

Guidance on Sanctions

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Bord Altranais agus
Cnáimhseachais na hÉireann
Nursing and Midwifery Board of Ireland



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1 Introduction

- 1.1** The purpose of this document is to provide guidance in relation to how sanctions should be recommended by the Fitness to Practise Committee (“the Committee”) and imposed by the Nursing and Midwifery Board of Ireland (“the Board”) pursuant to the Nurses and Midwives Act, 2011 (“the Act”).

The document is not legally binding and serves as a guide only. Both the Committee and the Board retain the discretion to recommend or impose any of the sanction(s) they deem appropriate to the particular circumstances of a case. The document may be revised from time to time, withdrawn and/or replaced with new guidance.

- 1.2** This Guidance on Sanctions has been prepared to aid consistency and promote transparency in the interests of the public, registered nurses and registered midwives (“nurses and midwives”) and for the assistance of:

- a) the Committee in recommending sanctions to the Board,
- b) the Board in imposing sanction(s), and
- c) nurses and midwives who may wish to make submissions in relation to the appropriate sanction(s) to be imposed, or who may wish to appeal the Board’s decision to the High Court.

- 1.3** Section 8 of the Act provides that the object of the Board shall be the protection of the public in its dealing with nurses and midwives and the integrity of the practice of nursing and midwifery through the promotion of high standards of professional education, training and practice and professional conduct among nurses and midwives.

Section 9 of the Act provides that the Board shall do all things necessary and reasonable to further its object and to perform its functions in the public interest.

- 1.4** The fitness to practise procedure which is provided for in Parts 7, 8 and 9 of the Act is one of the statutory means of discharging the object set out in Section 8. The procedure provides for how complaints regarding nurses and midwives are to be dealt with by the Board.
- 1.5** In the event that a complaint is referred to the Committee to conduct an Inquiry, the Committee may at the conclusion of the Inquiry, if it has found an allegation proven, make a recommendation to the Board as to the appropriate sanction(s). If the Committee has found any allegation proven against a nurse or midwife, the Board must decide to impose one or more than one sanction on the nurse or midwife pursuant to Section 69 of the Act.
- 1.6** Pursuant to section 73 a nurse or midwife has a right to apply to the High Court for cancellation of the Board's decision to impose certain disciplinary sanctions.
- 1.7** Pursuant to Section 74 of the Act, a decision by the Board to impose certain sanctions must be confirmed by the High Court.

2 The Purpose of Sanctions

- 2.1** The primary purpose of sanctions is to protect the public and serve the public interest and not to punish the nurse or midwife. It is recognised that the imposition of sanction(s) may have a punitive effect on the nurse or midwife but that is not their purpose.
- 2.2** As provided for in Sections 8 and 9 of the Act, the Board is required to perform its functions in the public interest, which can be defined as including, but not limited to:
- a) protection of the public,
 - b) maintaining public confidence in the profession and the regulatory process, and
 - c) declaring and upholding professional standards.
- 2.3** The sanction(s) recommended by the Committee or the sanction(s) imposed by the Board should relate to the findings made by the Committee and should aim to correct and deter breaches of the standards of the nursing or midwifery profession and to serve the public interest.

3 Sanctions Procedures

3.1 Conviction of a Criminal Offence

Section 55(1)(i) of the Act provides that a complaint may be made to the Board concerning a nurse or midwife on the ground of “a conviction in the State for an offence triable on indictment or a conviction outside the State, for an offence consisting of acts or omissions that, if done or made in the State, would constitute an offence triable on indictment.”

Any complaints under Section 55(1)(i) must be immediately referred to the Board and it may cancel the registration of a nurse or midwife if:

- a) in the Board’s opinion, the nature of the offence or the circumstances in which it was committed render the nurse or midwife permanently unfit to continue to practise nursing or midwifery, and
- b) it is in the public interest that it take action immediately.

