

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

**Substantive Order Review Hearing
Tuesday, 10 March 2026**

Virtual Hearing

Name of Registrant: Aime Margaret Johnston

NMC PIN: 13I0421S

Part(s) of the register: Nursing, Sub part 1
RNMH, Registered Nurse - Mental Health (5 September 2016)

Relevant Location: South Ayrshire

Type of case: Misconduct

Panel members: Shaun Donnellan (Chair, Lay member)
Mary Karasu (Registrant member)
Farrah Pradhan (Lay member)

Legal Assessor: Fiona Barnett

Hearings Coordinator: Ekaette Uwa

Nursing and Midwifery Council: Represented by Selena Jones, Case Presenter

Ms Johnston: Present and unrepresented

Order being reviewed: Suspension order (12 months)

Fitness to practise: Impaired

Outcome: **Order to lapse with impairment upon expiry on 10 March 2026 in accordance with Article 30 (1)**

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

At the outset of the hearing, Ms Jones made a request that this case be held partly in private on the basis that proper exploration of your case involves matters relating to your private life and health. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party, third party, or by the public interest.

Having heard that there will be reference to your private life and health, the panel determined to go into private session as and when such issues are raised in order to protect your privacy.

Decision and reasons on review of the substantive order

The panel decided to let the current order lapse upon its expiration.

This order will come into effect on 10 March 2026 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the first review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 7 February 2025.

The current order is due to expire at the end of 10 March 2026.

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

The charges found proved which resulted in the imposition of the substantive order were as follows:

'That you, a Registered Nurse:

- 1) *During a nightshift over 26 November 2020 and 27 November 2020 slept whilst on duty.*
- 2) *During a nightshift over 26 November 2020 and 27 November 2020 failed to provide adequate care to Patient A.*
- 3) *On one or more occasions between July 2020 and 25 November 2020 slept whilst on duty.*
- 4) *Between 20 February 2024 and 3 January 2025 failed to cooperate with the NMC's investigation into your fitness to practise in that you:*
 - (a) *Did not provide the NMC with [PRIVATE]*
 - (b) *Did not return the signed [PRIVATE] consent forms when requested to do so.*

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:

'...The panel finds that patients were put at significant risk of potential harm. Patient A may have experienced further physical and emotional harm as a result of Ms Johnston's misconduct. The panel find that Patient A's need for nursing care should have been assessed by Ms Johnston when they first sought assistance but was not because she was asleep. If this assessment had occurred it may have been that the further incidents of [PRIVATE] may have been avoided. Ms Johnston's misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. The panel noted that by sleeping on duty on numerous occasions this was repeated behaviour. The panel decided that without evidence of insight there remains a risk of further repetition.

The panel considered that the three limbs of the Grant test, quoted above, are engaged in this case and that as a result a finding of impairment is necessary.

Regarding insight, the panel considered that Ms Johnston has not engaged with the NMC investigation process in any meaningful way. She has not provided any evidence of insight, remorse, remediation, or strengthening of practice. The panel considered that while the misconduct in this case is capable of being addressed there has been no information from Ms Johnston that she has done so, or is attempting to take steps to address the concerns. Therefore, the panel is of the view that there is a risk of repetition. The panel therefore 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 because the misconduct identified concerns the fundamental aspects of safe and effective nursing practise and that members of the public would be concerned if a nurse who acted in such a way while on shift was not found to be impaired.

In addition, the panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also finds Ms Johnston's fitness to practise impaired on the grounds of public interest.

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

The original panel determined the following with regard to sanction:

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

The panel noted the hardship such an order will inevitably cause Ms Johnston. 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.

In making this decision, the panel carefully considered the submissions of Mr Page in relation to the sanction that the NMC was seeking in this case. However, the panel considered that given the information relating Ms Johnston [PRIVATE] and the otherwise positive working testimonials from colleagues that in this situation the misconduct identified is not fundamentally incompatible with remaining on the register.

The panel determined that a suspension order for a period of one year was appropriate in this case to mark the seriousness of the misconduct and would protect the public.

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:

- *Ms Johnston's engagement and attendance at future hearings*
- *[PRIVATE]*
- *Insight into the incidents and reflection on her conduct*

- *Recent testimonials from work'*

Decision and reasons on current impairment

The panel has considered carefully whether your 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 its 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. It has taken account of the submissions made by Ms Jones on behalf of the NMC and by you. She provided a brief background to the hearing and submitted that the current order in place is a suspension order imposed for a period of 12 months and that the order is due to expire today and invited the panel to allow the order to lapse. Ms Jones submitted that you have not demonstrated sufficient remediation in respect of your practice.

Ms Jones referred the panel to the determination of the original panel where it had been advised that a future reviewing panel would be assisted by a number of matters, including engagement and attendance at future hearings, [PRIVATE], evidence demonstrating insight into the incidents and reflection on your conduct, together with any recent testimonials.

Ms Jones submitted that she had not seen any such documentation. She invited the panel to find that your fitness to practise remains currently impaired as the relevant documentation that would serve as confirmation of steps towards remediation have not yet been provided.

Ms Jones submitted that there remains a risk of repetition if you were to return to unrestricted practice at this time. She therefore invited the panel to find that your fitness to practise remains impaired on the grounds of public protection and in the public interest.

Ms Jones further submitted that a member of the public would be concerned if a nurse facing findings of this nature were permitted to practise without restriction. She concluded that the most proportionate and appropriate outcome would be to allow the current order to lapse with a finding of impairment.

