

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

**Substantive Meeting  
Monday, 22 June – Tuesday, 23 June 2026**

Virtual Meeting

**Name of Registrant:** Tina Patricia Orbell

**NMC PIN** 75U2003E

**Part(s) of the register:** Registered Nurse Adult Nursing – Level 2  
RNA (28 November 1977)  
Registered Nurse – Adult Nursing – Level 1  
RNA (21 January 1997)  
Registered Nurse – Children’s Nursing – Level 1  
RNC (18 July 2000)

**Relevant Location:** Birmingham

**Type of case:** Misconduct

**Panel members:** Amy Barron (Chair, Lay member)  
Daniel Harris (Registrant member)  
Yusuf Deerow (Lay member)

**Legal Assessor:** Charlene Bernard

**Hearings Coordinator:** Nicola Nicolaou

**Facts proved:** Charges 1a, 1b, 1c, 2a, 2b, 2c, 3a, 3b, and 3c

**Fitness to practise:** Impaired

**Sanction:** **Suspension order (6 months)**

**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 the Notice of Meeting had been sent to Mrs Orbell's registered email address by secure email on 11 May 2026.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegations, the time, date and the fact that this meeting was heard virtually.

In the light of all of the information available, the panel was satisfied that Mrs Orbell 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;

- 1) Between July 2024 and February 2025 publicly shared one or more posts on social media, as set out in **Schedule A**, which were:
  - a) Offensive, and/or
  - b) Derogatory, and/or
  - c) Discriminatory.
  
- 2) Between July 2024 and February 2025 publicly commented on one or more posts on social media as set out in **Schedule B** and your comments were:
  - a) Offensive, and/or
  - b) Derogatory, and/or
  - c) Discriminatory.

3) You conduct at charge 1 and/or charge 2 was motivated by your hostility or discriminatory attitude towards people of a different:

- a) Race; and/or
- b) Religion; and/or
- c) Immigration status.

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

### Schedule A

1	Post which reads <i>“due to weather warning Starmer has asked the illegals to use the channel tunnel”</i>
2	Photo of a house with a poster attached which reads <i>“Dear Father Christmas all we really want is our country back”</i>
3	A cartoon of a white man in a suit kicking a brown man in white throbe and religious cap with the captions <i>“Its Merry Christmas not Happy holidays”</i> and <i>“Fuck the Anti-Christ Vermin off and close the borders”</i>
4	Post which reads <i>“imagine entering a country illegally, they house you and feed you, they pay for lawyers for you to sue them because you didn’t like the free accommodation and free food. You win, so they have to pay you compensation for the free food and free accommodation they gave you. Only in the UK! We are the laughing stock of the world.”</i>
5	Post which reads: <i>In Britain – we have to press “1” to speak English</i> <i>In Britain – the homeless go without eating</i> <i>In Britain – the elderly go within needed medicine</i> <i>In Britain – the mentally ill go without treatment</i> <i>In Britain – our troops go without proper equipment</i> <i>In Britain – our vets go without promised benefits</i> <i>Yet we donate billons to other countries before helping out own! Have the guts to re-pose this? 1% will you ...hell yea!!”</i>
6	Post which reads <i>“Government Notice - to help save the economy in this</i>

