

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

**Substantive Order Review Hearing
Friday, 22 May 2026**

Virtual Hearing

Name of Registrant: Rachel Olive Kate Mayhew

NMC PIN: 95J0441E

Part(s) of the register: Registered Nurse - Adult (RNA) 27 September 1998
Community Practitioner Nurse Prescriber (V100)
14 August 2004
Registered Specialist Comm Public Health Nurse - HV
(RHV) 18 October 2004
Nurse Independent/Supplementary Prescriber (V300) 25
July 2014

Relevant Location: Isle of Wight

Type of case: Misconduct

Panel members: Susan Thomas (Chair, Lay member)
Hazel Walsh (Registrant member)
Colleen Sterling (Lay member)

Legal Assessor: Trevor Jones

Hearings Coordinator: Hanifah Choudhury

Nursing and Midwifery Council: Represented by Stephanie Stevens, Case Presenter

Miss Mayhew: Not present and unrepresented at the hearing

Order being reviewed: Conditions of practice order (18 months)

Fitness to practise: Impaired

Outcome: **Conditions of practice order extended for 12 months to come into effect at the end of 25 May 2026 in accordance with Article 30 (1)**

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Miss Mayhew was not in attendance and that the Notice of Hearing had been sent to Miss Mayhew's registered email address by secure email on 21 May 2026.

Ms Stevens, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Ms Stevens submitted that the documentation before the panel today indicates that Miss Mayhew is aware of today's hearing date, that she would not be attending, and that she was content to waive notice.

Ms Stevens submitted that it should also be noted that, prior to today's hearing, a further review hearing had been listed on 13 May 2026. At that hearing, the panel decided to adjourn the matter being aware that the NMC would not be able to comply with the notice requirements before the current order expires on 25 May 2026.

Ms Stevens submitted that, in light of all the information before it, the panel should find that notice has been properly served and sufficiently waived by Miss Mayhew.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the substantive order being reviewed, the time, date and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Miss Mayhew's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all of the information available, the panel was satisfied that Miss Mayhew has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Miss Mayhew

The panel next considered whether it should proceed in the absence of Miss Mayhew. The panel had regard to Rule 21 and heard the submissions of Ms Stevens who invited the panel to continue in the absence of Miss Mayhew.

Ms Stevens referred the panel to the telephone call note from the NMC's Case Officer, dated 21 May 2026, which said:

'In regards to the hearing she is happy for it to go ahead in her absence...'

Ms Stevens submitted that, given that the previous review hearing had been adjourned, an adjournment would serve no useful purpose.

The panel accepted the advice of the legal assessor.

The panel decided to proceed in the absence of Miss Mayhew. In reaching this decision, the panel considered the submissions of Ms Stevens, and the advice of the legal assessor. It had particular regard to relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- Miss Mayhew has informed the NMC that she has received the Notice of Hearing and confirmed she is content for the hearing to proceed in her absence;
- No application for an adjournment has been made by Miss Mayhew;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- This case had previously been adjourned on 13 May 2026.
- The substantive order expires on 25 May 2026.

In these circumstances, the panel decided that it is fair to proceed in the absence of Miss Mayhew.

Decision and reasons for the hearing to be held partly in private

Whilst Ms Stevens was making her submissions the panel noted that some parts of her submissions made reference to Miss Mayhew's personal circumstances. The panel invited Ms Stevens' submissions on whether it should hear parts of the hearing in private.

Ms Stevens supported this application.

The panel noted 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 or by the public interest.

Having heard that there may be reference to Miss Mayhew's personal circumstances, the panel determined to hold the hearing partly in private in order to protect her privacy. The panel agreed to go into private session as and when such issues are raised.

Decision and reasons on review of the substantive order

The panel decided to extend the current conditions of practice order for a period of 12 months.

This order will come into effect at the end of 25 May 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 18 months by a Fitness to Practise Committee panel on 18 October 2024.

