

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

**Substantive Order Review Meeting
Monday 8 June 2026**

Virtual Meeting

Name of Registrant: Karen Nutbeam

NMC PIN: 81J2319E

Part(s) of the register: Registered Nurse - Adult (RN1), 25 August 1994
Registered Nurse - Adult (Level 2) (RN2), 2 February 1984

Relevant Location: Surrey

Type of case: Misconduct

Panel members: Graham Coulston-Herrmann (Chair, Lay member)
Claire Cawley (Registrant member)
Janine Green (Lay member)

Legal Assessor: Tracy Ayling KC

Hearings Coordinator: Emily Mae Christie

Order being reviewed: Conditions of practice order (12 months)

Fitness to practise: Impaired

Outcome: **Striking-Off order to come into effect on 24 July 2026
in accordance with Article 30 (1)**

Decision and reasons on service of Notice of Meeting

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Ms Nutbeam's registered email address by secure email on 29 April 2026.

The panel took into account that the Notice of Meeting provided details of the review, that the review meeting would be held no sooner than 8 June 2026 and inviting Ms Nutbeam to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Ms Nutbeam 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).

Decision and reasons on review of the current order

The panel decided to replace the current conditions of practice order with a striking off order. This order will come into effect at the end of 24 July 2026 in accordance with Article 30(1) of the *'Nursing and Midwifery Order 2001 (as amended)'* (the Order).

This is the first review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 26 June 2025.

The current order is due to expire at the end of 24 July 2026.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

The charge found proved, which resulted in the imposition of the substantive order was as follows:

'That you, a registered nurse:

1. On 24 May 2021, failed to treat a resident in your care with dignity or respect in that you;

a) shouted at Resident A

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

The original panel determined the following with regard to impairment:

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

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

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

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

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

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

'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public

confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'

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

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

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

The panel found that through shouting at a vulnerable resident, as the panel found proved, a resident was put at risk of unwarranted harm. Further, the panel had evidence that this resident was caused emotional harm as a result of Mrs Nutbeam's misconduct, as the Resident is said to have been distressed and crying following the incident. In addition, taking into account the breaches of the Code, the panel was of the view that Mrs Nutbeam's misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

The panel was satisfied that the misconduct in this case is of the type that could potentially be addressed. Therefore, the panel carefully considered

the evidence before it in determining whether or not Mrs Nutbeam has taken steps to improve her practice.

The panel noted that Mrs Nutbeam had not engaged with the NMC since 2023, and saw no evidence of any remediation, or that she had gained any understanding of how her misconduct had impacted on the residents, particularly Resident A, and on other members of staff. The panel saw no evidence of any insight. Further, it had some evidence of attitudinal issues as detected from the recording which formed part of the local investigation.

The panel therefore is of the view that there is a risk of repetition. The panel considered NMC Guidance FTP-15C which states that the likelihood of the conduct being repeated in the future may be reduced where:

- 'The nurse, midwife or nursing associate has demonstrated sufficient insight and has taken appropriate steps to address any concerns arising from the allegations.*
- The behaviour in question arose in unique circumstances. While this may not excuse the nurse, midwife or nursing associate's behaviour, this may suggest that the risk of repetition in the future is reduced.*
- The nurse, midwife or nursing associate has an otherwise positive professional record, including an absence of any other concerns from past or current employers and of any previous action by us or another regulatory body.*
- The nurse, midwife or nursing associate has engaged with us throughout our processes.'*

In the absence of any evidence to support any of the above points, nor of any evidence to suggest remediation or mitigation of the risk of repetition, the panel was not satisfied that the misconduct as proved was highly unlikely to reoccur. Given this, and the nature of the misconduct, the panel decided that a finding of impairment is necessary on the grounds of public protection.

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

The panel determined that a finding of impairment on public interest grounds is required. Given the care home setting, in which there were vulnerable residents, and the nature of the misconduct found proved, public confidence in the profession would be undermined if a finding of impairment were not made in this case. Therefore, the panel also finds Mrs Nutbeam's fitness to practise impaired on the grounds of public interest.

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

The original panel determined the following with regard to sanction:

'It then considered the imposition of a caution order. While the panel was of the view that a caution order may mark the public interest, it was not satisfied that it would adequately protect the public given the finding of a risk of repetition. The panel determined that, due to the public protection issues identified, an order that does not restrict Mrs Nutbeam's practice would not be appropriate in the circumstances.

