

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

**Substantive Hearing
Monday, 28 September 2026 – Monday, 12 October 2026**

Nursing and Midwifery Council
2 Stratford Place, Montfichet Road, London, E20 1EJ

Name of Registrant:	Ashton Rogers
NMC PIN:	12F0301W
Part(s) of the register:	Registered Nurse – Sub Part 1 Adult Nursing (Level 1) – 25 September 2012
Relevant Location:	Cardiff
Type of case:	Misconduct
Panel members:	David Hull (Chair, lay member) Dora Waitt (Lay member) Richard Curtin (Registrant member)
Legal Assessor:	John Bassett
Hearings Coordinator:	Samara Baboolal (28 September 2026 – 29 September 2026 and 2 October 2025 – 5 October 2026) Andrew Ormsby (30 September 2026) Hazel Ahmet (1 October 2026) Tyra Andrews (6 October 2026 – 12 October 2026)
Nursing and Midwifery Council:	Represented by Rowena Wisniewska, Case Presenter
Miss Rogers:	Not present and unrepresented
Facts proved:	Charges 1a, 1b, 1c, 1d, 2, 3, 4, 5, 6 and 7
Facts not proved:	Not applicable
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 Hearing

The panel was informed at the start of this hearing that Miss Rogers was not in attendance and that the Notice of Hearing letter had been sent to Miss Rogers' registered email address by secure email on 17 August 2026.

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

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the allegations, the hearing start time, dates and venue of the hearing and, amongst other things, information about Miss Rogers' right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all of the information available, the panel was satisfied that Miss Rogers has been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Miss Rogers

The panel next considered whether it should proceed in the absence of Miss Rogers. It had regard to Rule 21.

Ms Wisniewska invited the panel to continue in the absence of Miss Rogers. Ms Wisniewska submitted that no request for an adjournment has been made by Miss Rogers. She referred the panel to an email sent by Miss Rogers to the NMC Case Officer on 26 August 2026. The email stated:

'Thank you for your email.

Im happy for you to proceed in my absence at the hearing and pre meeting.

Apologies again for not being able to attend.

And thank you for your updates and correspondence.

Many thanks

Ashton'

In a further email from Miss Rogers to the NMC Case Officer on 18 September 2026, Miss Rogers stated:

'Hi Neil, Thanks for your email. Due to my current personal circumstances, with my mam having [PRIVATE]. Im happy to proceed now and not wait a further 6 months as im unsure of what the next few months will hold in my current situation. Im not in a position to get [PRIVATE] evidence from my GP. Or too (sic) go through the draft facts due to reasons stated above. Many thanks Ashton'

Ms Wisniewska submitted that it would not be appropriate to adjourn this matter. She submitted that there is a strong public interest in the expeditious consideration of this matter, that witnesses are due to attend and adjourning the hearing would inconvenience these witnesses, and that there is no evidence to suggest that granting an adjournment would secure Miss Rogers' attendance at a later date.

The panel accepted the advice of the legal assessor.

The panel took into account, when considering whether it may be appropriate to adjourn the hearing to a later date, that in her email dated 18 September 2026, Miss Roger explicitly stated that she is unsure as to what her circumstances would be in six months' time, and therefore there is uncertainty around her availability if the matter were to be adjourned. The panel therefore concluded that granting an adjournment would not necessarily secure Miss Rogers' attendance, and that she has requested that the hearing continue in her absence.

The panel has decided to proceed in the absence of Miss Rogers. In reaching this decision, the panel took into account Ms Wisniewska's submissions on behalf of the NMC, the correspondence from Miss Rogers, and the advice of the legal assessor. It

had regard to the relevant case law, and to the overall interests of fairness to all parties. It took into account that:

- Miss Rogers has informed the NMC that she has received the Notice of Hearing and confirmed that she is content for the hearing to proceed in her absence;
- A number of witnesses have attended to give live evidence at this hearing;
- Not proceeding may inconvenience the witnesses, their employer(s) and the clients who need their professional services;
- The charges relate to events that occurred in 2022 and 2023;
- Further delay may have an adverse effect on the ability of witnesses accurately to recall events;
- There is a strong public interest in the expeditious disposal of the case.
- No application for an adjournment has been made by Miss Rogers; and
- There is no reason to suppose that adjourning would secure her attendance at some future date, as she has outlined uncertainty around her current and future circumstances.

There is potentially some disadvantage to Miss Rogers in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to her at her registered email address, Miss Rogers will not be able to challenge the evidence relied upon by the NMC and will not be able to give evidence on her own behalf. However, in the panel's judgement this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies. Furthermore, any disadvantage is the consequence of Miss

Rogers' decision to absent herself from the hearing and waive her right to attend or be represented.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Miss Rogers. The panel will draw no adverse inference from Miss Rogers' absence in its findings of fact.

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

At the outset of the hearing, Ms Wisniewska made a request that this case be held partly in private on the basis that proper exploration of Miss Rogers' case involves some reference to her [PRIVATE] and personal circumstances. She submitted that this application be applied retrospectively to any private matters referred to during proceeding in absence. Ms Wisniewska made a further application that matters relating to Huw Stiley and Tracy Davies' [PRIVATE] be held in private as to protect their privacy. Ms Wisniewska's application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Ms Wisniewska noted that Huw Stiley and Tracy Davies are respectively referred to as Person A and Colleague A. She clarified that Huw Stiley and Tracy Davies do not meet the defined categories of individuals who should be granted anonymity and would therefore not be anonymised for the purposes of this hearing.

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

The panel determined to go into private session in connection with Miss Rogers' [PRIVATE] and private life, and Huw Stiley and Tracy Davies' [PRIVATE] and private life, as and when such issues are raised in order to protect the privacy of the relevant parties.

Decision and reasons on application to amend the charge

The panel heard an application made by Ms Wisniewska, on behalf of the NMC, to amend the wording of charges 2 and 3.

The proposed amendment to charge 2 was to replace the word 'took' with 'retained'. Ms Wisniewska submitted that the proposed amendment was a clarity amendment. She submitted that 'took' creates a different impression as to what this particular allegation actually pertains to. She submitted that 'retained' more accurately reflects the allegations.

The proposed amendment to charge 3 was to replace the word 'were' with 'was'. Ms Wisniewska submitted that this is a grammatical amendment. She submitted that 'take' should be replaced with 'retained', as to reflect the proposed amendment in charge 2 and maintain uniformity in the charges.

Ms Wisniewska submitted that the amendment would not cause Miss Rogers any prejudice, and would allow for clarity in the charges.

That you, a registered nurse

1. On or after 5 October 2022 whilst in possession of Resident A's bank card withdrew and retained sums, totalling £360, without permission, on
 - a. 5 October 2022
 - b. 9 October 2022
 - c. 19 October 2022
 - d. 7 November 2022
2. On or after 10 November 2022 ~~took~~ **retained** £200 belonging to your employer, Romily Nursing Home.
3. Your conduct as set out in charges 1 and/or 2 ~~were~~ **was** dishonest in that you knew you did not have permission to ~~take~~ **retain** the money.
4. Whilst subject to an interim suspension order ('ISO') imposed on your

registration on 17 January 2023, worked in breach of the terms of the ISO on one, or more occasions between 17 January 2023 and 13 September 2023.

5. Your actions at charge 4 were dishonest in that you knew that your practise as a nurse was suspended.

6. On 13 September 2023 told Ty Nant Care Home that you were unaware of the ISO.

7. Your conduct at charge 6 above was dishonest in that you, sought to conceal from Ty Nant Care Home, you were subject to an ISO.

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

The panel accepted the advice of the legal assessor and had regard to Rule 28 of the Rules.

The panel was of the view that the amendments, as applied for, were in the interest of justice. The panel was satisfied that there would be no prejudice or unfairness to Miss Rogers or the NMC, and no injustice would be caused to either party by the proposed amendments being allowed. It considered that the mischief in the allegations is the alleged retention of the money, rather than the alleged initial taking of the money. The substance of the allegations which is already known to Miss Rogers and to which she has responded, is not changed by these amendments. The panel also noted that the grammatical amendment did not change in any way the substance and meaning of the charge.

In light of all the above, the panel determined that it was appropriate to allow the amendments, as applied for, to ensure clarity in the charges and grammatical accuracy.