The Board cannot decide to cancel the nurse or midwife’s registration on the grounds of a conviction for an offence unless it has formed the opinion set out at (a) above, or a conviction for the offence would render the nurse or midwife unable to be registered under the Act.

3.2 Section 69 of the Act deals with the matter of sanction.

3.3 Where a nurse or midwife has had findings made against him/her by the Committee, the Act provides for sanctions to be considered at three stages. These are:

- a) at the conclusion of an Inquiry by the Committee for the purpose of recommending one or more sanctions, and
- b) by the Board for the purposes of imposing one or more sanctions, and
- c) by the High Court in the event of either an appeal by the nurse or midwife against certain sanctions imposed by the Board, or where the Board seeks confirmation from the High Court of the imposition of certain sanctions which are required to be confirmed by the High Court.

The following paragraphs contain the procedures to be followed by the Committee and the Board in relation to the imposition of sanctions and are contained in Parts 8 and 9 of the Act.

3.4 Committee

At the conclusion of a hearing before the Committee, the Committee may, if it has found any of the allegations made against a nurse or midwife to be proven, recommend one or more sanctions to be imposed by the Board. The recommended sanction(s) will be set out in the written Report to the Board containing the Committee's findings and recommendations.

3.5 Sanctions

The sanctions that can be imposed on a nurse or midwife under Section 69 of the Act are as follows:

- a) an advice or admonishment, or a censure, in writing;
- b) a censure in writing and a fine not exceeding €2000.00;
- c) the attachment of conditions to the nurse or midwife's registration, including restrictions on the practice of nursing or midwifery that may be engaged in by the nurse or midwife;
- d) the transfer of the nurse or midwife's registration to another division;
- e) the suspension of the nurse or midwife's registration for a specified period;
- f) the cancellation of the nurse or midwife's registration from the register of nurses and midwives or a division of that register; and
- g) a prohibition from applying for a specified period for the restoration of the nurse or midwife's registration in the register of nurses and midwives or a division.

3.6 Consideration of the Committee's Report by the Board

The Board will consider at its next available meeting the Committee's Report and any recommendation as to sanction made by the Committee. In accordance with Section 69 of the Act, the Board must decide to impose one or more of the disciplinary sanctions as listed in Section 3.5 above.

If the Board decides to impose the sanctions of a fine, conditions, transfer to another division of the register, suspension or the prohibition of a nurse or midwife from applying for restoration to the register, then the Board will specify:

- a) in the case of a sanction of a fine, the amount of the fine imposed on the nurse or midwife and the timeframe within which the fine must be paid;
- b) in the case of a sanction of conditions, the nature of the conditions to be attached to the nurse or midwife's registration;
- c) in the case of a sanction of transfer of the nurse or midwife's registration to another division of the register, the division of the register to which the nurse or midwife's registration is to be transferred;

- d) in relation to the sanction of suspension, the period of suspension of the nurse or midwife's registration and
- e) in relation to the sanction prohibiting a registered nurse or midwife from applying for restoration to the register, the period of time for which the registered nurse or midwife is prohibited from applying for restoration to the register.

As soon as practicable after the Board has decided to impose any of the sanctions on the nurse or midwife, the Board will notify the nurse or midwife and the complainant of the following:

- a) the nature of the sanction that the Board has decided to impose;
- b) the date on which the decision was made; and
- c) the reasons for the imposition of the sanction.

Where a nurse or midwife has a right to appeal the decision to the High Court (as set out in section 3.7 below), the Board in addition to the items listed above, must notify the nurse or midwife and the complainant of the following:

- (i) that an application by the nurse or midwife to the High Court to cancel the decision of the Board must be made no later than 21 days after the nurse or midwife receives notification from the Board of its decision to impose sanctions, and
- (ii) that if the nurse or midwife does not apply to the High Court within 21 days after receiving notification from the Board of its decision, then the Board can apply to the High Court for confirmation of the decision as soon as is practicable after the expiration of that period.