	<p><i>economic crisis, the government will announce – next week – that the Home Office and Immigration Department will start deporting Pensioners instead of asylum seekers, to lower welfare benefits and NHS costs.</i></p> <p><i>Older people are easier to catch and will not remember how to get back home</i></p> <p><i>Be sure to send this notice to all your relatives and friends so they'll know what happened to you. See you on the bus."</i></p>
7	<p>Photo at the Houses of Parliament with #Silenced written across it and banners which reads <i>"Calling all patriots. Stand with us! Stop the Boats. Save our kids. Prioritise Brits. No more lies" and "Nationwide gather @ your local Government buildings".</i></p>
8	<p>Photo with a face on top of which is written <i>"What's the difference between cigarettes and Islamic Jihadists? You can only get 200 cigarettes into the UK before the authorities start asking questions."</i></p>
9	<p>Photos of Christmas markets in Birmingham and Leeds with protection barriers and a Manchester with armed police. Under the photo is the caption <i>"If the problem is islamaphobia (sic), them why do we need security barriers outside Christmas markets but yet not outside Mosques."</i></p>
10	<p>Post which reads <i>"we stand with Germany"</i> on a German flag. A silhouette of a mosque in a red circle with a line through it. A silhouette of a person kicking a crescent moon and star with the words <i>"Kick Islam out of Europe"</i></p>
11	<p>Photo of police with the caption <i>"Yorkshire has had enough of mass migration!!! Have you had enough?"</i></p>
12	<p>Photo of a man with the words <i>"Asylum seeker murdered 87 year old Brenda Baliney in Yorkshire. She took him in and fed him. Shahin Darvish-Narenjbon repaid Brenda's kindness by killing her. She was strangled, head bashed on the floor, stabbed in the chest, then had her throat slit."</i></p>
13	<p>Photo of 2 people in balaclavas hold up a Union Jack flag with the words <i>"stop the boats"</i> written across it and the caption <i>"Rangers fans in Manchester yesterday."</i></p>
14	<p>Photo of a plane in flight with what appears to have people being thrown out of it with the caption <i>"How to return unwanted illegals".</i></p>
15	<p>A photo of a dinghy full of people with a speech bubble <i>"we demand to live in</i></p>

	<i>safety” with a photo below of a young girl using her middle finger with the caption “so do we, now f#%k off!”</i>
16	Photo of Asian men with the Caption <i>“Deport not Support”</i>
17	Photo of a line of Asian men with the words <i>“Foreigners coming to Britain should not get benefits. Share if you agree”</i> with a job centre sign and a Unity logo
18	Photo of an Asian man in a religious cap with the caption <i>“Europe is unclean land, full of disbelievers. Allah has appointed us as the Caliphate on earth, so wherever we are the land is ours. We will take over Europe and establish the law of the Quran and hadith”.</i>
19	Picture of a lion draped in a Union Jack flag with a small blond child in suit of armour, with the caption <i>“Time to wake the lion to save our children’s future”</i>
20	Photo of a police call centre with a speech bubble <i>“I’m sorry, all our officers are busy right now.”</i> Underneath is a photo of police officers sitting on the floor in a mosque.
21	Photo of an Asian/Muslim family with the caption <i>“..boat, is taking the government to court, claiming that they’ve not met the housing needs of his rapidly expanding family despite being given a 5 bedroom property in North London. What should be done to help Khalid?”</i>

### Schedule B

1	Below a post of a photo a crowd waving Union Jack and England flags, the comment reads <i>“Tinobell London today, Stop the boats ! I predicted that eventually the British would come together and fight back. This government is corrupt through and through! We deserve better”</i>
2	Post dated 23 December 2024. <i>“So the guy who threatened to blow away Tommy Robinson and the EDL, known for his racism also has rifle get 27 months the guy from Tamworth got 3 years for doing less and took his own life absolute 2 tier justice deport them all to their countries of origin !!!”</i>
3	Below a photo of a Muslim man and a caption which reads <i>“Europe is unclean land, full of disbelievers. Allah has appointed us as the Caliphate on</i>

	<i>earth, so wherever we are the land is ours. We will take over Europe and establish the law of the Quran and hadith” the comment reads “Just F O we don’t want you or anyone like you here.”</i>
4	<i>Below a photo of a Muslim family and a caption which reads “...boat, is taking the government to court, claiming that they’ve not met the housing needs of his rapidly expanding family, despite being given a 5 bedroom property in North London. What should be done to help Khalil?” the comment reads “Deport them all”.</i>

## **Background**

The Nursing and Midwifery Council (NMC) received referrals on various dates in January 2025 and February 2025 from three members of the public, and three former colleagues of Mrs Orbell.

The referrals raised concerns regarding posts which Mrs Orbell made online, and posts which she commented on, containing inflammatory, discriminatory, and hostile language. At the time of the alleged posts, Mrs Orbell was working as a bank nurse in the Emergency Department at University Hospital Birmingham NHS Foundation Trust (‘The Trust’).

Following the referrals, Mrs Orbell deleted her Facebook and Instagram accounts.