Decision and reasons to amend the charges 2 and 5

During deliberations, the panel of its own volition, decided under Rule 28 to make amendments to the wording of charges 2 and 5. The panel noticed that 'Romilly Nursing Home' was incorrectly spelled as 'Romily' in charge 2 and that 'practice' was incorrectly spelled as 'practise' in charge 5. It determined to make these typographical amendments to provide clarity and accuracy.

1. On or after 5 October 2022 whilst in possession of Resident A's bank card withdrew and retained sums, totalling £360, without permission, on

- a. 5 October 2022
- b. 9 October 2022
- c. 19 October 2022
- d. 7 November 2022

2. On or after 10 November 2022 retained £200 belonging to your employer, ~~Romily~~ **Romilly** Nursing Home.

3. Your conduct as set out in charges 1 and/or 2 was dishonest in that you knew you did not have permission to retain the money.

4. Whilst subject to an interim suspension order ('ISO') imposed on your registration on 17 January 2023, worked in breach of the terms of the ISO on one, or more occasions between 17 January 2023 and 13 September 2023.

5. Your actions at charge 4 were dishonest in that you knew that your ~~practise~~ **practice** as a nurse was suspended.

6. On 13 September 2023 told Ty Nant Care Home that you were unaware of the ISO.

7. Your conduct at charge 6 above was dishonest in that you, sought to conceal from Ty Nant Care Home, you were subject to an ISO.

The panel had regard to the legal advice previously heard in relation to the amending of charges.

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 Miss Rogers and no injustice would be caused to either party by the proposed amendments being allowed.

Details of charge (as amended)

That you, a registered nurse

1. On or after 5 October 2022 whilst in possession of Resident A's bank card withdrew and retained sums, totalling £360, without permission, on
 - a. 5 October 2022
 - b. 9 October 2022
 - c. 19 October 2022
 - d. 7 November 2022
2. On or after 10 November 2022 retained £200 belonging to your employer, Romilly Nursing Home.
3. Your conduct as set out in charges 1 and/or 2 was dishonest in that you knew you did not have permission to retain the money.
4. Whilst subject to an interim suspension order ('ISO') imposed on your registration on 17 January 2023, worked in breach of the terms of the ISO on one, or more occasions between 17 January 2023 and 13 September 2023.
5. Your actions at charge 4 were dishonest in that you knew that your practice as a nurse was suspended.
6. On 13 September 2023 told Ty Nant Care Home that you were unaware of the ISO.

7. Your conduct at charge 6 above was dishonest in that you, sought to conceal
from Ty Nant Care Home, you were subject to an ISO.

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

Decision and reasons on application to admit hearsay evidence

The panel heard an application made by Ms Wisniewska, under Rule 31 to allow the written statements provided to the NMC by Huw Stiley (Mr Stiley) and exhibits, including the bank statements relating to Resident A's account, the written statement provided to the NMC by Tracy Davies (Ms Davies), the local statement of Jack Baird (Mr Baird) and attached exhibits, and the local statement of Helen Campbell (Ms Campbell) into evidence as hearsay evidence.

Ms Wisniewska referred the panel to the cases of *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 (Admin) and *El Karout v NMC* [2019] EWHC 28 (Admin).

Ms Wisniewska submitted that the evidence is relevant to the charges. She submitted that none of the evidence is sole or decisive.

In relation to any nature and extent of the challenge, Ms Wisniewska submitted that Miss Rogers is not attending the hearing and is not represented, and therefore there is no challenge to the evidence. She submitted that while Miss Rogers has not admitted to the charges, it is plain that she has never disputed that the money was withdrawn. She submitted that there is no evidence to suggest that any of the witnesses have fabricated their evidence, nor that they had cause for fabrication.

Ms Wisniewska submitted that the allegations are very serious in this case, and that if they were found proved, would have an adverse effect on Miss Rogers' career.

In relation to whether there were good reasons for the non-attendance of Mr Stiley, Ms Wisniewska referred the panel to correspondence from Mr Stiley in which he outlines that he is undergoing chemotherapy treatment and provided a copy of his medical report dated 15 August 2025. Ms Wisniewska submitted that reasonable efforts were made by the NMC to secure his attendance.

In relation to whether there were good reasons for the non-attendance of Ms Davies, Ms Wisniewska submitted that Ms Davies is [PRIVATE] and has been given a likely [PRIVATE], she had provided a medical report dated 28 July 2026. Ms Wisniewska submitted that she informed the NMC on 21 September 2026 that she is taking steps to get evidence to assist the NMC regarding her unfitness to attend a hearing in the foreseeable future. She submitted that the NMC has made reasonable efforts to secure her attendance.

In relation to whether there were good reasons for the non-attendance of Mr Baird, Ms Wisniewska informed the panel that she was unable to say what steps had been taken to obtain a statement from him and there is no information around why Mr Baird is unable to attend the hearing. Ms Wisniewska informed the panel that she made inquiries around his ability to attend; however, she had not received any further information around this.

In relation to whether there were good reasons for the attendance of Ms Campbell's non-attendance, Ms Wisniewska submitted that she had no instructions on why a statement had not been obtained by the NMC from her and there is no information around Ms Campbell's reasons for non-attendance.

Ms Wisniewska submitted that the evidence proposed to be adduced into hearsay is supportive of the charges. She submitted that if this evidence were to be adduced, it would cause no prejudice or unfairness to Miss Rogers, and submitted that the panel can determine what weight to give the hearsay evidence at the relevant stage. She invited the panel to accept the application.

The panel accepted the legal assessor's advice on the issues it should take into consideration in respect of this application. This included that Rule 31 provides that,

so far as it is 'fair and relevant', a panel may accept evidence in a range of forms and circumstances, whether or not it is admissible in civil proceedings. The legal assessor referred the panel to the principles set out in the case of *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 (Admin):

- '(i) whether the statements were the sole or decisive evidence in support of the charges;*
- (ii) the nature and extent of the challenge to the contents of the statements;*
- (iii) whether there was any suggestion that the witnesses had reasons to fabricate their allegations;*
- (iv) the seriousness of the charge, taking into account the impact which adverse findings might have on the Appellant's career;*
- (v) whether there was a good reason for the non-attendance of the witnesses;*
- (vi) whether the Respondent had taken reasonable steps to secure their attendance; and*
- (vii) the fact that the Appellant did not have prior notice that the witness statements were to be read.'*

Huw Stiley

The panel was satisfied that Mr Stiley's evidence is not sole or decisive. There is further evidence which speaks to the charges, and his evidence is corroborated by other witnesses. There are emails between Mr Stiley and Miss Rogers regarding money being withdrawn from Resident A's bank account, and Miss Rogers herself says that there were withdrawals. The panel was also satisfied that the evidence is relevant. Mr Stiley's evidence comprises a police witness statement which comprehensively details the allegations set out in some of the charges.

In relation to the nature and extent of the challenge, the panel took into account that the charges are not admitted, however it is plain that Miss Rogers never disputed that the money was withdrawn.

The panel determined that there is no evidence to suggest that Mr Stiley has fabricated his evidence or account of the allegations.

In relation to the seriousness of the charge relevant to Mr Stiley's evidence, the panel was satisfied that the charge is serious, includes dishonesty and if found proved, would have an adverse impact on Miss Rogers' career.

The panel considered whether there is a good reason for Mr Stiley's non-attendance. It took into account that Mr Stiley explicitly outlined that he has serious [PRIVATE] reasons for not attending. While the panel did not have any evidence as to whether or not he is actually fit to give evidence at this hearing, the panel has seen objective [PRIVATE] evidence that he has [PRIVATE]. The panel had before it [PRIVATE] evidence from 2025, and Mr Stiley confirmed that his [PRIVATE] has deteriorated since then.

The email, dated 17 September 2025, states:

'Thanks for the email below. I'm afraid to advise that I have [PRIVATE] and other commitments which fall during the dates of the hearing. I will be off line on the morning of the 15th October, and from the afternoon on the 16th through to Thursday 23rd October. I have previously advised Neil of my circumstances. Kind regards'

The panel also had sight of email correspondence dated 14 September 2026 which states:

'I am no longer in maintenance [PRIVATE] and have recently been receiving a course of [PRIVATE] then a period in Hospital. I have little control over my calendar in the weeks and months ahead and your organisation simply needs to accept this situation.'