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

- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *Identifiable areas of the nurse or midwife's practice in need of assessment and/or retraining;*
- *No evidence of general incompetence;*
- *The conditions will protect patients during the period they are in force; and*
- *Conditions can be created that can be monitored and assessed.*

The panel determined that it might be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted that there was no evidence of whether or not Mrs Nutbeam would be willing to comply with conditions of practice. It noted that in her correspondence to the NMC, [PRIVATE], which may have impacted on her level of engagement. The panel also noted that immediately following the incident, there was some evidence of attitudinal problems. However, there was no evidence that this was sustained or deep seated.

The panel balanced this with the fact that this incident was a one-off incident and there was no evidence before the panel that Mrs Nutbeam had anything other than an unblemished career of a number of years during her practice as a nurse. The panel was of the view that it was in the public interest that, with appropriate safeguards, an experienced nurse should, where possible, be able to return to practice.

The panel next considered carefully whether it would be appropriate to make a suspension order. It noted its findings on the nature of the misconduct and the circumstances in which it arose and determined that, it would be disproportionate to impose a suspension order. The panel had regard of the need to balance the public interest with the interests of the registrant. It concluded that there were conditions of practice that it felt could adequately address the misconduct found proved.

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

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

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

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

- 1. You must keep us informed about anywhere you are working by:
 - a) Telling your case officer within seven days of accepting or leaving any employment.*
 - b) Giving your case officer your employer’s contact details.**

- 2. You must immediately give a copy of these conditions to:
 - a) Any organisation or person you work for.*
 - b) Any agency you apply to or are registered with for work.*
 - c) Any employers you apply to for work (at the time of application).*
 - d) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.**

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

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

5. *You must ensure that you are supervised at any time you are working. Your supervision must consist of:*
 - a) *Working at all times on the same shift as, but not always directly observed by, another registered nurse*

6. *You must meet with a senior registered nurse on a monthly basis who will act as your mentor.*

7. *You must keep a reflective practice profile. The profile will:*
 - a) *Detail every case where you undertake or assist with care in challenging situations.*
 - b) *Set out the nature of the challenging situation, the care given, and how you managed the situation.*
 - c) *Be signed by your allocated mentor each time.*
 - d) *Contain feedback from your allocated mentor on the standard of care given and the way in which you managed the situation.*

You must send your case officer a copy of the profile before the next review.

8. *At your monthly meetings with your mentor you will:*

- a) *Discuss your reflective practice profile.*
- b) *Discuss your approach to professional conduct, behaviours, and stress management.*

The period of this order is for 12 months.'

Decision and reasons on current impairment

The panel has considered carefully whether Ms Nutbeam's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as the ability of a professional on our register to practise as a nurse, midwife or nursing associate safely and effectively without restriction. In considering this case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel has had regard to all of the documentation before it, including the NMC bundle and the email from Ms Nutbeam to her NMC Case officer on 29 April 2026, which stated:

*'...I have asked for all this to STOP on several occasions.
My pin has lapsed and I haven't practiced for at least 3 years nor I have any intention of doing so.
So please can I be left alone. I am sick and tired of being accused of something I didn't do...'*

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

In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and declare and uphold proper standards of conduct and performance.

The panel considered whether Ms Nutbeam's fitness to practise remains impaired.

The panel noted that the original panel found that Ms Nutbeam had insufficient insight. At this meeting, the panel had nothing before it to demonstrate that Ms Nutbeam had demonstrated any insight into the charge found proved. Further, the panel noted that in her email dated 29 April 2026, Ms Nutbeam stated '*...I am sick and tired of being accused of something I didn't do.*' Therefore, the panel determined that Ms Nutbeam still had insufficient insight.

The panel noted that the original panel found that Ms Nutbeam had not taken steps to strengthen her practice. At this meeting, this panel also had no evidence before it that Ms Nutbeam had taken steps to strengthen her practice. Therefore, it determined that she had not taken steps to strengthen her practice.

