

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

**Substantive Order Review Hearing
Friday, 11 September 2026**

Virtual Hearing

Name of Registrant:	Ms Margaret Constantine	
NMC PIN:	20A0738O	
Part(s) of the register:	Registered Nurse – Sub part 1 Mental Health Nursing – January 2020	
Relevant Location:	Surrey	
Type of case:	Misconduct	
Panel members:	Linda Owen Sally Hatt Mitchell Parker	(Chair, Lay member) (Registrant member) (Lay member)
Legal Assessor:	Caroline Hartley	
Hearings Coordinator:	Anya Sharma	
Nursing and Midwifery Council:	Represented by Ishaq Usama, Case Presenter	
Ms Constantine:	Not present and unrepresented	
Order being reviewed:	Suspension order (12 months)	
Fitness to practise:	Impaired	
Outcome:	Striking-Off order to come into effect at the end of 14 October 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 Ms Constantine was not in attendance and that the Notice of Hearing had been sent to Ms Constantine's registered email address by secure email on 10 August 2026.

Mr Usama, 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, dates and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Ms Constantine's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence to impose orders on her registration, including conditions, suspension and strike-off.

In the light of all of the information available, the panel was satisfied that Ms Constantine 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 Ms Constantine

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

Mr Usama submitted that Ms Constantine has had enough time to indicate that she could not attend the hearing or that she wanted a postponement of the hearing. He referred the panel to an email from Ms Constantine dated 17 May 2023 which was before the original substantive hearing:

'I thank you for your email and would like to inform you that I am no longer employed as a RMN in the UK in any of your hospitals. I have not renewed my Nursing License. I have returned to my beloved country of birth and my focus is giving holistic care to my family and myself. Do have a lovely day.'

Mr Usama submitted that this would indicate that Ms Constantine may not be willing to engage with these proceedings, and a postponement would not be unfair to her and would cause unnecessary delay.

The panel accepted the advice of the legal assessor.

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

- No application for an adjournment has been made by Ms Constantine;
- Ms Constantine has not engaged with the NMC since 17 May 2023 and has not responded to any of the letters sent to her about this hearing;
- There is no reason to suppose that adjourning would secure Ms Constantine's attendance at some future date; and
- There is a strong public interest in the expeditious review of the case.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Ms Constantine.

Decision and reasons on review of the substantive order

The panel decided to replace the current suspension order with a striking off order.

This order will come into effect at the end of 14 October 2026 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the first review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 16 September 2025.

The current order is due to expire at the end of 14 October 2026.

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

The charges found proved which resulted in the imposition of the substantive order were as follows:

‘That you, a registered nurse

- 1. On 1 August 2020 failed to respond to a medical emergency by commencing and/or assisting with cardiopulmonary resuscitation of Patient A*
- 2. On the 1 August 2020 failed to obtain and/or use and/or assist others to use the defibrillator*

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

The original panel determined the following with regard to impairment:

‘The panel determined that limbs a), b) and c) are engaged in this case. The panel found that patients were put at risk of harm as a result of Ms Constantine’s misconduct.

The panel determined that Ms Constantine’s misconduct had breached the fundamental tenets of the nursing profession, which included making sure that any treatment, assistance or care for which she was responsible was delivered without undue delay. It considered that by failing to act as expected in a medical emergency involving Patient A, Ms Constantine brought the reputation of the nursing profession into disrepute.

In its consideration of the future, the panel had regard to the factors set out in the case of Cohen v General Medical Council:

- whether the conduct is capable of being addressed;*
- whether it has been addressed; and*
- whether it is highly unlikely to be repeated.*

The panel was satisfied that the misconduct in respect of Ms Constantine's clinical failings is capable of being addressed by way of training and meaningful insight.

In relation to insight, the panel had regard to Ms Constantine's undated context form and her email to the NMC dated 10 October 2022, where she did not acknowledge her failings during the incident but indicated her regret for leaving her own ward and not sending a healthcare assistant to the Ward instead. In light of her lack of engagement with these NMC proceedings, the panel had no other evidence of insight from Ms Constantine about the incident. It therefore had no recent evidence of reflection from her about her understanding of how her inaction put Patient A at risk of harm, why what she did was wrong, and how this impacted negatively on Patient A, his relatives, her colleagues and the reputation of the nursing profession. There was also no evidence of remorse from Ms Constantine for her misconduct, nor a sufficient indication of how she would handle the situation in the future.

