

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

**Substantive Order Review Hearing
Wednesday, 21 October 2026**

Virtual Hearing

Name of Registrant:	Jennifer Jane Shaw
NMC PIN:	19H0714E
Part(s) of the register:	Registered Midwife – October 2019
Relevant Location:	Sheffield
Type of case:	Misconduct
Panel members:	Rachel Forster (Chair, Lay member) Sandra Abramsamadu (Registrant member) Anne Sharpe (Registrant member)
Legal Assessor:	Robin Leach
Hearings Coordinator:	Andrew Ormsby
Nursing and Midwifery Council:	Represented by Leesha Whawell, Case Presenter
Miss Shaw:	Not present and unrepresented
Order being reviewed:	Suspension order (6 months)
Fitness to practise:	Impaired
Outcome:	Suspension order (four months) to come into effect on 1 December 2026 in accordance with Article 30 (1)

Decision and reasons on service of Notice of Hearing

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

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

The panel accepted the advice of the legal assessor.

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

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

Decision and reasons on proceeding in the absence of Miss Shaw

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

Ms Whawell stated that Miss Shaw had emailed the NMC on 20 October 2026 and confirmed that she would not be attending today's review hearing and was content for the hearing to proceed in her absence. She submitted that Miss Shaw had voluntarily absented herself and that there was no unfairness to Miss Shaw in the hearing proceeding today.

Further, Ms Whawell stated that the matters in this case relate to public protection and public interest concerns and emphasised that the order was due to expire on 1 December 2026 and, as such, there was a public interest in dealing with the review expeditiously before the order expires.

The panel accepted the advice of the legal assessor.

The panel decided that it was necessary to proceed today in Miss Shaw's absence because the order is due to expire on 1 December 2026. There is a public interest in proceeding and not allowing the order to lapse without a review. It considered that it was fair and appropriate to proceed. Further, the panel noted that Miss Shaw had clearly expressed that she would not be attending the hearing today and had not asked for an adjournment. Accordingly, the panel decided to proceed in Miss Shaw's absence today.

Decision and reasons on review of the substantive order

The panel decided to confirm the current suspension order.

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

This is the second review of a substantive suspension order originally imposed for a period of six months by a Fitness to Practise Committee panel, which approved a Consensual Panel Determination, on 5 January 2026. This was first reviewed by a panel of the Fitness to Practise Committee, on 22 June 2026, which decided to suspend your registration for a further four months.

The current order is due to expire at the end of 2 December 2026.

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

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

'That you a registered midwife

1) On 27 December 2023 received a conditional caution for the offence of obtaining/disclosing personal data without the consent of the controller, contrary to section 170 (1)(a) of the Data Protection Act 2018.

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

The first reviewing panel determined the following with regard to impairment:

'In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether your fitness to practise remains impaired.

The panel noted that the original panel found that you had developing insight. At this hearing the panel believes that your insight has progressed since the substantive order hearing, however there remain significant gaps in your insight and strengthening of practice that still need to be addressed.

The panel noted that you have undertaken considerable reflection and have addressed most of the issues identified by the original panel and complied with the majority of the recommendations. Although you have provided a character reference from your previous line manager, you have not been able to furnish an up to date reference and/or feedback from the manager in your current employment. Whilst the panel recognised that it is not compulsory that you provide this information in readiness for today's hearing, given that your current role involves handling personal data, it considered that an up to date reference from your current employer was a significant piece of evidence it would have wanted to consider at today's hearing. Whilst the panel was pleased to note from your oral evidence and the submissions made on your behalf that you are performing well in your

current role, it would have been greatly assisted by an independent written reference from your current line manager. In the circumstances, the panel could not be satisfied that you are able to access data and maintain confidentiality in a safe and appropriate way.

You have acknowledged your actions and accepted responsibility for your conduct. However, the panel determined that your reflective statement would benefit from further development in several key areas. In particular, the panel considered that there is a need for you to demonstrate deeper insight into your behaviour and decision-making at the time of the incident, including a more comprehensive understanding of the professional standards and boundaries expected of a registered midwife. The panel found that although you have reflected on the circumstances that led to the misconduct, you have not yet sufficiently demonstrated a clear understanding of how professional boundaries should be maintained in clinical practice, particularly when working under pressure or in challenging circumstances both, professionally and personally.

