

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

**Substantive Hearing  
26 – 28 February 2024**

Virtual Hearing

**Name of registrant:** **Georgia Harkness**

**NMC PIN:** 18G0085E

**Part(s) of the register:** Registered Nurse – Sub Part 1  
Adult Nursing (Level 1) – 21 September 2018

**Relevant Location:** Liverpool

**Type of case:** Conviction

**Panel members:** Susan Ball (Chair, Registrant member)  
Jennifer Portway (Lay member)  
Donna Mary Hart (Registrant member)

**Legal Assessor:** Graeme Henderson

**Hearings Coordinator:** Jumu Ahmed

**Nursing and Midwifery Council:** Represented by Leesha Whawell, Case  
Presenter

**Miss Harkness:** Not present and not represented

**Facts proved:** Charges 1(a), 1(b), 2, 3

**Facts not proved:** N/A

**Fitness to practise:** Impaired

**Sanction:** **Striking-off order**

**Interim order:** **Interim suspension order (18 months)**

## **Decision and reasons on service of Notice of Hearing**

The panel was informed at the start of this hearing that Miss Harkness was not in attendance and that the Notice of Hearing letter had been sent to Miss Harkness' registered email address by 16 January 2024.

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 allegation, the time, dates and venue of the hearing and, amongst other things, information about Miss Harkness' 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 Harkness 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 Harkness**

The panel next considered whether it should proceed in the absence of Miss Harkness. It had regard to Rule 21 and heard the submissions of Ms Whawell who invited the panel to continue in the absence of Miss Harkness. She submitted that Miss Harkness had voluntarily absented herself.

Ms Whawell referred the panel to the proceeding in absence bundle in which it is stated that on 11 January 2024, the NMC Case Officer had a telephone conversation with Miss Harkness. It stated:

*'Phone call with registrant on [...]. She said she received an invite for a case conference, but does not want to attend or anything to do with this case. She says she either wants to be removed from the register or for this case to proceed without her. She said she would not attend a hearing. I said I pass this on. We thanked and hung up.'* [sic]

Further, Mrs Whawall referred the panel to the Case Management Form, signed and dated 15 November 2023, and stated that in response to the question 'Will you go?' and 'Will you be represented?' in the hearing, Miss Harkness ticked 'no'.

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised *'with the utmost care and caution'* as referred to in the case of *R v Jones (Anthony William)* (No.2) [2002] UKHL 5.

The panel has decided to proceed in the absence of Miss Harkness. In reaching this decision, the panel has considered the submissions of Ms Whawell and the advice of the legal assessor. It has had particular regard to the factors set out in the decision of *R v Jones* and *General Medical Council v Adeogba* [2016] EWCA Civ 162 and had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Miss Harkness;
- Miss Harkness, during the telephone conversation with the NMC Case Officer and in the Case Management Form told the NMC that she will not be attending;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Miss Harkness in proceeding in her absence.

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

### **Details of charge**

That you, a registered nurse:

- 1) On 13 December 2021 at Manchester Crown Court were convicted of:
  - a) Possessing criminal property;
  - b) Transferring criminal property.
- 2) On 24 June 2022 at Manchester Crown Court were convicted of possessing class C drug with intent to supply.
- 3) On 8 February 2023 at Manchester Crown Court were convicted of failure to comply with S49 notice contrary to Section 53(1) and (5) of the Regulation of Investigatory Powers Act 2000.

AND in light of the above, your fitness to practise is impaired by reason of your conviction(s).

### **Decision and reasons on facts**

Following the reading of the charge the panel had regard to a case management form completed by Ms Harkness. It was signed and dated 15 November 2023.

Immediately above her signature was the following :

'Your declaration

I understand the information and admissions I've made in this form will be taken into account by the panel making its final determination of the charges against me.'

The panel noted that Ms Harkness admitted all of the facts of the charge.

Accordingly, the Chair announced the facts proved by way of admission in terms of Rule 24 (5) of the Rules.

## **Background**

This case arises out of a relationship formed between Miss Harkness and Mr 1 which started whilst she was a trainee nurse on placement in the prison service and he was a prisoner. She formed a relationship with him and, whilst he was at liberty, [PRIVATE].

A police investigation revealed that a number of people were involved in drugs conspiracies, including Mr 1, who eventually received a sentence of imprisonment for 12 and a half years for his part in a conspiracy to supply controlled drugs. For the majority of the time over which the conspiracies persisted, Mr 1 was in custody at various prisons, both on remand and then as a serving prisoner. He was involved in the illegal supply of drugs using illegally held mobile phones while in custody. Payments were made on the outside using a conduit such as contacts or relatives of serving prisoners and individuals connected to Mr 1 on the outside, this included Miss Harkness.