The panel considered whether reasonable steps have been taken by the NMC to secure Mr Stiley's attendance. It was satisfied that the NMC has made all reasonable attempts. The panel had before it an email from the NMC to Mr Stiley around the [PRIVATE] evidence it would like to get to support whether he is able to attend or not, and inquiries as to whether Mr Stiley could potentially attend the hearing via video link. The panel noted that he does not respond to some of the points raised by the NMC, and reiterates that he is not well enough to attend and wishes to focus on his [PRIVATE].

The panel was therefore satisfied that the NMC made all endeavours to secure Mr Stiley's attendance and, in the circumstances, going beyond these attempts would have been unreasonable.

In light of all the above, the panel determined that on balance it would be fair to admit the statement of Mr Stiley and all accompanying exhibits as hearsay evidence and granted the application to do so. It would determine the weight, if any, to attach to the evidence when making its findings of fact on the charges.

Tracy Davies

The panel was satisfied that Ms Davies' evidence is not sole or decisive. There is corroborating evidence, and her evidence is not the only piece of evidence which speaks to the allegations and charges. The panel was also satisfied that the evidence is relevant.

In relation to the nature and extent of the challenge, the panel took into account that the charges are not admitted, however it is plain that Miss Rogers never disputed that she received money.

The panel determined that there is no evidence to suggest that Ms Davies has fabricated her evidence or account of the allegations.

In relation to the seriousness of the charges relevant to Ms Davies' evidence, the panel was satisfied that the charge is serious, involves dishonesty and if found proved, would have an adverse impact on Miss Rogers' career.

The panel considered whether there is a good reason for Ms Davies' non-attendance at this hearing. Ms Davies has indicated that she is due to undergo [PRIVATE], which is a very significant procedure. She has also been given a [PRIVATE] and has informed the NMC that this has taken an extreme emotional and physical toll on her. Ms Davies has indicated that she can neither attend physically nor virtually. While there is no evidence from a specialist or from her GP around this, the panel was satisfied that, taking the evidence provided from Ms Davies around her [PRIVATE] as a whole, there is good reason for her non-attendance. The panel also took into account that Ms Davies informed the NMC on 21 September 2026 by email that she is taking steps to get evidence to assist the NMC regarding her unfitness to attend a hearing in the foreseeable future.

The panel considered whether reasonable steps have been taken by the NMC to secure Ms Davies' attendance. It was satisfied that the NMC has made all reasonable attempts. The panel had before it an email from the NMC to Ms Davies around inquiries as to whether she could potentially attend the hearing via video link. The panel was therefore satisfied that the NMC made all endeavours to secure Ms Davies' attendance and, in the circumstances, going beyond these attempts would have been unreasonable.

In light of all the above, the panel determined that on balance it would be fair to admit the statement of Ms Davies and all accompanying exhibits as hearsay

evidence and granted the application to do so. It would determine the weight, if any, to attach to the evidence when making its findings of fact on the charges.

Jack Baird

The panel was satisfied that Mr Baird's evidence is not sole or decisive. There is further evidence from Ms Davies and Rita Patel (Ms Patel) which speaks to the charges, and his evidence is corroborated by other witnesses. There are emails around the money, and Miss Rogers herself does not deny receiving the £200 on 10 December 2022. The panel was also satisfied that the evidence is relevant.

In relation to the nature and extent of the challenge, the panel took into account that the charge is not admitted, however it is plain that Miss Rogers never disputed that the money was given to her.

The panel determined that there is no evidence to suggest that Mr Baird has fabricated his evidence or account of the allegations.

In relation to the seriousness of the charge relevant to Mr Baird's evidence, the panel was satisfied that the charge is serious, involves dishonesty and if found proved, would have an adverse impact on Miss Rogers' career.

The panel considered whether there is a good reason for Mr Baird's non-attendance at this hearing. It took into account that there is no information before it as to why Mr Baird is not attending, or whether he has a reasonable explanation as to why he cannot attend. There is no information around the steps that the NMC have taken to obtain a statement from Mr Baird or secure his attendance. The panel also noted that the hearsay evidence which is the subject of this application is a local statement only. There is no signed NMC statement provided by Mr Baird, and no indication as to whether he intended to attend this hearing as a witness and provide oral evidence.

The panel therefore determined that it would be unfair to Miss Rogers to adduce this local statement as hearsay evidence. There is no reasonable explanation around Mr Baird's non-attendance, no information around any attempts made by the NMC, no evidence around the correspondence that took place between the NMC and Mr Baird, and his evidence cannot be tested. In light of all the above, the panel determined not to accept the application in relation to Mr Baird's local statement.

Helen Campbell

The panel was satisfied that Ms Campbell's evidence is not sole or decisive. There is further evidence from other witnesses which speaks to the charges, and her evidence is corroborated by other witnesses. The panel was also satisfied that the evidence is relevant.

In relation to the nature and extent of the challenge, the panel took into account that the charges are not admitted, however it is plain that Miss Rogers never disputed that the money was withdrawn from Resident A's bank account or that she was given £200 on 10 November 2022.

The panel determined that there is no evidence to suggest that Ms Campbell has fabricated her evidence or account of the allegations.

In relation to the seriousness of the charge relevant to Ms Campbell's evidence, the panel was satisfied that the charge is serious, involves dishonesty and if found proved, would have an adverse impact on Miss Rogers' career.

The panel considered whether there is a good reason for Ms Campbell's non-attendance at this hearing. It took into account that there is no information before it as to why Ms Campbell is not attending, or whether she has a reasonable explanation as to why she cannot attend. There is no information around the steps

that the NMC have taken to secure Ms Campbell's attendance or to obtain a signed statement from her. There is no indication as to whether Ms Campbell intended to attend this hearing as a witness and provide oral evidence.

The panel therefore determined that it would be unfair to Miss Rogers to adduce this local statement as hearsay evidence. There are no reasonable explanations around Ms Campbell's non-attendance, no information around any attempts made by the NMC to obtain a signed witness statement from her or secure her attendance at the hearing. There is no evidence around the correspondence that took place between the NMC and Ms Campbell, and her evidence cannot be tested. In light of all the above, the panel determined not to accept the application in relation to Ms Campbell's statement and attached evidence.

Background

The charges arose whilst Miss Rogers was employed as a registered nurse by Romilly Nursing Home. The referral states that Miss Rogers had a bank card belonging to Resident A and stole £360.00 from Resident A's bank account. When initially questioned, she denied this but paid back the money into the company director's account after she was told that referrals to safeguarding, the police and the NMC would be made.

The company was notified of the concern after Resident A had passed away and her son questioned the cash withdrawal amounts from his mother's bank account. The referral also stated that on 10 November 2022, the finance manager (Tracey Davies) gave Miss Rogers £200 in front of several witnesses and explained that this was to be used as Christmas money for service users. The money went missing and Miss Rogers said she had left it in the drawer in the office. However, the money could not be found.

Miss Rogers resigned from Romilly Nursing Home in November 2022 and started working at Ty Nant Care Home on 11 December 2022. Miss Rogers received an

interim suspension order (ISO) from the NMC on 17 January 2023 but continued to work at Ty Nant Care Home. On 11 September 2023 Miss Rogers was suspended by Ty Nant Care home after they conducted a search on her PIN which highlighted that she has an ISO in place and is restricted from working as a registered nurse.

Miss Rogers resigned from Ty Nant Care Home on 13 September 2023.

Decision and reasons on facts

In reaching its decisions on the disputed facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Ms Wisniewska on behalf of the NMC. For the avoidance of doubt, in reaching its decisions, the panel put out of their minds the hearsay evidence that it ruled to be inadmissible.

The panel has drawn no adverse inference from the non-attendance of Miss Rogers.

