

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

**Substantive Hearing  
Monday, 13 November 2023 – Thursday, 16 November 2023**

Virtual Hearing

**Name of Registrant:** Carol Jennifer Setford

**NMC PIN** 92C2434E

**Part(s) of the register:** Registered Nurse  
Adult - RNA April 2001

**Relevant Location:** Dorset

**Type of case:** Misconduct

**Panel members:** Sophie Lomas (Chair, Lay member)  
Susan Tokley (Registrant member)  
Jayanti Durai (Lay member)

**Legal Assessor:** Justin Gau (13, 15, November 2023)  
Charles Conway (14, 16 November 2023)

**Hearings Coordinator:** Samantha Aguilar

**Nursing and Midwifery Council:** Represented by Holly Girven, Case Presenter

**Mrs Setford:** Not present and not represented at the hearing

**Facts proved:** Charges 1a, 1b, 1c, 1d, 2, 3 and 4

**Facts not proved:** None

**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 Mrs Setford was not in attendance and that the Notice of Hearing letter had been sent to Mrs Setford's registered email address by secure email on 5 October 2023.

Ms Girven, 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 that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mrs Setford'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 Mrs Setford 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 Mrs Setford**

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

Ms Girven referred the panel to the email from Mrs Setford dated 23 November 2022 which is contained in the Registrant's Response Bundle. She submitted that the email heavily implies that Mrs Setford will not be engaging with the NMC and this process. She invited the panel to proceed in Mrs Setford's absence, as there is a public interest in the expeditious disposal of this case. She submitted that Mrs Setford's case relates to allegations from around a year ago and, as she has not engaged in proceedings throughout, there is no indication that adjourning would cause her to attend. Ms Girven submitted that it is fair, appropriate and proportionate to proceed in her absence. Ms Girven also highlighted that this case related to documentary evidence of what Mrs Setford has "*tweeted*" on a public social media platform, so there would be little unfairness caused. She further referred the panel to the two emails from Mrs Setford dated 10 October 2023 and 11 October 2023, which further confirmed that Mrs Setford did not want to attend this hearing.

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*'.

The panel has decided to proceed in the absence of Mrs Setford. In reaching this decision, the panel has considered the submissions of Ms Girven, and the advice of the legal assessor. It has had particular regard to the factors set out in the decision of *R v Jones (Anthony William)* (No.2) [2002] UKHL 5 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 Mrs Setford;
- Mrs Setford has informed the NMC that she has received the Notice of Hearing and confirmed she is content for the hearing to proceed in her absence;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- The charges relate to events that occurred between 1 September 2022 and 11 January 2023; and
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Mrs Setford in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to her at her registered address, she has made only a limited response to the allegations. She will not be able to challenge the evidence relied upon by the NMC and will not be able to give evidence on her own behalf. She will not be able to speak to the intent of the actions alleged. However, in the panel's judgement, this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies. Furthermore, the limited disadvantage is the consequence of Mrs Setford's decisions to absent herself from the hearing, waive her rights to attend, and/or be represented, and to not provide evidence or make submissions on her own behalf.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Mrs Setford. The panel will draw no adverse inference from Mrs Setford's absence in its findings of fact.

## Details of charge

That you, a Registered Nurse:

- 1) On one or more occasions between 27 August 2022 and 11 January 2023 posted material on social media which was capable of inciting hatred and or discrimination against people based on their;
  - a) Race; **[FOUND PROVED]**
  - b) Religion; **[FOUND PROVED]**
  - c) Sexual orientation; **[FOUND PROVED]**
  - d) Gender reassignment **[FOUND PROVED]**
  
- 2) Your conduct in charge 1) was intended to incite hatred and or discrimination. **[FOUND PROVED]**
  
- 3) On one or more occasions between 1 September 2022 and 11 January 2023 posted material on social media regarding Covid-19 and or the Covid-19 vaccination which was contrary to official health advice on Covid-19. **[FOUND PROVED]**
  
- 4) Your conduct in charge 3) were intended to encourage members of the public to distrust and or disregard official health advice on Covid-19. **[FOUND PROVED]**

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

## Decision and reasons to amend charge 1

During the panel's deliberation on facts, the panel noted that a comment made by Mrs Setford dated 27 August 2022, is outside the dates in charge 1 which were originally between 1 September 2022 and 11 January 2023. The panel of its own volition invited Ms Girven to make submissions on whether an application to amend the dates specified in charge 1 is required.

Ms Girven submitted that the NMC's position is neutral in amending the dates contained in charge 1. The proposed amendment was to change the date to 27 August 2022 as opposed to '1 September 2022'.

*'That you, a Registered Nurse:*

- 1) *On one or more occasions between ~~1 September 2022~~ 27 August 2022 and 11 January 2023 posted material on social media which was capable of inciting hatred and or discrimination against people based on their;*
  - a) *Race;*
  - b) *Religion;*
  - c) *Sexual orientation;*
  - d) *Gender reassignment.'*

The panel accepted the advice of the legal assessor and had regard to Rule 28 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules). He advised the panel that it has the power to amend the charge. Whilst Rule 28 does not specifically state that it can, it does not preclude the panel from doing it with its own volition. He told the panel that usual considerations apply when it comes to amending the charge and that the panel must consider the reason why the amendment is made and whether the amendment affects the gravamen of the charge or is something which alters the very nature or mischief of the charge, or the way in which the defence has been advanced. The legal assessor reminded the panel that the NMC has taken a neutral

approach and informed the panel to bear in mind that Mrs Setford has not been granted the opportunity to advance her thoughts on the amendment.

