

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

**Substantive Meeting
Monday, 28 September 2026 - Thursday, 8 October 2026**

Virtual Meeting

Name of Registrant:	Rebecca Louise Burwood
NMC PIN:	99B0024W
Part(s) of the register:	Registered Nurse – Sub Part 1 Adult Nursing (Level 1) – 22 March 2002
Relevant Location:	Flintshire
Type of case:	Misconduct
Panel members:	Wayne Miller (Chair, lay member) Sharon Peat (Registrant member) Marilyn Norman (Lay member)
Legal Assessor:	Sean Hammond (28 September 2026 – 5 October 2026) Gillian Hawken (5 – 8 October 2026)
Hearings Coordinator:	Adaobi Ibuaka
Facts proved:	Charges 1 in its entirety, 2 in its entirety, 3, 4, 5 and 6
Facts not proved:	N/A
Fitness to practise:	Impaired
Sanction:	Striking-off order
Interim order:	Interim suspension order (18 months)
Final outcome:	FTP impaired - striking off order

Decision and reasons on service of Notice of Meeting

The panel was informed at the start of this meeting that the Notice of Meeting had been sent to Mrs Burwood's registered email and registered address by recorded delivery on 29 July 2026.

The panel had regard to the Royal Mail 'Track and trace' printout which showed the Notice of Hearing was delivered to Mrs Burwoods's registered address on 30 July 2026. It was signed for against the printed name of 'Rebecca Burwood'.

Further, the panel noted that the Notice of Meeting was also sent to Mrs Burwood's representative at Richard Nelson LLP on 29 July 2026.

The panel accepted the advice of the legal assessor.

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

In the light of all of the information available, the panel was satisfied that Mrs Burwood 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 noted that the Rules do not require delivery and that it is the responsibility of any registrant to maintain an effective and up-to-date registered address.

Decision and reasons on amendment of the charge

The panel at the outset of the hearing identified two typographical errors in the charges. Firstly, the panel noted that charges 1 to 5 refer to a 'Resident A' but charge 6 refers to a 'Person A'. Having considered the evidence before it, the panel was of the view that it was clear that the person referred to in charge 6 was the same individual as in charges 1 to 5. Secondly, the panel noted that charge 1dii) refers to a sum of £17,795, but the evidence before the panel refers to a sum of £20,000.

The panel accepted the advice of the legal assessor and had regard to Rule 28 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel determined that it is clear from the evidence that the references in the charges to Resident A and to Person A are references to the same person. The panel was therefore satisfied that the reference to Person A in charge 6 is a typographical error. To ensure consistency and clarity, the panel therefore decided to amend the wording of charge 6 to replace Person A with Resident A.

The panel further determined that the evidence demonstrates that Mrs Burwood made a £20,000 payment for a car, and it was Person B that made a payment of £17,795 for a car. The panel determined to amend the wording of the charge to replace the sum of £17,795 with £20,000, to be in line with the evidence.

Charge 6 currently reads as follows:

'On 28 April 2023 you visited Person A with a piece of paper and asked her to sign a document and / or said " I will give you the money back" and or " sign there do not sign here" or words to that effect.'

The proposed amendment to charge 6 is as follows:

*'On 28 April 2023 you visited ~~Person A~~ **Resident A** with a piece of paper and asked her to sign a document and / or said " I will give you the money back" and or " sign there do not sign here" or words to that effect'.*

Charge 1dii currently reads as follows:

'Payment of £17,795 for a car;'

The proposed amendment to charge 1dii is as follows:

*'Payment of ~~£17,795~~ **£20,000** for a car;'*

The panel was of the view that such amendments were in the interest of justice. The panel was satisfied that there would be no prejudice to Mrs Burwood and no injustice would be caused to either party by the proposed amendments being made. It was therefore appropriate to make the amendments to ensure clarity and accuracy.

Details of charges (as amended)

That you, a Registered Nurse:

- 1) Between 2017 to 2023 took advantage of Resident A for your own personal and / or financial gain in that you:
 - a) Arranged for Resident A to move into Bryn Yr Haul Care Home.
 - b) On one or more occasion withdrew cash from Resident A's bank account for your own personal use.
 - c) Ensured you were recorded as Resident A's next of kin
 - d) Accepted and/or were able to obtain via manipulation and/or coercion:
 - i) Ownership of Resident A's home;
 - ii) Payment of £20,000 for a car;
 - iii) Money to pay your own personal bills and / or expenses.
 - e) Told Resident A that she would be unable to have days out without you being afforded access to her money.
- 2) On or around 1 March 2018 you:
 - a) Attempted to unfreeze Resident A's bank account by taking Resident A to the bank;
 - b) Said to Resident A "*if the restrictions are not lifted I will not be able to take you out for the day*" or words to that effect.
- 3) On or before 5 May 2018 you applied and / or were registered as Resident A's health and / or financial Lasting Power of Attorney.

- 4) Between 5 May 2018 and 31 May 2019 you did not inform your employer, Bryn Yr Haul House Care Home, that you were registered as Resident A's financial Lasting Power of Attorney.
- 5) Your conduct at Charge 4 was dishonest as you knew Resident A was a resident at Bryn Yr Haul House Care Home where you were employed.
- 6) On 28 April 2023 you visited Resident A with a piece of paper and asked her to sign a document and / or said " *I will give you the money back*" and or " *sign there do not sign here*" or words to that effect.

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

Hearsay Application:

The panel had regard to the NMC's written submissions on hearsay. The NMC made an application to have the evidence of Christine Whiteside (Ms Whiteside), namely exhibit KM/6 and exhibit KM/7 to be read under rule 31 of the Nursing & Midwifery Council Rules 2004, and be admitted into evidence.

The NMC referred the panel to the case of *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC1565 (Admin) (*Thorneycroft*) and submitted that Ms Whiteside's evidence is not sole and decisive evidence. The NMC further submitted that all reasonable efforts were made by the NMC and the instructed external firm of solicitors Capsticks LLP (Capsticks) to try and secure Ms Whiteside's witness statement, via email and telephone to the Home and her personal address. However, these have not been successful.

The NMC submitted that when they were finally able to get in contact with Ms Whiteside, she initially agreed to partake in a witness interview, but cancelled the meeting the day before. [PRIVATE]. The NMC submitted that Ms Whiteside's evidence contained within exhibits KM/6 and KM/7 is relevant and fair to these proceedings as it deals with matters in charges 1 and 6, which relate to misconduct and dishonesty, and are key factors that require consideration by the panel.

The NMC further submitted that in exhibit KM/6 there is correspondence from Ms Whiteside to the police detailing that Resident A told the solicitor who attended the Home to deal with the original LPA being revoked, that she had not given permission to “them” to spend money on themselves. Furthermore, In exhibit KM/7 there is an email which details an allegation raised by Ms Whiteside to Mrs Burwood that Resident A signed an unwitnessed document with Mrs Burwood on Friday 28 April 2023.

The NMC submitted that the charges Mrs Burwood faces are of a serious nature, and it would be in the interest of fairness to consider Ms Whiteside’s evidence. This can only be done if all the available evidence is considered including Ms Whiteside’s evidence. There is nothing to suggest Ms Whiteside had reason to fabricate her evidence, she is a registered Adult Nurse who has worked as a registered care home manager for a number of years. The NMC submit that there is no need to question her credibility or reliability.

In such circumstances the NMC submit that the panel accord Ms Whiteside’s evidence weight as it deems appropriate. The NMC therefore invite the panel to allow Ms Whiteside’s correspondence in KM/6 and KM/7 to be admitted in these proceedings.

The panel heard and accepted the advice of the legal assessor, who referred the panel to the NMC guidance DMA-6, and the relevant case law including *Thorneycroft v NMC* [2014], *NMC v Ogbonna* [2010] EWCA Civ 1216 and *Mansaray v NMC* [2023] EWHC 730 admin.

Decision on application to admit the hearsay evidence

The panel considered each exhibit separately and applied the relevant principles in *Thorneycroft*.

Exhibit KM/6 – Correspondence with the Police

In relation to the email correspondence between Ms Whiteside and the Police, the panel was satisfied that the document was relevant and speaks to the charges, namely charge

1diii) and charge 6. The panel noted that in relation to charge 1diii), Mrs Burwood denies the stem of the charge but accepts the limb.

The panel first considered whether the email correspondence between Ms Whiteside and the police, was the sole or decisive evidence. It was satisfied that it was not the sole or decisive evidence and corroborates the evidence of other witnesses. When considering the extent of the challenge to the email correspondence between Ms Whiteside to the police by Mrs Burwood, the panel took into account that Mrs Burwood and her legal representative had been served notice of this substantive meeting, with the documents for the hearsay application attached, two months before the meeting. There was no response submitted by Mrs Burwood or her legal representative objecting to the NMC's hearsay application and the panel was satisfied that Mrs Burwood had been given sufficient notice to respond.

The panel considered that Ms Whiteside had no reason to fabricate her evidence, as she is a registered nurse and manager at the Home. It further considered that there was no direct or inferential evidence of any animosity, or indication of a toxic work environment, that would suggest Mrs Whiteside had motive to fabricate her evidence.

The panel considered that the charges were very serious and if found proved, there could be an adverse impact on Mrs Burwood's career.

The panel then considered whether there was a good reason for the non-attendance, or lack of a written witness statement from Ms Whiteside. The panel had regard to the evidence before them, specifically the an email correspondence between the NMC and Ms Whiteside dated 15 March 2024;

[PRIVATE].

The panel was satisfied that this was a valid reason for Ms Whiteside's non-attendance and lack of written witness statement. The panel had regard to the numerous telephone and email correspondence between the NMC and Ms Whiteside. It considered that the NMC made multiple attempts to get her to attend a hearing or provide a written witness

statement, including special measures. The panel was satisfied that the NMC had taken all the reasonable steps to secure Ms Whiteside attendance and written witness statement.

The panel considered that Mrs Burwood had prior notice that the NMC wanted to make an application for the hearsay evidence to be admitted into evidence. It noted that Mrs Burwood has not objected to the inclusion/admissibility of this document, or sought further legal representation. It noted that Mrs Burwood had sight of the application, consented for her case to be heard as a meeting, and had provided a response bundle.

Therefore, on balance the panel determined that it was fair to admit the email correspondence between Ms Whiteside and the police (KM/6) into evidence. The panel will determine the weight to attach to this evidence, if any, in due course.

Exhibit KM/7 – Correspondence with Safeguarding

In relation to the email correspondence between Ms Whiteside and Safeguarding (KM/7), the panel was satisfied that the document was relevant and speaks to the charges, namely charge 3 and charge 6. The panel noted that in relation to charge 3 Mrs Burwood made admissions to the charge. The panel considered that this document provided context toward the charges and was pertinent to charge 6.

The panel first considered whether the email correspondence between Ms Whiteside and Safeguarding, was the sole or decisive evidence. It was satisfied that it was not the sole or decisive evidence and it corroborates the written evidence of another witness, Alexandra Campean (Ms Campean), where its reliability can be compared and tested. When considering the extent of the challenge to the email correspondence between Ms Whiteside to Safeguarding, by Mrs Burwood, the panel took into account that Mrs Burwood and her legal representative had been served notice of this substantive meeting, with the documents for the hearsay application attached, two months before the meeting. There was no objection submitted by Mrs Burwood or her legal representative addressing the

NMC's hearsay application and the panel was satisfied that Mrs Burwood had been given sufficient notice to respond.

The panel considered that Ms Whiteside had no reason to fabricate her evidence, as she is a registered nurse and manager at the Home. It further considered that there was no direct or inferential evidence of any animosity, or indication of a toxic work environment, that would suggest Ms Whiteside had motive to fabricate her evidence.

The panel considered that the charges were very serious and if found proved there could be an adverse impact on Mrs Burwood's career.

The panel then considered whether there was a good reason for the non-attendance, or lack of a written witness statement from Ms Whiteside. The panel had regard to the evidence before them, specifically the an email correspondence between the NMC and Ms Whiteside dated 15 March 2024;

[PRIVATE].

The panel was satisfied that there was a strong reason for Ms Whiteside's non-attendance and lack of written witness statement. The panel had regard to the numerous telephone and email correspondence between the NMC and Ms Whiteside. It considered that the NMC made multiple attempts to get her to attend a hearing or provide a written witness statement, including special measures. The panel was satisfied that the NMC had taken all the reasonable steps to secure Ms Whiteside attendance and written witness statement.

The panel considered that Mrs Burwood had prior notice that the NMC wanted to make an application for the hearsay evidence to be admitted into evidence. It noted that Ms Burwood has not objected to the inclusion/admissibility of this document, or sought further

legal representation. It noted that Mrs Burwood had sight of the application, consented for her case to be heard as a meeting and had provided a response bundle.

Therefore, on balance the panel determined that it was fair to admit the email correspondence between Ms Whiteside and Safeguarding into evidence. The panel will determine the weight to attach to this evidence, if any, in due course.

The panel decided to admit all the hearsay evidence of Ms Whiteside into evidence.

Assessment of the evidence

This fitness to practise case is being conducted as a meeting, on a documents only basis, as opposed to an oral hearing involving in person witness testimony.

The panel has carefully considered all of the evidence before it, both individually and in the round. The panel has undertaken a careful assessment of the relevance, reliability and weight to be afforded to the various documents and other evidence relied upon in this case. In doing so, the panel has recognised that not all evidence carries the same evidential weight and has therefore considered, where appropriate, the extent to which particular documents should be preferred over others. The panel has had regard to the content, provenance, timeliness and circumstances in which each document was created, as well as its consistency with the other evidence available.

Where there are differences or inconsistencies within the evidence, the panel has considered those matters carefully and has determined which evidence it considers more reliable and why. The panel has then assessed the evidence as a whole in determining the facts of the case and has reached its findings on the balance of probabilities.

MH/3 Form CID16

This exhibit, dated 10 March 2023, is a CID16 referral (exhibit MH/3) which was completed following an incident and in circumstances when it was identified that an individual was vulnerable.

The document is completed for a specific professional and regulatory purpose. In this case it highlights the alleged risks posed by Mrs Burwood.