The panel further considered that it would have been assisted by your reflection containing a more detailed exploration of your responsibilities for and the risks arising from your actions. Additionally, this could address the possible consequences for service users, colleagues, public confidence in the profession, and compliance with information governance and confidentiality requirements.

In relation to accountability, while the panel acknowledged your admission of the concerns and acceptance of some responsibility, it considered that further reflection would be helpful in relation to your understanding of appropriately accessing and handling of confidential clinical information for all patients in your care.

The panel noted that you have undertaken training and learning whilst not practising as a midwife. However, the panel considered that the accompanying reflections on this learning were generally limited in depth

and did not sufficiently demonstrate how the learning has enhanced your understanding of professional responsibilities and how it will inform your practice in the future. In particular, the panel considered that there remains a need to demonstrate a stronger working knowledge of information management, confidentiality, data protection, safeguarding responsibilities, and the professional standards expected of a registered midwife.

The panel identified areas within your reflective statement where your understanding of professional obligations appeared incomplete. For example, further reflection is required regarding the circumstances in which confidential information may be appropriately disclosed, including situations involving safeguarding concerns, where there may be a professional and/or legal obligation to share information for the protection of vulnerable individuals. The panel noted that you appeared to lack an understanding of the distinction between legitimate information sharing and inappropriate disclosure.

The panel considered that, although you have completed training courses relevant to the concerns raised and undertaken additional learning to further develop your practice, your reflective statement did not sufficiently demonstrate how you would apply the knowledge and skills gained from this training in your day-to-day professional practice.

*Whilst the panel noted that your insight has improved since the last hearing, it considered that it has not improved sufficiently for it to be satisfied that you do not remain currently impaired. Turning to the test of *Cohen v GMC*, the panel was satisfied that the concerns in your case are capable of being addressed by taking steps to strengthen your practice. However, at this stage, the panel was not satisfied that the concerns had been addressed and that you had discharged the persuasive burden upon you to the required standard. The panel considered that a risk of repetition remains, and it could not determine at this stage that it is highly unlikely that the conduct would be repeated. In the circumstances, the panel considered that you remain currently impaired.*

The panel was of the view that if you were allowed to practice unrestricted at this time, there would continue to be a risk to the public. Therefore, the panel determined that you remained currently impaired on the grounds of public protection. In addition, public confidence would be adversely impacted, and you would bring the midwifery profession into disrepute.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the midwifery profession and upholding proper standards of conduct and performance. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that your fitness to practise remains impaired.'

The first panel determined the following with regard to sanction:

'The panel next considered whether imposing a conditions of practice order on your registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel believed that while you would benefit from supervision, as the concerns centre around accessing information, and the midwifery profession is such that it would not be possible to limit the supervision to accessing data, any condition of practice imposed would be impracticable as regular and ongoing access to records is required throughout the working shift. In the circumstances the panel did not consider that there are conditions which could be imposed that would sufficiently address the concerns, protect the public, and also address public confidence and proper professional standards.

The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest. The panel was of the view that your conduct was not fundamentally incompatible of remaining on the register. Accordingly, the panel

determined to impose a suspension order for a period of 4 months. This would provide you with an opportunity to inform your current employer of the present proceedings and secure a reference from your current line manager. Additionally, this suspension period would give you time for further reflection of your insight and application of your learning into the aspects of professional boundaries, accountability and responsibility in a professional setting going forward.

The panel considers that a suspension order is proportionate to the seriousness of the charge. The panel acknowledges that you have continued to engage with the NMC, however, you have not yet provided a character reference from your current employer. It is considered that this suspension period will allow you time to provide further reflections and an up-to-date character reference, thereby demonstrating your fitness to practice. The panel therefore noted that a suspension order will serve a meaningful purpose.

As required by the guidance, the panel went on to consider imposing a striking off order and considered this to be disproportionate in the circumstances of your case. The panel did not consider that there are now fundamental questions about your professionalism. It was satisfied that public confidence in the profession could be maintained without you being struck off from the register. It bore in mind your significant engagement in these proceedings and that you have made considerable progress towards addressing the issues with your fitness to practice. It was therefore satisfied that a striking off order would be disproportionate in the circumstances of your case.