3.7 Appeal to the High Court

A nurse or midwife has, pursuant to Section 73 of the Act, a right to apply to the High Court for cancellation of the Board's decision to impose certain disciplinary sanctions.

A nurse or midwife cannot apply to the High Court to cancel a decision to impose the disciplinary sanctions of an advice, an admonishment or a censure in writing.

If a nurse or midwife makes an application to cancel the decision of the Board within the permitted time period under the Act, the sanction(s) cannot be imposed by the Board until such time as the High Court has determined the matter.

On the hearing of an appeal by the nurse or midwife the High Court may either:

- (i) confirm the decision the subject of the appeal, or
- (ii) quash the decision and substitute such other decision as the Court considers appropriate, which may be a decision to impose a different sanction or to impose no sanction on the nurse or midwife.

If the High Court confirms the sanction(s), then the decision to impose the sanction(s) takes effect immediately.

If the High Court decides not to confirm the sanction(s) and cancels the decision, the nurse or midwife will not have a sanction imposed against him/her.

3.8 Application by the Board to confirm the decision of the Board to impose Sanction(s)

If the nurse or midwife does not make an application to cancel the Board's decision within 21 days of receiving notification from the Board of its decision, Section 74 of the Act provides that the Board must apply to the High Court to confirm its decision to impose certain disciplinary sanctions. This does not apply to the sanctions of an advice, an admonishment or a censure in writing.

The Board's decision to impose sanctions, other than the sanctions of an advice, an admonishment or a censure in writing, will not take effect until the decision has been confirmed by the High Court. If the High Court confirms the sanction(s), then the decision to impose the sanction(s) takes effect immediately.

Section 74 of the Act provides that the High Court must confirm the Board's decision to impose sanctions unless it sees good reason not to do so. In considering the question of what constitutes "good reason", the High Court has interpreted it to mean that it can only consider the issues of whether the Board has adhered to procedural norms, the requirements of natural and constitutional justice and whether the Board has made a decision to impose sanctions that no reasonable Board could have decided.

3.9 Duty of the Board to notify the registered nurse or midwife of compliance with the decision confirmed or directions given by the High Court

If on hearing an application to cancel a decision of the Board, the High Court confirms or gives a direction to attach conditions to a nurse or midwife's registration, the Board shall notify the registered nurse or midwife of the conditions in writing.

If the High Court confirms or gives a direction to transfer a nurse or midwife's registration to another division in the register, to suspend a nurse or midwife for a specified period or to cancel the registration of a nurse or midwife for a specified period, the Board shall notify the registered nurse or midwife in writing of the transfer of his/her registration to another division in the register and of the suspension and the cancellation.

4 Factors to be taken into account when considering the matter of Sanctions

The Committee when making its recommendations and the Board when imposing sanctions should take account of the following factors:

4.1 Proportionality

In deciding to recommend or direct the imposition of sanction(s), the Committee and the Board should have regard to the principle of proportionality, weighing up the interests of the public and the interests of the nurse or midwife. This will involve measuring the nature of the proven findings against the range of available sanctions under the Act. Proportionality means that a severe sanction should not be imposed for an offence at the more minor end of the scale nor a minor sanction imposed for an offence at the more serious end.

4.2 Outcome

The most important consideration for the Committee and the Board is the risk created to the public by the nurse or midwife's conduct. The outcome for a service user affected by an act or omission by a nurse or midwife may be a relevant factor in the consideration of the gravity of the act or omission. It may be that a serious error results in no adverse consequences for a service user while a minor error might have serious consequences. While outcome may be relevant, it is not the most important consideration.

4.3 Submissions and Mitigating or Aggravating Factors

When considering the sanction to be imposed, the Board may take into account any submissions made by the parties and any mitigating and aggravating factors. While these factors may be taken into account, they must always be balanced against the public interest requirement as set out in Section 2.2 of this document.

