proved.

### **Charge 5**

“That you, a registered nurse, between 26 January 2022 and 25 August 2022, whilst applying for the role of / employed as Functional Assessor at the Centre for Health and Disability Assessments (CHDA’):

- 5) Between March 2022 and August 2022, whilst employed as Functional Assessor did not disclose to CHDA that that you were subject to a disciplinary investigation by Salford Care Organisation.”

**This charge is found proved.**

In reaching this decision, the panel took into account the witness statement of Anne Wraith as outlined above. The panel also had regard to the following:

*“I understand that once these issues came to light, Mr Bartley’s line manager had made him aware that they needed to speak about it. Mr Bartley had suffered a bereavement just before the concerns had come to light at CHDA and had been off sick from 25 July 2022 to 22 August 2022. Following their return to work, they were told they needed to attend a meeting in relation to the probity issue, but they went off-sick again on 24 August 2022 and said they were too unwell to attend. Mr Bartley was given a further opportunity to attend a meeting on 30 August 2022, but they resigned on 25 August 2022.”*

The panel next considered the witness statement of Pippa Smith which stated that:

*“By way of background, in September 2022, the NMC received a fitness to practise referral from the Centre for Health and Disability Assessments (CHDA), where the registrant had worked as a functional assessor between March and August 2022. As the registrant was already subject to an ongoing fitness to practise investigation following concerns raised by their former employer Salford Care Organisation the NMC had approached CHDA for an employment reference. CHDA advised they were not aware of the concerns investigated by the registrant’s previous employer, or that there was an open NMC case, despite the registrant being required to declare such information at application and interview.*

*And,*

*In respect of concerns that the registrant failed to declare a disciplinary investigation by their previous employer, I asked Salford Care Organisation to provide me with letters sent to the registrant which evidenced they were aware of the proceedings. This showed the registrant was aware of the investigation as early as July 2020.”*

The panel noted its findings on Charges 1, 2, 3 and 4. It determined that this charge is different from Charge 4 which related to a specific interview on a particular date. Charge 5 concerned a continuing period of employment between March 2022 and August 2022.

The panel carefully considered whether there was evidence establishing that Mr Bartley remained aware of the disciplinary investigation during this period. The panel was satisfied that he did. It had already found, in relation to Charges 1 and 2, that Mr Bartley knew he was subject to an ongoing disciplinary investigation when applying for the Functional Assessor role and therefore Mr Bartley knew that CHDA considered it relevant that he had been subject of a disciplinary investigation.

The panel further noted evidence that, during Mr Bartley’s employment with CHDA, Salford referred the matter to the NMC. The panel considered that this represented a significant development in the matter and was something Mr Bartley would reasonably have

appreciated as being serious and relevant to his employment and reinforcing his duty to disclose such matters to his employer.

The panel also considered evidence that concerns regarding Mr Bartley's probity had come to the attention of CHDA and that his line manager wished to speak with him regarding those concerns. Whilst the panel noted evidence that Mr Bartley experienced a [PRIVATE], it found no evidence that he took any steps to disclose, explain or discuss the disciplinary investigation promptly with CHDA when Salford made their referral to the NMC.

The panel accepted that there was no specific question posed to Mr Bartley during this period requiring him to disclose the disciplinary investigation. However, the panel considered that the circumstances had materially changed from those considered under Charge 4. Mr Bartley was employed in the role, the disciplinary concerns remained ongoing, the matter had been referred to the NMC, and issues concerning his probity had been raised by his employer.

The panel considered that, in these circumstances, Mr Bartley ought reasonably to have disclosed the disciplinary investigation to CHDA. The panel was satisfied that the non-disclosure continued throughout the relevant period and formed part of a continuing trajectory of non-disclosure.

In reaching this conclusion, the panel also took account of its findings in Charges 1, 2 and 3. The panel considered that the conduct alleged in Charge 5 did not arise in isolation but represented a continuation of Mr Bartley's failure to disclose the disciplinary investigation.

Accordingly, the panel was satisfied, on the balance of probabilities, that Mr Bartley did not disclose that he was subject to a disciplinary investigation by Salford Care Organisation between March 2022 and August 2022 as alleged.

The panel therefore found Charge 5 proved.