The panel also heard evidence from you under oath.

You apologised for the matters which led to these proceedings [PRIVATE].

You explained that you had been struggling with the workload and the frequency of incidents involving aggression from patients. You told the panel that upon reflection, you should have sought more support at the time and taken time off work.

You told the panel that following the incidents you have not been working in nursing and that you decided to change career and have since been working in the hospitality industry. You explained that you have not undertaken any remediation because you do not have any plans to return to nursing in the foreseeable future.

When asked about sleeping on shift and failure to provide care to a patient, you stated that you had been exhausted at the time and was dealing with significant personal and work-related pressures.

You stated that at the time of the misconduct, [PRIVATE]. You are now very happy with your current work in the hospitality sector and stated that you believe leaving the nursing profession was the best thing for you.

You confirmed that you understand that if the order were allowed to lapse with impairment and you later wished to return to nursing, you would need to undertake further training or courses before doing so. When asked by the panel if you were inviting the panel to allow the current order to lapse, you stated that this was your preference.

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 to declare and uphold proper standards of conduct and performance.

The panel considered whether your fitness to practise remains impaired.

The panel noted that the substantive panel found no evidence of insight. At this hearing the panel noted that since the substantive hearing you have provided limited evidence in your oral reflection, no evidence of remediation, nor testimonials or other information to demonstrate that the concerns have been addressed.

The panel acknowledged your apology today and considered that you demonstrated the beginnings of insight through your oral evidence. The panel noted that you have chosen to leave the nursing profession and are currently working in a different sector. While the panel acknowledged that this decision may have been beneficial for your wellbeing, there was no evidence before the panel demonstrating that the concerns identified at the substantive hearing had been remediated.

In light of the above, the panel determined that there remains a risk of repetition of similar misconduct, which could place patients at unwarranted risk of harm. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel is mindful 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. The panel determined there is still a risk to public confidence and a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that your fitness to practise remains impaired.

Decision and reasons on sanction

Having found your 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. The panel has also taken into account the 'NMC's Sanctions Guidance' (SG) 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 bore in mind the submissions of the parties, that the order should be allowed to lapse following a finding of impairment. It considered whether this would be an appropriate and proportionate disposal. In so doing, the panel had regard to the NMC Guidance, '*Removal from the register when there is a substantive order in place*', REV2-h, in particular paragraph 2 of that guidance entitled '*lapse with impairment*'.

This states:

'Where the professional would no longer be on the register but for the order in place, a reviewing panel can allow the order to expire or, at an early review, revoke the order. Professionals in these circumstances will automatically be removed from the register, or lapse, upon expiry or revocation of the order. The panel will record that the professional remains impaired.'

A panel will allow a professional to lapse with impairment where:

- *the professional would no longer be on the register but for the order in place;*
- *the panel can no longer conclude that the professional is likely to return to safe unrestricted practice within a reasonable period of time;*
- *a striking off order isn't appropriate.'*

The panel considered whether the criteria set out in the guidance for allowing an order to lapse with impairment is met in this case. It reached the following conclusions:

- 1) The panel was informed in the documentation before it, that you would no longer be on the NMC register but for the suspension order which is currently in place. It therefore concluded that the first requirement in the guidance was met.
- 2) It then considered whether it could no longer conclude that you are likely to return to safe unrestricted practice within a reasonable period of time. You told the panel in your sworn evidence that you have been working in an alternative career now for some time. You said that this was the best decision for you, that you were happy in your career in hospitality, and that at the moment you have no plans to return to nursing. The panel found this evidence to be compelling and accepted it.

Given that you are working in hospitality, happy in your current career with no plans to return to nursing, the panel could not conclude that you are likely to return to safe unrestricted practice within a reasonable period of time.

In your current circumstances, it is not your intention to take the necessary steps to demonstrate that you have fully remediated your conduct. Consequently, it could not conclude that you are likely to return to safe and unrestricted practice within a reasonable time and the panel found that this criteria was also met.

- 3) The panel next considered whether a striking off order isn't appropriate. The initial panel did not find your misconduct to be fundamentally incompatible with continued registration. Since the initial hearing, you have engaged with the NMC, attended this hearing and apologised for your misconduct. You have demonstrated remorse and acknowledged that you should have sought help earlier. You have also explained that you have adopted a new career path which is why you have not taken steps to fully remediate your misconduct.

In the circumstances, the panel decided that a striking off order would be a disproportionate, punitive and inappropriate response to the misconduct. Given that a striking off order is not appropriate, the panel therefore concluded that the third requirement set out in the guidance was also met.

Having regard to the provisions in the NMC Guidance as set out above, the panel has concluded that the three requirements set out in the guidance are fully met and it concluded that the order should be allowed to lapse when it expires. The panel was satisfied that the public would be suitably protected by its finding of impairment. Should you wish to return to the nursing profession in the future, the Registrar would have regard to this determination, and you would need to satisfy the Registrar that you are capable of safe and effective practice against the backdrop of this finding of impairment.

In the panel's view, this outcome addresses any risk to the public and public confidence, whilst providing you with an opportunity to pursue another career in the knowledge that these proceedings have been finalised.

The substantive suspension order will be allowed to lapse at the end of the current period of imposition, namely the end of 10 March 2026 in accordance with Article 30(1). At that time your NMC registration will no longer be active, but the finding of impairment will remain.

This will be confirmed to you in writing.

That concludes this determination.