The panel have placed significant weight on this document:

- It is an official North Wales Police form used for reporting safeguarding concerns.
- In this case it has been used for an official purpose.
- The form contains a declaration for the author '*All information must be factual*'.
- It has been completed by a police officer in connection with their lawful duties.
- It has been used to share information with other statutory bodies that have safeguarding responsibilities.
- It has been completed soon after the bank made the referral to the police.
- Mrs Burwood and her legal representative have not challenged the validity of the document.
- Its contents are consistent with other documentation.
- There is no reason to dispute its contents.

MH/7 Section 126 enquiry

This exhibit, dated 14 March 2023, contains a number of communications in relation to a safeguarding referral generated from CID16, (exhibit MH/3). This form is completed to establish progress with enquiries and set out a strategy to safeguard the person referred.

The emails ask for further information from the home and asks the police about the status of their case. It reports the findings of a police officer who visited Resident A three times. The emails also cover the visits from Person B's [PRIVATE], and details of the incident on 28 May 2023 asking for advice and the need to refer to safeguarding.

The panel have placed significant weight on this form and emails:

- They are official local safeguarding records and email trail.
- Entries are dated and authors identified as professionals involved in the investigation, safeguarding and the home manager.
- The form has been completed by a senior practitioner within the safeguarding team.

- Mrs Burwood and her legal representative have not challenged the validity of the document.
- Its contents are consistent with other documentation.
- There is no reason to dispute its contents.

MH/9 Safeguarding referral (April 2023)

This exhibit, dated 13 April 2023, is a safeguarding referral form that was completed by staff following Person B's [PRIVATE] and subsequent confession to financially abusing Resident A over two years and for approximately £200,000.

The panel have placed considerable weight on this document:

- It is an official North Wales Safeguarding form used for reporting concerns.
- It has been completed by the Lead Professional in Safeguarding and Complex Health Care at the hospital
- It has been used to share information with other statutory bodies that have safeguarding responsibilities.
- Mrs Burwood and her legal representative have not challenged the validity of the document.
- Its content are consistent with other documentation.
- There is no reason to dispute its contents.

MH/6 – North Wales Safeguarding referral May 2023

This exhibit, dated 11 May 2023, is an Adult Safeguarding Report completed with regards to Resident A. This form was completed by Ms Whiteside making a referral regarding Resident A to safeguarding, after a report was made of Resident A being asked to sign documents.

The panel have placed significant weight on this document:

- It is an official local safeguarding record
- The form was completed by the care home manager who is a registered nurse
- The document was completed and sent within 2 weeks of the incident

- Mrs Burwood and her legal representative have not challenged the validity of the document.
- Its content are consistent with other documentation.
- There is no reason to dispute its contents.

MH/10 Safeguarding outcome

This exhibit, dated 12 May 2023, is a completed safeguarding referral form. It details when on 10 May 2023, Catrin Edwards (Ms Edwards) visited Resident A, relating to Mrs Burwood being observed asking Resident A to sign something in the care home.

The panel have placed significant weight on this document:

- It is an official Safeguarding form
- In this case it has been used for an official purpose.
- It was completed by a Safeguarding Officer in connection with their statutory duties.
- It was used to share information with other statutory bodies that have safeguarding responsibilities.
- It is contemporaneous evidence, having been completed within two days of the meeting.
- Mrs Burwood and her legal representative have not challenged the validity of the document.
- Its content are consistent with other documentation.
- There is no reason to dispute its contents.

MH/5 – Meeting dated 9 June 2023

This exhibit, dated 9 June 2023, is a formal multi agency meeting with minutes. The purpose is to establish whether Mrs Burwood poses a risk to adults and children during the course of their work.

The panel have placed significant weight on this document:

- It is an official local safeguarding record
- The agencies attending include the police and representatives of Mrs Burwood's current employer

- It has been recorded by a specific person dedicated to taking minutes and reviewed by attending parties
- Mrs Burwood and her legal representative have not challenged the validity of the document.
- Its content are consistent with other documentation.
- There is no reason to dispute its contents.

MH/15 OPG Correspondence

This exhibit, dated 23 June 2023, contains a number of communications between the witness Michele Hingston (Ms Hingston) the Safeguarding Manager), Ms Edwards the Safeguarding Officer and the Office of the Public Guardian.

The panel have placed significant weight on these documents:

- All parties involved in these communications have done so in their official capacities.
- The OPG have replied in an official letter headed format.
- The communications are for an official purpose and are linked to safeguarding.
- The official bodies involved in the communications have safeguarding responsibilities.
- Mrs Burwood and her legal representative have not challenged the validity of the documents.
- Its contents are consistent with other documentation.
- There is no reason to dispute their contents

MH/1 Section 5 Referral

This exhibit, dated 25 May 2023, is a formal multi agency meeting with minutes. The purpose is to establish whether Mrs Burwood poses a risk to adults and children during the course of her work.

The panel have placed significant weight on this document:

- It is an official North Wales Safeguarding Board form.
- In this case it has been used for an official purpose.

- It has been used to share information with other statutory bodies that have safeguarding responsibilities.
- It has been completed by a representative of one of these statutory bodies.
- Ms Burwood and her legal representative have not challenged the validity of the document.
- Its contents are consistent with other documentation.
- There is no reason to dispute its contents.

MH/14 Meeting dated 12 July 2023

This exhibit, dated 12 July 2023, is a formal multi agency meeting with minutes. The purpose is to establish whether the registrant poses a risk to adults and children during the course of their work.

The panel have placed significant weight on this document:

- It is an official local safeguarding record
- The agencies attending include the police and representatives of the registrants' employers
- It has been recorded by a specific person dedicated to taking minutes and reviewed by attending parties
- Mrs Burwood and her legal representative have not challenged the validity of the document.
- Its contents are consistent with other documentation
- There is no reason to dispute its contents.

MH/4 Meeting dated 9 August 2023

This exhibit, dated 9 August 2023, is a formal multi agency meeting with minutes. The purpose is to establish whether Mrs Burwood poses a risk to adults and children during the course of her work.

The panel have placed significant weight on this document:

- It is an official local safeguarding record.

- The agencies attending include the police and representatives of Mrs Burwood's current employer.
- It has been recorded by a specific person dedicated to taking minutes and reviewed by attending parties.
- Mrs Burwood and her legal representative have not challenged the validity of the document.
- Its contents are consistent with other documentation.
- There is no reason to dispute its contents.

KM/6 correspondence with the police

This exhibit contains a series of emails around May 2023, between a number of statutory agencies. It also includes a number of emails from Ms Whiteside sent in her capacity as Manager of the home.

The panel have placed significant weight on this document:

- It is an official email that was sent in the course of Ms Whiteside's duties.
- The email contains information for the attention of a statutory body that has safeguarding responsibilities.
- The email was sent on the same day as the incident it refers to occurred.
- Mrs Burwood and her legal representative have not challenged the validity of the document.
- Its contents are consistent with other documentation.
- There is no reason to dispute its contents.

Statement of Alexandra Campean

This statement is dated 12 January 2024, by Ms Campean who is a registered nurse at the Home.

The panel have placed significant weight on this document:

- The statement includes a declaration of truth and is signed by the witness.

- The statement was made in conjunction with the witness' duties as a registered nurse.
- The witness made notes on 3 May 2023 which was a short time after the alleged incident.
- There is no known animosity between the witness and Mrs Burwood.
- Mrs Burwood and her legal representative have not challenged the validity of the document.
- This document is consistent with her hand written contemporaneous record.
- There is no reason to dispute its contents.

Statement of Michele Hingston

This statement is dated, 6 February 2024, by Ms Hingston who is an Adult Safeguarding Manager at Flintshire County Council.

The panel have placed significant weight on this document:

- The statement includes a declaration of truth and is signed by the witness.
- The statement was made in conjunction with the witness' official capacity of a Safeguarding Manager.
- There is no known animosity between the witness and Mrs Burwood.
- Mrs Burwood and her legal representative have not challenged the validity of the document.
- Its contents are consistent with other documentation.
- There is no reason to dispute its contents.

Statement of Karen Milner

This statement is dated 15 November 2024, by Karen Milner (Ms Milner) who is an Administrator and Deputy Manager at the Home.

The panel have placed significant weight on this document:

- The statement includes a declaration of truth and is signed by the witness.

- The statement was made in conjunction with the witnesses official capacity of an Administrator and Deputy Manager at the home.
- There is no known animosity between the witness and Mrs Burwood.
- Mrs Burwood and her legal representative have not challenged the validity of the document.
- This statement was made five years after the event but makes reference to contemporaneous evidence.
- Its contents are consistent with other documentation.
- There is no reason to dispute its contents.

Statement of Katy Parr

This statement is dated 14 September 2026, by Katy Parr (Ms Parr) who was an Administrator at the Home and within her statement details an occasion at the Home when Resident A, her solicitor, Mrs Burwood and Person B had a meeting at the Home. This was with regards to Lasting Powers of Attorney for Resident A.

The panel have placed limited weight on this document:

- The statement includes a declaration of truth and is signed by the witness.
- The statement was made in conjunction with the witness' official capacity of an Administrator at the home.
- The statement was made eight years after the event, is not corroborated by any supporting documents. This passage of time may have impacted upon her recollection.
- The panel has not been able to test the contents of her statement.
- The witness' evidence is at odds with other documentary evidence.
- The witness concedes that they are good work friends with Mrs Burwood, but has only seen her out of work once when she attended her wedding in 2018 with a couple of other staff members.

Mrs Burwood's Reflections

Mrs Burwood has submitted two separate written reflections. One dated 20 July 2023 and

the other August 2026.

The panel have placed limited weight on these documents:

- Mrs Burwood has engaged with the NMC and provided these documents.
- There has been no supporting evidence submitted by Mrs Burwood to substantiate the claims that she makes.
- The panel has not been able to test the contents of her statements.
- The documents provide her sole view.

Background

Mrs Burwood has been a Registered Nurse since 22 March 2002 specialising in adult nursing.

On 9 June 2023, the NMC received a referral from Flintshire County Council (the Council) raising concerns about the financial abuse of a 99-year old resident, Resident A.

At the time of the concerns, Mrs Burwood was employed as a Deputy Manager at Bryn Yr Haul Care Home (the Home). There was a preexisting relationship between Mrs Burwood and Resident A. Resident A entered the Home in March 2018, and it was Mrs Burwood who arranged the move into the Home.

It is alleged that between 2017 and 2023 Mrs Burwood took advantage of Resident A for her own personal and / or financial gain. On 5 May 2018, she became Resident A's Lasting Power of Attorney (LPA) for property and financial affairs (along with Mrs Burwood's friend, who was also Resident A's old neighbour, Person B). It is alleged that Mrs Burwood did not notify anyone at the Home that she had been registered as Resident A's LPA.

Mrs Burwood is said to have taken £370,000 from Resident A, with £160,000 of this was from making large cash withdrawals at ATM's. This was not spent on the care of, or for the benefit of, Resident A. There is evidence to show Mrs Burwood used the funds for

house improvements, utility bills and council tax. There are allegations that Mrs Burwood used some of the funds for personal cosmetic surgery.

Resident A transferred ownership of her house to Mrs Burwood prior to going into care at the Home. The house was valued at £400,000.

Following the large cash withdrawals made, Resident A's bank referred the matter to North Wales Police on 1 March 2023, and the police commenced an investigation. The bank initially froze Resident A's account, but it is alleged that Mrs Burwood then took Resident A to the bank to try to unfreeze the account (it does not appear this was successful at the time). The Office of the Public Guardian confirmed that Mrs Burwood had both health/welfare and financial powers under the LPA, alongside Person B.

It is also alleged that Mrs Burwood used emotional blackmail towards Resident A as is reflected in charge 2(b). It is alleged Mrs Burwood informed Resident A she would not be able to take Resident A for days out if she did not have access to her money. Resident A did not have any family.

On 28 April 2023, Mrs Burwood visited Resident A at the Home and was heard to say '*I will give you the money back*', '*sign here*' and '*not sign here*'. As a result, it was recommended by Safeguarding that future visits be supervised.

Resident A was visited by Safeguarding on 10 May 2023, to discuss the conversation from 28 April 2023 with her. Resident A stated that she did not want to take any action as '*she believes [Mrs Burwood] has learned from her mistakes and values her friendship*'. As such, the matter was not taken any further.

The police took no further action as Resident A did not want to make a complaint.

Resident A has since passed away.

Decision and reasons on facts

In reaching its decisions on the facts, the panel took into account all the documentary evidence in this case.

The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that a fact will be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

The panel had regard to the written statements and exhibits provided by the following witnesses on behalf of the NMC:

- Alexandra Campean: Registered Nurse at the Home;
- Michele Hingston: Adult Safeguarding Manager at the Council.
- Karen Milner: Administrator and Deputy Manager at the Home.

The panel noted that the exhibits included the hearsay evidence of Ms Whiteside (contained in exhibits KM/6 and KM/7).

The panel also had regard to the written reflections and representations from Mrs Burwood, the written witness statement of Katy Parr, an administrator at the Home and Mrs Burwood's comments on the Case Management Form (CMF).

The panel took into account the written submissions made on behalf of the NMC in its statement of case, the written submissions from Mrs Burwood and the written submission from Victoria Rees (Ms Rees) the legal representative, on behalf of Mrs Burwood.

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

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

Charge 1

- 1) Between 2017 to 2023 took advantage of Resident A for your own personal and / or financial gain in that you:
 - a) Arranged for Resident A to move into Bryn Yr Haul Care Home.
 - b) On one or more occasion withdrew cash from Resident A's bank account for your own personal use.
 - c) Ensured you were recorded as Resident A's next of kin
 - d) Accepted and/or were able to obtain via manipulation and/or coercion:
 - i) Ownership of Resident A's home;
 - ii) Payment of £20,000 for a car;
 - iii) Money to pay your own personal bills and / or expenses.
 - e) Told Resident A that she would be unable to have days out without you being afforded access to her money

This charge is found proved in its entirety.

In reaching this decision, the panel noted that the stem of the charge alleges a course of conduct between 2017 and 2023 during which it is alleged that Mrs Burwood took advantage of Resident A for her own personal and/or financial gain. The panel further noted that it is alleged that Mrs Burwood did this through the conduct particularised in the sub charges a-e. The panel determined that it would first consider the facts in each of the individual sub charges and then go on to consider the stem of charge 1 for the sub charges found proved.