## **Charge 6**

“That you, a registered nurse, between 26 January 2022 and 25 August 2022, whilst applying for the role of / employed as Functional Assessor at the Centre for Health and Disability Assessments (CHDA’):

- 6) Your actions at charge 1 / 2 / 4 / 5 were dishonest in that you knew that you were subject to a disciplinary investigation conducted by Salford Care Organisation.”

**This charge is found proved.**

In reaching this decision, the panel took into account to its findings in relation to Charges 1, 2 and 5.

The panel accepted the advice of the Legal Assessor who referred the panel to the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords* [2017] UKSC 67 where the Supreme Court confirmed that dishonesty is assessed by:

- 1) Determining the individual’s actual knowledge or belief as to the facts; and
- 2) Considering whether their conduct was dishonest by the standards of ordinary decent people.

The panel also took into account the NMC Guidance DMA-8 on Making decisions on dishonesty charges and the professional duty of candour (last updated 6 May 2025). The panel had regard to the following considerations:

- what the nurse, midwife or nursing associate knew or believed about what they were doing, the background circumstances, and any expectations of them at the time;
- whether the panel considers that the nurse, midwife or nursing associate's actions were dishonest; or
- whether there is evidence of alternative explanations, and which is more likely.

The panel first considered whether Mr Bartley knew the facts which he did not disclose relating to his conduct. The panel had already found that Mr Bartley was aware that he

was subject to a disciplinary investigation by Salford. The panel had also found that he failed to disclose that investigation during the telephone screening interview, within the BPSS Application Form, and throughout a significant period of his employment with CHDA.

The panel was satisfied that Mr Bartley knew that the information he was withholding was relevant to his prospective and ongoing employment. The panel noted that the Functional Assessor role was one which required a high degree of honesty, integrity and probity. The panel further noted that the recruitment documentation repeatedly emphasised the importance of providing accurate and complete information and had specifically been asked about any disciplinary investigations and the identity of his supervisor at his current or most recent employment.

The panel went on to consider whether there was any credible alternative explanation for Mr Bartley's conduct. It considered whether the failures to disclose could reasonably be attributed to oversight, mistake or negligence. Having reviewed all of the evidence before it, the panel was unable to identify any realistic alternative explanation for the repeated non-disclosures. The panel found that Mr Bartley knew that his answers were incorrect and that he deliberately failed to disclose the relevant correct information.

The panel considered that Mr Bartley was an experienced Band 7 nurse who demonstrated a high degree of professional knowledge and competence. The panel was satisfied that he understood both the nature of the disciplinary investigation and the significance of the questions and declarations contained within the recruitment process.

The panel concluded that Mr Bartley's failures to disclose the disciplinary investigation were deliberate rather than an isolated mistake. The panel was satisfied that he knowingly withheld information which he understood was relevant to CHDA's assessment of his suitability for employment.

The panel then considered whether ordinary decent people would regard Mr Bartley's conduct as dishonest. The panel concluded that they would. The panel considered that members of the public would expect a registered nurse applying for, and subsequently undertaking, a role involving significant trust and responsibility to disclose an ongoing

disciplinary investigation when required to do so. The panel considered that knowingly withholding such information and thereby concealing the relevant and correct information from his intended employers would be regarded as dishonest by the standards of ordinary decent people.

Accordingly, the panel was satisfied, on the balance of probabilities, that Mr Bartley's actions in Charges 1, 2 and 5 were dishonest.

The panel therefore found Charge 6 proved.

### **Charge 7**

“That you, a registered nurse, between 26 January 2022 and 25 August 2022, whilst applying for the role of / employed as Functional Assessor at the Centre for Health and Disability Assessments (CHDA’):

7) Your actions at charge 3 were dishonest as you knew that Person 1 had not been your former supervisor and/or Matron.”

### **This charge is found proved.**

In reaching this decision, the panel had regard to its findings in relation to Charge 3. The panel accepted the advice of the Legal Assessor and had regard to the NMC guidance concerning dishonesty, including DMA-8.

The panel considered whether Mr Bartley knew or believed the facts relating to the information he provided within the BPSS Application Form. The panel had already found that Mr Bartley identified Person 1 as his supervisor and described Person 1 as a Matron in circumstances where the evidence did not support either assertion.

The panel noted that Mr Bartley correctly identified Salford as his most recent employer. However, he then provided Person 1's details as the relevant supervisory contact. The panel considered that the information supplied was inaccurate. The evidence before the

panel indicated that Person 1 was not Mr Bartley's supervisor, was not employed by Salford as a Matron and had a personal relationship with Mr Bartley.