Having considered that a suspension order was the appropriate sanction to impose, it went on to consider the guidance around removal from the register when there is a substantive order in place. In particular, the panel had regard to the fact that this is the first review of a 6-month suspension order imposed in January 2026. It carefully reviewed your level of

engagement with these proceedings, your improved level of insight and understanding regarding the concerns that gave rise to these proceedings. The panel was satisfied that the steps needed to be taken for you to become fit to practice without restriction can be achieved within a reasonable period of time. The panel further noted that you seek to return to practising as a midwife. In all the circumstances of the case, having applied the guidance, the panel was therefore satisfied that it was not appropriate to consider removing you from the register at this time.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 2 August 2026 in accordance with Article 30(1).

[...]

Any future panel reviewing this case would be assisted by:

- Evidence of strengthened reflection demonstrating insight into how you will maintain professional boundaries and professional accountability in clinical practice, especially when you are under pressure, both personally and/or professionally.*
- Evidence of how you will apply your learning and development in practice going forward.*
- Character reference or testimonial from a line manager or supervisor that details your current work practices, with particular reference to data protection and management of confidential records and information.'*

Decision and reasons on current impairment

This panel has considered carefully whether Miss Shaw's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as the ability of a professional on the register to practise as a nurse, midwife or nursing associate safely and effectively without restriction. In considering this case, the panel has carried out a comprehensive review of the order in light of the current

circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel had regard to all of the documentation before it, including the NMC bundle and correspondence from Miss Shaw regarding this hearing, in which she stated that she would not be requesting a reference from her current employer as this would likely put at risk her current employment. It has also taken account of the submissions made by Ms Whawell on behalf of the NMC.

Ms Whawell provided a background of this case and submitted that, in the absence of further evidence of insight and remediation, as was recommended by the previous reviewing panel, Miss Shaw's fitness to practise remained impaired.

Ms Whawell stated that the original panel had found that Miss Shaw had not taken sufficient steps to remedy her conduct. It found that she had undertaken no training address the concerns surrounding data protection and confidentiality, and the panel found that there was a need for such training to be undertaken in order for Miss Shaw to strengthen her understanding of the importance of confidentiality and the adherence to the law.

Ms Whawell stated that the reviewing panel found that, although Miss Shaw's insight was developing, that she had provided evidence of considerable remediation, and had addressed most of the issues identified by the original panel, there remained significant gaps in her insight which still need to be addressed. The panel suggested that a reflection should address the possible consequences for service users, colleagues, public confidence in the profession and compliance with information governance and confidentiality requirements.

Ms Whawell stated that the previous reviewing panel also considered that a stronger working knowledge of information management, confidentiality, data protection, and safeguarding responsibilities that were to be expected of a registered midwife was required.

In terms of engagement, Ms Whawell stated the panel have email correspondence from Miss Shaw which states that she feels unable to meet the requirements set by the panel on the last occasion, as she has nothing to add that she has not already provided. Therefore, Ms Whawell submitted that there was nothing before the panel to discharge the persuasive burden on Miss Shaw that she has fully remediated and was no longer impaired.

Ms Whawell also submitted that the panel had not received evidence to demonstrate that Miss Shaw was safe to return to unrestricted practice.

Ms Whawell referred to the NMC guidance, in particular SAN-2, and stated that the panel may conclude that a further period of suspension at this time is the most appropriate order, although she reminded the panel that a suspension order is not designed to be indefinite and, should the panel find that a suspension order remains the most appropriate sanction, then it must be satisfied that there is a realistic possibility of positive change during any period of suspension.

Ms Whawell submitted that Miss Shaw was still on the register as her fee expiry was not until the end of the month and that the underlying facts of the case might mean a strike-off is the more appropriate way for Miss Shaw to be removed from the register. However, she concluded that the time for a removal from the register may not yet have been reached and that a further period of suspension, at this time, may be the most appropriate order.

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

In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether Miss Shaw's fitness to practise remains impaired.

The panel noted that the original panel had found that Miss Shaw had developing, but not complete insight and had presented extensive reflections and evidence of remediation at her first review hearing and had improved understanding regarding some of the concerns

that gave rise to these proceedings. However, the previous panel had also identified some gaps in Miss Shaw's insight and had asked for some furthermore in-depth reflections.