Ms Girven further submitted that Mrs Setford was aware that the *'tweet'* dated 27 August 2022 was material that the NMC were relying on from the outset. She told the panel that the specific post in question formed part of the original referral, therefore, Mrs Setford has been aware for a significant amount of time that this material was being relied on.

The panel was of the view that such an amendment would ensure clarity and accuracy of the material provided. The panel was satisfied that there would be no prejudice to Mrs Setford. Mrs Setford had known that this specific *'tweet'* dated 27 August 2022, formed one of the social media posts which contributed to the referral. It was therefore appropriate to allow the amendment to ensure clarity and accuracy.

## Background

Mrs Setford was referred to the NMC on 19 September 2022 by an anonymous referrer in respect of her posts and activity on the social media site 'X', formerly known as 'Twitter'.

The alleged facts are as follows:

The referrer raised concerns about Mrs Setford's unprofessional behaviour on Twitter under the username [PRIVATE]. The concerns raised related to contents of tweets, retweets and some likes, which included comments on race, religion, sexual orientation and gender reassignment, and also comments about the COVID-19 pandemic.

[PRIVATE]. The referrer stated that Mrs Setford followed numerous far right/extremist accounts and that she retweeted and broadcasted racist and Islamophobic views on Twitter. Moreover, the referrer stated that Mrs Setford made homophobic and anti-transgender statements on Twitter and had stated that the Covid vaccine *'is a hoax she would never get herself'*. Along with the referral, screenshots from Twitter were provided.



## Decision and reasons on facts

The panel has drawn no adverse inference from the non-attendance of Mrs Setford.

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor. The legal assessor reminded the panel that the burden of proof in respect of any unadmitted fact rests upon the NMC; there is no burden for Ms Setford to prove anything. A fact will be established on the balance of probabilities if it is more likely than not to have happened. Neither the seriousness of the allegation nor the seriousness of the consequences should make any difference to the standard of proof to be applied in determining the facts. The inherent probabilities are simply something to be taken into account, where relevant, in deciding where the truth lies. He referred the panel to the dictum of Lord Nicholls of Birkenhead in *Re H (Minors) (Sexual Abuse: Standard of Proof)* [1996] AC 563 as approved by the House of Lords in *Re B (Children) (FC)* [2008] UKHL 35. He told the panel that in determining whether the case has been proved on the balance of probabilities, it must have regard to the nature of the allegations made. If the nature and seriousness of the allegations made is inherently less likely to have occurred, then more cogent evidence will be needed to satisfy the panel on the balance of probabilities that the allegation is made out. As to the seriousness of the consequences, they are serious either way. As to the seriousness of the allegation, there is no logical or necessary connection between seriousness and probability.

The legal assessor reminded the panel that it must consider each charge separately and consider each in relation to any admitted facts to which they may relate. Its approach must be, in respect of each of them, whether the NMC proved the disputed fact, if not, Ms Setford is entitled to a finding of not proved. Any shortcomings in professional conduct or practice on the part of the nurse as alleged in this case should be judged using the standard of what would be expected of a competent registered nurse in the circumstances acting in accordance with the standards, including the ethical standards and practice of a responsible body of her professional colleagues.

In relation to charges 1 and 2, the legal assessor referred the panel to the definition used by the Crown Prosecution Service (CPS) to identify racist or religious incidents:

- *‘Any incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's race or perceived race’; or ‘Any incident which is perceived by the victim or any other person to be motivated by a hostility or prejudice based on a person's religion or perceived religion.’*
- *‘Any incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's sexual orientation or perceived sexual orientation’; or ‘Any incident which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice against a person who is transgender or perceived to be transgender’.*

The legal assessor informed the panel that the offence of incitement to hatred occurs when someone acts in a way that is threatening and intended to stir up hatred. That could be in words, pictures, videos, music, and includes information posted on websites. Hate content may include messages calling for violence against a specific person or group. In terms of the approach to individual pieces of evidence, the panel is entitled to draw inferences provided that there is an evidential basis for it, but it must not speculate.

The panel considered the documentary evidence provided by the NMC.

The panel then considered each of the disputed charges and made the following findings.

### **Charge 1**

- 1) On one or more occasions between 27 August 2022 and 11 January 2023 posted material on social media which was capable of inciting hatred and or discrimination against people based on their;
  - a) Race;
  - b) Religion;
  - c) Sexual orientation;
  - d) Gender reassignment

**This charge is found proved.**

In reaching this decision, the panel took into account the documentary evidence submitted by the NMC and Ms Girven's submissions. Ms Girven submitted that there is sufficient evidence to find that Mrs Setford did post material which was capable of inciting hatred and or discrimination towards the protected characteristics noted in charge 1. She referred the panel to the exhibits bundle and listed the relevant posts and reposts by Mrs Setford. Ms Girven submitted that it is clear from reading these materials that they are motivated by hostility and or prejudice based on race, religion, sexual orientation and gender reassignment.