Mitigating Factors

Mitigating factors to be considered may include, but are not limited to:

- a) acknowledgement and early admission by the nurse or midwife,
- b) whether the nurse or midwife engaged with the fitness to practise process,
- c) insight on the part of the nurse or midwife including insight into their health problems,
- d) whether it was a once - off incident,
- e) work-related stress, conditions and/or systems in the work place,
- f) whether the nurse or midwife has taken remedial action where appropriate,
- g) the lapse of time since the events complained of occurred.

Aggravating Factors

Aggravating factors to be considered may include, but are not limited to:

- a) any previous fitness to practise findings and sanction(s) made against the nurse or midwife,
- b) a lack of insight on the part of the nurse or midwife,
- c) repeated failures or patterns of behaviour on the part of the nurse or midwife,
- d) whether the nurse or midwife has abused his/her position of trust by taking advantage of a vulnerable person,
- e) denial of the offence(s) or attempts by the nurse or midwife to cover up his/her failures or shortcomings,
- f) attempts by the nurse or midwife to place the blame on others,
- g) failure to take any remedial action where appropriate.

4.4 Insight on the part of the Registrant

The insight of the nurse or midwife may be a relevant consideration when recommending or deciding on the sanction(s) to be imposed. Mere acknowledgement of the findings does not necessarily demonstrate insight.

In considering the question of insight, the Committee and Board should consider whether the nurse or midwife can demonstrate insight by providing one or more of the following:

- a) evidence of his/her understanding of the problem(s) which led to the complaint,
- b) evidence of his/her attempts to address the problem(s),

- c) admission of the facts of the case by the nurse or midwife, and/or any admission of professional misconduct, poor professional performance or of a relevant medical disability,
- d) evidence of his/her efforts to prevent the behaviour complained of recurring or attempts made to address deficiencies,
- e) evidence of an apology by the nurse or midwife to the complainant or service user. The fact that the nurse or midwife has not offered an apology does not in itself mean that he/she does or does not have insight.

4.5 Evidence of Observance of the Code of Professional Conduct

Evidence of the nurse or midwife's overall observance of and adherence to the code of professional conduct that was in place at the time of the act or omission is a factor that may be taken into account at the sanction stage.

4.6 References and Testimonials

A nurse or midwife may provide references and testimonials as evidence of his/her standing in the community or in the designated profession. The source and content of such references and/or testimonials should be given careful and full consideration by the Committee and Board. The Committee and the Board may consider whether the authors of the references or testimonials were aware of the complaint and the Inquiry in relation to the nurse or midwife's fitness to practise and should consider what weight should be applied to the documents provided.

The quality and number of references may vary from case to case. This may be due to the facts of the particular case. Where references or testimonials are not provided by a nurse or midwife, the Committee and the Board should not necessarily draw adverse inferences as to their standing. For example, a nurse or midwife may not be able to produce references or testimonials for cultural reasons, or where a registered nurse or midwife has recently moved to Ireland, and/or is at the start of his/her career.

4.7 Previous Committee Findings and Sanctions

While it would not be appropriate during the course of an Inquiry to advise a Committee about previous findings in relation to a nurse or midwife, this is a relevant consideration at sanction stage. After the Committee has reached its findings and made its recommendations, the Board may take into account previous sanction(s) when imposing any sanction(s).