## **Decision and reasons on facts**

The panel had sight of Mrs Orbell’s Personal Contact and Employment Details (PCED) form signed and dated 18 February 2025. In that form, when asked about her thoughts in regard to the allegations giving rise to the referral, Mrs Orbell stated:

*‘I acknowledge that I have reposted and commented on inappropriate material on my personal Facebook account, for which I feel deep shame and regret. [...]*

However, the panel noted that Mrs Orbell has not made any formal admissions to the charges in this case. The panel therefore made its own finding of the facts. In reaching its

decisions on the facts, the panel took into account all the documentary evidence in this case together with the representations made by the NMC, and the various responses from Mrs Orbell.

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

- Kathryn Starkey: Clinical Manager at the Trust at the time of the alleged incidents.
- Nihzat Begum: Registered nurse at the Trust at the time of the alleged incidents.
- Mohammed Elbanna: General Practitioner at the Trust at the time of the alleged incidents.

The panel also had regard to various forms which were completed and returned to the NMC by Mrs Orbell.

Before making any findings on the facts, the panel accepted the advice of the legal assessor.

The panel had sight of an undated Statement of Case setting out the NMC's position in relation to this case.

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

### **Charges 1a, 1b, and 1c**

That you, a registered nurse;

- 1) Between July 2024 and February 2025 publicly shared one or more posts on social media, as set out in **Schedule A**, which were:
  - a) Offensive, and/or
  - b) Derogatory, and/or
  - c) Discriminatory.

**This charge is found proved.**

In reaching this decision, the panel had sight of screenshots of the Facebook and Instagram posts which contained the comments set out in Schedule A. The panel noted that the screenshots clearly identify Mrs Orbell as the account holder.

The panel reviewed Schedule A and, by way of an example, took into account the following comments:

*'Due to the red weather warning Starmer has asked the illegals to use the channel tunnel'*

*'Its Merry Christmas not Happy Holidays. Fuck the Anti Christ Vermin off and close the borders.'*

and

*'We stand with Germany! Kick Islam out of Europe'*

The panel considered that the posts were numerous and wide-ranging, and were shared across two different platforms, namely Facebook and Instagram. The panel considered that these were not standalone posts, and covered a wide range of topics and themes over several months.

The panel adopted the Standard English Dictionary definitions of the words ‘*offensive*’, ‘*derogatory*’, and had reference to the Equality Act (2010) when defining ‘*discriminatory*’. The panel considered that the language within the posts meet these definitions. The panel therefore considered that it is more likely than not that between July 2024 and February 2025, Mrs Orbell shared one or posts on social media, as set out in Schedule A, and that the posts were offensive, derogatory, and discriminatory.

The panel therefore found charges 1a, 1b, and 1c proved.

### **Charges 2a, 2b, and 2c**

2) Between July 2024 and February 2025 publicly commented on one or more posts on social media as set out in **Schedule B** and your comments were:

- a) Offensive, and/or
- b) Derogatory, and/or
- c) Discriminatory.

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

In reaching this decision, the panel had sight of screenshots of the Facebook and Instagram posts which contained the comments made by Mrs Orbell, as set out in Schedule B. The panel noted that the screenshots clearly identify Mrs Orbell as the account holder, and author of the comments.

The panel reviewed Schedule B, and by way of an example, took into account the following comments contained within some of the posts:

*‘Just F O We don’t want you or anyone like you here \*angry swearing emoticon\*  
\*angry face emoticon\*’*

and

*‘Deport them all \*angry swearing emoticon\* \*angry face emoticon\*’*

The panel had sight of Mrs Orbell's FtPC reflective account form dated 13 February 2025 which stated:

*'I acknowledge that I have reposted and commented on inappropriate material on my personal Facebook account [...] I should never have used a social media platform that I did not fully understand how to use and should not have commented on any of these posts. [...]*'

The panel adopted the Standard English Dictionary definitions of the words 'offensive', 'derogatory', and had reference to the Equality Act (2010) when defining 'discriminatory'. The panel considered that the language within the comments meet these definitions. The panel therefore considered that it is more likely than not that between July 2024 and February 2025, Mrs Orbell publicly commented on one or posts on social media, as set out in Schedule B, and that the posts were offensive, derogatory, and discriminatory.