The panel accepted that the posts on social media X, formerly 'Twitter', was posted under the username [PRIVATE]. The panel noted that in Mrs Setford's correspondences with the NMC, there appears to be some acceptance that this was her account. On 23 November 2022, Mrs Setford stated:

*'I am deeply saddened that tweets and mostly retweets, have been used against me in this manner by someone who, while holding their own strong views, is unable to identify him or herself.'*

The panel carefully considered each sub charge. The panel looked at the screenshots contained in the NMC exhibits bundle which relates to charge 1(a) for posted material on social media between 1 September 2022 and 11 January 2023 which relate to race:

In a post on Twitter dated 10 September 2022, Mrs Setford reposted an image which stated:

*'BLACK LIVES MATTER*

*The entire country is sick of your shit. Sick of the lawlessness, sick of the riots, sick of the threats and demands. The only thing you've managed to accomplish in all of this is to live up to the ghetto stereotypes. Congratulations.'*

The panel noted that Mrs Setford replied on 27 August 2022 to a post which stated, *'[...] what we're witnessing in British TV advertising has no correlation with our demographics, with people wondering whether we live in a majority white nation'* in reference to a post which stated that an African government is *'banning the use of foreign models in advertising in order to limit white models and white actors from appearing in adverts'*. Ms Setford replied, *'I think we should only have white British'*.

Mrs Setford reposted an image dated 9 September 2022 which contained the following comment, *'Why is it only white countries that are told they must be 'Racially Diverse'?'*. In a further post, dated 16 September 2022, she reposted the following:

*'Have people seen the just eat drivers in our towns & cities? None of them are white or British & they all have these big family saloon cars. I see them every night in Mac Donald's [sic] & KFC picking up their orders & then walking out to their quite newish saloon cars near my home'*.

Furthermore, the panel also noted that Mrs Setford shared a comment which stated, *'Does anyone remember being asked if they would like to live in a multicultural society? I am 75, and I was never asked. Were you, [sic] and what was your answer?'*. Mrs Setford *'retweeted'* an image of a group from a specific ethnic

background that had a comment stating, *'These filthy Turds will be on the streets next... [two images of swearing emoticons]'*.

The panel have seen further evidence of reposted materials by Mrs Setford. For example, in an online post, it stated, *'Great a [sic] Indian PM. Like we ain't got enough Asians in the UK Bloody Diversity and all that old Cobblers'*. She also reposted a comment stating, *'Hands up if you are sick of the Mixed [sic] race adverts and TV programmes [sic] This is not a true reflection of Britain'*.

The panel also took into account the following reposted 'tweets' from Mrs Setford:

*'In my area there is a 13 year wait for social housing. 34 African families have someone bagged themselves 3 and 4 bed houses. None can speak a word of English'*

*'New scheme will see 3,000 Indians granted UK visas every year [sic] THERE YOU GO [sic] TOLD YOU WHY HE WANTED TO BE THE PM.. I was spot on.. fill the UK with INDIANS. Guttled the idiot TORYS put him in power [sic] what a load of bast\*\*ds'*

*'We are taking over the UK under your very noses and there's nothing being done about it [sic] Thank's [sic] to the UK Government'*

*'Am I living in a parallel universe? Watching ITV adverts and thought I was watching Nigeria Television [sic] 90% of actors are black or mixed race. No offence but that's not a true representation of Uk [sic] surely ?'*

The panel next considered the documentary evidence in respect of charge 1(b) which relate to religion. It determined that the following evidence posted by Mrs

Setford was capable of inciting hatred and or discrimination against people based on their religion:

*'How long before 'The Koran [sic]' is passed out in our schools instead of 'The Bible' by our modern woke indoctrinating teachers!', this included a photograph of people praying, with the comment, 'Our kids should never learn to bow to Islam [...] Keep Islam out of schools [...] Share if you agree'. In another post, it stated, 'There is nothing English or British about Islam, So why am I being FORCED to tolerate and accept it.[sic]?'.*

The panel also noted that Mrs Setford replied to a picture which stated, *'Nearly all major English cities are majority non-white now'*. Mrs Setford responded on 14 September 2022:

*'That is how it will be everywhere that has allowed the excessive flow of Islamic migrants including U.K. They will take over'*

The panel had sight of an image reposted by Mrs Setford which included an image of the Klu Kux Klan (KKK), which was accompanied by the following statements:

*'Save your Country (UK)*

*If you walked down the street in this [KKK clothing], you'd be arrested & called a racist*

*Yet, if you walk down the street in this [Burka clothing] it's called the freedom of expression*

*What's the difference? Stop the double standards [sic] This is racist to us British*

*BAN THE BURKA!*

The panel had regard to a reposted image by Mrs Setford of a woman wearing a burka, walking across the sea, carrying an anchor and dragging an inflatable boat filled with what appears to be people. This contained the description, *'The invasion of Europe'* and the European Union flag which contained a communist symbol. She also reposted an image which contains the following phrase, *'Stop' The Islamification Of [sic] the UK!*, an image of two women wearing traditional religious clothing and the caption, *'Is this the Great Britain that our heroes died for?'*

The panel also saw evidence that Mrs Setford reposted the following comments which stated:

*'I'm fed up with Islamic bullshit in our country',  
'If your [sic] white and of working age you get told to go to the  
jobcentre evrey [sic] 2 weeks or lose the money. If you wear a  
dress [sic] a Muslim man [sic] you don't get called at all and get 93  
pound a wife. We are literally paying for them. It's illegal bigamy  
for me[...]'*

*'So let me get this right....if we ban Halal slaughter not only do we  
significantly improve animal welfare but hoardes [sic] of people will  
leave the UK.....and we are waiting for what exactly.....looks like  
a win all around....'*

*'[...] Leonie 13 was drugged, raped & murdered by 4 Afghan  
illegals in Austria [...] One of them came here under an alias & no  
doubt was assisted & welcomed by @care4calais [...] These poor  
babies will not be the last to be raped & murdered by Muslim [sic]  
predators with ingrained medieval mindsets'*

The panel noted that in relation to charge 1(c) which made references to sexual orientation, the panel had sight of a number of screenshots from Mrs Setford's social media. This included the following:

An image of a group of four people engaging in a physical altercation who were labelled as *'Muslims', 'Lesbians', 'Hindus' and 'Trannies'* and a man eating his food and staring at his phone labelled as *'straight white men'*, which insinuated that minorities are difficult.