The panel took into account Ms Constantine's last email to the NMC dated 17 May 2023, where she stated that she was no longer employed as a registered nurse in the UK, that she had not renewed her 'nursing license [sic]' and that she had returned to her country of birth to focus on 'giving holistic care' to her family and herself. The panel had no evidence to suggest that Ms Constantine has, since the incident, taken steps to strengthen her practice through relevant work or training.

As such, the panel could not be satisfied that it is highly unlikely that Ms Constantine's misconduct would be repeated in the future. It therefore found that there is a risk of repetition and that a finding of current impairment of fitness to practise is necessary on the grounds of public protection.

The panel bore in mind 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 to mark the seriousness and unacceptability of Ms Constantine's misconduct and to uphold proper professional standards. The panel considered that an ordinary and informed member of the public and fellow practitioners would be concerned, and confidence in the profession would be undermined if a finding of impairment were not made in this case. It therefore also found Ms Constantine's fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was not satisfied that Ms Constantine can practise kindly, safely and professionally. It therefore determined that her fitness to practise is currently impaired.'

The original panel determined the following with regard to sanction:

'The panel took into account the following aggravating features:

- *Ms Constantine has demonstrated a lack of insight into her failings.*
- *Ms Constantine's conduct put people receiving care at a risk of harm.*
- *There remains a risk of repetition.*
- *The concerns are attitudinal in nature, in that Ms Constantine failed to assist colleagues during a serious medical emergency at the time of the incident, and then failed to take responsibility for her conduct in her subsequent reflections.*

The panel also took into account the following mitigating features:

- *There is no evidence of repetition of the misconduct, in that there appeared to have been no concerns raised about Ms Constantine's practice following the incident.*

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

The panel then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Ms Constantine's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where 'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.' The panel considered that Ms Constantine's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether placing conditions of practice on Ms Constantine's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel took into account the SG, in particular:

- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *Identifiable areas of the nurse or midwife's practice in need of assessment and/or retraining;*
- *No evidence of general incompetence;*
- *Potential and willingness to respond positively to retraining;*
- *Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- *The conditions will protect patients during the period they are in force;*
and
- *Conditions can be created that can be monitored and assessed.*

The panel determined that there were attitudinal problems in this case in view of Ms Constantine's inability, in her last known response to the concerns, to recognise her responsibility and failings. It was satisfied that there was an identifiable area of Ms Constantine's practice which required retraining, namely in respect of responding appropriately to medical emergencies, and that conditions of practice could be put in place to manage that area of her practice. Further, there was no evidence of general incompetence in Ms Constantine's practice. The panel was of the view that in respect of Ms Constantine's clinical failings, conditions could protect patients and could be monitored and assessed.

However, in light of the attitudinal problems identified and Ms Constantine's lack of insight, lack of engagement, lack of evidence of strengthened practice, the panel determined that there were no workable conditions that could be formulated. The panel had no evidence that she would be willing to engage with conditions of practice in any meaningful way. It took into account the last email from Ms Constantine dated May 2023, where she indicated that she had returned to her country of birth. The panel had no additional information about Ms Constantine's current employment or her future intentions in nursing practice. The panel therefore concluded that, whilst a conditions of practice order could address the concerns identified, in the circumstances of this case, the placing of conditions on Ms Constantine's registration would not be practicable or appropriate.

Furthermore, the panel concluded that the placing of conditions on Ms Constantine's registration would not adequately address the seriousness of this case and would not protect the public.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:

- A single instance of misconduct but where a lesser sanction is not sufficient;*

- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *No evidence of repetition of behaviour since the incident;*
- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour.*

The panel considered that this was a single instance of misconduct where a lesser sanction would not be sufficient. There was evidence before the panel of attitudinal problems, but no evidence of repetition of the behaviour since the incident. The panel was of the view that Ms Constantine's misconduct is capable of being addressed and her practice is capable of being strengthened. It considered Ms Constantine's lack of engagement and insight into her actions. The panel concluded that this increased the risk of the behaviour being repeated and therefore there would be a continued risk to patient safety. The panel was satisfied that in this case, whilst the misconduct was not fundamentally incompatible with remaining on the register, this was a serious case that warranted Ms Constantine's temporary suspension from nursing practice.

The panel noted that a suspension order would temporarily prevent Ms Constantine from working as a registered nurse. It was satisfied that such an order would give Ms Constantine the opportunity to re-engage with the NMC, to reflect on her misconduct, strengthen her practice, and provide developed insight into where she went wrong and the impact of her misconduct on Patient A, his relatives, her colleagues and the reputation of the wider profession. The panel considered that Ms Constantine would also be able to inform a future panel about what she has done to address the issues, and to reassure it that it would be safe to allow her to return to nursing practice. The panel determined that in the circumstances, a suspension order would be the appropriate and proportionate sanction to suitably protect the public and meet the wider public interest.