The panel considered that, although Miss Shaw had presented evidence of remediation at her first review, it had received no evidence of the further remediation suggested by the previous panel for this review to show that the gaps in her insight previously identified had now been filled. Furthermore, there was no additional Continuing Professional Development (CPD), or reflection on how that learning had been embedded. There was also no reflection on her misconduct and its consequences for patients, colleagues, and the public, nor any demonstration of Miss Shaw's developed understanding of the distinction between legitimate information sharing and inappropriate disclosure. There was also no up-to-date testimonial from a current employer commenting on Miss Shaw's developed insight and practice around data protection and about her character.

The panel noted Miss Shaw's email correspondence to the NMC, dated 20 October 2026, in particular the following:

'Unfortunately as I explained at the panel, requesting a reference from my current employer would likely put at risk my current employment. I feel this would be a significant and additional punishment for my transgression and a risk which I cannot afford to take.

[...]

As I do not feel able to meet the requirements set by the panel I will have nothing to add to what I have already written [...]

The panel would have liked the opportunity to ask Miss Shaw why she feels unable to approach her current employer for a testimonial and why she believes that this would result in her losing her job.

The panel also reminded itself that the burden is on Miss Shaw to prove that she is no longer impaired. As no evidence of the further remediation, CPD, insight, or reflection, as suggested at the previous review, had been provided to this reviewing panel, it was left with no alternative but to find that Miss Shaw's fitness to practise remains impaired at this time.

Decision and reasons on sanction

Having found Miss Shaw's fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the NMC's Sanctions Guidance (SAN-2) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel accepted the advice of the legal assessor.

In coming to its decision, the panel had regard to its findings on impairment

It bore in mind that its primary purpose is to protect the public and maintain public confidence in the nursing profession and the NMC as its regulator.

The panel considered that taking no further action would be neither appropriate nor proportionate taking into account the public protection concerns and the need to uphold the wider public interest in this case.

The panel considered that a caution would not be appropriate given the risk of repetition and risk to patients and would not protect the public.

Further, the panel considered that conditions of practice were not appropriate as the matters in question relate to Miss Shaw's need to evidence improved insight and understanding into the impact of her misconduct. It would not be possible to create conditions to address this, nor would it satisfy public interest.

In the circumstances, the panel determined that an extension of the order of suspension was necessary to protect the public and satisfy the public interest.

The panel considered that a period of suspension would afford Miss Shaw the opportunity to provide reflections on her misconduct and would allow her to undertake further relevant training.

Accordingly, the panel determined that a suspension order for a further period of four months is the necessary and proportionate sanction to reflect the lack of insight and the need for Miss Shaw to demonstrate further remediation and undertake the deeper reflection work recommended.

Before the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

The panel considered that, whilst a striking-off order was not appropriate at this time, suspension orders are not designed to be imposed indefinitely, and a striking-off order may become appropriate in the future if there is continued non-engagement from Miss Shaw.

The panel considered that, If Miss Shaw is to return to unrestricted practice, it is important that she addressed the matters found proved and undertakes the work required in order to provide a future panel with the evidence necessary to show that she is no longer impaired. The panel considered that a further period of suspension for four months would afford Miss Shaw the time to do this.

The panel was of the view that Miss Shaw had not yet recognised the gravity of her misconduct and has not properly explained why she has not been able to provide a reference. The panel considered that Miss Shaw will have the opportunity to either provide this reference or explain to a reviewing panel why providing a testimonial from her work supervisor has proven so difficult.

The panel reviewing this case would be assisted by Miss Shaw's attendance at the next review, and engagement with the original recommendations as set out in Miss Shaw's previous review hearing, namely:

- Evidence of strengthened reflection demonstrating insight into how you will maintain professional boundaries and professional accountability in clinical practice, especially when you are under pressure, both personally and/or professionally.

- Evidence of how you will apply your learning and development in practice going forward.
- Character reference or testimonial from a line manager or supervisor that details your current work practices, with particular reference to data protection and management of confidential records and information.'

The panel determined to impose an order of suspension for a period of four months. It considered that this period would allow Miss Shaw to provide the necessary reflections and testimonial.

This order will come into effect at the end of 1 December 2026 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This will be confirmed to Miss Shaw in writing.

That concludes this determination.