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 considered the evidence from the following witnesses on behalf of the NMC, whose occupations at the time were:

- Leigh Gammon: Manager at Ty Nant Care Home

- Sara Wilsher: Administrator/receptionist at Romilly Nursing Home (the Home)

- Hilary Dawe: Group Administrator at Romilly Nursing Home (the Home)
- Rita Patel: Company Director for Oakville Care Limited TA Romilly Nursing Home
- Louise Meridith: Social worker employed by Cardiff Council
- Arun Patel: Care Home Operator employed by Oakville South Wales
- Mahesh Patel: Group General Manager employed by Oakville South Wales Limited
- Tracey Davies: Group Finance Manager employed by Romilly Nursing Home
- Huw Stiley: Son of Resident A
- Zhara Khan: Hearings co-ordinator employed by the NMC

Shiraz Jaffer – a case officer employed by the NMC in September 2023, gave evidence at this hearing upon the request of the panel.

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor. It considered the witness and documentary evidence provided by the NMC.

Recognising that they could not be tested due to her absence, the panel also considered the accounts of Miss Rogers contained in the messages she sent to Romilly Nursing Home and in the messages she sent to the NMC in January and September 2023. Miss Rogers has no previous regulatory findings recorded against her. In these circumstances, the accounts were considered in order to assess the credibility of Miss Rogers' accounts and whether she had a propensity to act as alleged in the Charges.

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

Charge 1.a,b, c and d.

1. On or after 5 October 2022 whilst in possession of Resident A's bank card withdrew and retained sums, totalling £360, without permission, on
 - a. 5 October 2022
 - b. 9 October 2022
 - c. 19 October 2022
 - d. 7 November 2022

This charge is found proved.

In reaching this decision, the panel took into account the oral and documentary evidence of Louise Meredith (Ms Meredith), the documentary evidence of Mr Stiley including the statement relating to Resident A's bank account exhibited by him, the oral and documentary evidence of Ms Patel, the oral and documentary evidence of Hilary Dawe (Ms Dawe), the oral and documentary evidence of Sara Wilsher (Ms Wilsher), Miss Rogers' documentary evidence.

The panel considered each sub-charge in turn.

In relation to charge 1a, the panel had regard to the bank statements and records provided by Mr Stiley. It noted that the transaction time corresponds with the date outlined in the charge (5 October 2022). The panel acknowledged that the documentation was provided by Mr Stiley, but it was satisfied that it is an accurate business record produced by the bank.

The panel also had regard to Mr Stiley's police statement which stated:

'On the 5th October 2022, £100.00 was withdrawn from a cash machine at 19:18 hours the money was withdrawn from Barclays Asda MAESTEG'

The panel also had regard to Ms Meredith's observation record, recorded in the 'CareFirst' system entry evidence (Cardiff City's social care IT system) which highlighted that a withdrawal was made at 19:30 which corresponds with the transaction time outlined in the bank statements. The panel noted that the system entry record was completed close to the time of the transaction and Ms Meredith's account of the events remained consistent in her oral evidence. The panel was aware that in her statement and in the system entry record, Ms Meredith stated that the sum withdrawn was £200. The panel is satisfied that this was a genuine error on her part that in no way undermines its finding on this sub-charge, not least because it has never been suggested by Miss Rogers that Ms Meredith retained the money withdrawn or any part of it.

The panel noted that Miss Rogers accepts that she was present, in the company of Ms Meredith, on 5 October 2022 when the £100 was withdrawn. This followed an email that Miss Rogers had sent to Mr Stiley at 12.47 earlier that day in which she asked:

'.. Can you just confirm that you are happy that Louise the social worker is okay to withdraw the money on your mums behalf and we will store it safely here with us at the home for when she needs things.'

The panel also accepts the evidence of Ms Meredith that Miss Rogers provided her with the PIN in order to withdraw the £100 from the cashpoint using Resident A's bankcard. It also accepts Ms Meredith's evidence that, after she had withdrawn the £100, she handed it and the bankcard to Miss Rogers who put it in an envelope together with the slip of paper on which the PIN was written.

Therefore, the issue for the panel is whether Miss Rogers retained the £100 after it was withdrawn.

The relevant policy of the Romilly Nursing Home was set out in its Policy for Service Users Finances paragraph 3.0 Prohibited Actions

*'In the interest of safeguarding, **under no circumstances** should individual staff members, or Romilly Nursing Home itself, hold a cashpoint card on behalf of a service user.'*

However, this was an unusual situation because Mr Stiley, Resident A's next-of-kin, was living in London and for personal reasons was unable to attend the Nursing Home in person. As such, it is apparent that somehow the bank card came into the possession of Miss Rogers.

The panel accepts the evidence of Ms Patel that, had the bank card been amongst Resident A's property when she was admitted to the Nursing Home, it would have been recorded on her 'Admission Property List' under her 'Personal Belongings'. In fact, nothing was recorded under that heading.

The panel also accepted the evidence of Ms Wilshire and Ms Dawe regarding the procedure adopted with regard to how a record is kept of individual residents' petty cash used to purchase personal items and where such petty cash is kept, ie in individual plastic wallets which are locked in a safe to which access is restricted. While the system was not entirely infallible, the panel considers it was sufficiently robust and has no reason to believe that it was not followed in this case.

In particular, the panel accepts the evidence of Ms Wilshire and Ms Dawe that, in Resident A's case, no record of petty cash was commenced because none was received by either of them personally or by the Nursing Home generally. As a consequence, when Resident A passed away, her "account" was in debit due to payments made by the Nursing Home on her behalf for a taxi and an appointment with a visiting podiatrist. (It was this situation that led Mr Stiley to enquire about the cash that had been withdrawn from Resident A's account).

The "loss" of the £360 was discovered after Miss Rogers had resigned from the Nursing Home. When contacted she maintained she had handed it to Ms Wilshire in the office and Ms Wilshire '*created a file as there was one not made*'. The panel rejects this account because, as already stated, no 'file' was ever created for Resident A. It is satisfied that had Miss Rogers handed any cash to either Ms Wilshire or Ms Dawe (and due to the shifts they worked, she had ample opportunity to hand it to either of them), it would have been properly recorded.

In the circumstances the only feasible explanation is that Miss Rogers did retain the £100 for her own use. As such the panel finds this charge proved on the balance of probabilities.

The panel next considered charge 1b and c relating to bank withdrawals on 9 and 19 October 2022.

The panel had regard to the bank statements provided which highlighted cash machine withdrawals on 9 and 19 October 2022 at Talbot Street. The panel accepted Ms Meredith's oral evidence where she confirmed that Talbot Street is in Maesteg and there were multiple cash points present. Ms Meredith also told the panel that the reason she had met Ms Rogers at the ADSA on 5 October 2022 was because they both lived in or near Maesteg.

The panel also noted the location of where the cash was withdrawn is confirmed in Person A's statement to the police which stated:

‘On the 9th of October 2022, £100.00 was withdrawn from a cash machine at 1443 hours from 19 TALBOT STREET,

On 19th October 2022, £100.00 was withdrawn from a cash machine at 1804 hours from 19 TALBOT STREET.’

The panel noted that in the messages sent by Miss Rogers to Mr Stiley on 6 and 7 October 2022, she was effectively asking him to pay more money into Resident A’s account in order that further cash could be withdrawn. At the time, the maximum that could be withdrawn was £100.

The panel is satisfied on the evidence it has heard from Ms Patel, Ms Wilshire and Ms Dawe, that Resident A had no need for a further £100 to be withdrawn on her behalf on 9 October 2022 or on 19 October 2022.

For the reasons already stated, the panel rejects Miss Rogers’ account that these sums were handed by her to Ms Wilshire. If they had been, the panel considers Ms Wilshire would have queried why so much cash was being held for Resident A.

Accordingly, the only feasible explanation is that Miss Rogers did retain both sums of £100 for her own use. As such the panel finds these charges proved on the balance of probabilities.

The panel next considered charge 1d.

It had regard to Mr Stiley’s police statement which advised that the cash withdrawal occurred in the same location as highlighted in charges 1 b and c. While at the time Mr Stiley provided his statement to the NMC he was unable to locate the relevant bank statement, the panel has no reason to doubt his evidence that a further £60 was withdrawn from Resident A’s account on 7 November 2022. This sum was also withdrawn from the Talbot Street cash point at 17.05 that day.

For the reasons already stated, the panel rejects Miss Rogers’ account that this sum was handed by her to Ms Wilshire.

Accordingly, the only feasible explanation is that Miss Rogers did retain the sum of £60 for her own use. As such the panel finds these charges proved on the balance of probabilities.