The panel did go on to consider whether a striking-off order would be proportionate but, taking account of all the information before it, the panel concluded that such an order would be disproportionate because a suspension order will provide sufficient protection to the public and meet the public interest. Whilst the panel acknowledges that a

suspension may have a punitive effect, it would be unduly punitive in Ms Constantine's case to impose a striking-off order.

Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction.

The panel noted the hardship such an order may cause Ms Constantine. However, this is outweighed by the public interest in this case.

The panel considered that this order is 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.

The panel determined that a suspension order for a period of 12 months was appropriate to mark the seriousness of the misconduct and provide Ms Constantine the opportunity to reflect on the area of concern, engage with the NMC, and should she choose to do so, take steps to strengthen her practice and assure a future panel that she can return to nursing practice safely.

At 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.

Any future panel reviewing this case would be assisted by:

- Ms Constantine's engagement and attendance at the substantive order review hearing.*
- Clear evidence or information from Ms Constantine as to her future intentions regarding her nursing registration.*
- A detailed written reflective account which demonstrates Ms Constantine's insight into her misconduct, the impact of her misconduct on Patient A, Patient A's relatives, the public, her colleagues and the*

reputation of the wider profession. This should also include an account of how she would act in the future in a similar situation.

- *Evidence of training and/or strengthened practice, as well as Ms Constantine's continued professional development.*
- *References and testimonials from any paid or unpaid work.'*

Decision and reasons on current impairment

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

The panel has had regard to all of the documentation before it, including the NMC bundle. It has taken account of the submissions made by Mr Usama on behalf of the NMC.

Mr Usama provided the panel with a background to the case and referred it to the relevant parts of the NMC bundle, including the written decision of the original substantive panel dated 16 September 2026.

Mr Usama referred the panel to *Ibrahim v General Medical Council* [2022] EWHC 2936 (Admin) and submitted that there is a persuasive burden on a registrant at a review hearing to demonstrate that they are no longer impaired, whether through education, supervision or some other achievement. He submitted that Ms Constantine has not attended the hearing or otherwise provided evidence capable of demonstrating that she has addressed the concerns identified by the original substantive panel. In these circumstances, Mr Usama submitted that this persuasive burden has not been discharged and that Ms Constantine is not currently fit to return to unrestricted practice.

Mr Usama submitted that it is a matter for the panel to determine whether Ms Constantine's fitness to practise remains impaired and whether a substantive order

continues to be necessary to protect the public from the risk of harm, maintain public confidence in the nursing and midwifery professions, and declare and uphold proper professional standards of conduct and behaviour.

Mr Usama submitted that the misconduct was serious and arose in circumstances in which Patient A died. He further submitted that Ms Constantine's lack of engagement with the regulatory proceedings demonstrates a continuation of the attitudinal concerns previously identified and an absence of evidence that she had taken steps to address her conduct and behaviour.

Mr Usama acknowledged that it would be premature at this stage to determine what might occur at a future review hearing. He submitted that, in the absence of engagement and evidence of remediation from Ms Constantine, this matter could ultimately progress towards the point at which a striking-off order became available to a future reviewing panel.

Mr Usama therefore invited the panel to find that Ms Constantine's fitness to practise remains impaired and to extend the current suspension order for a further period of six months.

Mr Usama was invited by the panel to make further submissions in relation to a striking-off order.

Mr Usama submitted that it is acknowledged that a striking-off order is available to the panel in this case as Ms Constantine's fitness to practise is impaired by reason of her misconduct. He referred the panel to the relevant NMC Guidance on Striking-off Order (SAN-2e) and submitted that a striking-off order would be appropriate in this case.

Mr Usama submitted that the charges found proved are serious and raise fundamental concerns about Ms Constantine's professionalism. He submitted that in particular, Ms Constantine had failed to provide appropriate care during a medical emergency involving a vulnerable patient. Mr Usama submitted that the circumstances are such that public confidence in the profession would be undermined.

Mr Usama further submitted that Ms Constantine has failed to engage with the fitness to practise proceedings, including at the substantive hearing and today's substantive review hearing. He submitted that Ms Constantine has therefore provided no evidence to demonstrate that she was no longer impaired or that she had undertaken any training, education or other remediation to address the misconduct found proved.

Mr Usama submitted that there is no evidence of insight or reflection before this panel capable of demonstrating that the risk identified by the original panel has been addressed. Mr Usama also referred the panel to information provided by Ms Constantine to the NMC that she had returned to her country of origin. He submitted that, even if the suspension order were extended, there is no evidence to suggest that Ms Constantine would use a further period of suspension to strengthen her practice or undertake relevant education or training.