The panel further noted that Person 1 had previously provided a personal reference for Mr Bartley in which she described herself as working within primary care whilst Mr Bartley worked within secondary care. The panel considered that this was inconsistent with the role attributed to her within the BPSS Application Form.

The panel further considered whether there was any realistic explanation for the inaccurate information. The panel considered whether the information may have been provided in error or through misunderstanding regarding Person 1's role. Having considered the evidence carefully, the panel was unable to identify any credible alternative explanation.

The panel was satisfied that Mr Bartley knew that Person 1 was not his supervisor or Matron and knew that CHDA required accurate details of his most recent employment and supervisory arrangements. The panel concluded that the nominated referee was deliberately provided to circumvent providing a reference from his line manager at Salford and was not the result of mistake or oversight.

The panel then considered whether ordinary decent people would regard the conduct as dishonest. The panel concluded that they would. It considered that ordinary members of the public would expect an applicant to provide accurate employment and referee information during a recruitment process, particularly for a role involving public trust, access to sensitive information and the assessment of members of the public.

The panel therefore concluded that Mr Bartley knowingly provided inaccurate information concerning Person 1 in order to present her as an appropriate supervisory referee connected to his most recent employment. The panel was satisfied that ordinary decent people would regard such conduct as dishonest.

Accordingly, the panel found, on the balance of probabilities, that Mr Bartley's actions in Charge 3 were dishonest.

The panel therefore found Charge 7 proved.

### **Charge 8**

“That you, a registered nurse, between 26 January 2022 and 25 August 2022, whilst applying for the role of / employed as Functional Assessor at the Centre for Health and Disability Assessments (CHDA’):

- 8) Your actions at charges 1 / 2 / 3 / 4 / 5 / 6 / 7 above were motivated by an intention to conceal from CHDA that you were subject to a disciplinary investigation by Salford Care Organisation.”

### **This charge is found proved.**

In reaching this decision, the panel had regard to its findings in relation to Charges 1, 2, 3, 5, 6 and 7.

The panel noted that it had found Mr Bartley repeatedly failed to disclose the disciplinary investigation during the recruitment process and during his subsequent employment with CHDA. The panel had also found that Mr Bartley provided inaccurate information regarding Person 1 within the BPSS Application Form and that his actions in Charges 1, 2, 3 and 5 were dishonest.

The panel considered whether there was any explanation for the proven conduct other than an intention to conceal the disciplinary investigation from CHDA. Having considered the evidence, the panel was unable to identify any alternative credible explanation.

The panel noted that the non-disclosure occurred on multiple occasions and across different stages of the recruitment and employment process and in addition included dishonesty in his referee choice. The panel considered that the repeated nature of the conduct demonstrated a deliberate course of action rather than an isolated error or misunderstanding.

The panel was satisfied that Mr Bartley knew that disclosure of the disciplinary investigation may affect CHDA's assessment of his suitability for employment. The panel considered that the provision of inaccurate information concerning Person 1 and the repeated failures to disclose the investigation were all deliberate in nature.

The panel therefore concluded that the dishonest conduct identified in Charges 6 and 7 was motivated by an intention to conceal the disciplinary investigation conducted by Salford.

Accordingly, the panel found, on the balance of probabilities, that Mr Bartley's actions in Charges 1, 2, 3 and 5 were motivated by an intention to conceal the disciplinary investigation.

The panel therefore found Charge 8 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 Mr Bartley'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 and to practise in a safe and professional manner.

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, Mr Bartley's fitness to practise is currently impaired as a result of that misconduct.

## **Representations on misconduct and impairment**

The NMC invited the panel to take the view that the facts found proved amount to misconduct.

The NMC referred to the judgment of Lord Clyde in *Roylance v General Medical Council* [1999] UKPC 16:

*“[331B-E] Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rule and standards ordinarily required to be followed by a [nurse] practitioner in particular circumstances”.*

The NMC also relied on the comments of Jackson J in *Calhaem v GMC* [2007] EWHC 2606 (Admin) and Collins J in *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), respectively:

*“[Misconduct] connotes a serious breach which indicates that the doctor’s (nurse’s) fitness to practise is impaired’.*

and

*The adjective “serious” must be given its proper weight, and in other contexts there has been reference to conduct which would be regarded as deplorable by fellow practitioners.”*

The NMC identified the specific, relevant standards which it submitted had been breached by Mr Bartley’s actions and amounted to misconduct.