Miss Harkness received money as a result of the criminal activity of Mr 1 and others, [PRIVATE], although the police concluded that this failed to account for the designer

goods which were bought by her or for her extravagant lifestyle. She had unexplained funds in one bank account which totalled £62,213. She also had expenditure of £85,895.

As part of the investigation, Mr 1's finances were checked, including investigating those who transferred money to him while he was in prison at HMP Forest Bank and HMP Oakwood. The system used to transfer money to prisoners showed that Mr 1 had regular amounts of money deposited into his prison account from Miss Harkness. She made 24 cash transfers totalling £1150 between 27 March 2019 and 28 January 2020 in Mr 1's secure prison bank account.

There was further documentation in the form of communications between the parties which revealed that Miss Harkness had bought expensive designer goods for him [PRIVATE] while Mr 1 was in prison. Those communications also show that Mr 1 paid for expensive presents and revealed that Miss Harkness had been a frequent visitor to him during his time in prison.

After reviewing the financial records, it was apparent that Miss Harkness was involved in money laundering, which included receiving cash and money transfers, and in turn transferring money directly into bank accounts of third parties. The police also concluded that she was living way beyond her means. On 16 July 2020, a house search was conducted by the police. Significant amount of designer clothes, shoes and handbags were recovered. They have been authenticated, and as the sentencing note confirms, have an estimated retail value in the 10s of thousands of pounds.

During the same house search, anabolic steroids were seized from Miss Harkness' home in the form of 70 vials, along with typed paper relating to the price of steroids and a steroid cycle plan. They had a value in themselves of between £2100 and £2800. Miss Harkness' fingerprint was found on the packaging of these drugs.

Due to the large number of third party transactions in Miss Harkness' accounts, checks were conducted in the prison and on her own financial records. The Crown Prosecution

Service observed that many more of the transactions demonstrated that she was living well beyond her means.

On 13 August 2020, the NMC received a self-referral form from Miss Harkness following her arrest on 16 July 2020. The arrest was regarding steroids found at her address and activity in her bank account.

On 14 August 2020, the NMC had also received a referral from Royal Liverpool and Broadgreen Trust (“the Trust”), where Miss Harkness was employed. The referral confirmed that Miss Harkness had been arrested on suspicion of money laundering and possession of Class C drugs with intent to supply.

On 12 January 2021, the Police obtained a Court order compelling Miss Harkness to provide her mobile phone pin to the Police (“s49 notice”). The Police advised that Miss Harkness had opposed the s49 notice on the grounds that the phone contained confidential patient information received as part of her work as a self-employed aesthetics nurse.

On 16 March 2021, the Trust informed the NMC that Miss Harkness had been summarily dismissed from her position, following a disciplinary hearing.

In October 2019, the Crown Prosecution Service had charged Miss Harkness with possession of Class C drugs with intent to supply, money laundering and failing to comply with the s.49 notice.

On 13 December 2021, Miss Harkness pleaded guilty to two counts of money laundering but pleaded not guilty to the charges of possession of Class C drugs with intent to supply and failure to comply with the s49 notice. The Police advised that a trial in relation to those charges had been listed for 27 June 2022.

On 24 June 2022, the police informed the NMC Miss Harkness' criminal trial would not proceed on 27 June 2022. A new trial date had been set for 1 March 2023. In the interim, Miss Harkness had pleaded guilty to possession with intent to supply a Class C (steroids) controlled substance. Miss Harkness continued to plead not guilty to the breach of a s.49 notice (refusing to provide the password to her mobile phone). Until the criminal trial for the breach of a s.49 notice had been finalised, Miss Harkness could not be sentenced.

Miss Harkness later changed her plea to guilty in relation to the s49 offence and on 17 March 2023, she was sentenced at the Crown Court in Manchester to a total custodial sentence of 2 years imprisonment suspended for two years.

### **Fitness to practise**

Having announced its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Miss Harkness' fitness to practise is currently impaired by reason of Miss Harkness' conviction.

In this regard the panel considered the test of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 76, she said:

*'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) ...'

### **Submissions on impairment**

Ms Whawell addressed the panel on the issue of impairment and reminded the panel 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 case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin).