The original panel determined that Ms Nutbeam was liable to repeat matters of the kind found proved. In light of the fact that the panel has no evidence before it today to show that Ms Nutbeam has addressed the concerns through insight, remediation, or strengthened practice, the panel determined that Ms Nutbeam remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest, which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. In light of its finding that Ms Nutbeam has not demonstrated any insight, remediation, or strengthened practice, the panel was of the view that a member of the public informed of the charge found proved would be very concerned that the NMC, as regulator, did not find continuing impairment in this case. Therefore, the panel determined that a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that Ms Nutbeam's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Ms Nutbeam's fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its

powers are set out in Article 30 of the Order. It also took into account the NMC's guidance on sanctions, and substantive order reviews, and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel heard and accepted the advice of the legal assessor, which included the case of *PSA v NMC & Graham* [2025] EWHC 3132 (Admin).

The panel first took into account the NMC guidance, titled '*Standard reviews of substantive orders before they expire*' (REV-2a, last updated 30 August 2024) and considered the following:

'A panel should ask whether, in the circumstances, suspending the professional or imposing a conditions of practice order will

- maintain proper professional standards and public confidence in the profession; and*
- mean the professional is likely to return to safe unrestricted practice within a reasonable period of time.*

A panel should remember that any conditions considered must be relevant, proportionate, workable and measurable, and that imposing a suspension order must serve a useful purpose.

Relevant considerations include, but are not limited to:

- the length of time the professional has already been subject to substantive orders.*
- the professional's level of engagement;*
- the professional's level of insight/understanding;*
- the amount of progress made (and remaining) towards being fit to practise;*
- any barriers to the professional progressing and whether/when these are likely to be surmounted.*

If the panel concludes that continuing or imposing a conditions of practice order or suspension order is unlikely to result in the professional returning to safe unrestricted practice within a reasonable period of time, it should ensure that the professional is removed from the register.'

The panel considered whether extending or varying the conditions of practice order on Ms Nutbeam's registration would remain a sufficient and appropriate response. Having regard to the considerations outlined in REV-2a, the panel noted that Ms Nutbeam has been subject to this substantive order for 12 months, having been imposed at a substantive hearing in June 2025. During this time, Ms Nutbeam has not engaged with the NMC in any meaningful way since 2023, save for her email dated 29 April 2026, in which she asked the NMC to 'stop'. The panel also considered that Ms Nutbeam has not made any progress towards being fit to practice, and the barriers to this progression are that she will not engage with these proceedings; she has not renewed her registration; and she does not intend to return to practice, and is still in denial of the charge, as stated in her email dated 29 April 2026. In light of this, the panel was of the view that any conditions of practice order would not be workable and would serve no useful purpose.

The panel then considered whether a suspension order would be appropriate and proportionate, noting that this was the first review of the conditions of practice order. However, in light of Ms Nutbeam's lack of engagement, remediation, or insight, the panel determined that escalating to a suspension order would not facilitate Ms Nutbeam's safe return to practice within a reasonable timeframe and would not be appropriate or proportionate.

In the circumstances, the panel then considered the NMC guidance, titled '*Removal from the register when there is a substantive order in place*' (REV-2h, last updated 13 May 2026). The panel took into account the following:

'Panels and professionals should bear in mind that:

- *It is not in the public interest or a professional's interests to remain on the register indefinitely when they are not fit to practise;*
- *public confidence in the professions is more important than the fortunes of any individual professional. Panels should explain how they have taken this into account and how public confidence will be upheld when deciding whether to allow someone to lapse with impairment.*
- ...
- ...

- *sometimes a conditions of practice order will no longer be workable and there are no alternative conditions that will ensure the public is safe and maintain confidence in the professions we regulate;*
- *a professional who is struck off can only apply to be restored to the Register after a period of five years has elapsed; by contrast, professionals who leave the register by way of agreed removal or lapse while impaired can apply for readmission at any time if they consider they are no longer impaired – for example, their health or language skills have demonstrably improved. When deciding whether or not to strike someone off or to allow them to lapse while impaired, it is essential that panels bear this distinction in mind...*
- *a panel has to take into consideration the case before them as it currently stands, bearing in mind our overarching objective of public protection (which will include consideration of public safety, public confidence and the need to uphold professional standards) and the purpose of professional regulation. Panels should not base their decision whether strike off or lapse with impairment is appropriate solely upon the nature of the allegations as proven by the original panel. Although the seriousness of the original allegations is a relevant factor, what is also important is whether or not the registrant has meaningfully engaged since the substantive decision, any conduct and progress since the last panel determination, any attitudinal concerns present, and the current overall circumstances of the case.*
- *in any application for readmission the decision maker will be aware of the concerns that led to the original substantive finding of impairment, and that the professional left the register while impaired.'*

The panel considered that, given its findings of impairment, and that Ms Nutbeam does not wish to practice, having allowed her PIN to lapse, it is neither in her interest nor the public interest for her to remain on the register when she is not fit to practice. Furthermore, given that the panel has found that the conditions of practice would not be workable and a suspension order would serve no purpose, the only outcome from this meeting is that Ms Nutbeam is removed from the register.