**“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...*

*20.3 act as a role model of professional behavior for students and newly qualified nurse, midwives and nursing associates to aspire to*

**21. uphold your position as a registered nurse, midwife or nursing associate**

*To achieve this, you must:*

*21.3 act with honesty and integrity in any financial dealings you have with everyone you have a professional relationship with, including people in your care”*

The NMC submitted that Mr Bartley’s conduct and omissions detailed in the charges fell far short of what would have been expected of a registered nurse. Whilst the concerns do not relate directly to patient care, they raise issues regarding his honesty and integrity in both a personal and professional context his dishonesty is inextricably linked to his position as a registered nurse. Acting with honesty and integrity at all times are integral to the professional standards expected of a registered nurse and is central to the Code. The Code mandates that nurses, midwives, and nursing associates must be open, honest, and act with integrity to maintain public trust. It requires professionals to uphold the reputation of their profession, which includes acting honestly in both personal and professional lives.

The NMC submitted that Mr Bartley’s conduct in omitting to disclose the investigation and disciplinary proceedings during his recruitment process and providing Person 1’s details in section B1 of the BPSS Application Form was dishonest by ordinary standards of reasonable and honest people. The NMC submitted that this dishonesty circumvented established recruitment and vetting processes to obtain a role as a registered nurse at CHDA.

With regards to impairment, the NMC invited the panel to consider the overarching objective and the factors set out in the cases of *Cohen v GMC* [2008] EDWC 581 (Admin) and *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin). It submitted that each of the limbs of Grant rise in this case.

The NMC submitted that such dishonesty undermined the integrity of the recruitment and regulatory processes, which was designed to ensure that only suitable and trustworthy

individuals are permitted to practise. Accordingly, his conduct has placed, and may in the future place, patients at unwarranted risk of harm, thereby satisfying limb 1.

In relation to limbs 2 and 3, the NMC submitted that Mr Bartley's conduct has brought the profession into disrepute. The conduct is of a serious nature and is aggravated by the fact that the alleged dishonesty occurred on more than one occasion. Mr Bartley was asked specific questions in relation to any previous investigations/disciplinary processes during the recruitment process on at least two occasions and, on each occasion, he omitted the relevant information. Information provided by Salford Care indicates that Mr Bartley had received documentation relating to the investigation/ disciplinary proceedings to which he was subject. This supports the position that he was aware of the matters in question. In failing to disclose this information, it is submitted that his misconduct has brought the nursing profession into disrepute and breached fundamental tenets of the profession. Members of the public are entitled to expect high standards of honesty and transparency from registered professionals.

In relation to limb 4, the NMC submitted that Mr Bartley acted dishonestly on more than one occasion. The repetition of the conduct is relied upon as evidence relevant to the assessment of future risk. Honesty is a fundamental principle of the nursing profession. The omission of relevant information when specifically requested is said to undermine trust and professionalism. Such conduct is capable of damaging public confidence in the profession.

The NMC submitted that Mr Bartley knowingly provided details of an individual who was not an appropriate professional referee, and that this was done in circumstances where relevant information about his previous employment was also not disclosed. It is further submitted that this had the potential to undermine CHDA's vetting processes: Section B1 of the BPSS application form required Mr Bartley to provide the name of his supervisor/line manager at his current place of employment. Mr Bartley provided the details of a peer, Person 1, described as a Matron employed at Salford which was an incorrect description.

In relation to public protection, the NMC submitted that there is a continuing risk to the public due to the registrant's lack of full insight, the serious nature of dishonest conduct and the failure to demonstrate meaningful reflection. There is a significant risk of harm to

the public if Mr Bartley is allowed to practise without restriction. A finding of impairment is therefore required for the protection of the public.

In relation to the public interest the NMC submitted in this case that there is public interest in a finding of impairment being made to declare and uphold proper standards of conduct and behaviour, and to maintain public confidence in the profession and the NMC as its regulator. Mr Bartley's conduct engages the public interest as it relates to honesty and integrity, which are fundamental tenets of the nursing profession. Nurses are required to act with honesty and openness at all times and to justify the public's trust in the profession.

The panel noted that no written representations were provided by Mr Bartley.

The panel accepted the advice of the legal assessor which included reference to the principles in a number of relevant judgments. It has regard to the guidance given to the panel by the NMC.