5 The Approach to Sanctions

- 5.1** The Committee should commence its consideration with the least restrictive sanction and consider each sanction including any length of time for which sanction(s) may be imposed.
- 5.2** The Board should commence its consideration with the sanction(s) recommended by the Committee and then consider each sanction including any length of time for which sanction(s) may be imposed. The Board is entitled to impose a different sanction other than the sanction(s) recommended by the Committee. If doing so, the Board will put the nurse or midwife on notice of this in accordance with the Board's procedures. In line with the procedures the nurse or midwife will be given an opportunity to make submissions to the Board before it decides on the sanction(s) to be imposed.
- 5.3** When considering the matter of sanction(s), the Committee and the Board should consider all of the available sanction(s) under the Act and then consider the proven findings.
- 5.4** The Committee and Board should consider the seriousness of the findings determining where on the scale of seriousness the Committee and Board consider the findings to fall.
- 5.5** The Committee and Board should consider whether the sanction(s) being recommended or imposed adequately serve the public interest which includes but is not limited to:
- a) protection of the public,
 - b) maintaining public confidence in the profession and the regulatory process, and
 - c) declaring and upholding professional standards.
- 5.6** The Committee and Board should give consideration to whether the sanction will protect the public and the wider public interest by:
- a) deterring the nurse or midwife from carrying out a similar act or omission again,
 - b) demonstrating the gravity of the nurse or midwife's failure or shortcoming to other nurses/midwives,
 - c) upholding the reputation of the nursing and midwifery professions and maintaining public confidence in the professions.
- 5.7** Depending on the seriousness of the findings, the Committee and Board may decide to impose one or more of the sanctions set out in Section 69 of the Act.

6 The Sanctions

- 6.1** The sanctions that can be recommended by the Committee and imposed by the Board are provided for in Section 69 of the Act and are:
- a) an advice or admonishment, or a censure, in writing;
 - b) a censure in writing and a fine not exceeding €2000.00;
 - c) the attachment of conditions to the nurse or midwife's registration, including restrictions on the practice of nursing or midwifery that may be engaged in by the nurse or midwife;
 - d) the transfer of the nurse or midwife's registration to another division;
 - e) the suspension of the nurse or midwife's registration for a specified period;
 - f) the cancellation of the nurse or midwife's registration from the register of nurses and midwives or a division of that register; and
 - g) a prohibition from applying for a specified period for the restoration of the nurse or midwife's registration in the register of nurses and midwives or a division.

The Committee may recommend, and the Board must impose one or more than one of the sanctions set out in Section 69 of the Act.

A description of each sanction is set out below, together with factors that may be taken into account prior to recommending or directing the imposition of one or more of the sanctions.

6.2 An advice or an admonishment, or a censure, in writing

The sanctions of an advice or an admonishment or a censure in writing are the least restrictive sanctions that may be imposed by the Board. The terms 'an advice', 'an admonishment' or 'a censure' are not defined in law but are generally held to be in ascending order of severity. These sanctions demonstrate the Board's disapproval of the nurse or midwife's conduct and are a warning that this conduct should not occur again. The imposition of these sanctions may be appropriate in circumstances where the findings made against the nurse or midwife by the Committee are at the less serious end of the scale or at the lower end of the spectrum. They do not restrict the nurse or midwife's ability to practise and do not require the confirmation of the High Court.

- 6.2.1 An advice or an admonishment, or a censure in writing is unlikely to be appropriate if:
- a) the sanctions do not adequately protect the public, or
 - b) the nurse or midwife lacks insight or has failed to take any adequate remedial action, or
 - c) the case relates only to a nurse or midwife's health.

6.2.2 Before recommending or imposing one or more of the sanctions of an advice or an admonishment or a censure in writing, the Committee and the Board should consider the following:

- a) whether the sanctions adequately protect the public in circumstances where these sanctions do not restrict the nurse or midwife's right to practise,
- b) whether the sanctions adequately maintain public confidence in the professions and the regulatory process,
- c) whether the sanctions uphold professional standards for nurses and midwives,
- d) whether the nurse or midwife has demonstrated insight,
- e) whether the nurse or midwife has taken remedial action where appropriate.

6.3 A censure in writing and a fine not exceeding €2000.00.

The imposition of a fine by the Board is not for the purpose of compensating a complainant or injured party. The Board in considering whether to impose a fine, and if so, the extent of the fine, may consider the nature of the allegation(s) proven against the nurse or midwife, the seriousness of the proven allegation(s) and the means of the nurse or midwife.

6.4 The attachment of conditions to the registered nurses or midwife's registration, including restrictions on their practise.