The panel therefore found charges 2a, 2b, and 2c proved.

### **Charges 3a, 3b, and 3c**

- 3) You conduct at charge 1 and/or charge 2 was motivated by your hostility or discriminatory attitude towards people of a different:
  - a) Race; and/or
  - b) Religion; and/or
  - c) Immigration status.

**This charge is found proved.**

In reaching this decision, the panel had sight of numerous screenshots of the Facebook and Instagram posts which contained the comments made by Mrs Orbell, as set out in Schedules A and B.

The panel noted that some of the posts contained the following comments regarding race:

*'Four asylum seekers accused of faking their Afghan nationalities to get into the UK will cost the taxpayer an estimated £320,000 after their trial was set for 2026'*

and

*'Foreigners coming to Britain should not get British benefits. 'Share' if you agree'*

The panel noted that some of the posts contained the following comments regarding religion:

*'What's the difference between cigarettes and Islamic Jihadists? You can only get 200 cigarettes into the UK before the authorities start asking questions.'*

*'If the problem is islamaphobia [sic], then why do we need security barriers outside Christmas markets, but yet not outside Mosques?'*

*'We stand with Germany! Kick Islam out of Europe'*

and

*'Europe is unclean land, full of disbelievers Allah has appointed us as the Caliphate on earth, so wherever we are the land is ours. We will take over Europe and establish the law of Quran and hadith.'*

To which Mrs Orbell specifically commented:

*'Just F O We don't want you or anyone like you here \*angry swearing emoticon\*  
\*angry face emoticon\*'*

The panel noted that some of the many posts contained the following comments regarding immigration status:

*'Yorkshire has had enough of mass immigration!!! Have you had enough?'*

*'How to return unwanted illegals'*

and

A photo of a dinghy full of people with a speech bubble "*we demand to live in safety*" with a photo below of a young girl using her middle finger with the caption "*so do we, now f#%k off!*"

The panel considered that the various and numerous posts shared and commented on across Facebook and Instagram over an extended period of time by Mrs Orbell are suggestive of hostile and discriminatory attitudes towards people of a different race, religion, and immigration status. The panel noted that Mrs Orbell does not contest the facts in this case and therefore found charges 3a, 3b, and 3c 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 Mrs Orbell's fitness to practise is currently impaired. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's ability to practise safely and effectively, without restriction.

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

The panel adopted a two-stage process in its consideration. First, the panel must determine whether the facts found proved amount to misconduct. Secondly, only if the facts found proved amount to misconduct, the panel must decide whether, in all the circumstances, Mrs Orbell's fitness to practise is currently impaired as a result of that misconduct.

## Representations on misconduct and impairment

In coming to its decision, the panel had regard to the case of *Roylance v GMC (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 NMC invited the panel to take the view that the facts found proved amount to misconduct. The panel had regard to the terms of ‘The Code: Professional standards of practice and behaviour for nurses and midwives 2015’ (“the Code”) in making its decision.

In the Statement of Case, the NMC identified the specific, relevant standards where Mrs Orbell’s actions amounted to misconduct. The Statement of Case stated:

[...] 9. *Regard is had to the NMC guidance at **2ai - Freedom of expression and fitness to practise** which confirms that the NMC respects the right to freedom of speech and will only interfere when it is strictly necessary and proportionate. In particular the guidance confirms the NMC will look at:*

- *where and to whom the comments were made*
- *whether there is a link to practice or status as a nurse and if so what that is*
- *the way in which the views or beliefs are expressed*

10. *In this case:*

- *The posts/reposts were public.*
- *At least some of the posts/reposts were from an account which confirmed the Mrs Orbell’s status as a nurse*
- *The posts go further than legitimate expression of political beliefs. Some posts are offensive and discriminatory, others are overtly racist and/or anti Muslim in nature.*

[...]