### **Decision and reasons on misconduct**

In reaching its decision, the panel considered all the documentary evidence adduced in this case together with the representations made by the NMC and the advice of the Legal Assessor.

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.*'

The panel, in reaching its decision, had regard to the protection of the public and the wider public interest and accepted that there was no burden or standard of proof at this stage and exercised its own professional judgement.

The panel first assessed whether Mr Bartley's actions breached sections of the Code in this case. It considered that the following sections of the Code were breached in relation to the charges found proved:

***“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*

*20.8 act as a role model of professional behavior for students and newly qualified nurse, midwives and nursing associates to aspire to*

***21 uphold your position as a registered nurse, midwife or nursing associate***  
***To achieve this, you must:***

*21.3 act with honesty and integrity in any financial dealings you have with everyone you have a professional relationship with, including people in your care.”*

The panel are aware of the guidance given in FTP-2a that *not all breaches of the Code or issues with practice will be a matter of regulatory concern*. The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct.

The panel then went on to consider the charges found proved to determine whether Mr Bartley’s actions fell significantly short of the standards expected of a registered nurse and were therefore so serious as to amount to misconduct.

The panel recognised that the allegations do not arise in Mr Bartley’s clinical performance or direct patient care. However, it found that this conduct was connected to his recruitment to a role as a registered nurse and his suitability for a healthcare role requiring trust, integrity and professional judgment. The panel considered that the dishonesty found proved was capable of undermining public confidence in Mr Bartley’s ability to meet his professional responsibilities and in the nursing profession.

The panel considered that the role of Functional Assessor was one which required a high degree of honesty, integrity and professional responsibility. The panel noted that the role

involved undertaking assessments and making decisions which could affect members of the public. In those circumstances, the panel considered that open and complete disclosure during the recruitment process was particularly important.

The panel determined that each of the charges found proved amounted to misconduct. The panel considered that honesty, integrity and openness are fundamental tenets of the nursing profession. Registered professionals occupy positions of trust and are expected to act candidly and transparently, particularly when providing information to employers, regulators and organisations responsible for assessing their suitability for professional roles.

The panel found that Mr Bartley repeatedly and deliberately failed to disclose that he was subject to an ongoing disciplinary investigation by his former employer when directly asked to provide that information during the recruitment process. The panel was satisfied that this was not an isolated oversight or misunderstanding. Rather, it was a deliberate and sustained course of conduct occurring over multiple occasions and over a significant period of time and continued during the three months of his employment. The panel found that Mr Bartley knew that he was subject to the disciplinary investigation and nevertheless chose not to disclose it when specifically required to do so.

The panel further found that Mr Bartley acted dishonestly in relation to the reference information he provided during the recruitment process. The panel determined that this conduct was not merely inaccurate but formed part of a wider pattern of concealment. The panel was satisfied that Mr Bartley's actions were motivated by an intention to prevent CHDA from becoming aware of matters which may have affected its assessment of his suitability for employment.

The panel considered that dishonesty in this case related directly to Mr Bartley's professional standing as a registered nurse and his recruitment into a healthcare role. The panel determined that healthcare employers are entitled to rely upon the honesty and integrity of applicants when making recruitment decisions. By withholding material information and providing misleading information during that process, Mr Bartley undermined the trust that employers, colleagues, patients and the wider public are entitled to place in registered professionals.

The panel concluded that fellow members of the profession would regard such conduct as deplorable. The panel was satisfied that members of the public would be concerned to learn that a registered nurse had repeatedly acted dishonestly in order to secure and maintain employment in the role as a registered nurse. The panel considered that such behaviour risks damaging public confidence in the nursing profession and undermines the standards of honesty and integrity expected of all registered nurses.

In all of the circumstances, the panel determined that Mr Bartley's conduct represented a serious departure from the professional standards expected of a registered nurse.

In light of the above, the panel found that all the facts found proved do amount to serious professional misconduct.

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

The panel next went on to decide if as a result of the misconduct, Mr Bartley's fitness to practise is currently impaired. In reaching its decision, the panel had regard to the NMC's overarching objective to protect the public and maintain public confidence in the profession. It also considered the guidance on impairment and exercised its independent judgment.

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. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must be honest and open and act with integrity. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

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

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

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

*'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/their fitness to practise is impaired in the sense that he:*

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

The panel determined that limbs 'a,' 'b,' 'c' and 'd' of *Grant* are engaged in this case by Mr Bartley's actions.