Ms Whawell submitted that as a result of Miss Harkness' convictions, she is impaired. She referred the panel to the NMC's Guidance on 'Impairment' (Reference: DMA-1) and to the case of *Grant*. She submitted that limbs a, b and c of the Grant test were engaged.

In relation to limb a, Ms Whawell submitted that Miss Harkness had behaved in a way that was liable to put patients at unwarranted risk of harm by illegally supplying Class C drugs. She submitted that Miss Harkness would know of the harm that can be caused to those taking the illegal drugs, particularly when they were not prescribed. She further submitted that Miss Harkness had put patients at risk of harm and until she fully demonstrated that she understood and appreciated the seriousness of her actions, then a risk of repeated behaviour in the future remains.

In relation to limb b, Ms Whawell submitted that Miss Harkness' convictions had brought and is liable in the future to bring the nursing profession into disrepute. She told the panel that nurses occupy a position of trust in society and are expected at all times to be professional, the public must be able to trust nurses and they must act with integrity. She submitted that Miss Harkness' actions over a prolonged period of time, leading to the

convictions, fell far short of that expected of a registered professional, and this undermines public trust and confidence in the nursing profession. She further submitted that it was clear from the Judge's sentencing remarks that there remains a risk of repetition due to the influence others have over Miss Harkness. The sentencing judge noted that this influence was from Mr 1. Therefore, for as long as that influence remains and until Miss Harkness has developed insight into her own vulnerabilities, then a risk of repetition remains high.

In relation to limb c, Ms Whawell submitted that Miss Harkness' convictions were serious. She submitted that by becoming involved in criminal activity such as drug dealing and money laundering, Miss Harkness had breached the fundamental tenets of the nursing profession, in particular by failing to invoke professionalism and trust in the nursing profession. She submitted that as there is a risk of this behaviour being repeated, and until Miss Harkness fully accepts and develops insight on how she can avoid being in a similar position, she will be liable to breach the fundamental tenets again in the future.

Ms Whawell submitted that Miss Harkness' actions demonstrated a deep-seated attitudinal concern which is difficult to put right.

Ms Whawell referred the panel to the case of *Cohen v General Medical Council* [2008] EWHC 581 (Admin). She submitted that Miss Harkness' conduct is not easily remediable and nor has it been remedied. Further, it was likely that Miss Harkness would repeat her behaviour. She also referred to the NMC's guidance on 'Insight and strengthened practice' (Reference: FTP-13) and submitted that Miss Harkness has shown no insight into her behaviour nor expressed any remorse. She further submitted that Miss Harkness had engaged with the NMC to a limited extent. She told the panel that Miss Harkness self-referred herself and returned the Case Management Form to the NMC, but has not provided any written submissions. Therefore, there is no evidence before the panel on insight, remorse, remediation or reflection. Ms Whawell also referred the panel to the NMC's guidance on 'Can the concern be addressed?' (Reference: FTP-13a) and 'Has the concern been addressed?' (Reference: FTP-13b). In the absence of any evidence, Ms

Whawell submitted that if the panel was not to make a finding of impairment, it would undermine the professional standards and the confidence that the public places on the regulator.

Ms Whawell submitted that the concerns include criminal convictions which had led to a custodial sentence. Therefore, she invited the panel to find that Miss Harkness' fitness to practice impaired as a result of her conviction on public protection and the wider public interest.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included *Cohen* and *Grant*.

### **Decision and reasons on impairment**

The panel next went on to decide if as a result of the conviction, Miss Harkness' fitness to practise is currently impaired. Whilst Miss Harkness has admitted that she is impaired in the Case Management Form, the panel required to exercise its professional judgement.

The panel concluded that limbs a, b and c of this test were engaged.

Whilst there is no evidence to suggest that Miss Harkness' actions caused actual harm to patients, the supplying of drugs illegally to others puts them at risk of significant harm. Furthermore, Miss Harkness' convictions had breached fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. The panel also noted that this was not a one off incident and that Miss Harkness was aware of her illegal actions over an extended period of time.

Further, the panel was satisfied that confidence in the nursing profession would be undermined if its regulator did not find Miss Harkness' fitness to practise to be impaired and determined that the convictions were of an extremely serious nature.

The panel did not have any documentation or other evidence before it addressing Miss Harkness' insight on the impact her actions could have had on her patients, colleagues, the nursing profession and the wider public as a whole. Therefore, the panel was of the view that Miss Harkness had not demonstrated any insight into the conduct. The panel could not be satisfied, in the absence of any evidence, that Miss Harkness understands and appreciates the seriousness of her convictions.

