Case study

professional standards authority
for Health and Social Care

Fitness to Practise appeal

A nurse whose repeated misconduct placed vulnerable patients under her care at risk

Background/context

This was an appeal relating to a Nursing and Midwifery Council (NMC) decison involving a sole nurse caring for a vulnerable child. During a night shift, she deliberately covered a camera, slept for around two hours, failed to monitor the child properly, falsified records and breached hygiene requirements by using a contaminated cloth.

The conduct was not an isolated incident. In 2016, she had been disciplined for sleeping while caring for a vulnerable patient, making inaccurate records and failing to carry out appropriate monitoring. She later received a warning but went on to repeat and escalate similar behaviour.

Why we appealed

The NMC's fitness to practise panel found that the nurse's actions breached fundamental professional standards, put patients at risk and damaged public confidence. It recognised the seriousness of



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the dishonesty and considered her previous warning, but also gave weight to evidence of insight, remediation, remorse and positive testimonials.

The panel decided that a nine-month suspension was sufficient and did not remove her from the register.

The PSA's grounds of appeal

In this case, we argued that suspension did not reflect the gravity, repetition and cumulative nature of the misconduct.

The appeal highlighted the deliberate attempt to conceal the conduct, the falsification of records, the risk to a vulnerable child and the fact that similar behaviour had continued despite earlier disciplinary action and a warning. Our case was that these factors made striking off necessary to maintain public safety, professional standards and confidence in the nursing profession.

The outcome

The court agreed that the panel had underestimated the seriousness and cumulative effect of the misconduct. It concluded that suspension was not sufficient and that striking off was the only appropriate outcome.

The court therefore allowed the appeal, set aside the panel's sanction and ordered that the nurse be removed from the register.

Find out more

- Read the full judgment in this appeal
- Our power to appeal regulators' final fitness to practise decisions
- Our oversight of regulators