The current order is due to expire at the end of 25 May 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. Between February 2017 and November 2019 breached professional boundaries with Service User A in that you:

- 1.1. Provided Service User A with your personal mobile telephone number;*
- 1.2. Took Service User A running outside of your working hours;*
- 1.3. Exchanged numerous text messages with Service User A using your personal mobile telephone number;*
- 1.4. Sent Service User A a message containing a picture of your daughter;*
- 1.5. Purchased a mobile telephone from Service User A;*
- 1.6. ...*
- 1.7. Gave Service User a Christmas card which contained personal information about your daughter;*
- 1.8. Asked Service User A to make a birthday cake for your daughter;*
- 1.9. ...*
- 1.10. Assisted Service User A to move home;*
- 1.11. Offered to buy and accepted a sofa from Service User A*
- 1.12. On one or more occasions allowed Service User A to visit your home;*
- 1.13. On one or more occasions allowed Service User A to work in your garden;*
- 1.14. On 3 September 2018 invited Service User A to stay overnight at your home;*
- 1.15. Asked Service User A to purchase alcohol for you;*
- 1.16. Continued to see Service User A after they had been discharged from your care/service.*

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 was of the view that in breaching professional boundaries with a vulnerable service user and by causing harm and placing her at risk, your misconduct brought the profession into disrepute. Maintaining professional boundaries is a fundamental tenet of the profession, the panel therefore determined that in forming a friendship with Service User A, you breached fundamental tenets of the profession.

In determining future risk, the panel had regard to all of the evidence before it which included your bundle of documents and the three additional documents provided to the panel for its consideration of this stage of the proceedings. The panel additionally was aware of a complaint separate to this case that had been made against you currently at the screening stage with the NMC. The panel did not attach weight to this as this complaint remains at the screening stage and forms no part of this case.

In respect of insight, the panel had regard to all of your reflective statements and the evidence you provided under affirmation. The panel found that you were clearly remorseful for your actions and the impact they had on Service User A, the profession, the regulator and you. Whilst the panel acknowledged that you have provided detailed reflection on your actions, it noted that in your evidence you appear to deflect blame for the continued development of the friendship and your inability to maintain professional boundaries with a service user onto your management who you said did not take your concerns about Service User A seriously. The panel was of the view that the assertion that you attempted to raise concerns was inconsistent with your actions in actively maintaining communications and encounters with Service User A.

The panel noted that in your evidence you appeared to lack confidence in your ability to ensure that you maintain professional boundaries. You told the panel that you felt that you needed regular supervision and a "good" management team who would help you ensure that professional boundaries were maintained. The panel was of the view that if you had fully reflected upon your conduct and strengthened your practice, you would not need any support in maintaining professional boundaries which is a fundamental tenet of the nursing profession.

The panel therefore found your insight to be as yet not fully developed at this stage.

The panel went on to consider whether the conduct in this case is capable of remediation. The panel was of the view that breaching professional boundaries is attitudinal in nature and therefore inherently difficult to remediate. The panel considered that the breach of professional boundaries in this case was not at the lower end of the spectrum of seriousness as it involved a vulnerable service user, it occurred over a sustained period of time in a small community and caused actual harm. The panel was of the view that given your evidence of remorse, developing insight and efforts you have made to remediate your practice, a deep seated attitudinal concern is not present. The panel therefore determined that whilst it may be difficult to remediate your practice, it would not be impossible in these circumstances.

Having regard to all of the above, the panel determined that there is a risk of repetition of the conduct and a consequent risk of harm to patients. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel was of the view that a fully informed member of the public would be concerned if a finding of impairment was not made in a case where professional boundaries with a vulnerable service user have been breached. Particularly, as the panel has found that your insight is developing and there is a risk of repetition of the conduct. The panel therefore determined that a finding of impairment on public interest grounds is required to maintain and uphold public confidence in the profession.

Having regard to all of the above, the panel determined that your 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 first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness and nature of the case and the public protection 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 and nature of the case, and the public protection issues identified, an order that does not restrict your practice would not be appropriate in the circumstances. The Guidance 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 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 placing conditions of practice on your registration would be proportionate and sufficient to protect patients or service users and address any concerns about public confidence or proper professional standards and conduct. The panel was mindful that any conditions imposed must be 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;*
- The conditions will protect patients during the period they are in force; and*
- Conditions can be created that can be monitored and assessed.*

The panel found that there was no evidence of harmful deep-seated attitudinal problems. Whilst the panel considered that maintaining professional boundaries was not a clinical skill, it is an identifiable area of practice that can be assessed and addressed by retraining in these particular circumstances. The panel found that there was no evidence of general incompetence, and that although the misconduct occurred over a period of time, it related to one patient in a long and otherwise unblemished career. The panel had regard to your remorse, the steps you have taken to strengthen your practice and insight and determined that patients could be protected through the implementation of a conditions of practice order. The panel considered that conditions can be created that can be monitored and assessed.