Charge 1a:

- 1) Between 2017 to 2023 took advantage of Resident A for your own personal and / or financial gain in that you:
 - a) Arranged for Resident A to move into Bryn Yr Haul Care Home.

The panel find the facts of the sub-charge 1a proved as admitted by Mrs Burwood below. In doing so the panel had regard to Mrs Burwood's admission to this sub-charge on the CMF document. This was also confirmed in an undated letter, titled '*Registrant's position on NMC allegation*' and in Ms Rees's written submissions on behalf of Mrs Burwood;

'In relation to allegation 1a, it is accepted that between 2017 to 2023 Ms Burwood arranged for Resident A to move into Bryn Yr Haul Care Home.

Mrs Burwood made this arrangement at the request of Resident A when she was advised by the hospital, ahead of being discharged, that she could not return to her own home, but needed to find somewhere to live where she could have help. Resident A was keen to move to the home because Mrs Burwood worked there. With regard to allegation 1a, it is denied that, in arranging for Resident A to move into Bryn Yr Haul Care Home, Ms Burwood took advantage of Resident A for her own personal and / or financial gain.'

Charge 1b:

- 1) Between 2017 to 2023 took advantage of Resident A for your own personal and or financial gain in that you:
 - b) On one or more occasion withdrew cash from Resident A's bank account for your own personal use.

The panel find the facts of the sub-charge 1b proved as admitted by Mrs Burwood below. In doing so the panel had regard to Mrs Burwood's admission to this sub-charge on the CMF document. This was also confirmed in an undated letter, titled '*Registrant's position on NMC allegation*' and in Ms Rees's defence submissions on behalf of Mrs Burwood;

'This is accepted in so far as Ms Burwood accepts that she withdrew cash from Resident A's bank account for her own personal use on one or more occasion.

She withdrew this money at Resident A's request for things that she wanted her to purchase both for Resident A and herself, as well as making donations to charities that Resident A supported.

However, it is denied that Ms Burwood took advantage of Resident A and/or did this for her own personal and/or financial gain.'

Charge 1c:

1) Between 2017 to 2023 took advantage of Resident A for your own personal and / or financial gain in that you:

c) Ensured you were recorded as Resident A's next of kin

The panel find the facts of the sub-charge 1c proved as admitted by Mrs Burwood below. In doing so the panel had regard to Mrs Burwood's admission to this sub-charge on the CMF document. This was also confirmed in an undated letter, titled '*Registrant's position on NMC allegation*' and in Ms Rees's defence submissions on behalf of Mrs Burwood;

'In relation to allegation 1c, it is accepted that between 2017 to 2023 Ms Burwood ensured that she was recorded as Resident A's next of kin.

Ms Burwood did this at the request of Resident A. Resident A had no close family and having known Ms Burwood for many years and thought of her as a granddaughter, wanted her, along with Person B, to be her next of kin.

With regard to allegation 1c, it is denied that, in ensuring she was recorded as Resident A's next of kin, Ms Burwood took advantage of Resident A for her own personal and / or financial gain.'

Charge 1d

1) Between 2017 to 2023 took advantage of Resident A for your own personal and / or financial gain in that you:

d) Accepted and/or were able to obtain via manipulation and/or coercion:

- i) Ownership of Resident A's home;
- ii) Payment of £20,000 for a car;
- iii) Money to pay your own personal bills and / or expenses.

The panel in its consideration of facts, noted that charge 1d had a further stem alleging '*Accepted and/or were able to obtain via manipulation and/or coercion*'. The panel determined that it would first consider the facts in each of the individual sub charges 1di to 1diii and then go on to consider the stem of charge 1d for the sub charges found proved.

Charge 1di:

The panel find the facts of the sub-charge 1di proved by the admission of Mrs Burwood. In considering this charge, the panel had regard to Mrs Burwood's admission to this sub-charge on the CMF document. This was also confirmed in an undated letter, titled '*Registrant's position on NMC allegation*' and in Ms Rees's defence submissions on behalf of Mrs Burwood;

'In relation to allegation 1di, it is accepted that between 2017 to 2023 Ms Burwood accepted ownership of Resident A's home.

Ms Burwood accepted ownership of Resident A's home as a very generous gift for her and [PRIVATE], who had been a handyman and gardener to Resident A for many years.

With regard to allegation 1di, it is denied that Ms Burwood obtained ownership of Resident A's home via manipulation and / or coercion. It is also denied that, in obtaining ownership of Resident A's home, Ms Burwood took advantage of Resident A for her own personal and / or financial gain.'

Charge 1dii:

The panel find the facts of the sub charge 1dii proved by the admission of Mrs Burwood. In considering this charge, the panel had regard to Mrs Burwood's admission to this sub-charge on the CMF document. This was also confirmed in an undated letter, titled '*Registrant's position on NMC allegation*' and in Ms Rees's defence submissions on behalf of Mrs Burwood;

'She accepts that £9,000 was spent on a camper van, which was converted to enable her to take Resident A on days out... In relation to allegation 1dii, it is accepted that between 2017 to 2023 Ms Burwood accepted payment of £17,795 for a car.

Ms Burwood accepted this payment to purchase a car that was suitable to take Resident A out in. This was because Ms Burwood's own vehicle was not suitable for this. The car was purchased in Ms Burwood's name for the purposes of insuring her on the vehicle, and it was kept at Ms Burwood's home, but she only used it when she visited Resident A to take her out and returned the car to Resident A, in the care of the Home, in 2023 when the NMC raised these concerns.'

In reaching this decision the panel noted that although Mrs Burwood's legal representative stated in her submissions that you accepted payment of £17,795 for a car, the panel was satisfied that this was a repeat of the typographical error that appeared in the original charge and that the evidence shows that the actual sum Mrs Burwood accepted for the car was £20,000. The panel further noted that this error was corrected in Ms Rees's defence submissions in paragraph 12e.

'With reference to the specific sums and items listed in the witness statement of Michele Hingston, Mrs Burwood's position is as follows:

e. She accepts that she paid approximately £20,000 to Pickering Motor Vehicle for a vehicle. This is the sum to which allegation 1dii relates'

Therefore the panel was satisfied that Mrs Burwood admitted to this charge as amended by the panel.

Charge 1diii:

The panel find the facts of the sub charge 1dii proved by the admission of Mrs Burwood. In considering this charge, the panel had regard to Mrs Burwood's admission to this sub-charge on the CMF document. This was also confirmed in an undated letter, titled '*Registrant's position on NMC allegation*' and in Ms Rees's defence submissions on behalf of Mrs Burwood;

'With reference to the specific sums and items listed in the witness statement of Michele Hingston, Ms Burwood's position is as follows:

- a. She accepts that she had a debit card for Resident A's bank account, as did Person B, and that she used this to withdraw cash from Resident A's account and make generous donations to charity each week at Resident A's request. Ms Burwood recalls that this was often between £250 and £500 a week, mainly to charities supporting the blind or those with heart issues. Ms Burwood would either put money in charity pots when she was out and about, or pop into a local charity shop and hand over the donation to the shop staff. Resident A had told her that she didn't want anything to be left by the time she died, as she didn't want the government to have her money. Ms Burwood didn't keep any records of the amount of money she withdrew, or the amount of money she donated on Resident A's behalf.*
- b. All of the £61,000 spent on building works was for the benefit of Person B.*
- c. The £5,000 paid to an independent builder was also for Person B.*
- d. She accepts that £9,000 was spent on a camper van, which was converted to enable her to take Resident A on days out.*
- e. She accepts that she paid approximately £20,000 to Pickering Motor Vehicle for a vehicle. This is the sum to which allegation 1dii relates.*
- f. She accepts that she spent approximately £2,000 during COVID, to have an [PRIVATE] done privately, due to lengthy waiting lists, as Resident A was keen for*

her to have this done. Any other money spent on private [PRIVATE], and all money spent on cosmetic operations, were for Person B.

- g. She accepts that Resident A signed her house over to her. This is the house to which allegation 1di relates. Ms Burwood accepts that this house is now worth approximately £400,000, following extensive updates and improvements that have been carried out, however she believes the house was only worth in the region of £150,000 at the time it was signed over to her as it was very out-dated, run down and did not have basic things like a modern fitted kitchen.*
- h. She accepts that she took receipt of a cheque for £20,000 from Resident A, as a gift as she wanted to pay towards Ms Burwood's wedding in 2018.*

...

In relation to allegation 1diii, it is accepted that between 2017 to 2023 Ms Burwood accepted money to pay her own personal bills and / or expenses.

Ms Burwood accepted this money when it was kindly offered by Resident A.

With regard to allegation 1diii, it is denied that Ms Burwood accepted money to pay her own personal bills and / or expenses via manipulation and / or coercion. It is also denied that, in accepting money to pay her own personal bills and / or expenses, Ms Burwood took advantage of Resident A for her own personal and / or financial gain.'

Stem of charge 1d:

The panel went on to consider the sub charges of charge 1d in relation to the stem of charge 1d and the question of whether it was more likely than not that Mrs Burwood accepted and/or was able to obtain the items via manipulation and/or coercion, which Mrs Burwood has denied. The panel in its findings, considered the NMC's evidence as well as Mrs Burwood's evidence.

The panel noted Mrs Burwood and Resident A already had a relationship prior to Resident A moving into the Home. The panel had regard to a CID16 form in exhibit MH/3, which stipulates that Resident A had gifted Mrs Burwood her home, which was valued at an estimated £400,000 at the time.

'It has also been identified that [Mrs Burwood] was gifted the property owned by [Resident A] prior to her going into the care home ... This has been valued at approximately £400,000.00.'

The panel when considering charge 1d, had regard to the witness statement of Ms Hingston and exhibit MH/3, both of which stipulate that Mrs Burwood paid £20,000 for a car:

'I am unaware how much of Person A's money was spent by the LPAs, though this was in the hundreds of thousands as this was a comment made by the police indicating these amounts and I am also aware of the financial breakdown as a result of MH3. For example, I note from the CID16 at MH3:

- ...;
- ...;
- ...;
- £9,0000 was spent on a camper van;
- Mrs Burwood paid £20,000 to a 'Pickering Motor Vehicle' for their vehicle;

The panel had sight of exhibit MH/3, the CID16 document exhibited by Ms Hingston.

'Later the same day [Mrs Burwood] told [Resident A] that she had used her money to pay for a new kitchen but stated that this had been an error on her part and that she would pay this back... [Resident A] has been spoken to. She states that she did gift the house to [Mrs Burwood] and agreed for both Person B and [Mrs Burwood] to purchase a vehicle each so that they can take her for days out....'

The panel also had regard to exhibit MH/7 (the Section 126 enquiry), where it reiterates that there was a transaction of £20,000 payment for a car by Mrs Burwood.

'On 13/12/2022 there was a transaction for £20,000 to Pickering Motor Co for a vehicle for [Mrs Burwood].'

The panel noted that not only did Mrs Burwood purchase a car with Resident A's money but a camper van which was another mode of transport used. This meant there were three cars purchased (including the car purchased by Person B) for Resident A, which the panel considered to be excessive for the stated purpose.

The panel had further regard to CID16, exhibit MH/3, which demonstrates that Resident A did gift Mrs Burwood the house and knew about her buying a car, however, she did not consent to Mrs Burwood spending at the level she did, but did not want to make a police report as she depended on Mrs Burwood for her days out.

'... [Resident A] said she did not want to take any police action against [Mrs Burwood] as she considers her to be a friend, and that [Mrs Burwood] has told [Resident A] that she will pay the money back to her and has learnt from her mistakes'

'[Resident A] states that she did gift the house to [Mrs Burwood] and agreed for both [Person B] and [Mrs Burwood] to purchase a vehicle each so that they can take her for days out. She has also agreed that money can be spent on things for her such as the TV in her room etc and petrol. [Resident A] confirmed that she did not agree to the level of spending seen on the accounts and confirmed that she does not have sight of any of her bank statements or any bank documentation'

The panel noted that Ms Hingston's witness statement, also stated that Resident A was disappointed when she found out how much of Resident A's money Mrs Burwood had used.

'... [Resident A] was shocked at how much money had left their bank account and where their money had been spent. [Resident A] stated that they understood why a car had been purchased, as Mrs Burwood took them out. [Resident A] therefore tried to justify matters, though felt disappointed.'

The panel noted the contents of KM/6, in particular the Ms Whiteside's email dated 5 May 2023:

'... Just to give you an update following [Resident A's] solicitor ...meeting with her today, I remained as a witness with [Resident A] and solicitors consent...

her solicitor discussed the concerns and asked [Resident A] had she agreed for them to spend her money on themselves, [Resident A] again said No...

The panel noted the contents of MH/10, in particular the following extract which clearly details that Resident A was not kept informed on the state of her finances by Mrs Burwood:

'I went to visit [Resident A] on the 10/05/23 and discussed the concerns with her, she denied knowledge of signing anything but further stipulated that [Mrs Burwood] does not speak about finances when visiting. [Resident A] does not want police action to be taken against [Mrs Burwood] and she believes [Mrs Burwood] has learned from her mistakes and values her friendship.'

The panel had regard to Mrs Burwood's written reflective statement dated 20 July 2023. It considered Mrs Burwood's submission that she saw Resident A as her 'Nanna' and that this was what Resident A wanted.

'I consider [Resident A] in a similar way to my grandparents, I didn't even consider the element of crossing boundaries... [Resident A] agreed to us using her bank card as our own... Looking back now, I recognise that I saw [Resident A] as a Nanna, not a client, and therefore my professional boundaries became blurred. All of my patient/nurse relationships now are purely that... I deeply regret not getting receipts and keeping a paper trail of expenses and making a formal record of request.'

Having regard to the above, the panel noted that although Mrs Burwood admitted the factual elements of the sub charges of charge 1d, she has consistently denied that she manipulated or coerced Resident A and therefore denied the stem of charge 1d.

The panel determined that there was a significant power imbalance between Mrs Burwood and Resident A. The panel determined that Resident A was a lonely, elderly lady, with no family or support, and as such she was vulnerable. Resident A relied on Mrs Burwood's visits to keep her company and take her out. Mrs Burwood was a nurse and the deputy manager at the Home where she arranged for Resident A to live. In addition, Mrs Burwood became Resident A's LPA thereby giving her further control of Resident A both in respect of her health and welfare and her property and finances.

