

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

**Substantive Order Review Hearing  
Thursday, 28 May 2026**

Virtual Hearing

**Name of Registrant:** Emily Charlotte Fensome

**NMC PIN:** 10B1436E

**Part(s) of the register:** Registered Nurse – Adult Nurse (16 February 2012)

**Relevant Location:** Bedfordshire

**Type of case:** Misconduct

**Panel members:** Peter Fish (Chair, Lay member)  
Corinne Foy (Registrant member)  
Michael Williams (Lay member)

**Legal Assessor:** Caroline Hartley

**Hearings Coordinator:** Tyra Andrews

**Nursing and Midwifery Council:** Represented by Lindsay McFarlane, Case Presenter

**Mrs Fensome:** Present and represented by Shoba Aziz, instructed by Royal College of Nursing (RCN)

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

**Fitness to practise:** Impaired

**Outcome:** **Conditions of practice order varied (12 months)**

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

At the outset of the hearing, having heard that there will be reference to your health, the panel decided to hold this hearing partially in private in order to protect your privacy.

Ms Aziz and Ms McFarlane posed no objection to the decision.

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.

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

The panel decided to vary the current conditions of practice order.

This order will come into effect at the end of 12 June 2026 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (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 13 May 2025.

The current order is due to expire at the end of 12 June 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, whilst working at the Sue Ryder Hospice ("the Hospice");*

*1) On 15 October 2023, allowed Person A, to attend the PCH, ("Palliative Care Hub") to shadow staff;*

- a) Without escalating the request to the Practice Educator at the Hospice.*
- b) Without obtaining permission from management at the Hospice.*

- c) *Without conducting adequate background checks for Person A.*
- 2) ...
    - a) ...
    - b) ...
  - 3) ...
    - a) ...
    - b) ...
  - 4) ...
    - a) ...
    - b) ...
  - 5) ...
    - a) ...
    - b) ...
    - c) ...
  - 6) *On 26 October 2023;*
    - a) *Allowed Person A, to attend the PCH, (“Palliative Care Hub”) to shadow staff without;*
      - i) *Without escalating the request to the Practice Educator at the Hospice.*
      - ii) *Without obtaining permission from management at the Hospice.*
      - iii) *Without conducting an adequate background check of Person A.*
    - b) *Allowed Person A access to confidential patient information;*
    - c) *Made inappropriate comments to Person A over the telephone, namely using words to the effect of;*
      - i) *‘I could murder somebody here and get away with it’*
      - ii) *‘I work in a palliative care hub, I’ll just say that they are naturally dying’;*
      - iii) *‘Yeah don’t mind the amount of times I’ve wanted to murder Colleague X’*
    - d. *Said to Person A words to the effect of ‘If anybody asks honey, I checked your ID & your DBS’*
  - 7) ...
  - 8) ...

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

The original substantive hearing panel determined the following with regard to impairment:

*'Regarding insight, the panel acknowledged that whilst there was some reflection contained within the investigation interview and your oral evidence, the panel was concerned not to have received a clear statement of reflection. The panel had not seen any acknowledgement of the impact of your behaviour on others, particularly given the vulnerability of those who were the subject of the data breach. The panel remained concerned that you continued to deny any breach of data security, thus demonstrating a lack of insight.*

*Whilst the panel acknowledges that you undertook two short training courses on information security, the panel has not seen sufficient evidence to demonstrate that you have reflected and learnt from your actions that would enable you to maintain and develop your professional knowledge and competence.*

*Whilst the panel accepted that you have been unable to practise as a registered nurse, since the incident, there was nothing to prevent you from gaining valuable experience in a non registered or voluntary capacity.*

*The panel was of the view that there were some attitudinal concerns which require addressing. Namely, the frequent deflection of responsibility, not only to the Hospice but also to individual colleagues, as outlined in your written and oral evidence. The panel were also troubled by your admission of your tendency to 'people please' as you stated that 'I am a yes person, I tend to say yes to everything'. This is a particular concern in relation to your ability to maintain professional boundaries and to assert yourself, as a registered nurse (The Code, Section 20.6).*

*In making its decision, the panel focused on current impairment and as indicated, the panel accepted that there is low risk of you repeating the conduct of the charges*

*found proved. The panel accepted that this was a one-off event where you had acted with good intentions and subsequently acknowledged some of your shortcomings. The panel also accepted that you had a period of long service as a registered nurse with no previous fitness to practice concerns. This, together with your testimonials and your admissions in oral evidence, contributed to the panel finding that you are of good character.*

