

**Nursing and Midwifery Council
Investigating Committee**

**Fraudulent/Incorrect Entry Meeting
Tuesday, 26 March 2024**

Virtual Meeting

Name of Registrant: Helen Jayne Jepson

NMC PIN 87A1184E

Part(s) of the register: Registered Nurse – Adult RN1
(9 May 1990)

Relevant Location: England

Type of case: Incorrect/Fraudulent entry

Panel members: Angela Williams (Chair, lay member)
Elizabeth Williamson (Registrant member)
Richard Carnell (Lay member)

Legal Assessor: Melissa Harrison

Hearings Coordinator: Sharmilla Nanan

Outcome: Registration entry fraudulently made

Direction: Removal from the register

Interim Order: Interim Suspension order (12 months)

Service of Notice of Meeting

The panel noted that notice of this meeting was sent to Ms Jepson's registered email address by secure email on 1 February 2024.

The notice of meeting informed Ms Jepson that a meeting would be held on or after 7 March 2024 and the charges against her, and enclosed a bundle of evidence that the panel would consider. It also informed her that if she wished to provide a written response, she should do so no later than 6 March 2024. The panel noted that no written responses had been provided by Ms Jepson to the notice of this meeting. Further, it noted the NMC's attempts to engage with Ms Jepson by telephone and email. It noted that the NMC called Ms Jepson on 5, 10 and 11 January 2024 but she did not answer and the NMC emailed her on 15 December, 29 December 2023, 5 January, 10 January and 11 January 2024 with no response.

The panel accepted the advice of the legal assessor.

In the light of the information available, the panel was satisfied that reasonable notice of this meeting has been served in compliance and accordance with Rules 5 and 34 of the Rules.

Details of charges

That you,

1. On your application for revalidation dated 27 April 2023, stated that you had received confirmation on 27 April 2023 from Colleague A when you had not received such confirmation.

2. On your application for revalidation dated 27 April 2023, stated that you had a reflective discussion with Colleague A on 27 April when no such reflective discussion had taken place.

AND thereby an entry on Sub Part 1 of the NMC register in the name of Ms Helen Jayne Jepson, PIN 87A1184E, was fraudulently procured and/or incorrectly made.

Background

On 27 April 2023, the NMC received a referral from Colleague A raising concerns about Ms Jepson's recent revalidation. Colleague A stated that she received an email thanking her for revalidating Ms Jepson, when in fact Colleague A has not seen any paperwork or signed any documents in relation to the Ms Jepson's revalidation submission on 27 April 2023.

Colleague A contacted Ms Jepson to ask her why she received this email and to inform her that she will contact the NMC about the falsification of her details.

Ms Jepson submitted her online revalidation submission on 27 April 2023 and named Colleague A as her confirmer and reflective discussion partner. However, Colleague A states that she did not see any revalidation paperwork, sign any documents or have any reflective discussions with Ms Jepson.

The NMC opened its case in relation to this matter on 4 May 2023 to address these concerns.

In an email on 24 May 2023, Ms Jepson stated that she was not currently working as a nurse at present and was not actively seeking nursing roles and will not be in the future. In a second email on the same day Ms Jepson stated that she would not be renewing her PIN (through the payment of her registration fee when it was due) at the end of May 2023. Ms Jepson's current employment status is unknown; however, she is currently on the NMC register without restriction.

Decision and reasons on the facts

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

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

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

Charge 1

“That you,

1. On your application for revalidation dated 27 April 2023, stated that you had received confirmation on 27 April 2023 from Colleague A when you had not received such confirmation.”

This charge is found PROVED.

In reaching this decision, the panel took into account Ms Jepson’s online revalidation form submitted at 07:08 on 27 April 2023, the confirmation email sent to Ms Jepson at 07:11 on 27 April 2023 and the evidence of Colleague A.

The panel took into consideration that Ms Jepson submitted her application for revalidation to the NMC at 07:08 on 27 April 2023. It noted that Colleague A’s details had been supplied on the revalidation application as the registered nurse who Ms Jepson had her reflective discussion with, and that this conversation took place on 27 April 2023.

The panel considered the evidence of Colleague A. In her NMC witness statement, she stated *“I did not see any revalidation paperwork from Helen, nor did she send any to me. I did not have a reflective discussion with Helen or sign any confirmation documents for her. I was not aware that my details were going to be used and did not consent to my details being used as Helen’s confirmer or reflector without me completing it first.”*

The panel noted the text message exchange between Ms Jepson and Colleague A. Ms Jepson contacted Colleague A on 14 March 2023 stating *“Hi [Colleague A] I’ve got to revalidate in the next 3 weeks any chance you can help xxx...”*. On the same day, Colleague A responded *“Yeah no worries il sign you off x”*. The panel noted that there were a series of text messages which followed that indicated that Ms Jepson *‘forgot’* about her NMC revalidation and asked Colleague A to *“squeeze”* her in, which Colleague A confirmed she would. On 27 April 2023 at 7:18am, Colleague A sends a text message stating *“I’m guessing your not coming today .. Just had an email from NMC thanking me for revalidating you... Not happy that you have done that Helen without asking me first...”* The panel noted Ms Jepson’s reply *“I did it because I didn’t know what the interweb connection would be like...”* Colleague A states in another message *“Helen , my feeling is you haven’t done your revalidation and your blagging it... You will have to have falsified my signature on a lot of documentation and also reflective discussion forms... I’m really not happy... I received that email early this am, so if anything was to happen and they request your documentation and info from me , I’m liable and could lose my pin...”*

The panel considered the evidence before it. It determined on the balance of probabilities that Ms Jepson stated that she had received confirmation on 27 April 2023 from Colleague A when she had not received such confirmation. The panel therefore found this charge 1 proved.

