

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

**Substantive Order Review Meeting  
Friday, 6 March 2026**

Virtual Meeting

**Name of Registrant:** Mariedh King

**NMC PIN** 9710409S

**Part(s) of the register:** Midwives part of the register  
RM: Midwife - 28 August 2000

**Relevant Location:** Fife

**Type of case:** Misconduct

**Panel members:** Geraldine O'Hare (Chair, lay member)  
Vickie Glass (Registrant member)  
Alison McVitty (Lay member)

**Legal Assessor:** William Hoskins

**Hearings Coordinator:** Stanley Udealor

**Order being reviewed:** Suspension order (9 months)

**Fitness to practise:** Impaired

**Outcome:** **Suspension order extended for 9 months to come into effect on 17 April 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 Mrs King's registered email address by secure email on 19 January 2026.

The panel took into account that the Notice of Meeting provided details of the review and that the meeting would hold no sooner than 2 March 2026. The panel noted that Mrs King, in her email to the Nursing and Midwifery Council (NMC) dated 23 November 2025, requested for her case to be heard in a meeting

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mrs King 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).

The panel was satisfied that it was appropriate to proceed with this review as a meeting.

## **Decision and reasons on review of the current order**

The panel decided to extend the suspension order for nine months.

This order will come into effect at the end of 17 April 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 suspension order originally imposed for a period of nine months by a Fitness to Practise Committee on 19 June 2025.

The current order is due to expire at the end of 17 April 2026.

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

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

*'That you, a registered midwife*

*1) In or around August to September 2021 whilst on duty:-*

- a) inhaled nitrous oxide on more than one occasion; [Proved by admission]*
- b) were under the influence of nitrous oxide on more than one occasion. [Proved by admission]*

*2) Your conduct at Charge 1a) above was dishonest in that you knew that the said nitrous oxide did not belong to you and was intended for the use of patients only. [Proved by admission]'*

The original panel determined the following with regard to impairment:

*'The panel determined that all four limbs of the test are engaged in this case as to the past.*

*The panel bore in mind 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.*

*Patients were put at risk as a result of Mrs King's misconduct. The panel accepted the evidence that the nitrous oxide would have 'short lasting effects' but it may have impaired her ability to respond effectively to an emergency situation whilst under the influence of the nitrous oxide. The panel was of the view that Mrs King's misconduct was such that it brought the nursing and midwifery professions into*

*disrepute. Her disregard of the Code included a number of breaches of the standards set out and consequently Mrs King breached fundamental tenets of the nursing and midwifery professions and therefore brought its reputation into disrepute. In using nitrous oxide owned by her employer, Mrs King acted dishonestly.*

*The panel went on to consider whether the misconduct in this case is capable of being addressed, whether it has been remedied and whether it is highly unlikely to be repeated.*

*The panel was of the view that the misconduct relating to dishonesty in this case includes an element of attitudinal issues which is more difficult to address. However, it determined that with significant and committed effort on Mrs King's part, the misconduct is potentially capable of being addressed and remediated.*

*In considering whether Mrs King's misconduct has been addressed, the panel noted her admissions to the charges, her expression of remorse and apology. [PRIVATE] Beyond this however, the panel had no evidence of developed insight, reflection or strengthened practice.*

*[PRIVATE] The panel also noted Mrs King's lack of recent engagement with proceedings.*

*In the absence of any more detailed evidence demonstrating reflection, insight, and strengthening practice, the panel could not conclude that Mrs King's misconduct is highly unlikely to be repeated. In the circumstances, the panel concluded that there remains a risk of repetition. Accordingly, limbs a) to d) of Grant were engaged with regard to the future.*

*The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.*

*The panel determined that an informed member of the public would be concerned about Mrs King's misconduct and that public confidence in the profession, and also the confidence of colleagues, would be undermined if a finding of impairment were not made. The panel therefore finds Mrs King's fitness to practise also to be impaired on public interest grounds.*

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

The original panel determined the following with regard to sanction:

*'The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:*

- A single instance of misconduct but where a lesser sanction is not sufficient;*
- No evidence of harmful deep-seated personality or attitudinal problems;*
- No evidence of repetition of behaviour since the incident;*
- The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*
- ...; and*
- ...'*

*The panel noted that Mrs King's misconduct arose more than once, albeit it was a single episode, in an otherwise unblemished career. It has found attitudinal issues related to Mrs King's dishonesty but it did not deem these to be deep-seated or personality related. There is no evidence of Mrs King repeating her misconduct. The panel noted that Mrs King's insight is currently limited.*