The panel considered that although Mrs Burwood stated that Resident A approved of the gift of her assets including her home and substantial sums of money to her, the panel noted that this was undermined by the evidence above which demonstrated that Resident A was shocked and disappointed at the amount of money being spent.

The panel also noted that having gifted the items to Mrs Burwood and Person B, Resident A's situation was described in the CID16, as follows:

'[Resident A] currently funds her residency in the care home in full. I have estimated that she now has sufficient funds for a further 23 month of care. After this time [Resident A] will need to be funded by the local authority...

There are concerns that the victim will no longer be able to pay for her care home fees and that the local authority will need to step in.'

In the panel's view, it was improbable that Resident A would have knowingly and willingly given away her home and substantial sums of money leaving her with only a modest amount of cash and the risk of not being able to fund her own care.

Accordingly, the panel determined that it was more likely than not that Mrs Burwood abused her position of power over Resident A and that her course of conduct as particularised in charges 1di to 1diii resulted in Mrs Burwood accepting and/or being able to obtain the items via manipulation and/or coercion.

The panel therefore found the stem of charge 1d proved.

Charge 1e:

- 1) Between 2017 to 2023 took advantage of Resident A for your own personal and / or financial gain in that you:
 - e) Told Resident A that she would be unable to have days out without you being afforded access to her money.

The panel find the facts of the sub charge 1e proved by the admission of Mrs Burwood. In considering this charge, the panel had regard to Mrs Burwood's admission to this sub-charge on the CMF document. This was also confirmed in an undated letter, titled '*Registrant's position on NMC allegation*' and in Ms Rees's defence submissions on behalf of Mrs Burwood;

'In relation to allegation 1e, it is accepted that between 2017 to 2023 Ms Burwood told Resident A that she would be unable to have days out without her being afforded access to her money.

Ms Burwood discussed this with Resident A as Resident A had always previously indicated that she wanted to ensure that she paid for the days out they had together.

With regard to allegation 1e, it is denied that, in telling Resident A this, Ms Burwood took advantage of Resident A for her own personal and / or financial gain.'

Panel's decision on the sub-charges of Charge 1 collectively in relation to the stem of charge 1:

- 1) *Between 2017 to 2023 took advantage of Resident A for your own personal and / or financial gain in that you:*

The panel then went on to consider charge 1, as a course of conduct in relation to the stem. The panel had regard to the evidence before it, as well as the Mrs Burwood's evidence.

Charge 1a

1) Between 2017 to 2023 took advantage of Resident A for your own personal and / or financial gain in that you:

a) Arranged for Resident A to move into Bryn Yr Haul Care Home.

The panel recognised from the evidence above that Resident A, whilst she had capacity, was vulnerable. It noted that Resident A did not have any family members and had experienced a fall and was said to be frail, leading to her to being unable to manage her own care needs and being required to live in a nursing home.

The panel considered all the evidence before it. It noted that Mrs Burwood began her role as the deputy manager at the Home on 3 February 2017. A year later on 23 March 2018 Resident A moved into the Home. From the evidence before it, the panel noted that Resident A's monthly expenditure had been less than £1000, however, once she moved into the home in March 2018, her monthly expenses increased dramatically. By December 2018, Resident A's monthly spend was over £10,000 a month. This was a significant increase not accounted for by the cost of the Homes fees.

The panel had regard to exhibit MH/3 the CID16 document, which demonstrates this:

'Prior to [Resident A] going into the care home there was minimal spend on the account (monthly spend is between £2,409.68 and £30), but typically the amount spent was less than £1000.

[Resident A] spending increases on moving into the home due to care home fees (monthly spend between £4,957.48 and £3,612.06).

Once the POA is in place, within the first few months, the monthly spend increases slightly (monthly spend between £24,478.25 and £4,081.79). This includes a cheque written for £20,000.00 (recipient is currently unknown). During this period there is a clear increase in the number of transactions on the account. As of December 2018 the spending increases significantly (monthly spend between £47,591.30 and £6,234.89), with the amount spent consistently above £10,000.00 per month. In total, between 26/08/2018 and 01/03/2023 there are £142,709.26 worth of cash withdrawals from ATM's.'

The panel further considered that after a relatively short period of time after Resident A moved into the home, Mrs Burwood obtained LPA for Resident A. This is when a further increase in the spending of Resident A's money occurred, with Mrs Burwood's withdrawing large sums of money almost daily from Resident A's bank account. The panel considered that this behaviour was further enabled by Resident A living in the Home where Mrs Burwood was Deputy Manager. It had regard to MH3/CID16 which stated the following:

'The concerns are that [Mrs Burwood] and [Person B] have abused their position and taken considerable funds from the victims accounts. [Mrs Burwood] has also taken possession of the victims family home. [Mrs Burwood] has made attempts to regain access to the victims accounts and has used emotional blackmail towards the victim, stating that without access to her money, she will be unable to take the victim for days out. There are concerns that the victim will no longer be able to pay her care home fees and that the local authority will need to step in. [Mrs Burwood] took POA whilst working at the care home where the victim was living.'

Charge 1b:

- 1) Between 2017 to 2023 took advantage of Resident A for your own personal and or financial gain in that you:
 - b) On one or more occasion withdrew cash from Resident A's bank account for your own personal use.

In considering charge 1b, the panel considered the witness statement of Ms Hingston, who stated the following:

'I am unaware how much of Person A's money was spent by the LPAs, though this was in the hundreds of thousands as this was a comment made by the police indicating these amounts and I am also aware of the financial breakdown as a result of MH3. For example, I note from the CID16 at MH3:

- there was £142,000 was taken from cash machines alone;*
- £61,000 was spent on building works;*
- £5,000 was paid to an independent builder;*
- £9,0000 was spent on a camper van;*
- Mrs Burwood paid £20,000 to a 'Pickering Motor Vehicle' for their vehicle;*
- a lot of money was spent on [PRIVATE] for Person A; and*
- Mrs Burwood had taken Person A to the Solicitors to sign their house over, which was worth approximately £400,000.'*

The panel had regard to the CID16 copy of the police report created by Rachel Roberts (Ms Roberts). It noted the following:

'Having reviewed the account spending it is clear that there are have been a large number of cash withdrawals, spending on house improvements, spending on utility bills and council tax as well as transfers into the POA's accounts.

Prior to [Resident A] going into the care home there was minimal spend on the account (monthly spend is between £2,409.68 and £30), but typically the amount spent was less than £1000.

[Resident A's] spending increases on moving into the home due to care home fees (monthly spend between £4,957.48 and £3,612.06)....

In total, between 26/08/2018 and 01/03/2023 there are £142,709.26 worth of cash withdrawals from ATM's.

...

There has been £61,326.19 paid to a McDonald Kearns Ltd which is a building company.

There has been £5,075.00 paid to a Peter Robinson who is a builder.

There has been £9,000.00 paid to Summer Hill Camper who specialise in campervan conversions.

...

On 13/12/2022 there was a transaction for £20,000 to Pickering Motor Co for a vehicle for [Mrs Burwood].

Both POA's have a card each and so spending can be attributed. Both cards are used frequently.

It has also been identified that [Mrs Burwood] was gifted the property owned by Resident A prior to her going into the care home ... This has been valued at approximately £400,000.00.

.....

[Resident A] confirmed that she did not agree to the level of spending seen on the accounts and confirmed that she does not have sight of any of her bank statements or any bank documentation.

Lloyds have currently blocked the account although care home fees are still being paid. Since then [Mrs Burwood] has taken Resident A into the branch in an attempt to have the restrictions lifted – telling Resident A that if the restrictions are not lifted she will not be able to take Resident A out for the day. This access was refused and [Mrs Burwood] was informed that the police had been made aware...

Both Person B and [Mrs Burwood] have been spoken to by Lloyds. Both were 'cagey'

The panel also had regard to the Section 5 referral form from the safeguarding department in the Council, which stated the following:

'Lloyds Bank Fraud Team report that they believe a... old female [Resident A] residing in a care home has been befriended by two females that have gained power of attorney over her in order to access funds. Over £370,000 has left the

account in the past 3 years and the IP's house has been signed over. One of these suspects is [Mrs Burwood].

[Mrs Burwood] has since taken part in a police interview where she will deny the offence of fraud and states that she as per [Resident A] wish would often withdraw bundles of cash and disseminate the money to various charity stores. She also stated that [Resident A] consented in her using the funds for medical care.'

The panel noted the contents of MH/9, in particular:

'Concerns have been raised by a patient [Person B] [PRIVATE]. They disclosed that they have financially abused [Resident A] spending around £200,000 of her money. [Person B] reportedly has LPA for finances alongside another individual who has also reportedly spent a similar amount of [Resident A] money. [Person B] reported that [Resident A] did consent to [Person B] spending some of her money, but was not aware of the scale of this. I am aware that North Wales Police are investigating this case (Investigating Officer is Rachel Roberts, Collar no:...'

The panel noted the contents of KM/6, in particular the Ms Whiteside's email dated 5 May 2023:

'... Just to give you an update following [Resident A's] solicitor ... meeting with her today, I remained as a witness with Resident A and solicitors consent.....

her solicitor discussed the concerns and asked [Resident A's] had she agreed for them to spend her money on themselves, [Resident A's] again said No...'

The panel determined that Mrs Burwood had access to Resident A's bank accounts and with that access withdraw/spent large sums of money without the consent of Resident A, for her own personal gain.

Charge 1c:

1) Between 2017 to 2023 took advantage of Resident A for your own personal and / or financial gain in that you:

c) Ensured you were recorded as Resident A's next of kin

In considering charge 1c, the panel considered the witness statement of Ms Parr, who stated the following:

'It was common knowledge amongst the staff at the home, from when [Resident A] first arrived, that [Mrs Burwood] was Person A's next of kin and thought of her like a grandmother.'

'Part of my role as Administrator was to admit and process new residents, recording details, such as next of kin and medical history etc, both on the system electronically and by filling in the nurse's book as well. I recall doing this for [Resident A], recording [Mrs Burwood] and Person B as her next of kin.'

The panel had regard to Ms Hingston's witness statement, where she states the following:

'Person A felt that they had lots of support and Mrs Burwood was very good to them, meaning that they did not want Mrs Burwood to go to prison or for the police to be involved in the matter. I am aware of Person A's response, as I had been told this by Ms Edwards following her visit, and also read the case note in relation to the visit which is seen at MH7 (the home visit is shown at paginated page 24).'

'Person A was shocked at how much money had left their bank account and where their money had been spent. Person A stated that they understood why a car had been purchased, as Mrs Burwood took them out. Person A therefore tried to justify matters, though felt disappointed.'

The panel noted that a practical consequence of this was that no one had oversight of Resident A's circumstances and no independent advocacy was arranged. This meant that Mrs Burwood was in a constant and unchallenged position of power with control over most aspects of Resident A's life and this further increased the power imbalance.

Charge 1di to 1dii:

- 1) Between 2017 to 2023 took advantage of Resident A for your own personal and / or financial gain in that you:
 - d) Accepted and/or were able to obtain via manipulation and/or coercion:
 - i) Ownership of Resident A's home;
 - ii) Payment of £20,000 for a car;
 - iii) Money to pay your own personal bills and / or expenses

For the reasons set out above, the panel has already found the Mrs Burwood's course of conduct in charges 1di to 1diii amounted to the manipulation and coercion of Resident A.

Charge 1e:

- 1) Between 2017 to 2023 took advantage of Resident A for your own personal and / or financial gain in that you:
 - e) Told Resident A that she would be unable to have days out without you being afforded access to her money.

In considering charge 1e, the panel considered exhibit MH/5 meeting dated 9 June 2023, which states the following:

'Following the report from the bank to the police, the bank froze the accounts. However, [Mrs Burwood] collected [Resident A] from her care home and took her to the bank to request they were opened again. Bank staff have alleged that [Mrs Burwood] was heard almost blackmailing [Resident A] and telling her to ask for the accounts to be unlocked unable to take her out if they aren't.'

The panel also had regard to the Section 126 Enquiry document, referred to by Ms Hingston in her witness statement. The panel noted that under the heading '*what are the concerns*', it stated the following:

‘Since then [Mrs Burwood] has taken [Resident A] into the branch in an attempt to have the restrictions lifted – telling [Resident A] that if the restrictions are not lifted she will not be able to take [Resident A] out for the day. This access was refused and [Mrs Burwood] was informed that the police had been made aware.’

Mrs Burwood’s response in relation to the stem of charge 1

Mrs Burwood explains in her written reflective statement, dated 20 July 2023, that she met Resident A *‘many years ago’* [PRIVATE] who did odd jobs for Resident A. The registrant explains that *‘over the following years’* she considered Resident A *‘like a surrogate Nanna’* which included Christmas dinner and garden centre visits.

It was because of this enduring relationship the registrant explains that Resident A *‘always said she would only go into a home where I was’* and following a fall necessitating this *‘was adamant she was coming where I worked.’* The registrant organised for Resident A to be admitted to the Home accordingly.

Mrs Burwood accepts that she was recorded as next of kin and *‘my understanding was that the Lasting Power of Attorney was what Resident A wanted.’* Following the registrant moving to a different job, their personal relationship continued with regular visits and day trips.

Mrs Burwood states that prior to Resident A’s admission to the home, she “had said that [PRIVATE] and I could have her house.” The registrant explains she “considered Person A in a similar way to her grandparents” who had paid for her first wedding and accepted a gift of £20,000 from Resident A for her second wedding. She also states “[Resident A] agreed to us using her bank card as our own.”

In the undated *‘Registrant’s position on NMC allegations’*, the gift of a car is acknowledged and accepted as was *‘money to pay for her own bills and expenses...kindly offered by Resident A.’* The registrant also accepts she visited Resident A on 28 April 2023 but that was to sign a condolence card, not in relation to signing a document.

In essence, Mrs Burwood explains that her enduring and personal relationship with Resident A explains the financial relationship between them and she denies taking advantage of Resident A.

The panel's conclusion:

Having now determined the facts and the stem for each individual sub charges, the panel reached a conclusion on Mrs Burwood's actions/behaviour particularised in charges 1a, b, c, and e.