For completeness the panel must state that it has noted the short period of time between the transactions made with Resident A's bank card. Given the absence of any need for Resident A to have such an amount of cash available for her personal use when in the Nursing Home, the panel concluded that it demonstrated a pattern of withdrawals from the card without permission. This finding strengthened the likelihood that Miss Rogers had withdrawn and retained sums totalling to £360 without permission on the dates stated within the charge.

In consideration of the evidence before it, the panel therefore finds the totality of Charge 1 proved on the balance of probabilities.

Charge 2.

1. On or after 10 November 2022 retained £200 belonging to your employer, Romilly Nursing Home.

This charge is found proved.

In reaching this decision, the panel took into account the oral evidence and written statements of Ms Patel, and the documentary evidence of Tracey Davies (Ms Davies) and Miss Rogers' documentary evidence.

The panel heard evidence from Ms Patel who witnessed Miss Rogers receive £200 on 10 November 2022 from Ms Davies to be used for Christmas celebrations at the Nursing Home. This was confirmed by the documentary evidence of Ms Davies. While there was some discrepancy in the evidence as to why the £200 was given to Miss Rogers rather than the Manager of the Nursing Home, Mr Baird, the panel is satisfied that Miss Rogers did in fact receive it on 10 November 2022.

The issue therefore is whether Miss Rogers retained the £200.

On the evidence it has heard, the panel has no reason to believe that it was retained by anyone else. Miss Rogers has not suggested she passed it to anyone else. Indeed, she had provided no explanation as to what happened to the money. Nor has the panel any reason to believe that the £200 was mislaid by accident. The panel heard from witnesses including Ms Davies and Ms Dawe who both stated that, following the report that Resident A's money was missing, the office was searched multiple times, but no money was found.

The panel also noted that only three days had passed from the last cash withdrawal dated on 7 November 2022 as highlighted in charge 1 d and this incident regarding missing money dated 10 November 2022. The panel considered this to be consistent with the pattern of behaviour it has found, namely Miss Rogers' personal retention of money intended for other use.

In light of the evidence before it, the panel concluded that on the balance of probabilities, it is more likely than not that Miss Rogers took £200 belonging to Romilly Nursing Home. It therefore finds this charge proved.

Charge 3.

3. Your conduct as set out in charges 1 and/or 2 was dishonest in that you knew you did not have permission to retain the money.

This charge is found proved.

In determining whether Miss Rogers acted dishonestly, the panel applied the test in *Ivey v Genting Casinos (UK) Ltd [2017] UKSC 67*.

At no stage has Miss Rogers contended that her retention of the sums referred to in Charges 1 and/or 2 was honest. On the contrary, she has either expressly or impliedly denied she did retain them. Implicit in such a denial is a recognition that retaining the money would be dishonest.

Furthermore, the panel is in no doubt that ordinary decent members of the public would, objectively, regard what Miss Rogers did as dishonest.

Consequently, the panel found Miss Rogers' conduct as set out in charges 1 and 2 was dishonest. It therefore finds this charge proved.

Charge 4.

4. Whilst subject to an interim suspension order ('ISO') imposed on your registration on 17 January 2023, worked in breach of the terms of the ISO on one, or more occasions between 17 January 2023 and 13 September 2023.

This charge is found proved.

In reaching this decision, the panel took into account the oral and documentary evidence of Leigh Gammon (Mr Gammon) and meeting notes dated 13 September 2023.

The panel had regard to Mr Gammon's oral evidence where he informed the panel that Miss Rogers' PIN was checked at the start of your employment and then checked again on 11 September 2023 in light of the annual renewal. He stated in his oral evidence that your PIN had been flagged in 2023 as suspended following an ISO imposed by the NMC. In his oral evidence, he confirmed that Miss Rogers had been employed as a Registered Nurse at Ty Nant Care home on 11 December 2002 and remained in that role until 11 September 2023. The panel noted that Mr Gammon remained consistent within his account in his written documentation and found him to be a credible and reliable source.

The panel reviewed the documentary evidence including the 'Notice of the Interim Order Hearing' sent to Miss Rogers by email on 18 January 2023 and written decision of the 'Interim Order Review Meeting' exhibited by Mr Gammon. It also heard oral evidence from Zahra Khan who was the Hearings Co-ordinator at the Interim Order Hearing.

Consequently, the panel is satisfied that Miss Rogers was made the subject of an Interim suspension Order on 17 January 2023 and that suspension was still current on 11 September 2023. Notwithstanding, in breach of the order Miss Rogers worked as a Registered Nurse during this period. The panel therefore finds this charge proved.

Charge 5.

5. Your actions at charge 4 were dishonest in that you knew that your practise as a nurse was suspended.

This charge is found proved.

In reaching this decision, the panel took into account communications from the NMC and Miss Rogers prior to January 2023, the 'Notice of the Interim Order Hearing sent by email to the Registrant' on 9 January 2023, the oral evidence of Zahra Khan (Ms Khan), the 'Notice of the Interim Suspension Order' sent by email to Miss Rogers on 18 January 2023, the email communications between Miss Rogers and Ms Kahn on 17 January 2023 and the Egress portal access screenshot evidence relating to the decision of the Interim Order Hearing sent to Miss Rogers on 17 January 2023 and the NMC review meeting determination letter. In the light of this evidence, the panel is satisfied that not only was Miss Rogers aware of the Interim Order Hearing on 17 January 2023 but that she attended at least part of the hearing remotely.

The panel also noted that all email messages sent by the NMC to Miss Rogers were to the email address on the NMC's Register not only in 2023 but also at the present time. The message Miss Rogers sent to the NMC informing it that she would not be attending this hearing was sent from the same email address.

The panel recognises that it is unclear whether Miss Rogers rejoined the hearing remotely at the time when the decision of the Interim Order Hearing was handed down. If she did, there can be no doubt that she would have been personally

informed and therefore knew that she had been made the subject of an interim suspension order.

If she did not, that would be due to her own decision not to rejoin the hearing. In those circumstances, it is not open to her to maintain she was unaware of the interim suspension order because she had not been orally informed of the decision.

The decision was sent by email to Miss Rogers and, under Rule 34, would have been deemed to have been served on her on 18 January 2023. Consequently, there is an evidential burden on her to satisfy the panel that she had no knowledge of the order. That burden is not discharged by her merely stating that she did not receive a copy of the order.

The panel determined that the NMC had complied with its duty to provide notice of the hearing and the hearing outcome to Miss Rogers. It was of the view that the responsibility rests with Miss Rogers, as the registrant subject to these proceedings, to seek knowledge of the outcome of the NMC hearing especially as she would have known, having heard the submissions made by the Case Presenter at that hearing, that the NMC was seeking an Interim Suspension Order. The panel found that the NMC had acted within its powers and made every possible effort to communicate the outcome of the hearing to Miss Rogers.

The panel was of the view that:

- Either, having been orally informed that she had been made the subject of an Interim Suspension Order, Miss Rogers deliberately chose to ignore it; or
- She deliberately chose not to seek the outcome of the hearing and/or read the message sent to her in light of the potential consequences any interim order might have on her ability to practise as a registered nurse.

The panel is in no doubt that ordinary decent members of the public would, objectively, regard what Miss Rogers did in either scenario as dishonest.

Accordingly, the panel therefore finds this charge proved on the balance of probabilities.

Charge 6.

6. On 13 September 2023 told Ty Nant Care Home that you were unaware of the ISO.

This charge is found proved.

In reaching this decision, the panel took into account the written and oral evidence of Mr Gammon and in particular, the performance review meeting notes dated 13 September 2023 exhibited by him. The notes contain the following exchanges:

‘AR: I was not aware, it must be in regards to the issue with the DBS... ’

‘LG: In the report that we were able to print out, it does say that you were informed in writing of both of these occasions.

AR: I have got nothing... I wasn’t made aware of anything...’

‘ZR: ...so are you point blank saying you haven’t been informed?

AR: NO, I have had no notification...’

The panel found Mr Gammon to be a credible and reliable witness. The panel therefore determined, in consideration of the evidence before it, that Miss Rogers told Ty Nant Care Home that she was unaware of the ISO imposed by the NMC.

Accordingly, this Charge is found proved on the balance of probabilities.

Charge 7.