13. *The NMC consider the misconduct in this case to be very serious. Mrs Orbell’s posts were made over an extended period of time, and appear to have been widely*

*viewed. The posts/reposts and comments are highly offensive, derogatory and discriminatory in nature. The Code says that nurses, midwives and nursing associates must be sure not to express personal beliefs inappropriately and use all forms of communication responsibly. Mrs Orbell's conduct has therefore breached the Code.*

*14. The misconduct undermines professional standards and has brought the profession into disrepute because discriminatory behaviours can negatively impact the public's trust and confidence in the profession. Additionally, the misconduct may cause members of the public to believe they will experience less favourable treatment, or they may feel reluctant to access health and care services in the first place. There is also evidence that Mrs Orbell caused real harm and distress to her colleagues.'*

The NMC requires the panel to bear in mind its overarching objective to protect the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. The panel has referred to the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin).

The Statement of Case states the following with regard to impairment:

*'20. Mrs Orbell has acted so as to put patients, members of the public and her colleagues at unwarranted risk of harm. Mrs Orbell's conduct is capable of causing members of the public to believe they could experience less favourable treatment, or they may feel reluctant to access health and care services. In those circumstances those individuals could be at unwarranted risk of suffering harm There is also evidence that Mrs Orbell caused real harm and distress to her colleagues.*

*21. Mrs Orbell's conduct has brought the profession into disrepute. Registered professionals occupy a position of privilege and trust in society and are expected at all times to be professional. Members of the public must be able to trust registered*

*professionals with their lives and the lives of their loved ones. Discriminatory behaviour can negatively impact the public's trust and confidence in the profession.*

*22. Mrs Orbell has breached fundamental tenets of the profession. The Code divides its guidance for nurses into four categories which can be considered as representative of the fundamental principles of nursing care. These are:*

- Prioritise people*
- Practise effectively*
- Preserve safety, and*
- Promote professionalism and trust*

*23. Mrs Orbell has breached the fundamental tenets of the nursing profession. Mrs Orbell has failed to treat people with kindness, respect and compassion by irresponsibly expressing her personal beliefs, which are of a discriminatory nature, on social media.*

*[...]*

*26. In this case Mrs Orbell closed her Facebook and Instagram account shortly after the allegations came to light and apologised locally for causing offence.*

*27. Further Mrs Orbell provided an initial reflective account to the NMC in which she states that the posting occurred during a low period when she was grieving. Mrs Orbell made early admissions and has expressed remorse saying she behaved out of character and is ashamed of her actions.*

*28. In her agreed removal application Mrs Orbell states she understands the profound affects her actions had on her colleagues and the wider public and that the public would be “offended and outraged” by her actions. Mrs Orbell takes full responsibility for her postings. She further states that she “will be an advocate” and has “recently undertaken an online course for equality inclusion and diversity awareness” for which a certificate was provided.*

29. *Mrs Orbell has shown insight into her conduct and acknowledged the inappropriateness of her comments. However, she has also attempted to minimise [sic] her culpability by stating she was not, at the time she posted, “IT savvy” and had a misunderstanding as to “how social media works”.*

[...]

33. *Mrs Orbell has recognised what went wrong and taken responsibility for her actions, albeit there is still some evidence of minimisation. Mrs Orbell has apologised and expressed remorse for her behaviour.*

34. *However, the NMC consider the concerns have not been fully addressed due to Mrs Orbell’s lack of insight and reflection as to how her conduct would put people receiving care at risk of suffering harm, and how her behaviour has brought the professions into disrepute. Mrs Orbell’s conduct has demonstrated deep-seated attitudinal concerns which are more difficult to address.*

36. *In this case Mrs Orbell has demonstrated some insight into her conduct and taken some limited steps towards addressing the behaviour. The behaviour has not arisen in unique circumstances albeit the FtPC will note Mrs Orbell’s explanation as to the context in which the concerns arose. Mrs Orbell has an otherwise positive professional records and she has engaged with the NMC during its investigation.*

37. *The NMC consider the conduct demonstrates deep seated attitudinal issues which places those receiving care at unwarranted risk of harm and there is a need for a finding of impairment on public protection grounds.*

[...]

41. *The NMC consider there is a public interest in a finding of impairment being made because the behaviour in the case was so serious there is a need to maintain the public’s confidence and trust in the profession and to uphold, declare and maintain professional standards.’*

Mrs Orbell did not provide any written representations with regard to misconduct and impairment.