The panel noted that Miss Harkness had admitted to the charges in the Case Management Form. However, she did not provide the panel with any other evidence or information concerning her current lifestyle or her reflection on her conduct. The panel was mindful of the Judge's sentencing remarks within which he stated:

*'Your offending was persistent and was serious and involved significant amounts of money. Moreover, it involved promoting the criminality of someone serving a sentencing or returned to prison for most of the period that we are concerned with.'*

In considering whether Miss Harkness had demonstrated remediation, the panel noted that it did not have any relevant information before it. It bore in mind that attitudinal concerns are difficult to remediate.

Therefore, in having regard to the above, the panel considered there to be no evidence to demonstrate that Miss Harkness has a level of insight into the seriousness of her convictions. The panel also did not have any evidence to allay its concerns that Miss Harkness may currently pose a risk to patient safety. The panel noted that the judge in her sentencing hearing also indicated that there was a risk of repetition if she were to continue her relationship with Mr 1, whom the Judge described as *'someone who will continue to have an influence, and not a good influence'*, over Miss Harkness. The panel was provided with no information from Miss Harkness regarding her relationship status. Furthermore, the panel noted that during the police investigation, Miss Harkness had chosen to not provide the police with her mobile pin number, even after a court order was obtained requiring her to do so. In the view of the panel this indicated an attitudinal

concern and in the absence of any evidence to the contrary, the panel concluded that there is a risk of repetition of Miss Harkness' conduct and a risk of unwarranted harm to patients in her care. Therefore, the panel 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 are to protect, promote and maintain the health safety and well-being of the public and patients, and to uphold/protect the wider public interest, which 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 considered there to be high public interest in the circumstances of this case. The panel found that the charges found proved are serious. It was of the view that a fully informed member of the public would be concerned by its findings on facts. The panel concluded that public confidence in the nursing profession would be undermined if a finding of impairment was not made in this case. Therefore, the panel determined that a finding of impairment on public interest grounds was also required.

Having regard to all of the above, the panel was satisfied that Miss Harkness' fitness to practise as a registered nurse is currently impaired on the grounds of public protection and public interest.

## **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 Harkness off the register. The effect of this order is that the NMC register will show that Miss Harkness 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 careful regard to the Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

### **Submissions on sanction**

In the Notice of Hearing, dated 16 January 2024, the NMC had advised Miss Harkness that it would seek the imposition of a striking-off order if it found Miss Harkness' fitness to practise currently impaired.

Ms Whawell submitted that the aggravating features include a pattern of behaviour over a prolonged period of time, a lack of insight into the failings and significant personal gain. Further, she submitted that the mitigating features include admission to the NMC charges and [PRIVATE]. She referred the panel to the Judge's sentencing remarks, he stated as follows:

*'I am not entirely sure where you, at the moment, stand with the Nursing and Midwifery Council. I hope that professional body can recognise, first of all, the fact that you have pleaded guilty and accepted your criminality and, secondly, that you are someone who is still capable of being a good and conscientious nurse. I hope, for your sake, that you can be accepted back into the profession, a profession that you clearly love and in which you had thrived. It may be that in time, and if the professional body is convinced that you are, indeed, rehabilitated, that you will be able to resume working as a nurse. I simply do not know but I hope, for your sake, that is the position. What I am certain of is that if you continue a relationship with [Mr 1], it is highly unlikely that you will be able ever to return to nursing because he will continue to be an influence and not a good influence on you.'*

Ms Whawell submitted that from the Judge's remarks, there appears to be mitigation, however she described two significant caveats. She submitted that the remarks by the Judge do not address the personal responsibility that Miss Harkness must take and which

the NMC as her regulator asked her to take by showing signs of developing insight, remorse and steps towards remediation. She went on to state that there was nothing before the panel as evidence that Miss Harkness was demonstrating a level of insight, remorse and steps towards remediation and no evidence regarding her current relationship status with Mr 1.

Ms Whawell submitted that when considering sanction, it is right and proper that the panel move through each sanction in order of ascending seriousness. However, given the panel's determination on impairment and the finding that Miss Harkness had put others at risk of harm by intending to supplying drugs illegally breached the fundamental tenets of the profession. She stated that this had brought the profession into disrepute, and given the serious nature of the convictions, she did not address the panel on the sanctions at the lower end of the spectrum. She moved on to making submissions on suspension order and striking-off order only.