*The panel were impressed with the level of your engagement with the NMC proceedings and have been assisted by your personal attendance at the hearing.*

*The panel was satisfied that the misconduct in this case is capable of being addressed. However, the panel noted that there is no evidence before it regarding any steps you have taken to strengthen your practice.*

*The panel found that given the low risk of repetition, your previous professional record of practice and your acknowledgement of your shortcomings, your fitness to practice is not currently impaired on public protection grounds arising from the nature of the concern.*

*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.*

*Notwithstanding its findings on public protection and the low risk of repetition, the panel agreed that your conduct was so serious that it requires action on the grounds of maintaining professional standards and upholding public confidence in the profession. In reviewing the facts found proved, a fully informed fellow practitioner would find your failings to be unacceptable and by the same measure, a member of the public would lose trust and confidence in the nursing profession. Therefore, the panel finds your fitness to practise impaired on the grounds of public interest.*

*Having regard to all of the above, the panel was satisfied that your fitness to practise is currently impaired.'*

The original substantive hearing panel determined the following with regard to sanction:

*'The panel next considered whether placing conditions of practice on your 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;*
- Potential and willingness to respond positively to retraining;*
- Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- Conditions can be created that can be monitored and assessed.*

*The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted that you would be willing to comply with conditions of practice.*

*The panel had regard to the fact that these incidents happened over 18 months ago and that, other than these incidents, you have had an unblemished career as a nurse. The panel was of the view that it was in the public interest that, with appropriate safeguards, you should be able to return to practise as a nurse.*

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

*The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of your case because you have shown some insight into the*

*shortcomings identified by the panel, and it would not give you the opportunity to address the shortcomings the panel identified, and apply your learning in practice.*

*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.*

*In making this decision, the panel carefully considered the submissions of Ms Beckett in relation to the sanction that the NMC was seeking in this case. However, the panel considered the overarching objective of proportionality and found that the concerns identified, and your required learning will be addressed most effectively by allowing you to return to practice. Whilst there are attitudinal issues to address, the panel believe these are not deep seated and such issues are, in any event, better addressed in a practice-based environment.*

*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 the NMC 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 keep the NMC informed about anywhere you are studying by:
  - a. Telling your case officer within seven days of accepting any course of study.**



- a. *Meeting with your professional mentor at least every month to discuss your progress towards achieving the aims set out in your PDP.*
8. *You must work with your professional mentor to create a personal development plan (PDP). Your PDP must address the following concerns:*
- a. *Your understanding of the principles of GDPR.*
  - b. *Your responsibility in relation to the protection of confidential information where vulnerable patients are concerned.*
  - c. *Navigating difficult conversations to include, but not limited to, self assertion and self awareness.*
  - d. *Working cooperatively and in conjunction with management.*
  - e. *Understanding the impact of your behaviour on others.*

*Once completed you must:*

- *Send your case officer a copy of your PDP quarterly*
  - *Send your case officer a report from your professional mentor quarterly. This report must show your progress towards achieving the aims set out in your PDP*
9. *You will send your case officer evidence that you have successfully completed the following training courses:*
- a. *Emotional intelligence tailored for healthcare professionals; including a focus on improving communication, empathy, managing stress in a professional environment and difficult conversations, with a focus on the practical application in a healthcare setting.*
  - b. *Information governance including confidentiality, handling patient information and data protection in a healthcare setting.*

*The suitability of the training programme should be discussed and agreed with your professional mentor.*

10. *You must keep a reflective practice profile. The profile will:*

- a. *Set out the nature of your training programmes, demonstrating your learning and how it has been applied to practice.*

*You must send your case officer a copy of the reflective practice profile prior to your review hearing.*

*The period of this order is for 12 months.'*

## **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 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, as well as submissions from both Ms McFarlane and Ms Aziz.

Ms McFarlane outlined the background of this case and submitted that you have not provided evidence to demonstrate insight, reflection and your compliance with the conditions imposed. She submitted that you were confused following the previous hearing and was of the belief that you were suspended and could not work as a nurse. In the event that you now recognise that you could have worked under a conditions of practice order but have not done so and would now like the opportunity to do so, she submitted that an extension of the current conditions of practice order would be appropriate for a further 12 months.

However, Ms McFarlane also had regard to your email correspondence to the NMC dated 4 May 2026 which stated that you do not wish to engage with the NMC or return to nursing. If that remains your position today Ms McFarlane invited the panel to consider a strike-off order in consideration of this.