The panel accepted the advice of the legal assessor.

## **Decision and reasons on misconduct**

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

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

### ***'1 Treat people as individuals and uphold their dignity***

*To achieve this, you must:*

***1.1 treat people with kindness, respect and compassion***

### ***20 Uphold the reputation of your profession at all times***

*To achieve this, you must:*

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

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

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

***20.7 make sure you do not express your personal beliefs (including political, religious or moral beliefs) to people in an inappropriate way***

***20.10 use all forms of spoken, written and digital communication (including social media and networking sites) responsibly, respecting the right to privacy of others at all times'***

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. However, the panel was of the view that the posts shared and commented on by Mrs Orbell contained offensive, derogatory, and discriminatory language towards

people of different races, religions, and immigration statuses. The panel considered that Mrs Orbell's conduct would be considered deplorable by a fellow registered practitioner, as evidenced by a message sent to Mrs Orbell by her colleague which said; *'the posts you put up are disrespectful and racist and should be taken to the police really'*. The panel considered that the general public would be equally concerned.

The panel acknowledged the right to freedom of expression, and noted the text message sent to Mrs Orbell by Mohamed Elbanna which stated; *'The content seems to spread misinformation and negativity [...], as healthcare professionals we have a responsibility to promote understanding and kindness, rather than giving a platform to divisive messages'*. The panel considered that Mrs Orbell's comments demonstrated repeated negative views towards particular groups of people. The panel noted that Mrs Orbell's posts and comments were publicly shared online, and occurred over a period of time.

The panel found that Mrs Orbell's actions did fall seriously short of the conduct and standards expected of a registered nurse and amounted to misconduct.

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

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

In coming to its decision, the panel had regard to the NMC Guidance on *'Impairment'* (Reference: DMA-1 Last Updated:28/01/2026) in which the following is stated:

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

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. 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 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 S/He/They:*

- 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 considered that limbs a, b, and c above are engaged.

The panel noted that patients were put at risk of harm as a result of Mrs Orbell's misconduct. It considered that patients may be reluctant to seek treatment at a hospital

where a registered nurse shares such views, in fear that they may be subjected to discrimination themselves. The panel noted from the evidence before it that some of Mrs Orbell's colleagues were negatively impacted by her actions. Mrs Orbell's misconduct had breached numerous parts of the NMC Code, particularly in relation to upholding the reputation of the profession at all times, and in doing so, breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

Regarding insight, the panel considered that Mrs Orbell had made some admissions to the charges, as evidenced by the forms which she completed and returned to the NMC. The panel considered that Mrs Orbell has demonstrated some understanding of why what she did was wrong. She has demonstrated remorse for her actions and apologised locally to those that were affected as a result of her misconduct. The panel had sight of the PCED dated 13 February 2025 which stated:

*[...] I do not want to be associated with these types of racists posts and feel deeply saddened that I have offended anyone who may have seen them.'*

The panel also had sight of Mrs Orbell's Application for removal by agreement from the NMC register form dated 4 September 2025 which stated:

*[...] I understand that ignorance of how Face Book works is no defence I can assure the NMC that I am remorseful having caused such offence to friends colleagues and the wider public [sic].'*

Whilst Mrs Orbell has demonstrated some understanding that her actions may have offended the wider public, the panel considered that Mrs Orbell has not demonstrated an understanding as to how her actions impacted negatively on the reputation of the nursing profession, or the potential harm to patients. The panel considered that Mrs Orbell sought to minimise her actions by saying that she did not understand how social media worked, and that she did not display these behaviours within the workplace. The panel identified that Mrs Orbell's actions did impact her colleagues within the workplace and had sight of evidence which suggested that two staff members were upset by her actions. The panel considered that Mrs Orbell has demonstrated developing insight into her misconduct.

The panel considered the factors set out in the case of *Ronald Jack Cohen v General Medical Council* [2008] EWHC 581 (Admin) and determined that whilst the misconduct is capable of being addressed, it may be difficult to remediate. The panel noted that Mrs Orbell had continued to share and comment on the posts, even after her colleagues had shared their concerns with her. The panel considered that Mrs Orbell's misconduct is indicative of a deep-seated attitudinal concern as she shared her hostile and discriminatory views and beliefs across two social media platforms, over an extended period of time.