*It went on to consider whether a striking-off order would be proportionate. Taking account of all the information before it, the panel concluded that a striking-off order in this case would be disproportionate. The misconduct found was not fundamentally incompatible with Mrs King remaining on the register. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in Mrs King's case to impose a striking-off order.*

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

*The panel considered that this order is necessary to maintain 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 midwife.*

*The panel determined that a suspension order for a period of 9 months with review was appropriate in this case to mark the seriousness of the misconduct and to allow Mrs King sufficient time to re-engage with proceedings, reflect, develop insight and begin 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:*

- Reflective piece and evidence of developing insight and strengthened practice*
- Testimonials*
- Any other evidence that Mrs King considers would assist a future review panel'*

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

The panel has considered carefully whether Mrs King's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as a registrant's suitability to practise 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, Mrs King's reflective statement dated 30 December 2025 and an email from Mrs King to the NMC dated 26 January 2026

The panel 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 Mrs King's fitness to practise remains impaired.

The panel took into account Mrs King's reflective statement dated 30 December 2025 and her email to the NMC dated 26 January 2026. The panel noted that Mrs King had shown some insight into the seriousness of her misconduct and the lessons she had learnt from the incident. However, the panel was of the view that Mrs King failed to demonstrate sufficient insight into the potential impact of her misconduct on patients, her colleagues, the wider public and the reputation of the midwifery profession. The panel noted that she had also not demonstrated sufficient insight into her dishonest conduct. Although, the panel acknowledged that Mrs King had faced personal difficult circumstances, it was concerned that Mrs King focused her reflection on the impact of her actions and the substantive order on herself and she did not set out what she would do differently when faced with difficult circumstances in future. The panel also noted that there was no

evidence of strengthened practice in terms of testimonials, references or training certificates.

In light of this, the panel determined that there remains a real risk of repetition and a consequent risk of harm to the public. It therefore concluded 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 midwifery profession and upholding proper standards of conduct and performance. In the particular circumstances of this case, where there are serious concerns relating to use of unprescribed nitrous oxide whilst working as a midwife, dishonesty, and there was insufficient evidence of strengthened practice and insight, the public would expect the regulator to take action. The panel determined that public confidence in the profession, would be seriously undermined and damaged if a finding of impairment were not made in this case. For these reasons, the panel determined that a finding of current impairment is necessary on the grounds of public interest.

Having regard to all of the above, the panel finds that Mrs King's fitness to practise remains impaired on both public protection and public interest grounds.

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

Having found Mrs King'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. 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 first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. It had found that Mrs King failed to demonstrate sufficient insight into the concerns nor strengthened her midwifery practice. The panel therefore decided that it would neither protect the public nor be in the public interest to take no further action.

The panel then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Mrs King's midwifery practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that Mrs King'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 a caution order would neither protect the public nor be in the public interest.

The panel next considered whether a conditions of practice on Mrs King's registration would be a sufficient and appropriate response. The panel was mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind the seriousness of the facts found proved at the original meeting and that Mrs King's dishonest conduct was not related to deficiencies in her midwifery practice. The panel therefore determined that there are no practical or workable conditions that could be formulated. The nature of the concerns and dishonesty could not be addressed through re-training or supervision. Accordingly, a conditions of practice order would not address the risk of repetition and this poses a risk of harm to patients' safety and the public. The panel therefore concluded that a conditions of practice order would not protect the public nor be in the public interest.

The panel considered the imposition of a further period of suspension. It took into account that Mrs King had failed to demonstrate sufficient insight into her misconduct and the impact on her practice. However, the panel noted that Mrs King is now engaging with the NMC and these proceedings. It recognised the efforts Mrs King had made so far to develop her insight and to manage her personal circumstances. However, the panel determined that Mrs King's insight is still developing and she is on a journey of remediation.

The panel was of the view that a suspension order would allow Mrs King further time to continue to reflect more deeply on her misconduct and the impact on her practice. The

panel therefore determined that a further suspension order for a period of nine months would be the appropriate and proportionate response.

The panel concluded therefore that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of nine months.

The panel decided that a striking-off order would be disproportionate in view of the developing insight shown by Mrs King and her engagement with these proceedings.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 17 April 2026 in accordance with Article 30(1).

Before 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:

- An updated reflective piece and evidence of deeper insight in the following areas:
  - a) Impact of Mrs King's misconduct on patients, her colleagues, the wider public and the reputation of the midwifery profession
  - b) Mrs King's dishonest conduct.
  - c) Triggers to Mrs King's behaviour
  - d) Steps Mrs King would take to manage stressful or difficult circumstances should they arise in the future.
- Testimonials and/or references from any paid or unpaid work.
- Any other evidence that Mrs King considers would assist a future review panel

This will be confirmed to Mrs King in writing.

That concludes this determination.