7. Your conduct at charge 6 above was dishonest in that you, sought to conceal from Ty Nant Care Home, you were subject to an ISO.

This charge is found proved.

In reaching this decision, the panel took into account the oral and documentary evidence of Mr Gammon including the copy of the decision of the Interim Order Review Meeting exhibited by him, the email sent by the NMC to Miss Rogers on 29 June 2023 to which was attached a copy of the decision letter relating to the meeting on 28 June 2023, the oral and documentary evidence of Shiraz Jaffer, and Miss Rogers' documentary evidence in relation to this matter, including her email communication with Shiraz Jaffer (Mr Jaffer).

The panel has already found that Miss Rogers either was orally informed of the Interim Suspension Order made on 17 January 2023 or deliberately chose not to seek the outcome of the hearing and/or read the message sent to her. In either scenario, it is not open to her to simply say she was unaware that the Interim Suspension Order would be reviewed within six months of its being made. The responsibility rested with Miss Rogers, as the registrant subject to these proceedings, to keep herself informed of any restrictions placed on her practice.

In any event, the decision of the meeting in which the Interim Suspension Order was confirmed was sent by email to Miss Rogers and, under Rule 34, would have been deemed to have been served on her on 29 June 2023. Consequently, there is an evidential burden on her to satisfy the panel that she had no knowledge of the order continuing the Interim Suspension Order. That burden is not discharged by her merely stating that she did not receive a copy of the order.

Furthermore, the panel accepted the evidence of Mr Jaffer that he was unaware of any DBS check carried out on Miss Rogers and there would have been no reason for him to refer to such a check in his communication with her on 11 September 2023. The panel has therefore concluded that, in the performance review meeting dated 13 September 2023, Miss Rogers attempted to mislead her employer by mentioning a DBS issue as opposed to an ISO from the NMC. The panel was of the view that Miss Rogers attempted to create plausible deniability and misuse the trust placed in her by her employer.

On the evidence, the panel is satisfied that Miss Rogers deliberately chose not to keep herself informed of the restrictions placed upon her practice. She did so in

order to conceal from Ty Nant Care Home that she was the subject of an Interim Suspension Order. Indeed, it is to be noted that from the outset of her employment, she chose not to inform the Care Home that she had been referred to the NMC and was under investigation.

The panel is in no doubt that ordinary decent members of the public would, objectively, regard what Miss Rogers did in either scenario as dishonest.

Accordingly, the panel therefore finds this charge proved on the balance of probabilities.

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 Miss Rogers' 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, Miss Rogers' fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct

Ms Wisniewska referred the panel to the case of *Roylance v General Medical Council (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.*’

Ms Wisniewska invited the panel to take the view that the facts found proved amount to misconduct. She drew the panel’s attention to the terms of ‘The Code: Professional standards of practice and behaviour for nurses and midwives 2015’ (the Code) in making its decision. Ms Wisniewska referred to the following specific codes: 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 21.3 and 23.3.

Ms Wisniewska submitted that Resident A was vulnerable and lacked capacity, and Miss Rogers overstepped her professional boundaries by withdrawing sums of Resident A’s money and retaining it. She submitted that Miss Rogers’ actions had a negative impact on Resident A and Mr Stiley who had to resolve the financial discrepancies after Resident A passed away.

Ms Wisniewska submitted that Miss Rogers’ actions amounted to serious professional misconduct and Miss Rogers poses a risk to patient safety and public confidence in the profession. She submitted that the public should be able to rely on nurses to act with integrity and honesty and not pose a risk to patients. She therefore invited the panel to consider that a finding of misconduct is necessary.

Submissions on impairment

Ms Wisniewska moved on to the issue of impairment and addressed the panel on the need to have regard to protecting 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. This included reference to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin)

Ms Wisniewska invited the panel to find that Miss Rogers is not fit to practise at this stage, and is impaired. She submitted that Miss Rogers has not demonstrated

remediation, provided any reflection or demonstrated any insight into her failings, and invited the panel to consider that in the future she is likely to repeat the conduct demonstrated in the charges found proved.

Ms Wisniewska submitted that Miss Rogers has breached the fundamental tenets of the nursing profession. She stated that the manner in which Miss Rogers withdrew and retained Resident A's money without permission breached a fundamental tenet of the nursing profession. She further submitted that the negative impact Miss Rogers' actions had on Resident A (who was under her care) and Mr Stiley (who entrusted her to care for his mother) breached the fundamental tenet to practise effectively and preserve safety. Ms Wisniewska also submitted that Miss Rogers' dishonesty breached the fundamental tenet to promote professionalism and trust in the nursing profession.

Ms Wisniewska therefore invited the panel to consider making a finding of impairment.

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*, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), and *General Medical Council v Meadow* [2007] QB 462 (Admin).

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 Miss Rogers' actions did fall significantly short of the standards expected of a registered nurse, and that Miss Rogers' 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

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

20.4 keep to the laws of the country in which you are practising

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

20.8 act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to

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

To achieve this, you must:

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

23 Cooperate with all investigations and audits

To achieve this, you must:

23.3 tell any employers you work for if you have had your practice restricted or had any other conditions imposed on you by us or any other relevant body'

When determining whether Miss Rogers' actions amounted to misconduct, the panel first considered charges 1 to 3. The panel appreciated that breaches of the Code do

not automatically result in a finding of misconduct. However, in relation to charges 1 to 3, the panel was of the view that Miss Rogers had abused her position of trust as a registered nurse by retaining money belonging to Resident A, in addition to £200 from her employer for her own personal gain.

The panel was of the view that Miss Rogers' actions had caused financial harm to Resident A and emotional harm to Mr Stiley. Mr Stiley's emotional harm was compounded by the fact that he had to contend with the issue of Miss Rogers appropriating money from her account while dealing with the grief of his mother's (Resident A's) passing. The panel considered the vulnerability of Resident A and Mr Stiley and had regard to Miss Rogers professional responsibility as a registered nurse to safeguard those in her care and act with honesty and integrity.

Additionally, the panel noted that £200 for the Christmas fund was intended to enrich the lives of the other residents at Christmas. Misappropriation of this money would potentially have deprived the residents of the intended benefit of these funds whilst casting suspicion on other colleagues.

The panel considered that Miss Rogers conduct was dishonest, deliberate and premeditated, and noted that she had retained money without permission on 5 separate occasions over a number of weeks. Therefore, rather than this being an isolated incident, the panel identified a pattern of dishonesty and was satisfied that Miss Rogers' actions fell below the standards expected of a registered nurse and would be considered deplorable by fellow practitioners. The panel also concluded that public confidence in the profession would be undermined if a finding of misconduct was not found in relation to charges 1 to 3.

The panel next considered charges 4 to 7 and concluded that Miss Rogers actions amounted to misconduct. The panel took into account that Miss Rogers had continued to practise as a registered nurse whilst under an ISO. The panel had regard to its previous finding in that Miss Rogers was dishonest by seeking to conceal from Ty Nant Care Home that she was subject to an ISO. The panel further noted that Miss Rogers had sought to attribute responsibility to other parties including the NMC, by repeatedly stating that the suspension had not been

communicated to her. The panel considered Miss Rogers' conduct to fall below the standards expected of a registered nurse, namely to act with integrity and honesty.

The panel had regard to the fundamental importance and legal requirement of registered nurses being recorded on the nursing register, and considered that members of the public would expect a nurse providing care to hold the appropriate registration and qualifications required to practise. The panel considered that continuing to practise whilst her registration was suspended undermined this fundamental requirement and had the potential to present a risk to the public and undermine public confidence in the nursing profession.

The panel found Miss Rogers' dishonesty, together with the deliberate and repeated nature of her actions, to be serious. It considered that Miss Rogers' conduct demonstrated a systematic and premeditated disregard for the regulatory requirements governing the nursing profession and was of the view that Miss Rogers had placed her own interests above those of her patients, colleagues, employers and members of the public.

The panel therefore found that Miss Rogers' actions both individual and cumulatively, 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, Miss Rogers' 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. 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/ fitness to practise is impaired in the sense that S/He:

- 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 found that all four limbs of the *Grant* test were engaged.

Resident A was caused actual financial harm, and other residents were put at unwarranted risk of potential harm as a result of Miss Rogers' misconduct.