An image of a charity box in a superstore which was split between three organisations, Gender Identity Research and Education Society, Imaan LGBTQI Muslim Support and Switchboard- LGBT+ Helpline, included the comment *'None of these Tesco'*, implying that these organisations should not be supported.

A post referring to the closing down of a PayPal account of the Free Speech Union as *'Bowling to the alphabet soup brigade again'*, which is a negative reference to the Lesbian, Gay, Bisexual, Trans and Queer (LGBTQ) community.

Mrs Setford also reposted from a banned account which disapproved of a multicoloured poppy with the following statement, *'If your[sic] gay, bi, trans or whatever, i [sic] don't care. You have a pride month to celebrate who you are. Please dont [sic] take over the one day a year where i [sic] get to remember my friends and all those that died for this country. Leave the poppy alone and have some respect.'*

The panel also took into account the following reposts from Mrs Setford's social media account which further implied a negative view:

*'How come it is ok [sic] to have native pride, gay pride, black pride yet it is not ok [sic] to have white pride?'*



*'Why does every damned TV show have to have a transvestite and/or a gay or lesbian couple? So sick of deviant lifestyles being shoved down our throats.'*

*'Queer/Trans movement is an engineered movement that has very little to do with gender. It's actually a movement of physically and mentally damaged people that are being given a chance to feel special. These are the autistic vaccine injured kids & the unloved'.*

The panel considered charge 1(d) which relate to gender reassignment and noted the following comments reposted from Mrs Setford's social media account:

*'There is no such thing as a trans childhood, nor is there such a thing as a heterosexual or homosexual childhood. Whoever says otherwise is a pervert. Don't mess with children! There is no gender ideology!'*

*'We need to stop validating everyone's identities. It just isn't true that all identities are valid. A schoolteacher wearing massive fake boobs is not a valid "gender expression"- It's perversion. Let's start calling a spade a spade [...]'*

*'Eddie Izzard told to stop using women's toilets by Father Ted creator- "You're a bloke. Accept it and stop invading women's spaces"'*

*'Ever notice how dogs only come in male and female... And cutting the balls off doesn't make it female?'*

*'No to self-ID.*

*No to the 'transing' of children.*

*No to men in women's spaces, groups and sports.  
No to men in women's prisons.'*

*'If you're born with a penis, you're a man. Cut that off, you're still a man. Take a truckload of hormones, still a man. Get implants, still a man. Wear a wig, and heels, and spend your food budget at Ulta, you'll still, never, EVER, be a woman'*

*'I say there are only two genders MALE and FEMALE. Anything else is a mental illness! Who Agrees?'*

In a news article posted on twitter in response to Sir Keir Starmer's vow to change the law to allow trans people to self-declare their gender, Mrs Setford reposted the following comment:

*'If you are a biological woman, a mother with daughters, a man with daughters, sisters, wives, be afraid, be very afraid. This issue alone should stop any decent human bei[sic] by from Voting for.  
@Keir\_Starmer. @UKLabour*

*He has just announced that he cares not a jot for 51% of us'*

In light of the above evidence, the panel determined that these materials were posted and reposted by Mrs Setford during a sustained and repeated period between 27 August 2022 and 11 January 2023. The panel acknowledged that the exhibits that were made available for this hearing were only examples during a limited time period, but that Mrs Setford's social media has been active prior to the dates contained within the bundle. The online materials posted by Mrs Setford during this period was capable of inciting hatred and discrimination. They demonstrated a clear hostility towards each of the protected characteristics identified in charge 1(a),1(b),1(c) and 1(d), which are discriminatory. The overall

tone from her reposts and comments on social media can be inferred as that Mrs Setford does not accept diversity and unless a person is considered '*white British*', that they are not welcome. Moreover, some of Mrs Setford's reposts insinuated that those who are of a certain sexual orientation and or have undergone gender reassignment, are considered to have a mental illness.

The panel, having accepted the evidence as detailed above, concluded on the balance of probabilities that on one or more occasions between 27 August 2022 and 11 January 2023, Mrs Setford posted material on social media which was capable of inciting hatred and or discrimination against people based on their race, religion, sexual orientation and gender reassignment.

## **Charge 2**

2) Your conduct in charge 1) was intended to incite hatred and or discrimination.

### **This charge is found proved.**

In reaching this decision, the panel took account of the documentary evidence. It determined that the posts and reposts on social media are inferred to have been posted to incite hatred and discrimination. The overall tone of these materials contains some very specific biases, particularly in relation to race and religion.

The panel took into account Mrs Setford's response on 23 November 2022:

*'I do not believe that being anti immigration [sic] is a negative trait, nor bigoted or racist. Its [sic] about believing about the impact on the British population, those already here.*

[...]