Charge 2

“2. On your application for revalidation dated 27 April 2023, stated that you had a reflective discussion with Colleague A on 27 April when no such reflective discussion had taken place.”

This charge is found PROVED.

In reaching this decision, the panel took into account the evidence outlined at charge 1. On this basis, the panel determined on the balance of probabilities that Ms Jepson stated that

she had a reflective discussion with Colleague A on 27 April when no such reflective discussion had taken place. The panel therefore found charge 2 proved.

Decision on Incorrect/Fraudulent Entry

The panel considered in respect of each charge whether the entry on the NMC register in Ms Jepson's name was incorrectly made and/or fraudulently procured.

The panel accepted the advice of the legal assessor.

The panel bore in mind that for an entry to be fraudulent there must have been a deliberate attempt to mislead whereas an incorrect entry involves a mistake or genuine error.

The panel was of the view that Ms Jepson's entry on to the NMC register did not involve a mistake or a genuine error. The panel noted that Ms Jepson submitted her NMC revalidation application in the knowledge that she did not have confirmation from Colleague A and that a reflective discussion with Colleague A did not take place. The panel bore in mind the text exchange, on 27 April 2023, between Ms Jepson and Colleague A in which Colleague A states *"We will talk today but you should not have done that Helen without my permission.... I have my own registration to think about too.... I know you have been having issues, but all you have to do is contact me and I will support you"*. Ms Jepson replies *"[Colleague A] I realise now what a twat I've been and I can't face you today. I need to try and reverse what I've done. If I can't then I will bring my folder over next week so you can see my evidence."* The panel concluded that Ms Jepson's actions in the charges were dishonest and a deliberate attempt to mislead the NMC. The panel decided that in respect of each charge, the entry on the register in Ms Jepson's name, was fraudulently procured.

The panel therefore found that the entry on Sub Part 1 of the NMC register in the name of Ms Helen Jayne Jepson, PIN 87A1184E was fraudulently procured.

Decision and reasons on direction

Having determined that Ms Jepson had fraudulently procured her entry on the NMC's register, the panel went on to decide what direction, if any, to make under Article 26(7) of the 'Nursing and Midwifery Order 2001' (the Order).

Article 26(7) states:

'...If the Investigating Committee is satisfied that an entry in the register has been fraudulently procured or incorrectly made, it may make an order that the Registrar remove or amend the entry and shall notify the person concerned of his right of appeal under article 38.'

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

The finding of a fraudulently procured entry to the NMC register is a serious matter, and the panel considered that to take no action in the circumstances was wholly inappropriate.

The panel took into consideration that it found both charges 1 and 2 proved. It noted that in charge 1 Ms Jepson stated on her NMC revalidation application that she received confirmation on 27 April 2023 from Colleague A when she had not. In charge 2, it noted that Ms Jepson said in her NMC revalidation application that she had a reflective discussion with Colleague A on 27 April 2023 when no such conversation took place. The panel concluded that, having found that Ms Jepson's entry on the NMC register was fraudulently procured, it would be inappropriate to take no action.

The panel decided that directing the Registrar to amend the entry would also be inappropriate. The error is not minor or trivial and did not arise out of a simple mistake.

In all the circumstances the panel decided that the only appropriate order is to direct the Registrar to remove Ms Jepson's entry from the register in order to protect the public and maintain the integrity of the NMC register.

Ms Jepson will be notified of the panel's decision in writing. Ms Jepson has the right to appeal the decision under Article 38 of the Order. This order cannot take effect until the

end of the 28 day appeal period or, if an appeal is made, before the appeal has been concluded.

Decision and reasons on interim order

Having directed that the Registrar remove Ms Jepson's entry from the register, the panel then considered whether an interim order was required under Article 26(11) of the Order, in relation to the appeal period.

The panel heard and accepted the legal assessor's advice.

In reaching its decision on whether to impose an interim order, the panel had regard to the reasons set out in its decision on the facts and its decision to direct the Registrar to remove Ms Jepson's entry from the Register. The panel took a holistic approach in considering whether or not the test for an interim order had been satisfied by the particular circumstances of Ms Jepson's case. It also had regard to the NMC's published Guidance on Fraudulent and Incorrect entry cases. In reaching its decision, the panel considered what would be the risks involved in allowing Ms Jepson to keep practising without restriction. In making its decision, the panel also had regard to the evidence in support of the concern, the nature and seriousness of the concern, proportionality and applying the test. It noted that the imposition of an interim order is not an automatic outcome but is a matter for the panel's discretion in the circumstances of the case, having regard to the necessity to protect the public and the public interest in maintaining the integrity of the register. It also had regard to Article 31 of the Order and the NMC's Guidance on interim orders.

The panel determined that an interim order is necessary to protect the public as Ms Jepson has not provided evidence of having met the requirements of revalidation and as such the panel considered that the public could be placed at a real risk of harm if Ms Jepson was allowed to practise unrestricted. It also determined that an interim order is in the public interest in order to maintain public confidence in the integrity in the register and in the NMC as regulator.

The panel considered whether to impose an interim conditions of practice order. It determined that an interim conditions of practice order was not appropriate in this case as the panel had determined that the entry on the register was fraudulently procured with the intention to deliberately mislead the NMC. The panel was also of the view that there were no conditions which could address the dishonesty involved in this case.

Accordingly, the panel determined that an interim suspension order was necessary to protect the public and is otherwise in the public interest to protect the reputation of the profession, uphold the integrity of the NMC register and the NMC as its regulator.

The period of this order is for 12 months to allow for the possibility of an appeal to be made and determined.

If no appeal is made then the interim order will lapse upon the removal of Ms Jepson's entry in the Register 28 days after she is sent the decision of this hearing in writing.

That concludes this determination.