In considering whether the most appropriate sanction is one of a striking-off order, or to allow Ms Nutbeam's registration to lapse with impairment, the panel also took into account the case of *PSA v NMC & Graham* [2025], and the NMC guidance at REV-2h, on the specific circumstances in which it may allow Ms Nutbeam's registration to lapse with impairment:

*'A panel should consider allowing a professional to lapse with impairment only in cases where **all** the following factors are present:*

- the professional would no longer be on the register but for the order in place;*
- the panel concludes that the professional is unlikely to return to safe unrestricted practice within a reasonable period of time;*
- The case relates solely to health or English language **or** is one where the professional has retired and has made it clear through engagement with the NMC and evidence that they do not intend to return to practice **or** situations where a professional's inability to address impairment not related to health (for example misconduct or lack of competence) is clearly related to a health condition;*
- The case doesn't involve concerns of the kind referred to in our guidance on sanctions for the highest risk cases.'*

The panel considered that Ms Nutbeam would no longer be on the register but for the order in place, and that she is unlikely to return to safe, unrestricted practice within a reasonable period of time. However, it also considered that this is a misconduct case, and although Ms Nutbeam has demonstrated that she no longer wishes to practise, this is not due to retirement or ill-health.

The panel then considered the NMC guidance at REV-2h on when it would be appropriate to make a striking-off order.

'In particular, striking off will be appropriate in most cases relating to:

- misconduct*
- criminal convictions and cautions*

Two possible exceptions to the general approach in these cases will be situations

- *where the professional's inability to address the misconduct / criminal conduct is clearly related to a health condition - in these situations there must be independent, contemporaneous medical evidence of the relevant health condition and that this is impacting on their ability to address the concerns*
- *situations where the professional has retired and made it clear through engagement with the NMC that they do not intend to return to practice, providing evidence of this.*

In some cases (where the misconduct, or the offence for which the criminal conviction or caution was imposed was particularly serious,) striking off will still be appropriate even where there are relevant health issues or the professional has made it clear that they intend to retire. Panels should refer to our guidance on sanctions for the highest risk cases.

Our guidance on conditions of practice orders sets out that a nurse, midwife or nursing associate must comply with the conditions of a conditions of practice order. A deliberate failure to comply with a conditions of practice order is likely to be proper grounds for making a striking off order.

Similarly, when imposing a suspension order a panel might set a number of expectations it has, or actions the nurse, midwife or nursing associate could take that would help a future Committee reviewing the order before it expires. It is appropriate for a reviewing panel to look at those requirements and consider whether they have been met when determining what action to take in future. As with conditions of practice, where there has been a failure to satisfy those expectations or a lack of meaningful engagement, then strike off is likely to be the appropriate sanction.'

The panel was of the view that, although the charge relates to an isolated incident, the concerns relate to misconduct, and that Ms Nutbeam has not demonstrated any insight, remediation, or strengthened practice in this regard. Furthermore, in her email dated 29 April 2026, she stated '*...I am sick and tired of being accused of something I didn't do...*'

and she explained that she no longer wishes to practise and that her PIN has lapsed. Although Ms Nutbeam has not breached the substantive order, she has not engaged with the conditions of practice, and a period of suspension would not lead her to return to safe, unrestricted practice within a reasonable period of time.

In light of this, the panel determined that it was necessary to take action to prevent Ms Nutbeam from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order. The panel, therefore, directs the registrar to strike Ms Nutbeam's name off the register.

This striking-off order will take effect upon expiry of the current conditions of practice order, namely the end of 24 July 2026, in accordance with Article 30(1).

This will be confirmed to Ms Nutbeam in writing.

That concludes this determination.