The panel was satisfied that the evidence presented by the NMC, as set out above, came from multiple, reliable and credible sources. The panel was further satisfied that although the evidence was from multiple sources, it was consistent throughout.

The panel considered Mrs Burwood's account in regard to the stem of charge 1 in that she admits the underlying facts set out in the sub charges but denies that she took advantage of Resident A for her own personal and / or financial gain. Furthermore, she denies that she manipulated or coerced Resident A. The panel recognised that Mrs Burwood has been consistent in her position. However, the panel noted it is reported that Mrs Burwood's account is in part, refuted by Resident A who stated she did not have knowledge of all the money spent and was shocked when she learnt of the amount of money that had been taken from her account.

The panel determined that Resident A was vulnerable and lonely, she was elderly, had lost her independence through a fall, and had no family. Having regard to the evidence set out above, the panel was satisfied that it was more likely than not that Mrs Burwood took advantage of this and abused the imbalance of power in her relationship with Resident A, which allowed Mrs Burwood to benefit both personally and financially. The panel therefore rejected Mrs Burwood's account and determined that it is apparent from the evidence that over the passage of time Mrs Burwood's actions became increasingly about her own personal and financial gain.

The panel determined that from the evidence set out above, it could safely draw the inference that between 2017 and 2023 Mrs Burwood engaged in a sustained, calculated

course of conduct to take advantage of Resident A for her own personal and/or financial gain. The panel was satisfied that Mrs Burwood consolidated her position of control over Resident A, thus enabling her to carry out her actions by moving Resident A into the home where she held a senior position, registering herself as the next of kin, keeping possession of Resident A's bank cards and Resident A not having sight of her bank statements. The panel noted that at this time there was considerable spending being undertaken by Mrs Burwood and Person B of Resident A's funds. The panel was satisfied that it was more likely than not that Mrs Burwood manipulated Resident A by taking control of Resident A's funds and in essence treating them as her own.

The panel also note that it is recorded in CID16 exhibit MH/3 that:

'[Resident A] currently funds her residency in the care home in full. I have estimated that she now has sufficient funds for a further 23 months of care. After this time [Resident A's] care will need to be fully funded by the local authority

...

[Mrs Burwood] has made attempts to regain access to the victims accounts and has used emotional blackmail towards the victim, stating that without access to her money, she will be unable to take the victim for days out. There are concerns that the victim will no longer be able to pay her care home fees and that the local authority will need to step in.

...

Both [Mrs Burwood] and [Person B] have been unable to explain the spending which is clearly not for the benefit of the victim.

Both [Mrs Burwood] and [Person B] claimed that the building works on their properties were so that the victim could live with them should there be another outbreak of Covid, but the building works were paid for prior to any Covid lockdown in the UK.'

The panel noted as detailed within exhibit MH/1 such was the concern regarding Mrs Burwood's behaviour/conduct that the police deemed it necessary to submit a Section 5 referral. Such referrals are made when there are '*Concerns raised relating to allegations and/or behaviour that poses a risk to others*'. In this case it was deemed that the concerns raised were substantiated.

The panel was satisfied that Mrs Burwood took advantage of the trust that Resident A had placed in her. She relied on Mrs Burwood, not least for social contact and Mrs Burwood knew this, weaponising this against Resident A, telling her that she would be unable to have days out without Mrs Burwood being afforded access to her money.

Having regard to the above, the panel therefore found the stem of Charge 1 proved in respect of all the factual sub charges.

Accordingly, the panel found Charge 1 proved in its entirety.

Charge 2a & 2b)

On or around 1 March 2018 you:

- a) Attempted to unfreeze Resident A's bank account by taking Resident A to the bank;
- b) Said to Resident A "if the restrictions are not lifted I will not be able to take you out for the day" or words to that effect.

This charge is found proved.

The panel considered the evidence before it and noted that this charge in its entirety was admitted by Mrs Burwood.

The panel first considered CID16 provided by Ms Hingston, dated 11 March 2023, which states the following:

'Lloyds have currently blocked the account although care home fees are still being paid. Since then [Mrs Burwood] has taken [Resident A] into the branch in an attempt to have the restrictions lifted – telling [Resident A] that if the restrictions are not lifted she will not be able to take [Resident A] out for the day. This access was refused and BURWOOD was informed that the police had been made aware.'

The panel had regard to the strategy meeting report, dated 9 June 2023, which stated the following:

‘Following the report from the bank to the police, the bank froze the accounts. However, [Mrs Burwood] collected from her care home and took her to the bank to request they were opened again. Bank staff have alleged that [Mrs Burwood] was heard almost blackmailing [Resident A] and telling her to ask for the accounts to be unlocked as she would be unable to take her out if they aren’t.’

The panel had regard to the CMF document and noted that Mrs Burwood initially admitted to charge 2a and denied charge 2b.

The panel also had regard to the undated ‘*Registrant’s position on NMC allegation*’ letter, which stated the following;

In regard to charge 2a:

‘This is accepted, in so far as Ms Burwood went to the bank with Resident A to try to find out why Resident A’s account had been frozen, as Resident A wanted to access her money.’

In regard to charge 2b:

‘This is accepted, in so far as Ms Burwood explained to Resident A that they needed access to her account in order to obtain money for the days out which Resident A wanted to go on and wanted to pay for.’

Ms Rees in her defence submission further confirms the full admission to charges 2a and 2b, by stating the following:

‘In relation to allegation 2a, it is accepted that Ms Burwood attempted to unfreeze Resident A’s bank account by taking Resident A to the bank. Ms Burwood went to the bank with Resident A to try to find out why Resident A’s account had been frozen, as Resident A wanted to access her money.’

With regard to allegation 2b, it is accepted that Ms Burwood said to Resident A “if the restrictions are not lifted I will not be able to take you out for the day” or words to that effect.

Ms Burwood simply explained to Resident A that they needed access to her account in order to obtain money for the days out which Resident A wanted to go on and wanted to pay for.’

The panel taking into account all the evidence, found charge 2 proved in its entirety.

Charge 3)

On or before 5 May 2018 you applied and / or were registered as Resident A's health and / or financial Lasting Power of Attorney

This charge is found proved.

The panel considered the evidence before it and noted that this charge in its entirety was admitted by Mrs Burwood.

The panel had sight of Resident A's LPA certificate that identified Mrs Burwood as one of the attorneys appointed for Resident A's property and financial affairs.

The panel also had regard to the undated ‘*Registrant's position on NMC allegation*’ letter, which stated the following;

‘This is accepted.

Resident A asked Ms Burwood to be her health and financial LPA and she agreed to this.’

The panel also had sight of Mrs Burwood's written reflective statement dated 20 July 2023, where she stated the following;

'My understanding was that the Lasting Power of Attorney (LPA) was what [Resident A] wanted. Her other next of kin, [Person B] arranged for it all to be put in place. I agreed and carried out [Resident A's] wishes and requests without question as it had all been set up by a solicitor and I therefore believed I was doing nothing wrong. It was never my suggestion to set up the LPA or for me to be appointed LPA. The LPA paperwork was signed whilst [Resident A] was in the nursing home as there was a delay with social workers and the solicitor prior to [Resident A] admission to the home. I kept [Ms Whiteside] informed along the way with all meetings that took place within the home. All meetings were attended with solicitors present and [Resident A] had full mental capacity. At the time, I genuinely didn't think I had overstepped my professional boundaries; I had no understanding of the scope of an LPA and now recognise that this was a major failing on my part. In hindsight I should have asked the solicitor more questions, [Resident A] was happy for [Person B] and myself to do everything and without guidance I inadvertently and unintentionally crossed the line. [Resident A] agreed to us using her bank card as our own.'

Ms Rees in her defence submission further confirms the full admission to charge 3, by stating the following:

'In relation to allegation 3, it is accepted that Ms Burwood applied for and / or was registered as Resident A's health and / or financial Lasting Power of Attorney on or before 5 May 2018.

Resident A wanted Ms Burwood to be both her health and financial LPA, along with Person B, which Ms Burwood agreed to.'

The panel taking into account all the evidence, found charge 3 proved.

Charge 4)

Between 5 May 2018 and 31 May 2019 you did not inform your employer, Bryn Yr Haul House Care Home, that you were registered as Resident A's financial Lasting Power of Attorney.

This charge is found proved.

In reaching this decision, the panel took into account the evidence before it.

The panel considered the witness statement of Ms Hingston, who stated the following:

'During the Section 5 meeting on 12 July 2023, Ms Whiteside confirmed that Mrs Burwood had stated to nurses of the Home that they had LPA of [Resident A's] health and welfare. I therefore questioned why no one reported this at the time, and I was informed that employees were under the impression that the LPA was for health and welfare only, and that Mrs Burwood did not disclose having LPA for [Resident A's] finances.

...To begin with, [Resident A] had two LPAs, one of which was Mrs Burwood... . A copy of the LPA is seen at [Resident A's LPA]. The Safeguarding team were only informed that there were LPA's in relation to property and finances initially by the police when the police submitted their report to the Safeguarding team.

When there are concerns of this nature (allegations made against an LPA), the process of Safeguarding is to request this information from the Office of the Public Guardian ("OPG"). Later, when the information was returned, it confirmed that there were LPA's in place for welfare and finances...

...I was prompted to make an NMC referral, as Mrs Burwood is in a position of trust and had applied to be Person A's LPA whilst they were a Deputy Manager at the Home. It was considered concerning that a Registered Nurse had agreed with her friend to become attorneys for Person A's finances. This not only appeared to be out of line with Mrs Burwood's nursing registration but also was not disclosed to the Home employing her at the time. There were questions in relation to whether Mrs Burwood had exploited Person A given her status as a nurse caring for Person A at the time. Furthermore, there were concerns in relation to Mrs Burwood's honesty and integrity as she had not been open and transparent and alerted the Home that she had been appointed to manage one of the resident's finances.'

The panel also had sight of Resident A's LPA, which was provided by the OPG, and listed Mrs Burwood as an attorney for Resident A's welfare and an attorney for Resident A's property and financial affairs.

The panel had regard to exhibit MH/14 Meeting, dated 12 July 2023. It noted that Ms Whitehead the Home Manager stated the following:

'[Ms Whiteside] stated that when this concern was first raised, the first thing she wanted to do was to establish when the application was made to OPG and ascertain the difference in time from when [Mrs Burwood] began at Bryn Yr Haul to when LPA was granted. [Ms Whiteside] explained that [Mrs Burwood] didn't state that she took financial power of attorney and later added that when [Mrs Burwood] left Bryn Yr Haul, there were rumours about her taking [Resident A] to another care home with her, but [Resident A] decided to stay. [Ms Whiteside] confirmed to [Mrs Burwood] that she was aware of the rumours, which [Mrs Burwood] was fine with, and [Ms Whiteside] later stated that she was told by [Mrs Burwood] that she only had power of attorney for health and welfare, and she had told all nurses the same.

[Ms Edwards] explained that when she sent an OPG request for information they stated that [Mrs Burwood] was registered as LPA for finances on May 5th, 2018 – when [Mrs Burwood] was working as deputy manager of Bryn Yr Haul. [Ms Roberts] added that transactions from [Resident A's] account began at the end of July, almost immediately after LPA was established. [Ms Whiteside] later explained that staff are told that accepting financial and property gifts are not allowed. It is clear that [Mrs Burwood] did breach Bryn Yr Haul policies, but this has no relevance as she no longer works there.'

The panel also had regard to the Home's code of conduct policy, which stated the following:

'Appointee and Financial matters

- Worker will not act as appointees, or in any other official capacity, either for or on behalf of, the resident without prior written approval from this organisation.*

- *Workers will not undertake any financial transactions either for, or on behalf of, a resident, avoiding emotional and physical familiarity.'*

The panel went on to consider the evidence of Mrs Burwood. The panel had regard to Mrs Burwood's witness, Katy Parr's (Ms Parr) written witness statement, stating the following:

'I recall [Resident A] was not very mobile when she came to the home, had already been having a certain level of assistance from [Mrs Burwood] and Person B and couldn't go out without someone else, and so she needed an LPA in place.

I specifically recall, not long after [Resident A's] admission to the home, [Resident A] solicitor coming to the home and having a meeting with [Resident A], [Mrs Burwood] and Person B in the front lounge, by the Home Manager's office, to sort out her LPA. One of my duties was to organise teas and coffees for any meetings and I remember doing so for that meeting.

I remember after that meeting, [Mrs Burwood] came to the home on her day off with the hard copies of her Power of Attorney documents for [Resident A], which I copied and put into the financial section of [Resident A's] care file. Each resident had a care file which was held in the nurse's office.

All LPA documentation had to be in place and available as part of a checklist for CSSIW (Care Inspectorate Wales) when they came to carry out checks and audits, and they would always check this for any new residents since their last visit, so these were definitely in place at the home for [Resident A].

I am surprised that the home doesn't seem to have copies of these, as we were pretty organised and there was a large back room for archiving records as well. Periodically documents would be removed from the nurses' notes over time, when they became too full, but nothing official like an LPA would have been removed, and it would have been archived when [Resident A] died.'

The panel noted that Mrs Burwood has consistently denied this charge. It had sight of Mrs Burwood's CMF document, The panel also had regard to the undated '*Registrant's position on NMC allegation*' letter, and Ms Rees's defence representations.

In the undated '*Registrant's position on NMC allegations*' letter, it stated the following:

'This is denied.

Ms Burwood informed her employer of Resident A's request for her to be her LPA, prior to Resident A moving into the Home, however, this was only finalised after she moved into the Home as they were unable to secure a solicitor to arrange this beforehand.

Ms Burwood is adamant that she informed the Home manager and the Home administrator of the LPA, noted it in Resident A's care plan and also included certified copies of these documents in the care plan. Resident A's named nurse... was also aware of this.'

The panel also had sight of Mrs Burwood's written reflective statement dated 20 July 2023, where she stated the following;

'I kept [Mrs Whiteside] informed along the way with all meetings that took place within the home. All meetings were attended with solicitors present and [Resident A] had full mental capacity. At the time, I genuinely didn't think I had overstepped my professional boundaries; I had no understanding of the scope of an LPA and now recognise that this was a major failing on my part. In hindsight I should have asked the solicitor more questions, [Resident A] was happy for [Person B] and myself to do everything and without guidance I inadvertently and unintentionally crossed the line.'