In all the circumstances, Mr Usama submitted that a striking-off order would be appropriate.

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 Ms Constantine's fitness to practise remains impaired.

The panel had regard to the written decision of the original substantive panel. It noted that the original panel found that Ms Constantine had insufficient insight, and had no evidence before it to demonstrate that Ms Constantine had addressed the concerns identified and had consequently determined that there remains a risk of repetition. The original panel found Ms Constantine's fitness to practise impaired on public protection and public interest grounds.

At this hearing, the panel considered whether there had been any material change in circumstances since the original panel's decision. It noted that Ms Constantine has not

engaged with the NMC during the period of her suspension order and has provided no information or evidence for the purpose of today's substantive review hearing.

This panel has no evidence before it of any developing insight, reflection or remediation on Ms Constantine's part. It also noted that Ms Constantine has not provided any evidence of relevant training, learning, testimonials, references or any other steps taken during the period of suspension to address the concerns which were identified by the original panel.

The panel therefore determined that there has been no material change in the circumstances of this case since the substantive hearing. In the absence of any evidence that Ms Constantine has developed insight into her misconduct or taken steps to remediate the concerns identified, the panel was of the view that the risk of repetition identified by the original panel remains.

The panel therefore determined that Ms Constantine continues to present a risk to patient safety, and that a finding of current impairment remains necessary on the grounds of public protection.

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 nursing 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, given the seriousness of the underlying misconduct and the absence of any evidence demonstrating that the concerns have subsequently been addressed.

For these reasons, the panel finds that Ms Constantine's fitness to practise remains impaired on both public protection and public interest grounds.

Decision and reasons on sanction

Having found Ms Constantine'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' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel also had regard to the NMC's Guidance on Striking-off Order (SAN-2e). It accepted the advice of the legal assessor that, as this is a case concerning misconduct, a striking-off order is available to the panel and the two year restriction does not apply to 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 decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Ms Constantine's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise, but the Committee wants to mark that what happened was unacceptable and must not happen again'* The panel considered that Ms Constantine's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice on Ms Constantine's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Ms Constantine's misconduct.

The panel next considered imposing a further suspension order. The panel recognised that the concerns arising from Ms Constantine's misconduct are potentially capable of remediation and considered whether a further period of suspension would provide Ms

Constantine with an opportunity to develop insight, remediate the concerns and strengthen her practice.

The panel took into account that Ms Constantine has already been subject to a suspension order for 12 months and has not engaged with the fitness to practise process during this period. The panel noted that Ms Constantine has not shown remorse for her misconduct. Further, Ms Constantine has not demonstrated any insight into her previous failings. The panel was of the view that considerable evidence would be required to show that Ms Constantine no longer posed a risk to the public. The panel considered that Ms Constantine has therefore had a significant period of time in which to demonstrate insight and remediation but has chosen not to engage.

The panel also took into account the information previously provided by Ms Constantine concerning her intention to leave the United Kingdom and not to renew her registration. It considered this information alongside her continued lack of engagement and the absence of any evidence that she intended to address the regulatory concerns.

The panel had particular regard to the NMC guidance on deciding between suspension and striking-off. It noted that factors which may support a suspension order include a professional having engaged with the proceedings and demonstrated at least some meaningful insight. The panel was of the view that neither factor is present in Ms Constantine's case.

The panel considered whether a further period of suspension could nevertheless be justified as a final opportunity for Ms Constantine to engage and demonstrate remediation. However, there is no evidence before this panel to suggest that an additional period of suspension would result in any change in Ms Constantine's position. The panel considered that extending the suspension order would therefore serve no useful purpose and would simply prolong proceedings in circumstances where there was no realistic prospect of Ms Constantine developing and demonstrating sufficient insight and remediation within a reasonable period. The panel considered within NMC Guidance SAN-3 that professionals are under an obligation to cooperate with their regulator. Given that Ms Constantine has failed to engage with proceedings, a period of further suspension was not considered appropriate as a means of giving her a last chance to engage.

The panel was mindful that a striking-off order is the most serious sanction available and carefully considered whether such an order would be proportionate. However, in light of the seriousness of the misconduct, the continuing risk of repetition, Ms Constantine's non-engagement and the complete absence of evidence of any insight or remediation into the concerns, the panel determined that a further suspension order is no longer sufficient. The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances. The panel determined that it was necessary to take action to prevent Ms Constantine from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 14 October 2026 in accordance with Article 30(1).

This decision will be confirmed to Ms Constantine in writing.

That concludes this determination.