The panel carefully considered the evidence before it in determining whether or not Mrs Orbell has taken steps to strengthen her practice. The panel took into account that Mrs Orbell completed an Equality, Diversity and Inclusion Awareness training course on 4 July 2025 and provided a certificate to support this. However, the panel considered that it has not had sight of any additional information in relation to this training course, or how Mrs Orbell has applied her training and knowledge into her clinical practice. Further, the panel considered that there is no evidence before it of a reflective piece demonstrating an understanding by Mrs Orbell of the impact that such comments could have on the reputation of the nursing profession, and potential risk of harm to patients.

The panel had sight of the character references provided on behalf of Mrs Orbell. It considered that Mrs Orbell's colleagues attest to her good character. However, the panel could not be satisfied that the referees were fully aware of the depth and breadth of the allegations that Mrs Orbell faces.

The panel is of the view that there is a risk of repetition given Mrs Orbell's limited, but developing insight and steps taken to strengthen her practice. The panel therefore decided that a finding of impairment is necessary on the ground of public protection.

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

The panel considered that a well-informed member of the public would be shocked to learn that a registered nurse held such views towards particular races, religions, and immigration statuses. The panel therefore considered that a finding of impairment is also required on the ground of public interest to maintain public confidence in the nursing profession, and to uphold proper professional standards of conduct and behaviour.

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

## **Sanction**

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

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

## **Representations on sanction**

The NMC Statement of Case states the following with regard to sanction:

*' 45. The NMC consider the appropriate and proportionate sanction in this case is a 12-month suspension order with a review before expiry.*

[...]

*47. The FtPC can choose to take no further action (SAN-2a) and impose no sanction immediately after it has decided that a professional's fitness to practise is impaired. However, the FtPC will only do this in exceptional circumstances and there are no exceptional circumstances in this case. The seriousness of the behaviour means that taking no further action would not be proportionate or appropriate.*

48. A caution order (SAN-2b) is the least serious of our sanctions in that it is the least restrictive. A caution is only appropriate if the FtPC 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 FtPC wants to mark that what happened was unacceptable and must not happen again. However, the seriousness of the concerns means that a caution order is not appropriate in this case.

49. A conditions of practice order (SAN-2c) might be appropriate where there is no evidence of harmful deep-seated personality or attitudinal issues. The nature of the social media activity is demonstrative of deep-seated attitudinal issues towards, migrants, Muslims and people of a different race. Although the registrant has stated that is not how she truly feels about people of different races and religions the posts do not support that. Therefore, the NMC considers the deep-seated attitudinal issues demonstrated in this case mean conditions of practice would not be appropriate in the circumstances of this case. Further no relevant, proportionate, workable or measurable conditions could be formulated in this case to address the concerns.

50. A suspension order (SAN-2d) states that a suspension order may be appropriate in cases where

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

51. Mrs Orbell's discriminatory behaviour is at the most serious end of the spectrum and it calls into question her suitability to continue practicing either currently or at all.

52. While it is possible that Mrs Orbell could be fit to practise in future, only a period out of practice would be sufficient to allow them to fully develop their insight.

53. *What went wrong is so serious that public confidence in the profession and professional standards could not be maintained if Mrs Orbell were able to continue practising without stopping for a period of time.*

54. *Despite the seriousness of what happened, Mrs Orbell 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.*

55. *A striking-off order (SAN-2e) is the most serious sanction and the guidance states that this is likely to be appropriate where the professional's actions are fundamentally incompatible with being a registered professional.*

56. *The FtPC must consider whether:*

- *the charges raise fundamental questions about Mrs Orbell's professionalism,*
- *public confidence in the professions can be maintained if Mrs Orbell is not removed from the register,*
- *there is 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,*
- *whether there is a realistic prospect that, after suspension, Mrs Orbell will have gained insight and strengthened their practice such that the risk they pose will have reduced.*

57. *In this case the NMC considered that although the charges do raise fundamental questions about Mrs Orbell's professionalism, public confidence in the profession can be maintained with a temporary removal from the register, and there is a realistic prospect, after suspension Mrs Orbell will have gain further insight such that the risk they pose will have reduced.*

58. *A 12-month suspension order with a review before its expiry would achieve this and allow Mrs Orbell to provide further insight into her behaviour.'*

Mrs Orbell did not provide written representations with regard to sanction, although she did clearly state that she had retired and did not intend to return to nursing.