Miss Rogers retaining money that was intended to be for the benefit of Resident A and other Residents at Romilly Nursing Home has brought the nursing profession into disrepute and has also breached the fundamental tenets of the nursing profession, namely, prioritising people and promoting professionalism and trust.

The panel also found that withholding notification of her suspension from her employer and continuing to work as a registered nurse exposed her patients, colleagues and employer to an unwarranted risk of harm. It also brought the nursing profession into disrepute and also breached the same fundamental tenets of the nursing profession.

The panel has found that Miss Rogers acted dishonestly by retaining money that did not belong to her for her own personal gain. It considered her actions to be manipulative, systematic and dishonest. The panel found that Miss Rogers' actions undoubtedly brought the nursing profession into disrepute and breached the fundamental tenet of promoting professionalism and trust.

Regarding insight, the panel found that Miss Rogers has not demonstrated any understanding of how her actions had caused financial and emotional harm to patients, nor had she demonstrated an understanding of why what she did was

wrong. The panel found no evidence to suggest that Miss Rogers had apologised for her actions or any information to demonstrate how she would handle the situation differently in the future. The panel noted that Miss Rogers had paid £360 to the company account however, it was of the view that the payment was only made in an attempt to prevent criminal or regulatory proceedings being brought against her once questions were raised regarding the missing money. The panel determined that Miss Rogers providing financial restitution of £360 did not negate or mitigate the action of retaining the money without permission and for her own personal gain.

The panel was of the view that the serious misconduct in this case is unlikely to be capable of being addressed. In any event, Miss Rogers has taken no steps to strengthen her practice. The panel has no information to suggest that Miss Rogers has expressed remorse, regret or apologised for her actions nor has she demonstrated any insight into her actions, why she acted as she did or the effect her misconduct had on those affected by it or on the nursing profession.

Consequently, the panel is of the view that it is impossible for it to find that it is highly unlikely that Miss Rogers will repeat her misconduct. 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 public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also finds Miss Rogers' fitness to practise impaired on the grounds of public interest.

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

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 Miss Rogers' 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, Miss Rogers' fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct

Ms Wisniewska referred the panel to the case of *Roylance v General Medical Council (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.*'

Ms Wisniewska invited the panel to take the view that the facts found proved amount to misconduct. She drew the panel's attention to the terms of 'The Code: Professional standards of practice and behaviour for nurses and midwives 2015' (the Code) in making its decision. Ms Wisniewska referred to the following specific codes: 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 21.3 and 23.3.

Ms Wisniewska submitted that Resident A was vulnerable and lacked capacity, and Miss Rogers overstepped her professional boundaries by withdrawing sums of

Resident A's money and retaining it. She submitted that Miss Rogers' actions had a negative impact on Resident A and Mr Stiley who had to resolve the financial discrepancies after Resident A passed away.

Ms Wisniewska submitted that Miss Rogers' actions amounted to serious professional misconduct and Miss Rogers poses a risk to patient safety and public confidence in the profession. She submitted that the public should be able to rely on nurses to act with integrity and honesty and not pose a risk to patients. She therefore invited the panel to consider that a finding of misconduct is necessary.

Submissions on impairment

Ms Wisniewska moved on to the issue of impairment and addressed the panel on the need to have regard to protecting 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. This included reference to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin)

Ms Wisniewska invited the panel to find that Miss Rogers is not fit to practise at this stage, and is impaired. She submitted that Miss Rogers has not demonstrated remediation, provided any reflection or demonstrated any insight into her failings, and invited the panel to consider that in the future she is likely to repeat the conduct demonstrated in the charges found proved.

Ms Wisniewska submitted that Miss Rogers has breached the fundamental tenets of the nursing profession. She stated that the manner in which Miss Rogers withdrew and retained Resident A's money without permission breached a fundamental tenet of the nursing profession. She further submitted that the negative impact Miss Rogers' actions had on Resident A (who was under her care) and Mr Stiley (who entrusted her to care for his mother) breached the fundamental tenet to practise effectively and preserve safety. Ms Wisniewska also submitted that Miss Rogers' dishonesty breached the fundamental tenet to promote professionalism and trust in the nursing profession.

Ms Wisniewska therefore invited the panel to consider making a finding of impairment.

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*, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), and *General Medical Council v Meadow* [2007] QB 462 (Admin).

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 Miss Rogers' actions did fall significantly short of the standards expected of a registered nurse, and that Miss Rogers' actions amounted to a breach of the Code. Specifically:

'1 *Treat people as individuals and uphold their dignity*

To achieve this, you must:

1.2 *treat people with kindness, respect and compassion*

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***

20.4 *keep to the laws of the country in which you are practising*

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

20.8 act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to

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

To achieve this, you must:

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

23 Cooperate with all investigations and audits

To achieve this, you must:

23.3 tell any employers you work for if you have had your practice restricted or had any other conditions imposed on you by us or any other relevant body'

When determining whether Miss Rogers' actions amounted to misconduct, the panel first considered charges 1 to 3. The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. However, in relation to charges 1 to 3, the panel was of the view that Miss Rogers had abused her position of trust as a registered nurse by retaining money belonging to Resident A, in addition to £200 from her employer for her own personal gain.

The panel was of the view that Miss Rogers' actions had caused financial harm to Resident A and emotional harm to Mr Stiley. Mr Stiley's emotional harm was compounded by the fact that he had to contend with the issue of Miss Rogers appropriating money from her account while dealing with the grief of his mother's (Resident A's) passing. The panel considered the vulnerability of Resident A and Mr Stiley and had regard to Miss Rogers professional responsibility as a registered nurse to safeguard those in her care and act with honesty and integrity.

Additionally, the panel noted that £200 for the Christmas fund was intended to enrich the lives of the other residents at Christmas. Misappropriation of this money would potentially have deprived the residents of the intended benefit of these funds whilst casting suspicion on other colleagues.

The panel considered that Miss Rogers conduct was dishonest, deliberate and premeditated, and noted that she had retained money without permission on 5 separate occasions over a number of weeks. Therefore, rather than this being an isolated incident, the panel identified a pattern of dishonesty and was satisfied that Miss Rogers' actions fell below the standards expected of a registered nurse and would be considered deplorable by fellow practitioners. The panel also concluded that public confidence in the profession would be undermined if a finding of misconduct was not found in relation to charges 1 to 3.

The panel next considered charges 4 to 7 and concluded that Miss Rogers actions amounted to misconduct. The panel took into account that Miss Rogers had continued to practise as a registered nurse whilst under an ISO. The panel had regard to its previous finding in that Miss Rogers was dishonest by seeking to conceal from Ty Nant Care Home that she was subject to an ISO. The panel further noted that Miss Rogers had sought to attribute responsibility to other parties including the NMC, by repeatedly stating that the suspension had not been communicated to her. The panel considered Miss Rogers' conduct to fall below the standards expected of a registered nurse, namely to act with integrity and honesty.

The panel had regard to the fundamental importance and legal requirement of registered nurses being recorded on the nursing register, and considered that members of the public would expect a nurse providing care to hold the appropriate registration and qualifications required to practise. The panel considered that continuing to practise whilst her registration was suspended undermined this fundamental requirement and had the potential to present a risk to the public and undermine public confidence in the nursing profession.

The panel found Miss Rogers' dishonesty, together with the deliberate and repeated nature of her actions, to be serious. It considered that Miss Rogers' conduct demonstrated a systematic and premeditated disregard for the regulatory requirements governing the nursing profession and was of the view that Miss Rogers had placed her own interests above those of her patients, colleagues, employers and members of the public.

The panel therefore found that Miss Rogers' actions both individual and cumulatively, 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, Miss Rogers' 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. 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/ fitness to practise is impaired in the sense that S/He:

- e) 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*
- f) has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- g) 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*
- h) has in the past acted dishonestly and/or is liable to act dishonestly in the future.'*

The panel found that all four limbs of the *Grant* test were engaged.

Resident A was caused actual financial harm, and other residents were put at unwarranted risk of potential harm as a result of Miss Rogers' misconduct.

Miss Rogers retaining money that was intended to be for the benefit of Resident A and other Residents at Romilly Nursing Home has brought the nursing profession into disrepute and has also breached the fundamental tenets of the nursing profession, namely, prioritising people and promoting professionalism and trust.