This is further confirmed in Ms Rees's defence submissions, stating the following:

'Resident A wanted Ms Burwood to be both her health and financial LPA, along with Person B, which Ms Burwood agreed to...

...With regard to allegation 4, it is denied that, between 5 May 2018 and 31 May 2019 Ms Burwood did not inform her employer, Bryn Yr Haul House Care Home, that she was registered as Resident A's financial Lasting Power of Attorney.

Resident A's health and / or financial Lasting Power of Attorney was all organised through official channels, with an in-person meeting with Resident A's solicitor which took place at the Home, not long after Resident A's admission. Ms Burwood kept the Home Manager informed and brought the official documents into the home, once received, for these to be copied and held on file.

... She accepts that she knew Resident A was a resident at Bryn Yr Haul House Care Home where she was employed. She is adamant that her intentions at the time were not dishonest, but she accepts with the benefit of hindsight that it was not appropriate for her to be registered as Resident A's LPA whilst she also worked at the Home.'

The panel noted that there were conflicting accounts between Mrs Burwood's, Ms Parr's and Ms Whiteside's evidence. The panel in considering Ms Parr's statement, noted that she does not specifically state the type of LPA that she filed. However, she recalls filing it in the Finance Section of the Care File which infers it may have been a financial LPA. However Ms Parr does not understand why it cannot be found later as she explains it would have been archived upon Person A's death. The panel determined that filing a document into the records does not constitute informing the Homes manager or the organisation of her LPA status. The panel also noted that Ms Parr's witness statement was provided eight years after the event, as such the panel considered that the passage of time may have impacted upon her recollection. As such the panel preferred the contemporaneous evidence of Ms Whiteside that the employer did not have knowledge of the LPA. The panel placed greater weight on Ms Whiteside's evidence and was mindful that it would be a very unusual circumstance for a member of staff to have financial LPA for a resident and would have required a course of action by Ms Whiteside. The panel determined that Ms Whiteside's evidence was reliable, consistent and supported by other contemporaneous evidence such as MH/6.

It further considered the Home's code of conduct policy and noted that Mrs Burwood was not a newly qualified nurse. At the material time, Mrs Burwood had been a registered nurse for 20 years and the Home's Deputy Manager for 15 months. As the Home's Deputy Manager, Mrs Burwood had a responsibility to be aware of the policy. The panel determined that Mrs Burwood's knowingly breached the policy and did not inform the Home that she was Resident A's financial LPA because she did not want draw attention to her misuse of Resident A's funds.

The panel therefore found charge 4 proved.

Charge 5)

Your conduct at Charge 4 was dishonest as you knew Resident A was a resident at Bryn Yr Haul House Care Home where you were employed.

This charge is found proved.

In reaching this decision, the panel took into account the evidence before it, the advice of the legal assessor and its decision on charge 4.

The panel noted that Mrs Burwood denied this charge. It had sight of Mrs Burwood's CMF document, where she denied the charge and stated the following:

'Manager was fully aware, as were all employed staff.

'Unfortunately [Resident A] has now passed away.

[Resident A's] nursing notes from home will demonstrate that home manager aware of relationship prior to admission .'

The panel also had regard to the undated *'Registrant's position on NMC allegation'* letter, which stated the following;

'Ms Burwood's intentions at the time were not dishonest, but she accepts with the benefit of hindsight that it was not appropriate for her to be LPA for Resident A whilst she also worked at the Home and that she should have ensured she had

written evidence of her informing her employer of this. She is deeply remorseful for the concern this has raised.'

The panel considered Mrs Burwood's written reflective statement dated 20 July 2023, she stated the following:

*'...With the benefit of hindsight I can see how I failed [Resident A] and crossed these boundaries when I was appointed as LPA for [Resident A] a resident in a care home where I worked...
...In order to maintain professional boundaries with family or close family friends, I should have considered moving jobs to somewhere else, so I was not at the home when [Resident A] here.'*

This position was further reiterated in Ms Rees's defence submissions, where she stated the following:

'In relation to allegation 5, Ms Burwood denies that her conduct at Charge 4 was dishonest. She accepts that she knew Resident A was a resident at Bryn Yr Haul House Care Home where she was employed. She is adamant that her intentions at the time were not dishonest, but she accepts with the benefit of hindsight that it was not appropriate for her to be registered as Resident A's LPA whilst she also worked at the Home.

As outlined in relation to allegation 4, Ms Burwood took all steps she thought necessary to keep relevant parties, including her employer, fully informed, but acknowledges that she should have ensured she had written evidence of her informing her employer of the LPA. She is deeply remorseful for the concern this has raised.'

In reaching its decision, the panel applied the test for dishonesty as set out in the case of *Ivey v Genting Casinos Ltd t/a Crockfords* [2017] UKSC 67.

The panel first considered Mrs Burwood's actual state of knowledge or belief as to the facts. The panel determined that Mrs Burwood knew that Resident A was a resident in the

Home, moreover, the panel noted that it was Mrs Burwood who had previously arranged Resident A's move to the Home. The panel further determined that at the relevant time, Mrs Burwood was employed as the deputy manager of the Home and had held that position since 3 February 2017. The panel was satisfied that in her role as deputy manager of the Home, Mrs Burwood had a responsibility to be fully aware of the Home's policies. Furthermore, the panel determined that as a registered nurse, Mrs Burwood would have been aware of her duty to report the clear conflict of interest that arose upon her becoming Resident A's financial LPA. The panel determined that Mrs Burwood knew she should have informed the Home that she was Resident A's financial LPA and that she decided not to do so as this would likely have impacted on her ability to continue to exploit Resident A financially.

Having ascertained Mrs Burwood's actual state of mind, the panel next considered whether her conduct was honest or dishonest applying the objective standards of ordinary decent people. The panel determined that applying those standards, an ordinary decent person would consider Mrs Burwood's decision not to inform the Home that she was Resident A's LPA, thereby enabling her to continue to financially exploit Resident A without scrutiny, as dishonest.

The panel therefore found charge 5 proved.

Charge 6)

On 28 April 2023 you visited Person A with a piece of paper and asked her to sign a document and / or said “ *I will give you the money back*” and or “ *sign there do not sign here*” or words to that effect.

This charge is found proved.

In reaching this decision, the panel took into account the evidence before it.

The panel first considered the written local witness statement of Ms Campean, dated 3 May 2023, which stated the following:

‘ Dear [Ms Whiteside],

On Friday 28th April I was approaching to enter the clinical room and passing [Resident A] room I’ve heard [Mrs Burwood] saying to [Resident A] “I’ll give you the money back”

[Mrs Burwood] was next to [Resident A] with a piece of paper. When I entered the room to give her medication and [Mrs Burwood] had a piece of paper A4 page in her hand, then on leaving I’ve heard [Mrs Burwood] saying to [Resident A] “sign there do not sign here”.

That was said when I was going out of the room 36.

Kind regard

A. Campean. 3/5/23’(sic)

The panel had regard to Ms Campean’s NMC written witness statement, where she further reiterates what she wrote in her contemporaneous hand written statement.

‘On 28 April 2023, I was approaching the clinical room and I passed room 36, which is [Resident A’s] room. When I passed, I overheard Mrs Burwood say to [Resident A] “I will give you the money back”. I was not entering [Resident A’s] room, as I was going down to the clinical room. I then left. No one else was present. I did not hear [Resident A’s] response or anything further regarding this conversation, as I overheard the discussion between [Resident A] and Mrs Burwood as I went straight to open the clinical room.

I entered [Resident A’s] room to administer medication around 16:30-16:45 on 28 April 2023.

At the above time, [Resident A] was next to Mrs Burwood with a piece of paper upon entering the room. I do not know what the document/paper was, such as whether this was a letter from a friend for example or whether [Resident A] was reading what someone else had written. This is because I did not see the document and it is not my business to check/ask, as I was present to just

administer medication. I did not hear anything further regarding this discussion. As such, I merely saw the paper.

Upon leaving [Resident A's] room, I heard Mrs Burwood say "sign here" and to "not sign here". I reiterate that I cannot say what this was in reference to nor what was being looked at. I am hence unable to confirm what this related to. No one else was present.'

In her witness statement, Ms Campean stated she reported this to Ms Whitefield and stated the following:

'I felt concerned by this incident, which is why I later reported this to Ms Whiteside, as outlined further below. I felt concerned as Ms Whiteside had started to say that [Resident A] should receive supervised visits at the Home, although I was not informed by Ms Whiteside as to why this was.'

The panel had regard to Ms Whitesides email to Ms Edwards, titled 'SUPERVISED VISITS PROPOSALL' and dated 4 May 2023. In this email Ms Whiteside is reporting to Ms Edwards what Ms Campean has told her about Mrs Burwood's visit to Resident A on 28 April 2023.

'...I have serious concerns following a report from one of my nurses [Ms Campean] regarding parts of a conversation she overheard on Friday between [Resident A] and [Mrs Burwood] as follows:

[Ms Campean] has alleged she heard [Mrs Burwood] reading something out to [Resident A] then asked her to sign something, she does not know what it was as it was not visible to her, however [Ms Campean] then stated that she clearly heard [Mrs Burwood] tell [Resident A] "No don't sign there you have to sign here" followed by "I will pay you back"

My concern is that we unable to ascertain what it is [Resident A] has signed and why it could be something simple or it could potentially be something more serious and it is for this reason I am now considering to safeguard [Resident A] against

[Mrs Burwood] and to have only Supervised visits until such time that the police have completed their investigations and we have a clear outcome to move forward. If you could please advise do I need to complete a safeguarding referral and inform [Mrs Burwood] of my referral, reasons why "this being because of the on-going police investigation" on completion of a risk assessment can I start straight away If you could let me know straight away know that would be great'

The panel also had regard to the Safeguarding referral report dated May 2023, which stated the following under the heading '*is the person currently being abused or neglected?*'.

'RGN on duty on 28/04/2023 overheard [Mrs Burwood] asking [Resident A] to sign a document (A4 Size) whilst overhearing the words as follows "I will pay you it back". The nurse entered the room to administer medication to [Resident A] the nurse has confirmed [Mrs Burwood] moved the A4 piece of paper out of view from her"

Within the same document, under the heading '*What are the individual's views, wishes and feelings about the Safeguarding Concern?*' the panel had regard to the following:

'[Resident A] as stated throughout the police investigation that she does not want to raise a concern as she does not wish to loose [Mrs Burwood], however [Resident A] has become fully reliant on her friendship and social needs. [Resident A] still wishes therefore to see [Mrs Burwood], however we feel it would be in [Resident A's] best interest at present to have supervised visits'

The panel also had regard to the collaborative Safeguarding meeting report dated 9 June 2023, between the police and the Councils safeguarding team, stating the following:

'[Ms Rachel] stated that even for [Mrs Burwood] to go straight to Bryn Yr Haul after the interview to ask [Resident A] to sign classified documents was also very concerning.'

The panel went on to consider Mrs Burwood's evidence in relation to this charge. It had sight of Mrs Burwood's CMF document, where she denied the charge.

The panel had regard to the undated '*Registrant's position on NMC allegation*' letter, which stated the following;

'This is accepted in so far as Ms Burwood accepts that she did visit Resident A on this date to get her to sign a condolence card for the family of Resident A's other LPA, [PRIVATE]. Resident A's eyesight was very poor, and so Ms Burwood held the card for her and showed her where she should sign and stopped her from signing over the printed words in the card.'

'She does not accept that she said anything along the lines of "I will give you the money back" or mentioned money to Resident A at all on this date.'

The panel also had regard to Mrs Burwood's Application for Agreed Removal Form, dated 7 December 2023, where she stated the following:

'I did attend Bryn Yr Haul following my Police interview at [Resident A's] after to check I was ok, I also wanted to reassure her that I wasn't going anywhere, as she was concerned that she would not be able to see me, multiple areas of this allegation have been taken out of context, which has highlighted an area that I failed, regarding her finances on my part, and a need for a clearer transparency with [Resident A]...'

The panel had further regard to Ms Rees's defence submissions, stating the following:

'With regard to allegation 6, Ms Burwood accepts that on 28 April 2023 she visited Resident A and asked her to sign a document, saying something along the lines of "sign there do not sign here", however she denies saying "I will give you the money back" or words to that effect.'

Ms Burwood accepts that she visited Resident A on this date to get her to sign a condolence card for the family of Resident A's other LPA, Person B, [PRIVATE].

Resident A's eyesight was very poor, and so Ms Burwood held the card for her and showed her where she should sign and stopped her from signing over the printed words in the card. Ms Burwood denies mentioning money to Resident A at all on this date.'

The panel taking all the evidence into account, preferred the evidence of Ms Campean and placed greater weight on it. The panel noted that Ms Campean's evidence was consistent, reliable, and supported by other evidence from the police and safeguarding team. It also noted that Ms Campean was present at the time and gave a contemporaneous firsthand account 5 days after the incident. The panel further noted that Ms Campean did not know that the Home had concerns about Mrs Burwood and Resident A's relationship, but was so alarmed by what she saw and heard, that she reported it.

The panel considered that Mrs Burwood's evidence was inconsistent and unreliable. It determined that in the circumstances, it was highly unlikely that the witness Ms Campean mistook an A4 sheet of paper for a condolence card, as stated in one of Mrs Burwood's explanations. It noted that Mrs Burwood had changed her reason for going to visit Resident A, a number of times. It further also noted that there was evidence from credible, reliable and contemporaneous sources, that suggested she went to visit Resident A, after her interview with the police in the morning.

On the balance of probability, the panel find it more likely than not Mrs Burwood did do what was stated in the charge.

Therefore, the panel found charge 6 proved.

Fitness to practise

Having reached its determination on the facts of this case, the panel then moved on to consider, whether the facts found proved amount to misconduct and, if so, whether Mrs Burwood's fitness to practise is currently impaired. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's ability to practise safely and effectively without restriction.

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

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

Representations on misconduct

In coming to its decision, the panel had regard to the case of *Roylance v GMC (No. 2)* [2000] 1 AC 311 which defines misconduct as a 'word of general effect, involving some act or omission which falls short of what would be proper in the circumstances.'