*In the interest of free speech and healthy debate, I have unwisely used a public platform, as such and regardless of the outcome of this matter wish to be taken off the register.'*

The panel noted that Mrs Setford's response is clear in that she accepts that her posts were a reflection of her opinion and that she does not deem her views to be neither 'bigoted' nor 'racist'. The panel acknowledged that she further stated in an email dated 10 October 2023, 'I have very foolishly supported comments on social media and accept that this was not the right thing to do. I apologise if I have offended anyone.'

Mrs Setford stated in her response that she was exercising her right to free speech. The panel went on to consider *Article 10(1) of the European Convention on Human Rights 1998* which deals with freedom of expression which states:

*'Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.'*

However, the panel noted that *Article 10(1)* is qualified by *Article 10 (2)* which states:

*'The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.'*

The panel considered that the limitations of that right are engaged in this case, namely, that extreme views could affect public safety, hinder the prevention of disorder and undermine the rights of others.

The panel also considered Ms Girven's submissions that whilst the materials were mostly '*reposts*' as opposed to Mrs Setford creating the content herself, Mrs Setford does not disagree or insinuate that she disagrees with the posts that are highlighted and therefore more likely than not that these online posts by Mrs Setford were intended to incite hatred or at the very least, discriminate against specific groups.

The panel noted that Mrs Setford does not invite comments or engage in debate. She merely amplifies the views contained in the posts by resharing them to reach a wider audience.

The panel bore in mind that the offence of incitement to hatred occurs when someone acts in a way that is threatening and intended to stir up hatred. In the absence of an alternative explanation from Mrs Setford, the panel inferred that she must have intended to '*repost*' information in order to incite hatred and or discrimination. It therefore found charge 2 proved.

### **Charge 3**

- 3) On one or more occasions between 1 September 2022 and 11 January 2023 posted material on social media regarding Covid-19 and or the Covid-19 vaccination which was contrary to official health advice on Covid-19.

**This charge is found proved.**

In reaching this decision, the panel took into account the evidence within the exhibits bundle which contained screenshots of Mrs Setford's posts which refers to Covid-19 as a hoax. The panel also noted Ms Girven's submissions in which she told the panel that the

public health advice has “*always been that COVID-19 was not a hoax or conspiracy*”. She submitted that Mrs Setford’s tweets are against the public health advice.

The panel noted an image in which it is inferred that Covid-19 and vaccination ‘*was engineered to condition the masses to accept [...] digital IDs, digital currency, social credit, 5G smart cities, transhumanism [and] war against dissent*’, insinuating that COVID-19 is a conspiracy and that vaccines are part of that.

The panel also took into account the following reposted comments which stated:

*‘In one sentence they are saying the virus has become “immune evasive”- that is the jabs don’t work- and in the next they are asking should the jabs be mandatory? [two laughing emoticon] They really must think we’re stupid’*

*‘I believe almost everything I was told until March 2020, then after 2 wks [sic] of lockdown I started to question, now I believe absolutely nothing and I’m now a fully fledged conspiracy theorist, because one question leads directly to another’*

*‘Feeling rough. Got flu symptoms. Bad cough. Sore throat. Not staying home. Still going to work. Not wearing a mask. Not taking a fake test for a fake virus. And definitely not taking an mRNA poison jab. I’ll be going home, and making hot soup. Just like the good old days.’*

*‘No matter what you have been led to believe the unvaccinated are not dropping dead due to covid. The vaxxed are in their own little bubble getting sick all the time, testing positive and telling each other covid is not over. It was over for us 2 years ago’*

The panel also considered Mrs Setford's response to a news article from the BBC News (UK) which reported, '*Millions invited for Covid booster jabs from Monday*'. Mrs Setford responded on 3 September 2022, '*Never*'.

The panel concluded that the material contained in the posts was clearly contrary to official health advice which recommended vaccination and at no point asserted that Covid-19 was a hoax.

The panel therefore concluded that this charge is found proved.

#### **Charge 4**

4) *Your conduct in charge 3) were intended to encourage members of the public to distrust and or disregard official health advice on Covid-19.*

#### **This charge is found proved.**

In reaching this decision, the panel took into account the documentary evidence. The panel determined that a nurse posting that Covid-19 is a conspiracy or providing their views without providing balanced information nor basing their opinion on researched evidence places the public at risk. A member of the public, with the full knowledge that Mrs Setford is a nurse, could see her social media and take a view without being fully informed of the risks to their own health. As a nurse, Mrs Setford would know that sharing such views could encourage distrust in public health information. In the absence of any other explanation, the panel inferred that she must have intended to encourage members of the public to distrust or disregard official health advice on Covid-19.

Having taken all of the above into consideration, the panel concluded that this charge is found proved.

## **Fitness to practise**

Having reached its determination on the facts of this case, the panel then moved on to consider whether the facts found proved amount to misconduct and, if so, whether Mrs Setford's fitness to practise is currently impaired. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's ability to practise kindly, safely and professionally.

The panel, in reaching its decision, has recognised its statutory duty to protect the public and maintain public confidence in the profession. Further, it bore in mind that there is no burden or standard of proof at this stage, and it has therefore exercised its own professional judgement.

The panel adopted a two-stage process in its consideration. First, the panel must determine whether the facts found proved amount to misconduct. Secondly, only if the facts found proved amount to misconduct, the panel must decide whether, in all the circumstances, Mrs Setford's fitness to practise is currently impaired as a result of that misconduct.