Ms Whawell submitted that only a sanction at the higher end of the spectrum will be sufficient to protect the public and address the wider public interest. She referred the panel to the NMC guidance on 'Suspension order' (Reference: SAN-d3) and submitted that the nature and circumstances of the convictions demonstrated harmful, deep-seated personality and attitudinal issues towards the public, and that this behaviour had been sustained over a significant period of time. She submitted that a suspension order would not be sufficient to send a message to the profession that such behaviour is wholly unacceptable for registered nurses to be involved in money laundering and drug dealing, particularly where there is no evidence of any insight, remediation or remorse. Therefore, a suspension order would not address the public interest in the particular circumstances of this case.

Ms Whawell invited the panel to make a striking-off order. She submitted that the regulatory concerns do raise fundamental questions about Miss Harkness' professionalism and that public confidence cannot be maintained if she was not removed from the register. Further, she submitted that a striking-off order would be the only sufficient sanction to

protect patients, members of the public and maintain professional standards. Ms Whawell submitted that Miss Harkness' behaviour and subsequently her convictions are fundamentally incompatible with being a registered professional. Therefore, if she were to be on the register, it would undermine public confidence in nurses. Therefore, a striking-off order would be the only sanction to protect the public and maintain professional standards.

The panel accepted the advice of the legal assessor which included reference to the case of *R (on the application of James) v Nursing and Midwifery Council* [2008] EWHC 365.

### **Decision and reasons on sanction**

Having found Miss Harkness' fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. 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. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Significant personal gain
- Repeated pattern of behaviour over a prolonged period of time
- Refusing to provide your mobile pin number to the police, even with a court order in place requiring you to do so
- Lack of evidence of insight into her failings
- No evidence of remorse or remediation
- Conduct which put patients and others at risk of suffering harm
- Evidence of deep-seated attitudinal concerns

The panel also took into account the following mitigating features:



- Admission to the NMC charges
- Acceptance that fitness to practise is currently impaired
- [PRIVATE]

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 Miss Harkness' 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 Miss Harkness' behaviour was not at the lower end of the spectrum and that a caution order 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 impose a caution order.

The panel next considered whether placing conditions of practice on Miss Harkness' registration would be a sufficient and appropriate response. The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case. Miss Harkness' clinical abilities were not called into question. The criminal behaviour identified in this case was not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Miss Harkness' 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 panel had regard to the SG which outlines the circumstances where a suspension order may be appropriate. This case concerns a pattern of repeated behaviour which perpetrated over an extended period of time and, having been arrested by the

police Miss Harkness refused to provide her mobile phone pin number and maintain that refusal despite the court order requiring her to disclose. The panel considered this conduct as a whole to evidence deep-seated attitudinal issues and, beyond admitting the current charge and accepting that her fitness to practice is currently impaired, Miss Harkness has not demonstrated any insight, remorse, or steps she has taken to remediate the concerns.

The panel was of the view that Miss Harkness' conduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse. It concluded that the serious breaches of the fundamental tenets of the profession evidenced by Miss Harkness' actions are fundamentally incompatible with her remaining on the register and as such, determined that a suspension order would not be a sufficient, appropriate or proportionate sanction in that it would not protect patients or maintain confidence in the nursing profession.

Finally, in looking at a striking-off order, the panel took note of the following paragraphs of the SG:

- *Do the regulatory concerns about the nurse or midwife raise fundamental questions about their professionalism?*
- *Can public confidence in nurses and midwives be maintained if the nurse or midwife is not removed from the register?*
- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

The panel determined that Miss Harkness' conduct was a significant departure from the standards expected of a registered nurse, and is fundamentally incompatible with her remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Miss Harkness' conduct was extremely serious, placed patients and others at risk of harm, and to allow her to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body. The panel recognised the adverse effect that a striking off order may have on Miss Harkness but was mindful of

case law and of the NMC's own guidance that the reputation of the nursing profession is more important than the fortunes of an individual nurse.

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 Harkness' 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 protect the public and 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.

### **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 Harkness' own interest until the striking-off sanction takes effect.

This will be confirmed to Miss Harkness in writing.

### **Submissions on interim order**

The panel took account of the submissions made by Ms Whawell. She submitted that an interim suspension order should be imposed for a period of 18 months to cover the 28 day appeal period and the subsequent period should an appeal be lodged. She submitted that

this is necessary for the same reasons as given by the panel regarding the substantive order and should be on both public protection and public interest grounds.

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

### **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 allow sufficient time for any appeal to be heard. The panel is satisfied that this order and for this period is proportionate in the circumstances of this case.

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

That concludes this determination.