The NMC invited the panel to take the view that the facts found proved amount to misconduct. The panel had regard to the terms of 'The Code: Professional standards of practice and behaviour for nurses and midwives (2015)' ("the Code") in making its decision.

The NMC identified the specific, relevant standards where Mrs Burwood's actions amounted to misconduct, namely: 3, 3.4, 4, 4.2, 17, 17.1, 20, 20.1, 20.2, 20.3, 20.5, 20.6, 21, 21.1, 21.2 and 21.3. The NMC submitted that these breaches of the Code amount to misconduct and are serious. The NMC submitted that Mrs Burwood placed Resident A at a risk of harm and harm was actually suffered in the form of emotional blackmail, loss of funds and assets. Mrs Burwood breached Resident A's trust and abused her authority over Resident A for a number of years.

The NMC further submitted that Mrs Burwood was aware Resident A had no other family/next of kin and relied upon Mrs Burwood to act in her best interests. Mrs Burwood exploited Resident A using manipulation and coercion to acquire funds from her. Such

behaviour falls seriously short of the standards expected of a nurse and amounts to serious misconduct.

The NMC submitted that it was highly inappropriate and unethical for Mrs Burwood to become Resident A's LPA. Mrs Burwood took advantage of Resident A's vulnerability and the fact that she had no other family to rely upon. She used emotional blackmail to persuade Resident A to provide her with funds by stating she would not be able to take her on days out without access to Resident A's money. The NMC further submitted that honesty and integrity are the cornerstones of the nursing profession and Mrs Burwood's dishonest conduct is a significant departure from the standards of a registered nurse.

The NMC submitted that the public interest is engaged as Mrs Burwood's misconduct has the potential to damage public confidence in the profession. Therefore, the NMC submitted that Mrs Burwood's conduct and behaviour is such that it amounts to misconduct.

Representations on impairment

The NMC requires the panel to bear in mind its overarching objective to protect the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. The panel has referred to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin) and *R (on application of Cohen) v General Medical Council* [2008] EWHC 581 (Admin).

The NMC invited the panel to find Mrs Burwood's fitness to practise impaired on the grounds that Mrs Burwood's exploitation and financial abuse of Resident A, a vulnerable individual in her care, put Resident A at risk of harm and in fact did cause significant harm through the loss of large amounts of money and assets. Similar actions in the future could lead to a further risk of harm and distress to patients if not addressed.

The NMC submitted that Mrs Burwood's actions are liable to bring the profession into disrepute. It submitted that the nursing profession is a caring profession and Mrs Burwood has breached fundamental tenets of the nursing profession by failing to put Resident A's

interests ahead of her own. The NMC further submitted that Mrs Burwood overlooked Resident A's needs and vulnerabilities in order to gain personal and financial advantages.

The NMC submitted that dishonest conduct whilst in a position of trust highlights the risk Mrs Burwood poses and the likelihood that the dishonest conduct would be repeated. It submitted that Resident A placed a high level of trust in Mrs Burwood, and this trust was repeatedly breached. Resident A should have been able to place unimpeachable trust in Mrs Burwood, a professional nurse providing care for her.

The NMC submitted that Mrs Burwood demonstrated limited insight. Mrs Burwood admits to some charges in relation to Resident A being moved into the Home, using Resident A's money to pay for her own personal bills and expenses as well as being registered as Resident A's LPA and taking Resident A to the bank to have the freeze removed from her account. The NMC submitted that Mrs Burwood accepts breaching professional boundaries but denies financially abusing Resident A. It submitted that Mrs Burwood states she did not realise that becoming Resident A's LPA was wrong as she was complying with Resident A's wishes. The NMC submitted that Mrs Burwood stated that looking back, she *'had no understanding of the scope of an LPA and now recognise that this was a major failing'* and *'inadvertently and unintentionally crossed the line.'*

The NMC submitted that there is a continuing risk to the public, and that whilst Mrs Burwood has shown some limited insight and remorse into her actions, there is no evidence of remediation. It further submitted that whilst training and reflection may not fully remediate the situation, it can provide evidence of remorse and willingness to remedy the concerns, which the panel can then use to assess risk and impairment.

The NMC submitted that it noted that Mrs Burwood has not worked since the concerns were raised and as such, the risk of repetition remains. The NMC submitted that in correspondence with Mrs Burwood, she indicated that she no longer wishes to practise as a nurse. It submitted that Mrs Burwood stated that she *'no longer wish to have a nursing PIN and never wish to return to nursing or care work or working with any vulnerable adults.'*

The NMC submitted that there is public interest in a finding of impairment being made in this case to declare and uphold proper standards of conduct and behaviour. Mrs Burwood's conduct engages the public interest because the public would be shocked to hear that a registered professional acted in such a selfish and dishonest manner for personal and financial gain. She took advantage of a vulnerable person who placed a high level of trust in her. The public rightly expects nurses to always perform their duties honestly and behave in a professional manner. The absence of a finding of impairment risks undermining public confidence in the profession.

The panel had regard of Mrs Burwood's two written submissions dated 20 July 2023 and August 2026.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Roylance v General Medical Council*(No 2) [2000] 1 A.C. 311, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), *General Medical Council v Meadow* [2007] QB 462 (Admin) and *Yeong v General Medical Council* [2009] EWHC 1923 (Admin).

The panel had regard to the further guidance on the meaning of misconduct that was set out in *Remedy UK Ltd v General Medical Council* [2010] EWHC 1245 (Admin), that misconduct is '*conduct of a morally culpable or otherwise disgraceful kind which may, and often will, occur out with the course of professional practice itself, but which brings disgrace upon the [professional] and thereby prejudices the reputation of the profession.*'

Decision and reasons on misconduct

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

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

'1 Treat people as individuals and uphold their dignity

To achieve this, you must:

1.1 treat people with kindness, respect and compassion

1.5 respect and uphold people's human rights

3 Make sure that people's physical, social and psychological needs are assessed and responded to

To achieve this, you must:

3.4 act as an advocate for the vulnerable, challenging poor practice and discriminatory attitudes and behaviour relating to their care

8 Work co-operatively

To achieve this, you must:

8.2 maintain effective communication with colleagues

17 Raise concerns immediately if you believe a person is vulnerable or at risk and needs extra support and protection

To achieve this, you must:

17.1 take all reasonable steps to protect people who are vulnerable or at risk from harm, neglect or abuse

20 Uphold the reputation of your profession at all times

To achieve this, you must:

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

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

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

20.5 treat people in a way that does not take advantage of their vulnerability or cause them upset or distress

20.6 stay objective and have clear professional boundaries at all times with people in your care (including those who have been in your care in the past), their families and carers

21 Uphold your position as a registered nurse, midwife or nursing associate

To achieve this, you must:

21.1 refuse all but the most trivial gifts, favours or hospitality as accepting them could be interpreted as an attempt to gain preferential treatment

21.2 never ask for or accept loans from anyone in your care or anyone close to them

21.3 act with honesty and integrity in any financial dealings you have with everyone you have a professional relationship with, including people in your care'

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. The panel then went on to consider whether the charges found proved amounted to misconduct.

In relation to charges 1a to 1e, the panel found that Mrs Burwood's conduct amounted to serious professional misconduct, some of which took place within her professional practice and some of which was in her private life away from her clinical practice. The panel considered the NMC guidance document called Misconduct (FTP-2a), dated 31 July 2026 which gives examples of a registrant '*abusing their position as a registered nurse, midwife or nursing associate or other position of power to exploit, coerce or obtain a benefit, failing to maintain clear professional boundaries with people receiving care.*' That same document includes a section called Vulnerability in misconduct, highlighting that the Code (para 20.5) states that professionals must '*treat people in a way that does not take advantage of their vulnerability or cause them upset or distress.*'

The panel considered that Mrs Burwood had abused her position of trust as a Registered Nurse by nurturing a relationship with Resident A, in which she would be benefiting from financially and whilst exploiting Resident A. The panel noted its earlier findings on facts

and considered that Resident A was a vulnerable patient who placed her trust and confidence in Mrs Burwood because she was lonely and had no family. The panel determined that Mrs Burwood's actions in charge 1a to 1e, which occurred over a number of years, were deplorable and she was morally culpable. Mrs Burwood took coercive control of Resident A's health, wellbeing and finances, making significantly large purchases and frequently withdrawing money from Resident A's bank account without her consent. The panel considered its findings of the facts found proved and determined that Mrs Burwood's conduct presents risks to public safety, public confidence in the profession and undermines professional standards.

In relation to charge 2 in its entirety, the panel found that Mrs Burwood's conduct amounted to serious professional misconduct. The panel considered that Mrs Burwood's actions caused emotional distress to Resident A and financial abuse. The panel considered that Mrs Burwood's actions in charges 2a and 2b, although it did not occur when Resident A was in the Home, demonstrated that Mrs Burwood sought to take advantage of Resident A. Mrs Burwood used their friendship as a means to threaten and attempt to exert further control over Resident A, who valued and desired her friendship and who said if it wasn't for Mrs Burwood she would not have any visitors. The panel considered its findings in the facts found proved above, that Resident A did not want to press charges on Mrs Burwood as she was afraid the outings would stop. The panel determined that a member of the public would be shocked and concerned to hear a nurse was behaving in such a manner.

In relation to charge 3, the panel found that Mrs Burwood's conduct amounted to serious misconduct. The panel considered that Mrs Burwood's actions were for her own selfish gain which was to the detriment to Resident A. It considered that Mrs Burwood being the deputy manager of the care home and acquiring such an authority over Resident A whilst she was under her care, was a blurring of professional boundaries and a serious breach of the Code. The panel considered that by becoming Resident A's LPA and having control not only over her health but finances also; Mrs Burwood had an ulterior motive for seeking such an authority, which was for her own self gain and was to the detriment of Resident A's independence and autonomy. The panel considered that Mrs Burwood's actions in this charge, were deplorable and a disgrace to the profession.

In relation to charges 4 and 5, the panel found that Mrs Burwood's conduct amounted to serious misconduct. The panel considered that by deliberately not informing her employer that she had obtained a LPA and then being dishonest about it, as she knew Resident A was a resident at the Home where she was employed, was a serious breach of the Code and also of the policies of the Home. The panel considered that Mrs Burwood sought to deceive and obscure from view the fact that she had obtained a LPA, for her own benefit. The panel determined that Mrs Burwood intentionally embarked on this course of conduct to conceal her plans to further exploit Resident A. The panel determined such conduct is morally reprehensible, shows premeditated behaviour and indicates a deep seated attitudinal problem. The panel determined that such behaviour falls far below the standards expected of a registered nurse.

In relation to charge 6, the panel found that Mrs Burwood's conduct amounted to serious professional misconduct. The panel considered that the actions in this charge found proved, took place immediately following Mrs Burwood's police interview regarding the allegations of financial abuse of Resident A. The panel considered that such was the alarm caused by Mrs Burwood's actions, that a member of staff saw fit to report it even though she was unaware of any ongoing concerns in this regard. Mrs Burwood was not working in the Home at the time but was still a registered nurse. The panel had regard to NMC guidance FTP-2a, and determined that it was wholly inappropriate and unprofessional for Mrs Burwood to approach Resident A and conduct herself in such a manner, this is further exacerbated by the context of the circumstances of what happened and contravened the Home's policy. The panel determined that Mrs Burwood's actions fell significantly below of the standards expected of a nurse, as she failed to be transparent and open, thereby breaching fundamental tenets and cornerstones of her profession.

Consequently, the panel found that Mrs Burwood's actions in the charges 1a to 1e, 2a, 2b, 3, 4, 5 and 6 did fall seriously short of the conduct and standards expected of a nurse and amounted to misconduct.

Decision and reasons on impairment

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

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

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

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional and to maintain professional boundaries. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must be honest and open and act with integrity. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 74, she said:

'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's "test" which reads as follows:

'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/their fitness to practise is impaired in the sense that S/He/They:

- a) *has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b) *has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c) *has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- d) *has in the past acted dishonestly and/or is liable to act dishonestly in the future.'*

The panel finds that limbs a – d of the *Grant* tests are engaged. The panel finds that Resident A was put at risk and was caused financial and emotional harm as a result of Mrs Burwood's misconduct. Mrs Burwood's misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. It was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to dishonesty extremely serious.

The panel had regard to the case of *Cohen* and the NMC guidance DMA-1. It considered whether the misconduct in this case was easily remediable. The panel determined that the conduct in this case was not easily remediable. It was of the view that there was dishonest intention, manipulative and coercive behaviour which occurred over a sustained period of time. It considered that such a dishonest course of action was inherently difficult to remediate.

In deciding whether Mrs Burwood's fitness to practice is currently impaired the panel went on to consider whether she had demonstrated any insight into her failures. The panel had regard to Mrs Burwood's written reflective statements dated 20 July 2023 and August 2026. The panel noted that Mrs Burwood had stated that she had failed to uphold the standards expected of a registered nurse and deeply regretted her actions. She further stated that she saw Resident A as her '*Nanna*' which blurred the professional boundaries between them. Mrs Burwood stated that applying for the LPA crossed professional boundaries and she should have asked the solicitor for further information.

'I now recognise that, even where a gift is offered voluntarily or with good intentions, as was the case here for me, accepting anything beyond a trivial token can compromise, or appear to compromise, professional judgement. It can also create an imbalance of power, a sense of obligation, or an expectation that care may be influenced in some way. This is particularly serious in nursing because people receiving care may be vulnerable and place significant trust in nurses.'

'I acknowledge that I failed to uphold the standards expected of me by failing to recognise and maintain professional boundaries and by accepting gifts of money and property... I recognise that my actions had the potential to affect the confidence that patients and the public place in nurses. Patients must be able to trust that care is provided fairly, without personal gain, pressure or influence. I am aware that my conduct reflects poorly not only on me as an individual nurse, but also on the nursing profession as a whole, because nurses are expected to act with honesty, integrity, transparency and professional judgement at all times. If members of the public become aware that a nurse has accepted gifts of money or property, or has been involved in handling money without appropriate documentation, they may question whether nurses can be trusted to act impartially and in the best interests of those receiving care. Colleagues also need to trust that every member of the team acts in line with professional standards and does not create situations that could bring the profession into disrepute...

[Resident A] was not only someone I later encountered in a professional context, but someone I had known for many years and came to see as a dear friend and grandmother-type figure.'