6.4.1 The imposition of conditions affects the nurse or midwife's ability to practise and are attached to their registration. In certain cases some conditions must be met before the nurse or midwife can return to practice. Otherwise the nurse or midwife can practise provided they are complying with conditions attached to their registration by the Board.

Before recommending or imposing the attachment of conditions to the nurse or midwife's registration, the Committee and the Board should consider the following:

- a) in circumstances where the nurse or midwife may continue to work but only in compliance with the conditions imposed, whether the attachment of conditions to the nurse or midwife's registration will adequately protect the public,

- b) whether the attachment of conditions to the nurse or midwife's registration will adequately maintain public confidence in the professions and the regulatory process,
 - c) whether the attachment of conditions to the nurse or midwife's registration will uphold professional standards for nurses and midwives.
- 6.4.2 The purpose of conditions is to address any deficiencies in the nurse or midwife's practice and/or to provide a mechanism for the nurse or midwife to deal with his/her health issues.
- 6.4.3 When recommending or directing the imposition of conditions, the Committee and Board must try to ensure that any condition(s) imposed on a nurse or midwife's registration would not be tantamount to a suspension or cancellation of his/her registration.
- 6.4.4 The nature of the conditions imposed will depend on the facts of the case. The conditions should relate to some identifiable shortcoming(s) on the part of the nurse or midwife or for some other good reason.
- 6.4.5 The Committee and Board should give reasons for the conditions it recommends or imposes.
- 6.4.6 Any conditions imposed by the Board must be confirmed by High Court
- 6.4.7 Any conditions recommended by the Committee or imposed by the Board must be proportionate and an appropriate sanction. Conditions may be appropriate in cases concerning a nurse or midwife's health, a single incident of concern in the nurse or midwife's practice or where there is evidence of deficits in specific areas of his/her practice that would respond to specific requirements set out in the conditions.
- 6.4.8 The conditions imposed will vary from case to case and will depend on the circumstances of each case. In certain cases, it may be appropriate to impose one condition for a limited period of time, for example, a condition that a nurse or midwife undertakes a specific training course. In other cases, the imposition of a number of conditions may be appropriate.
- 6.4.9 To ensure that the conditions being imposed are effective, it may be necessary for the Committee and the Board to consider the setting in which the nurse or midwife works and any other relevant factors that may influence the effectiveness of the conditions. The conditions need to be realistic and workable in the circumstances.

6.4.10 Where a finding has been made in relation to a nurse or midwife concerning a breach of trust, abuse or dishonesty, the imposition of conditions may not be appropriate. If conditions are recommended or directed in such cases, the Committee and the Board must consider whether the nurse or midwife can be trusted not to breach any conditions which have been imposed.

6.4.11 When considering whether to impose conditions, the following factors may be taken into account:

- a) that the imposition of conditions is in the public interest and serves to protect the public and service users,
- b) whether the nurse or midwife has demonstrated insight,
- c) that the failure or deficiency on the part of the nurse or midwife is capable of being remedied through the imposition of conditions,
- d) that appropriate conditions can be formulated and are capable of being complied with by the nurse or midwife,
- e) that the nurse or midwife has the capacity and motivation to participate and respond to retraining or additional education as required,
- f) that attendance at, and satisfactory completion of a particular education course is likely to address the failure or deficiency on the part of the nurse or midwife,
- g) where the nurse or midwife is impaired from practising due to a health issue, that their condition can be managed and the nurse or midwife has insight in relation to his/her health problems,
- h) that the condition(s) can be monitored to ensure the protection of the public,
- i) that in the event of a breach of the condition(s), such breach could be identified quickly,
- j) that the wording of the condition(s) is/are clear, precise and objective,
- k) that the number of conditions recommended and/or imposed is/are what is necessary to protect the public,
- l) that the conditions provide for a review period, where appropriate,
- m) that the nurse or midwife's current or any future employer is capable of assisting the nurse or midwife in complying with the condition(s), where appropriate,
- n) whether the nurse or midwife has adhered to any conditions that were set by his/her employer, and
- o) whether the nurse or midwife has adhered to any conditions that were previously set by the Board.