Having regard to all of the above, 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 also accepted that you would be willing to comply with conditions of practice. The panel considered that a conditions of practice order would give you the opportunity to return to nursing in a supervised manner, whilst continuing to reflect on your conduct and put your learning into practice. The panel was of the view that a conditions of practice order was also sufficient to maintain public confidence in the profession, uphold proper standards of conduct. The panel considered that an ordinary member of the public, fully informed of the facts of this case including the evidence of your remorse, reflection and insight would be satisfied with this sanction. The panel therefore determined that this would also address the public interest in this case.

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

The panel was of the view that though the imposition of a suspension order or a striking-off order would protect the public, it would be wholly disproportionate and would not be a reasonable response in the circumstances of your case. The panel found that there was no evidence of deep-seated attitudinal concerns, you fully accepted the concerns and have taken steps to strengthen your practice. The panel was therefore of the view that a suspension order or a striking off order would be

punitive and go further than needed to meet the overarching objective of public protection.

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

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

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

- 1. You must ensure that you are supervised any time you are working. Your supervision must consist of:*
 - Working at all times on the same shift as, but not always directly observed by, a registered nurse of band 6 or above.*
 - Meetings with your line manager, mentor or supervisor at least once a month to discuss your performance and maintenance of professional boundaries.*
- 2. You must send your NMC case officer a report from your line manager, mentor or supervisor commenting on your performance and maintenance of professional boundaries prior to the review of this order.*
- 3. You must keep a reflective practice profile. Your profile must:*

- *Include a monthly review of how you have maintained professional boundaries.*
 - *Contain feedback from your line manager, mentor, supervisor or colleagues on how you have maintained professional boundaries.*
 - *You must send your case officer a copy of your profile prior to the review of this order.*
4. *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.*
 5. *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.*
 6. *You must immediately give a copy of these conditions to:*
 - a) *Any organisation or person you work for.*
 - b) *Any employers you apply to for work (at the time of application).*
 - c) *Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.*
 7. *You must tell your NMC 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.*

8. *You must allow your NMC 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.'*

Decision and reasons on current impairment

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

The panel has had regard to all of the documentation before it, including the NMC bundle and written submissions provided by Miss Mayhew's representative.

Ms Stevens submitted that there has been no meaningful engagement from Miss Mayhew with the NMC and no evidence of personal reflection, strengthened practice, or developing insight. She submitted that Miss Mayhew has not provided a report from a line manager, mentor or supervisor, nor a reflective practice profile, and that there is no evidence that she has maintained or developed her skills and knowledge during this period.

Ms Stevens submitted that there has been no meaningful progress since the substantive hearing in demonstrating that Miss Mayhew is fit to practise without restriction. She submitted that the misconduct involved sustained breaches of professional boundaries, caused emotional harm to Service User A, undermined trust in professional services, and involved personal gain. In the absence of evidence of remediation or strengthened practice, she submitted that the risk previously identified by the panel remains.

Ms Stevens submitted that a finding of current impairment remains necessary on both public protection and public interest grounds in order to uphold professional standards and maintain public confidence in the profession. She submitted that, given the lack of remediation or insight, the panel may conclude that Miss Mayhew continues to present a risk of harm.

Ms Stevens submitted that the NMC's position is that a conditions of practice order remains the appropriate sanction. She submitted that, although Miss Mayhew has not complied with the conditions to date and her engagement with the NMC has been limited, the NMC acknowledges the information she has recently provided.

Ms Stevens submitted that Miss Mayhew has indicated an intention to attend a future hearing and to liaise with her representative regarding the next steps. She submitted that Miss Mayhew's representative has also indicated that she is prepared and willing to comply with conditions.

Ms Stevens submitted that there remains some indication of a willingness to engage and comply with conditions. In those circumstances, she submitted that the panel may conclude that a conditions of practice order remains both necessary and appropriate.

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 Miss Mayhew's fitness to practise remains impaired.