The panel also found that withholding notification of her suspension from her employer and continuing to work as a registered nurse exposed her patients, colleagues and employer to an unwarranted risk of harm. It also brought the nursing profession into disrepute and also breached the same fundamental tenets of the nursing profession.

The panel has found that Miss Rogers acted dishonestly by retaining money that did not belong to her for her own personal gain. It considered her actions to be manipulative, systematic and dishonest. The panel found that Miss Rogers' actions undoubtedly brought the nursing profession into disrepute and breached the fundamental tenet of promoting professionalism and trust.

Regarding insight, the panel found that Miss Rogers has not demonstrated any understanding of how her actions had caused financial and emotional harm to patients, nor had she demonstrated an understanding of why what she did was wrong. The panel found no evidence to suggest that Miss Rogers had apologised for her actions or any information to demonstrate how she would handle the situation differently in the future. The panel noted that Miss Rogers had paid £360 to the company account however, it was of the view that the payment was only made in an attempt to prevent criminal or regulatory proceedings being brought against her once questions were raised regarding the missing money. The panel determined that Miss Rogers providing financial restitution of £360 did not negate or mitigate the action of retaining the money without permission and for her own personal gain.

The panel was of the view that the serious misconduct in this case is unlikely to be capable of being addressed. In any event, Miss Rogers has taken no steps to

strengthen her practice. The panel has no information to suggest that Miss Rogers has expressed remorse, regret or apologised for her actions nor has she demonstrated any insight into her actions, why she acted as she did or the effect her misconduct had on those affected by it or on the nursing profession.

Consequently, the panel is of the view that it is impossible for it to find that it is highly unlikely that Miss Rogers will repeat her misconduct. 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 public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also finds Miss Rogers' fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Miss Rogers' 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 Miss Rogers off the register. The effect of this order is that the NMC register will show that Miss Rogers 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 Purpose of and Approach to Sanctions*', '*The sanctions available*', '*Deciding between Suspension and Strike off*' (respectively reference: SAN-1, SAN-2, SAN-3 all Last Updated:

28/01/2026) NMC guidance on '*Sanctions for the highest risk cases*' (Reference SAN-4 Last updated: 31/07/2026).

The panel accepted the advice of the legal assessor.

Submissions on sanction

Ms Wisniewska informed the panel that in the Notice of Hearing, dated 17 August, the NMC had advised Miss Rogers that it would seek the imposition of a Striking off Order if the panel found Miss Rogers' fitness to practise currently impaired.

Ms Wisniewska invited the panel to consider the following aggravating factors:

- Lack of proper insight, reflection and remediation
- Lack of remorse
- Abuse of position of responsibility
- Financial and emotional abuse
- Pattern of misconduct
- Pattern of dishonesty
- Miss Rogers' conduct put people receiving care at a risk of suffering harm
- Risk of repetition

She then invited the panel to consider the fact that Miss Rogers has not had any prior regulatory history as a mitigating factor.

Ms Wisniewska submitted that due to the finding of impairment, the gravity of the misconduct found and the breaches of the code identified, taking no further action or imposing a caution order would not be appropriate. She noted the risk of repetition identified by the panel and its determination that the serious misconduct identified is unlikely to be capable of being addressed. She submitted that in light of the risks posed and identified, the established pattern of behaviour and the dishonesty found by the panel, it would be very difficult to address the concerns raised by the panel and mitigate the risks identified. Ms Wisniewska therefore submitted that a conditions of practice order would not be suitable in the circumstances of this case.

Ms Wisniewska invited the panel to conclude that a suspension order is not appropriate and referred to the appropriate NMC guidance. She drew the panel's attention to its previous finding that Miss Rogers' actions were systematic,

premeditated, deliberate and displayed a pattern of dishonesty. Ms Wisniewska submitted that Miss Rogers' misconduct falls into the category of deep-seated personality or attitudinal problems. She invited the panel to consider that a suspension order would not be appropriate for this reason.

Ms Wisniewska submitted that Miss Rogers has not demonstrated any insight, remorse or remediation into her misconduct. She submitted that Miss Rogers had been repeatedly dishonest in her actions and has not engaged with the NMC to demonstrate that she wants to remain a registered nurse nor has she taken any steps to remediate and strengthen her practice. Ms Wisniewska invited the panel to impose a striking off order on the basis that Miss Rogers' misconduct is extremely serious and justifies her removal from the register.

Decision and reasons on sanction

Having found Miss Rogers' 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. It recognised that the decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Abuse of a position of trust
- Conduct which deliberately put people receiving care at risk of suffering financial harm
- Emotional and direct financial harm of vulnerable patients
- Deliberate breaches of the Code – direct undermining of confidence in the nursing profession
- A pattern of misconduct over a period of time
- Absence of insight, remorse or remediation.
- Vulnerability of the person under her care
- Premeditated behaviour

In consideration of the information before it, the panel found that there are no identifiable mitigating features in this case.

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 therefore determined that a sanction that does not restrict Miss Rogers' practice would not protect the public. The panel determined 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 Miss Rogers' actions were 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 Miss Rogers' practice 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 order on Miss Rogers' 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). Having found that the facts relate to varying forms of dishonesty and do not directly link to Miss Rogers' clinical practice, and having regard to the nature and seriousness of Miss Rogers' conduct, the panel determined that a conditions of practice order would not be appropriate in the circumstances. The panel considered that there are no relevant,

proportionate, workable or measurable conditions that could be formulated to protect patients and to uphold professional standards where this is an attitudinal issue and not directly related to clinical practice.

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.’*

Given Miss Rogers' lack of engagement, lack of insight and remorse, together with no evidence of any steps taken to strengthen her practice, the panel considered that there is no realistic possibility that she would address the concerns to such a level where she could return to practise safely and effectively. In these circumstances, the panel considered that the risks identified could not be managed by Miss Rogers being temporarily removed from the Register. It considered that a suspension order 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.

The panel also noted that Miss Rogers had previously been subject to an Interim Suspension Order which she did not comply with as highlighted in charge 4 which was found proved. The panel also considered its finding that Miss Rogers' had acted dishonestly and considered her misconduct to be manipulative, systematic and dishonest.

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). The panel found that Miss Rogers had deliberately breached the professional duty of candour by attempting to manipulate her employer by covering up her Interim Suspension Order and by pre-meditating the appropriation of Resident A's money for her own financial gain. The panel also concluded that Miss Rogers' dishonesty involving the misuse of her position of power as a senior registered nurse against a vulnerable resident was pre-meditated, systematic and longstanding. It further noted that not only did Miss Rogers work as a registered nurse for almost 9 months in flagrant breach of the ISO, but she also manipulated her employer into believing that she was unaware of the order as she had never been informed of it.

Having regard to all of the above, the panel determined that this case falls within the definition of being a '*highest risk case*' (Reference: SAN-4).

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 concluded that Miss Rogers' misconduct amounted to a deep-seated attitudinal concern. It found that the charges found proved raise fundamental questions about Miss Rogers' professionalism and public confidence in the profession would not be maintained if Miss Rogers remained on the register. The panel had no information before it to demonstrate that Miss Rogers has shown remorse for her actions, demonstrated any remediation or insight or apologised to those negatively affected by her misconduct.

The panel considered the lack of engagement Miss Rogers has shown with the NMC regarding this hearing and noted that the correspondence she has provided does not accept responsibility, demonstrate remorse or insight into her misconduct. The panel therefore concluded that there is no realistic prospect that, after any period of suspension Miss Rogers would take any steps to remediate and develop insight into her misconduct.

Miss Rogers' actions were very significant departures from the standards expected of a registered nurse, and are fundamentally incompatible with her remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Miss Rogers' actions were particularly 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 effect of Miss Rogers' 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 Miss Rogers 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 Miss Rogers' own interests until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

Submissions on interim order

The panel took account of the submissions made by Ms Wisniewska. She invited the panel to impose an interim suspension order for a period of 18 months. She submitted that an interim order is necessary in light of the seriousness of the facts found proved and the risk identified. Ms Wisniewska submitted that an interim order is necessary to protect the public and the wider public interest pending any appeal that may be made in respect of the striking off order.

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 to cover the appeal period.

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

That concludes this determination.