## **Submissions on misconduct**

In coming to its decision, the panel had regard to the case of *Roylance v General Medical Council (No. 2)* [2000] 1 AC 311 which defines misconduct as a '*word of general effect, involving some act or omission which falls short of what would be proper in the circumstances.*'

Ms Girven invited the panel to take the view that the facts found proved amount to misconduct. She identified several aspects of The Code: Professional standards of practice and behaviour for nurses and midwives (2015' (the Code), which she submitted have been breached.



Ms Girven also referred the panel to the NMC's guidance on social media which relates to all of the charges.

Ms Girven submitted that Mrs Setford's behaviour fell seriously short of the standards expected of a registered nurse. Ms Girven told the panel that the breach amounted to misconduct and was repeated over a period of at least four months. The breach was of an extremely serious nature which fell below the standards expected of a registered nurse.

Ms Girven referred the panel to the NMC's guidance on seriousness, which states that where a registered professional displayed discriminatory views and behaviour, this usually amounts to a serious departure from the NMC's professional standards. Ms Girven submitted that Mrs Setford demonstrated discriminatory views which amounted to misconduct. Ms Girven stated that in highlighting the misconduct issues raised in this case, Mrs Setford continued "tweeting" after she knew that there was a concern raised by the NMC and repeated her misconduct over an extended period.

Ms Girven invited the panel to find that misconduct can be established on each of the charges.

### **Submissions on impairment**

Ms Girven moved on to the issue of impairment and addressed the panel on the need 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 cases of *Grant [2011] EWHC 927 (Admin)*, *Cohen v General Medical Council [2008] EWHC 581 (Admin)* and *PSA v HCPC and Roberts [2020] EWHC 1906 (Admin)*.

Ms Girven submitted that Mrs Setford's conduct was impaired on public interest grounds. Ms Girven told the panel that it has been accepted by the NMC that there is no suggestion that there was any harm or risk of harm to patients as a result of Mrs Setford's conduct.

Mrs Setford was not working as a registered nurse at the time, and it has been suggested in the materials that she has not worked as a nurse since December 2021. Ms Girven referred to paragraph 74 in the case of *Grant*, which stated the following:

*'[...] in determining whether a practitioner's fitness to practise is impaired the relevant panel should consider not only whether the practitioner continues to present a risk to members of the public but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'*

Ms Girven further submitted that under the test in *Grant*, that limbs (b) and (c) are engaged.

Ms Girven submitted that in an email dated 10 October 2023, Mrs Setford said:

*'I have very foolishly supported comments on social media and accept that this was not the right thing to do. I apologise if I have offended anyone.'*

Ms Girven submitted that the above email appeared to show some insight, but Mrs Setford's insight is limited as the content is still available to view on her social media account unmodified. Mrs Setford identified herself as a nurse in her social media profile. Mrs Setford has not deleted the content, made her account private or made any efforts to amend the content.

Ms Girven referred the panel to the principles of *Cohen*, and submitted that in Mrs Setford's case, her behaviour is not capable of remediation due to the deep-seated attitudinal problem and the seriousness of the concerns. Ms Girven submitted that even if the panel determined that it is remediable, the panel should consider that it has not been remedied in this case. Mrs Setford's actions are likely to be repeated, and whilst the

activity on Mrs Setford's account has "*slowed down*", it is likely that Mrs Setford still holds similar views and may potentially publish those views again. There is no information that suggests that she would not do so.

Ms Girven told the panel that in terms of assessing the seriousness, the NMC guidance states that in relation to discrimination, conduct of this type can be more difficult to address as they suggest an attitudinal issue. The panel must be satisfied that discriminatory views and behaviours have been addressed and are not still present, so that members of the public can be satisfied that there is no risk of repetition. She submitted that Mrs Setford has not shown that her behaviour could be addressed. She further referred to *PSA v HCPC and Roberts*, in which any conduct of a professional person of a racist nature is likely to result in a finding of an impairment in their fitness to practise. Ms Girven submitted that such behaviour is indicative of an attitude that is wholly incompatible with professional practice. In such a case, the public interests may only be vindicated by a finding of impairment and significant sanction.

Ms Girven concluded that Mrs Setford remains impaired on public interest grounds and that the public confidence in the nursing profession and the NMC as a regulator would be undermined if a finding of impairment was not made. A reasonable member of the public would expect such a finding for a registered professional who has behaved in such manner.

The panel asked Ms Girven to clarify whether the NMC was of the view that public protection is also engaged. Ms Girven submitted that if the panel finds that there is a risk of harm to the wider public because of the nature of Mrs Setford's posts and reposts on social media, and that members of the public may not seek medical assistance due to the discriminatory content and Covid-19 content, then a finding of impairment based on public protection grounds may be appropriate. Ms Girven emphasised that there is no suggestion that Mrs Setford's clinical skills or practice were impacted. Ms Girven submitted that considering the content was still available online as of the 23 October 2023, then there is no suggestion that there is remediation of that conduct.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Saha v GMC [2009] EHC 1907 Admin*, *Zygmunt v GMC [2008] EHC 2643 Admin*, *Cohen-v-GMC [2008] 581 Admin*, *Cheatle v GMC [2009] EHC 645 Admin*, *Sawati v GMC 2022 EHC 283 (Admin)*, *CHRE v NMC and P Grant [2011] EHC 927 (Admin)*, *Sayer v General Osteopathic Council [2021] EHC 370 (Admin)* and *Ashton v GMC [2013] EHC 943*.

## **Decision and reasons on misconduct**

When determining whether the facts found proved amount to misconduct, the panel had regard to the Code.