The panel first considered limb (a). The panel noted that the misconduct found proved did not arise in Mr Bartley's clinical performance or the direct delivery of patient care. However, the panel considered that honesty and integrity are fundamental components of safe and effective professional practice. The panel noted that Mr Bartley secured and maintained employment through dishonest means and concealed information which was directly relevant to his suitability for a healthcare role. The panel considered that patients, employers and members of the public are entitled to rely upon the honesty of registered professionals. In those circumstances, the panel determined that Mr Bartley's conduct was capable of placing patients at an unwarranted risk of harm and therefore found limb (a) engaged.

The panel next found that limb (b) is engaged. The panel determined that Mr Bartley's conduct has brought the nursing profession into disrepute. The panel considered that members of the public would be deeply concerned to learn that a registered nurse had repeatedly acted dishonestly in order to obtain and maintain employment. The panel noted that the misconduct was not an isolated incident but occurred over a number of months and involved multiple opportunities for Mr Bartley to provide accurate information. The panel noted that Mr Bartley chose to conceal the existence of an ongoing disciplinary investigation and provided misleading information during the recruitment process. The panel concluded that such conduct is capable of seriously undermining public confidence in the nursing profession.

The panel further found that limb (c) is engaged. The panel determined that honesty and integrity are fundamental tenets of the nursing profession. The public, employers, colleagues and patients are entitled to expect registered nurses to act openly, honestly and truthfully in all professional dealings. The panel had already found that Mr Bartley's conduct involved repeated dishonesty and deliberate concealment. Therefore, the panel determined that such conduct represents a clear breach of the fundamental tenets of honesty, integrity and professionalism which underpin public trust in the nursing profession.

The panel also found that limb (d) is also engaged. The panel had previously determined that Charges 6 and 7, both of which concerned dishonesty, were proved. The panel was satisfied that Mr Bartley knowingly provided inaccurate information and repeatedly failed to

disclose material information which he knew was relevant to his employer's assessment of his suitability for employment. The panel concluded that his actions were deliberate and dishonest and therefore directly engage limb (d).

The panel then considered whether the concerns identified are capable of remediation, whether they have in fact been remedied and whether they are highly unlikely to be repeated.

The panel recognised that dishonesty is generally more difficult to remediate. The panel considered that whilst dishonesty is not incapable of remediation, meaningful remediation ordinarily requires Mr Bartley to demonstrate insight, reflection, remorse and a genuine understanding of the impact of their actions.

The panel noted that Mr Bartley has not engaged with these proceedings and has provided no reflective piece, written representations, evidence of remediation, testimonials or other material demonstrating insight. The panel therefore had no evidence to indicate that Mr Bartley understands the seriousness of his misconduct, its impact on public confidence in the profession, or the importance of honesty and integrity in professional practice.

The panel also considered the nature and circumstances of the misconduct. It found that Mr Bartley's conduct was not isolated but formed a repeated pattern of dishonesty over an extended period. He failed to disclose the disciplinary investigation during the recruitment process, provided misleading referee information, continued to withhold material information after starting employment, and did not correct his dishonesty despite later opportunities to do so. The panel considered this to demonstrate a deliberate course of conduct intended to conceal relevant information from his employer.

The panel further noted that the allegations which gave rise to the disciplinary investigation at Salford were sufficiently serious to result in Mr Bartley being suspended pending investigation. Whilst the panel was careful not to make any findings regarding the substance of those allegations, it considered that Mr Bartley, as an experienced Band 7 nurse, would have appreciated both the seriousness of those allegations and the significance they may have held for a prospective employer. The panel considered that

this reinforced the importance of complete and honest disclosure. The panel was satisfied that Mr Bartley understood the relevance of the information he was withholding and the need for his prospective employer to be able to make an informed assessment of his suitability for the role.

The panel also noted that there was no evidence of remorse, reflection or strengthening of practice. Given Mr Bartley's lack of engagement, the panel could not conclude that the concerns had been remedied or that the risk of repetition had been significantly reduced. It therefore found a real risk that Mr Bartley could repeat similar dishonest conduct in the future and concluded that a finding of current impairment is necessary on public protection grounds.

The panel then considered the wider public interest. It determined that honesty and integrity are fundamental tenets of the nursing profession and are essential to maintaining public confidence in registered professionals. The panel considered that members of the public are entitled to expect registered nurses to act honestly and transparently, particularly when dealing with employers, regulators and matters affecting their professional standing.