The panel accepted the advice of the legal assessor.

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

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

The panel took into account the following aggravating features:

- conduct which deliberately or recklessly put colleagues, and people receiving care at risk of suffering harm
- a pattern of misconduct over a period of time

The panel also took into account the following mitigating features:

- early admission of the facts
- apologies to anyone affected
- efforts to prevent similar things happening again, or any efforts to put problems right
- relevant training courses
- developing reflections and insight
- personal mitigation including issues within personal and family life

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

The panel next considered a caution order and had regard to the NMC Guidance on 'Caution order' (Reference: SAN-2b Last Updated: 28/01/2026) 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 Mrs Orbell's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether placing conditions of practice on Mrs Orbell'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 deep-seated personality or attitudinal problems*
- *identifiable areas of the professional's practice in need of assessment and/or retraining*
- ...
- ...
- ...
- *people using services will not be put at risk either directly or indirectly as a result of the conditions*
- *conditions can be created that can be monitored and assessed.*

The panel considered that the concerns in this case are not related to Mrs Orbell's clinical practice, and are instead indicative of a deep-seated attitudinal problem. The panel considered that there are no practical or workable conditions that could be formulated to sufficiently protect the public or maintain public confidence, given the nature of the charges

in this case. The misconduct identified in this case was not something that can be addressed through a conditions of practice order.

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

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

The panel was satisfied that although the misconduct in this case is serious, it is not fundamentally incompatible with remaining on the register. The panel considered that Mrs Orbell has demonstrated remorse and has started to develop her insight. The panel considered that Mrs Orbell has indicated that she has no intention to return to work as a registered nurse, and has mentioned that she is now retired. The panel considered that there is no evidence before it of Mrs Orbell's formal retirement plan, and it acknowledged that she could change her mind regarding this position. The panel considered that a period of suspension would be sufficient to protect the public and maintain public confidence in the nursing profession. It further considered that a period of suspension would allow Mrs Orbell an opportunity to demonstrate an understanding of the impact of her actions on the reputation on the nursing profession, and the potential risk of harm to patients, should she decide to return to nursing.

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

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

The panel noted that even though Mrs Orbell has indicated that she does not intend to work presently, there remains the potential hardship such an order will inevitably cause Mrs Orbell should she wish to seek employment as a registered nurse in the future. However, this is outweighed by the public interest in this case.

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

The panel determined that a suspension order for a period of six months was appropriate in this case to mark the seriousness of the misconduct, and to provide Mrs Orbell with an opportunity to continue developing her insight, and take additional steps to strengthen her practice.

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

Any future panel reviewing this case would be assisted by:

- Evidence of greater insight into the impact of Mrs Orbell's actions and her attitude on the wider nursing profession
- Evidence of an in-depth reflection by Mrs Orbell as to how her actions and attitudes shared on social media have been addressed so as not to present a risk to the public in the future
- Details regarding a formal plan for retirement

This will be confirmed to Mrs Orbell in writing.

### **Interim order**

As the suspension 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 Mrs Orbell's own interests until the suspension sanction takes effect.

### **Representations on interim order**

The NMC Statement of Case stated the following with regard to an interim order:

*'59. If a finding is made that the registrant's fitness to practise is impaired and a restrictive sanction imposed we consider an interim order in the same terms as the substantive order should be imposed on the basis that it is necessary for the protection of the public and otherwise in the public interest.'*

Mrs Orbell did not provide any written representations with regard to an interim order.

The panel accepted the advice of the legal assessor.

### **Decision and reasons on interim order**

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest. The panel had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months to protect the public, engage the public interest, and to allow time for any possible appeal.

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

That concludes this determination.