The panel was of the view that Mrs Setford's actions did fall significantly short of the standards expected of a registered nurse, and that Mrs Setford's actions amounted to a breach of the Code. Specifically:

### ***'1 Treat people as individuals and uphold their dignity***

*To achieve this, you must:*

***1.1 Treat people with kindness, respect and compassion***

***1.3 Avoid making assumptions and recognise diversity and individual choice***

### ***6. Always practise in line with the best available evidence:***

*To achieve this, you must:*

***6.1 Make sure that any information or advice given is evidence-based including information relating to using any health and care products or services***

### ***20 Uphold the reputation of your profession at all times***

*To achieve this, you must:*

**20.2** *Act with honesty and integrity at all times, treating people fairly and without discrimination, bullying or harassment.*

**20.7** *Make sure you do not express your personal beliefs (including political, religious or moral beliefs) to people in an inappropriate way*

**20.8** *Act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to*

**20.10** *Use all forms of spoken, written and digital communication (including social media and networking sites) responsibly, respecting the right to privacy of others at all times.'*

The panel also had regard to the relevant paragraphs from the NMC's guidance on social media:

*'Do not post anything on social media that may be viewed as discriminatory, does not recognise individual choice or does not preserve the dignity of those receiving care.'*

[...]

*As a nurse, midwife or nursing associate, you have a responsibility to ensure that any information or advice that you provide via social media is evidence-based and correct to the best of your knowledge. You should not discuss anything that does not fall within your level of competence and you should avoid making general comments that could be considered inaccurate.'*

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. However, the panel was of the view that having considered the various breaches of the Code and the guidance, the behaviour clearly amounted to misconduct. The extreme views posted by Mrs Setford on her social media, some of which were direct replies to those discriminatory posts, demonstrate that her conduct was capable of inciting hatred and discrimination. This was a serious departure from the standards expected of a registered nurse, particularly, as her conduct was repeated over a significant period of time. This continued even after she knew that concerns had been raised.

The panel found that Mrs Setford's actions did fall seriously short of the conduct and standards expected of a nurse and amounted to misconduct.

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

The panel next went on to decide if as a result of the misconduct, Mrs Setford's fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 March 2023, which states:

- *'The question that will help decide whether a professional's fitness to practise is impaired is:*
- *"Can the nurse, midwife or nursing associate practise kindly, safely and professionally?"*
- *If the answer to this question is yes, then the likelihood is that the professional's fitness to practise is not impaired.'*

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional and comply with the Code. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must be

honest and open and act with integrity. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *Grant* in reaching its decision. In paragraph 74, she said:

*'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'*

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's "test" which reads as follows:

*'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*

d) [...]

The panel finds that whilst the NMC has not produced any evidence of actual harm in Mrs Setford's case, there was a risk of harm as a result of Mrs Setford's misconduct. There is a risk that members of the public who has seen her social media could be discouraged from seeking treatment and therefore be placed at an unwarranted risk of harm. The weight of the evidence relates to race, religion, sexual orientation and gender reassignment. If members of the public were to learn that a nurse who held such extreme views on those matters, they could be deterred from seeking medical help. Furthermore, her fallacious views on Covid-19, Personal Protective Equipment (PPE) and vaccinations could directly lead to harm.

Mrs Setford's misconduct has breached fundamental tenets of the nursing profession and therefore has brought its reputation into disrepute. Mrs Setford failed to meet the standards expected from a nurse, in particular, treating people with respect and not to discriminate. Her posts, which included the comment, *'we should only have white British'*, might deter others from seeking treatment. Confidence in the nursing profession would be undermined if its regulator did not find charges relating to Mrs Setford's discriminatory behaviour serious.

Regarding insight, the panel considered that Mrs Setford posted and 'retweeted' her harmful views from her social media account, which is accessible by members of the public and refers to her position as a nurse. Mrs Setford also confirmed her views and stated in her response dated 23 November 2022:

*'I do not believe that being anti immigration is a negative trait, nor bigoted or racist. Its about believing about the impact on the British population, those already here.'*

The panel was of the view that Mrs Setford lacked insight. Her posts suggested she held strong views about particular groups of people and not just levels of immigration itself.



Holding such discriminatory and deep-seated views would be extremely difficult to remediate. Mrs Setford has provided no indication that she has any intention of changing her views, as demonstrated by her continuing to post material of such nature even after learning of her referral to her regulator.

The panel took into account Mrs Setford's apology dated 10 October 2023, in which she stated:

*'I have very foolishly supported comments on social media and accept that this was not the right thing to do. I apologise if I have offended anyone.'*

The panel determined that there is a risk of repetition based on Mrs Setford's lack of insight. The panel takes the view that this was not an apology, and Mrs Setford failed to recognise how her actions had the capacity to cause harm. She neither saw that her views were discriminatory nor the possible harm of spreading them. There is a risk that people from different backgrounds may be deterred from seeking treatment knowing the facts found proved in this case. There is a risk to patients' health and safety if they were to learn that a nurse held such discriminatory views. The panel therefore 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; 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 profession and upholding the proper professional standards for members of those profession.

The panel determined that a finding of impairment on public interest grounds is required because Mrs Setford's conduct fall below the standard expected of a nurse. The panel concluded that public confidence in the profession would be undermined if a finding of

impairment were not made in this case and therefore also finds Mrs Setford's fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Mrs Setford's fitness to practise is currently impaired on both public protection and public interest grounds.