The panel concluded that a well-informed member of the public would be concerned if a finding of current impairment were not made in circumstances involving repeated and deliberate dishonesty designed to secure and maintain employment in a post as a registered nurse. The panel considered that public confidence in the profession would be undermined and proper professional standards would not be upheld were it to make no finding of impairment.

Having regard to all of the above, the panel was satisfied that Mr Bartley's fitness to practise is currently impaired on both public protection and public interest grounds.

## **Sanction**

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Mr Bartley off the register. The effect of this order is that the NMC register will show that Mr Bartley 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: 28/01/2026).

The panel accepted the advice of the legal assessor.

### **Representations on sanction**

The panel noted that in the Notice of Meeting, dated 14 May 2026, the NMC had advised Mr Bartley that it would seek the imposition of a striking-off order if it found Mr Bartley fitness to practise currently impaired.

The NMC submit that the following aggravating features are present:

- Deliberate breaches of the Code.
- Evidence suggesting that the dishonesty was deliberate and premeditated.
- The dishonesty is linked directly with Mr Bartley's position as a registered nurse.
- The dishonest conduct was connected to personal gain, in that it enabled Mr Bartley to obtain employment.
- Conduct which deliberately or recklessly puts people receiving care at risk of suffering harm in that the failure to disclose prevented Maximus making a proper risk assessment of Mr Bartley's employment and undermined the recruitment and safeguarding processes and could expose colleagues/patients to risk.
- No reflection, insight or remorse.

The NMC submitted that there are no mitigating factors in this case.

In regard to sanction, the NMC submit that a striking off order is the most appropriate and proportionate order in this case. The NMC submit that Mr Bartley's conduct is fundamentally incompatible with him remaining on the register.

The NMC submitted that concerns raised are serious and highlight a deep-seated attitudinal issue. The evidence in relation to dishonestly submitting a false clinical reference and withholding information about previous local investigations/disciplinary is a

serious act of dishonesty that appears to be premeditated and happened on more than just one occasion and that Mr Bartley had several opportunities throughout the application/onboarding and recruitment process to disclose this information. In order to return to unrestricted practice and be fit to practise in the future Mr Bartley would need to show extensive insight which he has not done.

The NMC submitted that the regulatory concerns raise fundamental concerns about Mr Bartley's professionalism and trustworthiness. Mr Bartley's premeditated dishonesty to mislead his prospective employer by withholding necessary information relating to why he left his previous role are serious matters which are difficult to remediate. Mr Bartley's actions of concealing the truth about his own circumstances in the pursuit of gainful employment, renders the misconduct if found proved, to be incompatible with continued registration. Mr Bartley's actions diminish public confidence in the nursing profession.

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

Having found Mr Bartley's 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 panel had regard to the NMC Guidance on '*The sanctions available*' (Reference: SAN-2 Last Updated: 28/01/2026). The decision on sanction is a matter for the panel independently exercising its own judgement.

Before determining the appropriate sanction, the panel considered the aggravating and mitigating features of this case.

The panel took into account the following aggravating features:

- A pattern of misconduct over a period of time;
- Mr Bartley had multiple opportunities to disclose the existence of the disciplinary investigation but chose not to do so;
- No evidence of demonstrating insight;
- Premeditated behaviour and a deliberate attempt to conceal relevant information from a prospective employer;

- Mr Bartley provided deliberately incorrect information about his referee during the recruitment process;
- Misconduct was connected to personal gain;
- Misconduct which demonstrated attitudinal concerns relating to honesty and integrity;
- Mr Bartley had failed to communicate and attend hearings and engage in the Fitness to Practise (FtP) process, without good reason;
- Mr Bartley was an experienced Band 7 nurse who would have understood the professional standards expected of him; and
- The role of a Functional Assessor required a particularly high degree of honesty, integrity and trust.

The panel considered that the dishonesty was not isolated but formed part of a deliberate course of conduct. Mr Bartley had numerous opportunities to provide accurate information and disclose the existence of the disciplinary investigation but he chose to conceal this information and continued to do so over an extended period of time.

The panel further determined that the misconduct was directly connected to obtaining and maintaining employment in a post as a registered nurse. The panel considered that the Functional Assessor role required a particularly high degree of honesty, integrity and professional trustworthiness. As an experienced Band 7 nurse, Mr Bartley would have understood the importance of openness and candour during the recruitment process and the obligation to provide accurate information to a prospective employer.