'I had no understanding of the scope of an LPA and now recognise that this was a major failing on my part. In hindsight I should have asked the solicitor more questions...'

The panel also considered Ms Rees's defence statement where she submitted that:

'Resident A lived on the same street as Ms Burwood's great aunt. [PRIVATE], and she became a family friend, attending [Mrs Burwood's] family home for Christmas and they became close, with her regarding Ms Burwood like a grandmother...

[Mrs Burwood] took all steps she thought necessary to keep relevant parties, including her employer, fully informed, but acknowledges that she should have ensured she had written evidence of her informing her employer of the LPA. She is deeply remorseful for the concern this has raised.'

However, having had regard to the above, the panel determined that although Mrs Burwood has sought to remediate her actions in the charges that she had admitted, through her reflection, it was not sufficient. The panel was of the view that Mrs Burwood's reflection was superficial and only went as far as her breaches of the Code and her regret at not keeping a clear paper trail, maintaining detailed records and blurring the boundaries of her professional judgement. The panel considered that Mrs Burwood did not consider the emotional and financial harm and impact her actions had on Resident A, who had to live with knowing that her *'only friend'* was taking her money for themselves.

The panel considered that Mrs Burwood has engaged with the NMC process and made admissions to some charges and partial admissions to other charges. Whilst she does acknowledge that she overstepped her boundaries, the panel considered that Mrs Burwood's insight was limited to her acceptance of the blurring of professional boundaries and did not accept that this was coercive and manipulative behaviour. Her reflections consider the Code and professional guidelines but fail to apply them to the situation of Resident A and her right to expect high standards of ethical behaviour from a registered nurse. It therefore determined that Mrs Burwood had limited insight into the facts found proved.

The panel then considered whether there was evidence before it of steps taken to strengthen her practice. The information before the panel is that Mrs Burwood has not practised as a registered nurse since the regulatory concerns were raised. The panel noted that Mrs Burwood had applied to be removed from the register twice and there was no evidence before the panel to demonstrate any strengthening of her practice, or a demonstration that she has fully appreciated the consequences of her behaviours. The

panel considered that the concerns were wide ranging, including dishonesty. It also considered that there was evidence of deep seated attitudinal issues.

The panel was satisfied that the misconduct in this case was capable of remediation but was inherently difficult to remediate. Therefore the panel determined that due to Mrs Burwood's limited insight and absence of remediation (especially in regards to the findings of dishonesty and financial abuse), there was a real risk of repetition of similar conduct that would cause both financial and emotional harm. 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 public would be concerned if a nurse who had been dishonest, breached the fundamental tenets of the nursing profession and had not sufficiently demonstrated insight and remediation with regard to their failings, was allowed to practice unrestricted. The panel also determined that members of the public would be hesitant, or even reluctant, to engage with members of the profession if they knew that there was a risk of them being victim to manipulation, coercion and dishonesty and being taken advantage of at their most vulnerable.

The panel had regard to the case of *Yeong*. It was satisfied that as such, this case does involve a violation of the relationship between a registered nurse and patient and determined that a finding of impairment on public interest grounds was absolutely required.

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 Mrs Burwood's fitness to practise impaired on the grounds of public interest.

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

Sanction

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Mrs Burwood off the register. The effect of this order is that the NMC register will show that Mrs Burwood has been struck-off the register.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had regard to the NMC Guidance on '*The sanctions available*' (Reference: SAN-2 Last Updated: 28/01/2026).

Representations on sanction

The NMC submitted that a striking-off order would be the most appropriate order.

The NMC submitted that the following are aggravating factors:

- Breach of Trust
- Dishonesty
- Large amounts of money taken from Resident A's bank including £160,000 of cash from ATM withdrawals.
- Breach of professional boundaries
- Financial abuse and coercion
- Money obtained from Resident A was not spent on their care or for their benefit
- Took advantage of a vulnerable person for financial / personal gain, numerous examples of financial abuse.
- Resident A relied on Mrs Burwood as she had no other family / next of kin.
- When Mrs Burwood was the LPA, Resident A's spending increased from £4,000 to £24,000 a month.
- Limited insight
- Emotional blackmail

The NMC submitted that the only mitigating factor in this case was that Mrs Burwood had made partial admissions to the charges. The NMC referred the panel to the sanctions available to it and The NMC guidance on '*Striking off order*' (SAN-2e Last Updated: 28/01/2026) and '*Sanctions for the highest risk cases*' (SAN-4 Last Updated: 31/07/2026).

The NMC submitted that the conduct of Mrs Burwood is fundamentally incompatible with being a registered nurse. Public confidence in nurses cannot be maintained if Mrs Burwood is not struck off. Striking Mrs Burwood off the register is the only sanction sufficient to protect patients, members of the public, and maintain professional standards. There is no amount of insight and reflection that would maintain public confidence in the profession and uphold professional standards. There is no realistic prospect that after suspension, Mrs Burwood will have gained insight and strengthened her practice such that the risk she poses will have reduced.

The NMC submitted that in the circumstances of this case and the most appropriate and proportionate sanction was a striking-off order.

Mrs Burwood did not submit any written representations in respect of sanction.

The panel accepted the advice of the legal assessor.

Decision and reasons on sanction

Having found Mrs Burwood's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose. The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had regard to the NMC Guidance on '*The sanctions available*' (Reference: SAN-2 Last Updated: 28/01/2026). The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Breach of professional boundaries over a sustained period of time
- Abuse of a position of trust and LPA

- Deliberate breaches of the Code
- Financial abuse, coercion and exploitation of Resident A
- Mrs Burwood took large sums of money and assets from Resident A for her personal benefit
- Conduct which deliberately and/or recklessly caused Resident A harm and put her at risk of further harm.
- No acknowledgment or awareness of the harm caused
- Premeditated behaviour
- A pattern of misconduct over a period of time
- Limited insight, especially into her behaviours
- Vulnerability of the person receiving care, Resident A was a lonely, frail and elderly resident with no relatives and unable to meet her own needs
- Emotional abuse

The panel also took into account the following mitigating features:

- Partial admission to some the facts

The panel determined that the aggravating features outweighed the mitigating features of this case and calls into question the trust that the public have in nurses, the profession and the NMC as its regulator, as well as the ability to provide care.

The panel considered the dishonesty in this case and had regard to the NMC guidance SAN-4, particularly; '*Cases involving dishonesty*'. In quantifying the seriousness of Mrs Burwood's dishonesty, it noted the following:

'Not all dishonesty is equally serious. Generally, the forms of dishonesty which are most likely to require consideration of striking-off will involve (but are not limited to):...

- *misuse of power*
- *personal or financial gain from a breach of trust*
- *direct risk to people receiving care*
- *premeditated, systematic or longstanding deception.'*

‘Other types of higher risk cases

Some concerns are higher risk because it is harder for the professional to put the matter right. Examples of this type of concern include (but are not limited to):...

- abusing their position as a professional or other position of power to exploit, coerce or obtain a benefit (including sexual or financial) from people receiving care, colleagues or students*
- being directly responsible for exposing people receiving care to harm or neglect. Examples might be through management of a service or setting. This is especially the case where the professional put their own priorities, or those of their organisation, before ensuring the safety and dignity of people receiving care’.*

The panel were satisfied that the above factors applied in this case. The panel noted that there was some remorse from Mrs Burwood but was not satisfied she had recognised that she had acted in a way that was dishonest or explained with evidence how this would not happen again. The panel further considered that not only did Mrs Burwood expose Resident A to harm, she also took a significant amount of her estate leaving her with limited funds to pay for her care.

The panel had regard to the same guidance and noted the following in SAN-4:

‘...Professionals who have behaved dishonestly can engage with the Committee to:

- Show that they feel remorse*
- Recognise that they acted in a dishonest way*
- Explain, with evidence, how this will not happen again.’*

The panel noted that she expressed some remorse, however the other two points are not engaged.

The panel also had regard to NMC guidance on *‘What we mean by Vulnerability’* (FTP-18 Last Updated: 28/07/2026). In particularly:

‘...Professionals are also expected to make sure that people’s physical, social and psychological needs are assessed and responded to. This includes:

- acting as advocates for people who are vulnerable (i.e. children and Vulnerable Adults, or those who are experiencing factors that make them more vulnerable in the moment);*
- taking action to protect people who are vulnerable;’*

The panel considered that Mrs Burwood failed to advocate for Resident A and take action to protect her as a vulnerable person. Taking all the above into account, the panel determined that the dishonesty in this case was serious and at the higher end of the spectrum.

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

The panel next considered a caution order and had regard to the NMC Guidance on ‘*Caution order*’ (Reference: SAN-2b Last Updated: 28/01/2026) in which the following is stated:

‘A caution is only appropriate if the Committee has decided there’s no risk to the public or to people using services that requires the professional’s practice to be restricted. This means the case is at the lower end of the spectrum of impaired fitness to practise, but the Committee wants to mark that what happened was unacceptable and must not happen again.’

The panel considered that Mrs Burwood’s misconduct was not at the lower end of the spectrum, and it found that there is a risk to patient and public safety. The panel therefore determined that a sanction that does not restrict Mrs Burwood’s practise would not protect the public. The panel also determined that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether to place a conditions of practice on Mrs Burwood’s registration. In considering whether conditions of practice are appropriate, the panel had

regard to the factors set out in the NMC Guidance on 'Conditions of practice order' (Reference: SAN-2c Last Updated: 28/01/2026). The panel having had regard to the nature and seriousness of Mrs Burwood's conduct, noted that the concerns do not relate to Mrs Burwood's clinical practice or competency and so there were no identifiable areas of practise for retraining, but rather demonstrated deep seated attitudinal issues. The panel further considered that Mrs Burwood would need careful and constant supervision due to her dishonesty. The panel considered that there are no relevant, proportionate, workable or measurable conditions that could be formulated to uphold public confidence in the profession, protect patients, meet the public interest and uphold professional standards. The panel determined that a conditions of practice order would not be appropriate in the circumstances.

The panel went on to consider whether a suspension order is appropriate in this case. The panel had regard to the NMC Guidance on '*Suspension order*' (Reference: SAN-2d Last Updated: 28/01/2026) in which the following factors on when a suspension order may be appropriate are set out:

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

The panel also had regard to the key considerations as set out in the NMC Guidance to weigh up before imposing a suspension. It noted the following list of circumstances that may make a suspension order an appropriate sanction:

- *'the charges found proved are at the most serious end of the spectrum and call into question the professional's suitability to continue practising, either currently or at all*
- *while it is possible that the professional could be fit to practise in future, only a period out of practice would be sufficient to allow them to fully strengthen their practice through reflection, the development of their professional skills and / or development of insight and remediation*
- *there is a risk to the safety of people using services if the professional were allowed to continue to practise even with conditions*

- *what went wrong is so serious that public confidence in the profession and professional standards could not be maintained if the professional were able to continue practising without stopping for a period of time*
- *despite the seriousness of what happened, the professional has engaged in the proceedings and has shown at least some meaningful insight which evidences a realistic possibility that they will continue to develop this insight, address their concerns and return to practice.'*

The panel was not satisfied that the risks identified could be managed by Mrs Burwood being temporarily removed from the Register, and considered that it would not be sufficient to uphold public confidence in the profession and maintain professional standards due to the seriousness and nature of the facts found proved. Considering Mrs Burwood's level of dishonesty and her limited insight, the panel determined that there was no realistic possibility that Mrs Burwood would address the concerns to such a level where she could return to practise safely. The panel found that the nature of the misconduct and the violation of the professional relationship are such that the public confidence in the profession would not be upheld if Mrs Burwood was allowed to return back to the profession after a period of suspension. The panel determined that Mrs Burwood was directly responsible for exposing Resident A to harm and it would be highly unlikely that she would be able to develop her insight and address the concerns to a level that would maintain public confidence in the profession, protect the public and satisfy the public interest.

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

In considering a striking-off order, the panel had regard to the NMC Guidance on '*Sanctions for the highest risk cases*' (Reference SAN-4 Last Updated: 28/01/2026). Having regard to all of the above, the panel determined that this case falls within the definition of being a '*highest risk case*'.

The panel had regard to the following considerations as set out in the NMC Guidance entitled '*Striking-off order*' (Reference: SAN-2e Last Updated; 28/01/2026):

- *Do the charges found proved raise fundamental questions about their professionalism?*
- *Can public confidence in the profession be maintained if the professional is not removed from the Register?*
- *Is there any amount of insight and reflection which could keep people receiving care and members of the public safe, maintain public confidence in the profession, and uphold professional standards?*
- *Is there a realistic prospect that, after suspension, the professional will have gained insight and strengthened their practice such that the risk they pose will have reduced?*

The panel found that the proven conduct was exceptionally serious and Mrs Burwood's actions were incompatible with the standards expected of a registered nurse. Her misconduct represented a serious breach of the fundamental tenets of the profession, including honesty and openness.

The panel considered that fully informed members of the public would be extremely concerned and shocked if a registered nurse who had financially and emotionally abused a vulnerable person, exploiting them for her own benefit and had not demonstrated significant insight or meaningful remediation, were permitted to remain on the register. The panel determined that public confidence in the profession and the NMC as regulator would be seriously undermined if a sanction short of striking off were imposed.

The panel concluded that Mrs Burwood's conduct was fundamentally incompatible with remaining on the register and that a striking-off order was the only sanction sufficient to protect the public interest, maintain public confidence in the nursing profession and uphold proper professional standards and conduct.

The panel was of the view that the findings in this particular case demonstrate that Mrs Burwood's actions were serious and to allow her to continue practising would not protect the public and would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, in particular the effect of Mrs Burwood's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct herself, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was 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.

This will be confirmed to Mrs Burwood in writing.

Interim order

As the striking-off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Mrs Burwood's own interests until the striking-off sanction takes effect.

Representations on interim order

The panel took account of the representations made by the NMC. The NMC submitted that an interim order of suspension should be imposed on the basis that it is necessary for the protection of the public and is otherwise in the public interest.

Mrs Burwood did not submit any written representations in respect of interim order.

The panel heard and accepted the advice of the legal assessor.

Decision and reasons on interim order

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

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months due to allow time for the appeal period before the striking-off order comes into effect.

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

That concludes this determination.