## **Sanction**

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Mrs Setford off the register. The effect of this order is that the NMC register will show that Mrs Setford 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**

Ms Girven informed the panel that in the Notice of Hearing, dated 5 October 2023, the NMC had advised Mrs Setford that it would seek the imposition of a striking-off order if it found Mrs Setford's fitness to practise currently impaired.

Ms Girven submitted that the following aggravating and mitigating factors should be considered:

- The panel found that Mrs Setford has incited hatred and discrimination with intent by posting and reposting discriminatory views online.
- The posts continued after Mrs Setford was made aware of the referral to the NMC.
- The panel found that Mrs Setford had lacked insight.
- Mrs Setford failed to recognise the severity of the concerns.

Ms Girven submitted that there are no mitigating factors in this case.

Ms Girven submitted that the appropriate sanction is a striking off order. Mrs Setford's conduct is fundamentally incompatible with being a registered nurse. She referred to the NMC guidance and summarised that the misconduct and impairment identified in this case, particularly, that Mrs Setford lacked insight and the seriousness of the charges

proved. The only appropriate sanction that will meet the objectives of protecting the public and maintaining the public interest is a striking-off order. Mrs Setford has indicated that she does not intend to work as a registered nurse in any event, so this limits any unfairness or impact on her.

The panel had regard to Mrs Setford's email dated 22 November 2022:

*'Please accept the contents of this email as my response to the above ca  
[sic]*

*I retired from the nursing profession in 2019 but remained practising on  
an adhoc [sic] basis until December 2021, since then have not practised  
and It [sic] had been my intention not to re-register with the NMC going  
forward.*

*During my career I have enjoyed working in a multicultural and diverse  
environment and contrary to the complainants [sic] insinuations, it is my  
belief that none of the patients I have looked after have ever suffered any  
racial discrimination from me by act or word. I do not believe that being  
anti immigration [sic] is a negative trait, nor bigoted or racist. Its [sic]  
about believing about the impact on the British population, those already  
here.*

*Having trained as a nurse later in life I have worked in The NHS for 23  
years, during which time I set up a new county wide renal service,  
ensuring that nursing staff gave care of the highest standard to a diverse  
population of patients. I took immense pleasure and pride from this  
aspect of my career, indeed I am very proud to have been a nurse,  
regarding it as one of my greatest achievements.*

*I am deeply saddened that tweets and mostly retweets, have been used against me in this manner by someone who, while holding their own strong views, is unable to identify him or herself.*

*In the interest of free speech and healthy debate, I have unwisely used a public platform, as such and regardless of the outcome of this matter I wish to be taken off the register.'*

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

Having found Mrs Setford's 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:

- Mrs Setford lacked insight.
- A course of misconduct repeated over a period of time.
- Misconduct continued after knowledge of referral.

The panel also took into account the following mitigating features:

- Acknowledgement that her actions might have caused offence.

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 serious nature of the issues identified, an order that does not restrict Mrs Setford'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 Mrs Setford's misconduct 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 Mrs Setford's registration would be a sufficient and appropriate response. The panel is of the view that there are no practicable or workable conditions that could be formulated, given the nature of the charges in this case. Mrs Setford's conduct demonstrated a deep-seated attitudinal issue. The misconduct identified in this case was not something that can be addressed through retraining. She does not appear to be open to remediation and maintained that her posts and reposts relating to her views on race, religion, sexual orientation and gender reassignment, were her right to express. Furthermore, the panel concluded that the placing of conditions on Mrs Setford'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 conduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse. There is evidence of deep-seated attitudinal problems, the behaviour was not a single incident, it has been repeated since the referral and Mrs Setford has limited, if any, insight of the harm caused. The panel noted that the serious breach of the fundamental tenets of the profession evidenced by Mrs Setford's actions are fundamentally incompatible with Mrs Setford remaining on the register.

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

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 also had regard to the NMC's guidance on Considering Sanctions for serious cases, in particular, cases relating to discrimination (*Reference: SAN-2*):

*'We may need to take restrictive regulatory action against nurses, midwives or nursing associates who've been found to display discriminatory views and behaviours and haven't demonstrated comprehensive insight, remorse and strengthened practice, which addresses the concerns from an early stage.*

*If a nurse, midwife or nursing associate denies the problem or fails to engage with the fitness to practise process, it's more likely that a*

*significant sanction, such as removal from the register, will be necessary to maintain public trust and confidence.'*

Mrs Setford's actions were significant departures from the standards expected of a registered nurse and are fundamentally incompatible with her remaining on the register. Mrs Setford intentionally posted online materials to incite hatred and or discrimination against people based on their race, religion, sexual orientation and gender reassignment. The panel was of the view that the findings in this particular case demonstrate that Mrs Setford's actions were serious and to allow her to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

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 Mrs Setford's 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 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.

This will be confirmed to Mrs Setford in writing.



## **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 Mrs Setford's own interests until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

## **Submissions on interim order**

The panel took account of the submissions made by Ms Girven. She submitted that the interim suspension order that Mrs Setford was previously subject to will now lapse on the confirmation of a striking-off order. Given that the striking off order will not take effect for 28 days, Ms Girven submitted that an interim suspension order is needed to protect the public and satisfy the public interest.

The panel 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 striking-off 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 striking-off order. The panel therefore imposed an interim suspension order for a period of 18 months to cover the appeal period and to protect the public and satisfy the public interest.

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

That concludes this determination.