Ms Aziz stated that you were unsure of your current PIN status with the NMC and you had believed that you were suspended and did not know of the conditions of practice in place. She further stated that this process has placed you under significant stress however, since you have been advised that you do have a PIN and remain on the register subject to conditions of practice you are willing to comply with such conditions and you now understand that you presently remain on the register.

Ms Aziz submitted that you are aware of the work which needs to be undertaken and you are willing to provide a reflective piece. She therefore invited the panel to consider continuing the current conditions of practice order.

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 previous finding of impairment was only on public interest grounds, and it was determined that a finding of public protection was not required.

The original panel determined that you were not liable to repeat matters of the kind found proved, but that the conduct was so serious that a finding of impairment was nonetheless necessary. Today's 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. The panel received no new information before it to demonstrate that you have complied with the conditions of practice imposed. The panel acknowledged the decision made by the previous panel and noted that you thought you were suspended and therefore could not practice as a nurse.

The panel had not received any evidence of reflection, remediation or insight into your previous failings, and considered that there has been no change in your insight since the

previous hearing. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is 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 first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case and the public interest issues identified. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public interest issues identified, an order that does not restrict your 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, but the Committee wants to mark that what happened was unacceptable and must not happen again.'* The panel considered that your 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 imposing a conditions of practice order on your registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted

that you have been unable to comply with conditions of practice due to your current employment position and noted your confusion surrounding the decision made in the previous hearing but you are willing to comply with any conditions imposed.

The panel was of the view that a varied conditions of practice order is sufficient to satisfy the wider public interest, noting as the original panel did that there was no evidence of general incompetence. In this case, there are conditions that could be formulated which would satisfy the public interest during the period they are in force.

The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of your case because the charges found proved are capable of remediation, therefore it would not be appropriate to impose a suspension or striking-off order.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of 12 months, which will come into effect on the expiry of the current order, namely at the end of 12 June 2026.

The panel decided to vary the conditions by removing condition 9 a). It was not satisfied that emotional intelligence is a matter that could be easily demonstrated or measured through training. It considered that this aspect of the regulatory concerns identified by the previous panel can be better addressed through reflection rather than courses. The panel had regard to the other conditions imposed and was satisfied that the remaining conditions are sufficient to address the public interest issues identified.

The panel decided to impose the following conditions which it considered 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.

11. You must keep the NMC 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.
  
12. You must keep the NMC informed about anywhere you are studying by:
  - a) Telling your case officer within seven days of accepting any course of study.
  - b) Giving your case officer the name and contact details of the organisation offering that course of study.
  
13. 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.
  - e) Any current or prospective patients or clients you intend to see or care for when you are working independently
  
14. 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.

15. 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.
  
16. You will send the NMC a report seven days in advance of the next NMC hearing or meeting from either:
  - a) Your line manager.
  - b) Professional mentor or supervisor.
  
17. You must appoint and engage with your professional mentor to ensure that you are making progress towards aims set in your personal development plan (PDP), which include:
  - a) Meeting with your professional mentor at least every month to discuss your progress towards achieving the aims set out in your PDP.
  
18. You must work with your professional mentor to create a personal development plan (PDP). Your PDP must address the following concerns:
  - a) Your understanding of the principles of GDPR.
  - b) Your responsibility in relation to the protection of confidential information where vulnerable patients are concerned.
  - c) Navigating difficult conversations to include, but not limited to, self-assertion and self-awareness.
  - d) Working cooperatively and in conjunction with management.
  - e) Understanding the impact of your behaviour on others.

Once completed you must:

- Send your case officer a copy of your PDP quarterly
- Send your case officer a report from your professional mentor quarterly. This report must show your progress towards achieving the aims set out in your PDP

19. You will send your case officer evidence that you have successfully completed the following training courses:

- a) Information governance including confidentiality, handling patient information and data protection in a healthcare setting.

The suitability of the training programme should be discussed and agreed with your professional mentor.

20. You must keep a reflective practice profile. The profile will:

- a) Set out the nature of your training programmes, demonstrating your learning and how it has been applied to practice.

You must send your case officer a copy of the reflective practice profile prior to your review hearing.

The period of this order is for 12 months.

This varied conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 12 June 2026 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well you have complied with the order. At the review hearing the panel may revoke the

order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- An in-depth reflective piece.
- A report from your professional mentor about the impact of the training on your practice.
- A report from a line manager or supervisor from your most recent employer surrounding your conduct and professional practice.
- Evidence of completion of courses and learning achieved.

This will be confirmed to you in writing.

That concludes this determination.