The panel also considered Mr Bartley's complete lack of engagement with these proceedings. In the absence of any reflective piece, remediation, testimonials or other evidence, the panel had no information before it capable of demonstrating Mr Bartley's insight into the seriousness of the misconduct or the impact of his actions on public confidence in the nursing profession.

The panel also took into account the following mitigating features:

- Mr Bartley has no previous NMC fitness to practise findings against him; and

- Mr Bartley had experienced a bereavement during an early stage of the NMC investigation and considered that this may have had some impact upon his engagement with the process.

The panel first considered whether to take no further action. The panel determined that this would be wholly insufficient in view of the seriousness of the misconduct found proved. The panel had found Mr Bartley's fitness to practise currently impaired on both public protection and public interest grounds. The panel concluded that taking no further action would fail to address the seriousness of the misconduct, would not maintain public confidence in the nursing profession and would not uphold proper professional standards. The panel therefore determined that taking no further action would be inappropriate and disproportionate.

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 Mr Bartley's misconduct was 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 Mr Bartley's practise 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 Mr Bartley's 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: 28/01/2026).

The panel determined that the concerns identified in this case are attitudinal in nature and relate to dishonesty, integrity and professional values rather than any deficiency in Mr Bartley's clinical knowledge or skills. The panel was unable to identify any practical, measurable or workable conditions which would adequately address the concerns identified.

The panel also noted Mr Bartley's complete lack of engagement with the regulatory process and had no evidence before it to demonstrate a willingness to comply with conditions or address the concerns. The panel therefore determined that there are no relevant, proportionate, workable or measurable conditions that could be formulated to protect patients and to uphold professional standards. Accordingly, it determined that a conditions of practice order would be inappropriate.

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: 28/01/2026) 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.'*

Whilst the panel acknowledged that the risks identified could be managed by Mr Bartley being temporarily removed from the Register with a review, it considered that it 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. Given Mr Bartley's lack of engagement, limited insight, lack of remorse, together with no evidence of training and development, the panel considered that there is no realistic possibility that he would address the concerns to such a level where he could return to practise safely.

The panel noted that the misconduct involved repeated and deliberate dishonesty over an extended period. The dishonesty was not isolated or spontaneous but formed part of a sustained course of conduct designed to conceal material information from a prospective employer and thereafter maintain employment. Mr Bartley had multiple opportunities to provide accurate information but chose not to do so. 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: 28/01/2026). The panel also had regard to the following considerations as set out in the NMC Guidance entitled '*Striking-off order*' (Reference: SAN-2e Last Updated; 28/01/2026):

- *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?*

The panel determined that Mr Bartley's actions raised fundamental concerns regarding his professionalism, honesty and integrity. The misconduct was repeated, deliberate and premeditated. It was undertaken for personal gain and involved repeated provision of misleading information during the recruitment process and the continued concealment of material information thereafter.

The panel considered that honesty and integrity are fundamental tenets of the nursing profession. Members of the public, employers and colleagues are entitled to place trust and confidence in registered professionals and to expect them to act honestly in all professional dealings. The panel determined that Mr Bartley's repeated dishonest misconduct represented a serious departure from those standards.

The panel was satisfied that public confidence in the nursing profession would be undermined if a nurse who had engaged in such sustained and deliberate dishonesty were permitted to remain on the register. The panel also considered that, in light of the complete absence of engagement, insight or remediation, there was no realistic prospect that Mr Bartley would address the concerns identified. The panel concluded that a suspension order would simply delay matters and would not adequately address the seriousness of the misconduct.

Mr Bartley's actions were a significant and repeated dishonest departure from the standards expected of a registered nurse and are fundamentally incompatible with him remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Mr Bartley's actions were serious and to allow him to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

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

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

This will be confirmed to Mr Bartley 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 Mr Bartley's own interests until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

### **Representations on interim order**

The panel took account of the representations made by the NMC that an 18 month interim suspension order should be imposed. The NMC submit that such an order is necessary on the grounds of public protection and public interest. This is to cover the 28 day appeal period and the time until an appeal is heard in the event that one is lodged.

The panel noted that no written representations were provided by Mr Bartley.

### **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 cover the appeal period and the possible period until an appeal is heard.

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

That concludes this determination.