The panel noted that Miss Mayhew has not been working as a nurse and that the conditions of practice order has therefore not been tested in a clinical setting or in circumstances involving patient contact. The panel had no evidence before it to demonstrate strengthened practice, remediation, remorse or developed insight. In particular, there were no testimonials, reflective pieces, training certificates, or evidence from employers, supervisors or mentors. The panel was therefore unable to determine what steps, if any, Miss Mayhew has taken to address the concerns identified by the substantive panel.

The panel noted that the original concerns involved sustained breaches of professional boundaries with a vulnerable service user over a number of years which caused emotional harm and involved financial gain. It considered that the conditions imposed by the substantive panel were intended to test Miss Mayhew's practice and provide evidence of remediation and strengthened practice. However, the panel had no evidence that the conditions have been complied with or that their objectives have been met. In the absence of any evidence of meaningful remediation or improved insight, the panel concluded that there remains a risk of repetition and an ongoing risk to the public. The panel was not satisfied that Miss Mayhew is currently able to practise safely and effectively without restriction. The panel therefore determined that Miss Mayhew's fitness to practise remains impaired on public protection grounds.

The panel also concluded that a finding of current impairment remains necessary in the wider public interest. It considered that members of the public would expect a nurse who had crossed professional boundaries with a vulnerable service user to demonstrate remediation, insight and strengthened practice before being permitted to practise unrestricted. In the absence of such evidence, public confidence in the profession and the regulatory process would be undermined. Accordingly, the panel determined that Miss Mayhew's fitness to practise remains impaired on both public protection and public interest grounds.

Decision and reasons on sanction

Having found Miss Mayhew's fitness to practise is 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. Taking no action would offer no element of public protection in the present case. 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 protection issues identified, an order that does not restrict Miss Mayhew's 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 Miss Mayhew'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. Taking a caution order would offer no element of public protection in the present case. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel has taken account of the representations on behalf of Miss Mayhew in terms of the workability of the current conditions of practice order. Nonetheless, it is the panel's judgement that extending the current conditions of practice order is appropriate and proportionate given the ongoing risks Miss Mayhew presents in unrestricted practice and the clear definitions given by the NMC with regard to working as a registered nurse.

In reaching its decision the panel took into account that, although Miss Mayhew has not yet complied with the conditions or demonstrated remediation, there has been some recent indication of a willingness to engage with the NMC process and to comply with conditions in the future.

The panel considered that workable and measurable conditions remain capable of addressing the identified risks while also providing Miss Mayhew with an opportunity to

demonstrate strengthened practice, develop insight, and provide evidence of remediation. The panel was satisfied that a further conditions of practice order would adequately protect the public and maintain public confidence in the profession.

The panel also considered whether a suspension order would be appropriate. It concluded that this would be disproportionate at this stage given the recent indication that Miss Mayhew wished to comply with conditions. It was the panel's view that workable conditions remain capable of addressing the outstanding risks with regard to public protection and public interest.

Accordingly, the panel determined, pursuant to Article 30(1)(c), to make a conditions of practice order for a period of 12 months to allow time for Miss Mayhew to comply with the conditions. This order will come into effect on the expiry of the current order, namely at the end of 25 May 2026. It decided to continue 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.

1. You must ensure that you are supervised any time you are working.

Your supervision must consist of:

- Working at all times on the same shift as, but not always directly observed by, a registered nurse of band 6 or above.
- Meetings with your line manager, mentor or supervisor at least once a month to discuss your performance and maintenance of professional boundaries.

2. You must send your NMC case officer a report from your line manager, mentor or supervisor commenting on your performance and maintenance of professional boundaries prior to the review of this order.

3. You must keep a reflective practice profile. Your profile must:

- Include a monthly review of how you have maintained professional boundaries.
- Contain feedback from your line manager, mentor, supervisor or colleagues on how you have maintained professional boundaries.
- You must send your case officer a copy of your profile prior to the review of this order.

4. 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.

5. 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.

6. You must immediately give a copy of these conditions to:

- a) Any organisation or person you work for.
- b) Any employers you apply to for work (at the time of application).
- c) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.

7. You must tell your NMC 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.

8. You must allow your NMC 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.

The period of this order is for 12 months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 25 May 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 Miss Mayhew has 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 reviewing panel would be assisted by:

- Miss Mayhew's attendance at any future hearing;
- evidence of training undertaken;
- references from present employers, line managers or colleagues in respect of her conduct, whether she is in a regulated role or not.

This will be confirmed to Miss Mayhew in writing.

That concludes this determination.