6.5 Transfer of the Registration to another Division of the Register

Section 69(d) of the Act provides that the Board may impose the sanction of transferring the registration of a nurse or midwife to another division of the register. It is likely that this sanction would only be recommended or imposed in very limited and exceptional circumstances.

6.6 Suspension of Registration for a Specified Period

6.6.1 When recommending or directing the imposition of the sanction of suspension, the seriousness of the findings should be considered.

6.6.2 Suspension is likely to be appropriate and imposed where it is considered that the sanctions of an advice, an admonishment, a censure or conditions are not sufficient or appropriate to serve the public interest particularly the protection of the public; but the findings are such that the cancellation of their registration would not be merited.

6.6.3 Suspension may be appropriate where the acts or omissions on the part of the nurse or midwife were serious, but the nurse or midwife has insight and there is a realistic prospect that the acts or omissions will not be repeated. On the other hand, if there is evidence that the nurse or midwife will be unable to address or rectify any failings, acts or omissions on his/her part due to, for example, lack of insight; then cancellation of his/her registration may be more appropriate.

6.6.4 Suspension may be appropriate in cases where it is considered that a period of rehabilitation or retraining on the part of the nurse or midwife would be appropriate before he or she is entitled to practise. In such cases, it may be that sanctions such as suspension and conditions would be recommended or directed to be imposed on the nurse or midwife's registration.

6.6.5 The length of the suspension period is a matter for the Board. The length of the suspension will be dependent on the seriousness of the case but must be proportionate to the proven findings.

6.6.6 The Board should provide reasons(s) for the imposition of the sanction and also for the suspension period chosen.

6.7 Cancellation of Registration from the Register or a Division of the Register.

6.7.1 Cancellation of a nurse or midwife's registration is the most serious sanction that can be recommended or imposed on a nurse or midwife and results in the removal of the nurse or midwife's name from the register or a division of the register.

6.7.2 Cancellation of a nurse or midwife's registration should therefore only be imposed in the most serious of cases, where it is necessary and appropriate.

6.7.3 Cancellation of a nurse or midwife's registration is likely to be appropriate where his/her behaviour is fundamentally incompatible with being a registered nurse or midwife and which may include one or more of the following (this list is not exhaustive):

- a) deliberate or reckless acts involving an abuse of trust, including, but not limited to physical, sexual, verbal, emotional or financial abuse of service users;
- b) inappropriate sexual relationships;
- c) dishonest or fraudulent behaviour, for example falsifying records, particularly where the behaviour was persistent or covered up;
- d) serious departure(s) from the code of professional conduct;
- e) serious breaches of confidentiality;
- f) causing serious harm to service users, either deliberately or recklessly;
- g) persistent lack of insight into the seriousness and or consequences of his or her acts or omissions; or
- h) a breach of conditions or an undertaking given to the Board.

6.8 The Prohibition from applying for a specified period for the Restoration of Registration

6.8.1 The Board may decide that a nurse or midwife should be prohibited from applying for a specified period for the restoration of his/her registration. This period will be determined by the seriousness of the findings and the particular circumstances of the case.

6.8.2 The length of time prohibiting a nurse or midwife from applying for registration is a matter for the Board. The Board should give reasons for the period of prohibition it chooses to impose.

7 Reasons for Sanctions

- 7.1** The Committee and the Board should give reasons for the sanction(s) they have respectively recommended or imposed on the nurse or midwife. The reasons for the sanction(s) recommended by the Committee or imposed by the Board should include reasons for:
- a) the amount of any fine imposed,
 - b) the conditions imposed,
 - c) any period of suspension imposed, and
 - d) any period of prohibition from applying for restoration of the nurse or midwife's registration to the register.
- 7.2** The Committee's written Report and the Boards' written decision will set out the reasons for sanction(s) that are recommended and/or imposed.

Approved by the Board – 26th September 2017



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