

**IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
QUEEN'S BENCH DIVISION**

**IN THE MATTER OF AN APPEAL PURSUANT TO SECTION 29 OF THE NATIONAL
HEALTH SERVICE REFORM AND HEALTH CARE PROFESSIONS ACT 2002.**

BETWEEN:

**THE PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL
CARE**

Appellant

-and-



**(1) THE NURSING AND MIDWIFERY COUNCIL
(2) NICHOLA SUSAN CONNOLLY**

Respondents

ORDER BY CONSENT

UPON the parties having agreed to the terms of this Order, in particular that it is just and convenient for the Court to make the Order set out below

AND UPON neither party being either a child or a protected party and the appeal not being an appeal from a decision of the Court of Protection

AND UPON the Second Respondent being a nurse on the register established and maintained by the First Respondent under Article 5 of the Nursing and Midwifery Order 2001.

AND UPON a panel of the Fitness to Practise Committee of the First Respondent having found on 23 October 2020 that the Second Respondent's fitness to practise was not impaired.

BY CONSENT IT IS ORDERED THAT:

1. The appeal is allowed.
2. The decision appealed against is substituted with:
 - a. a decision that:
 - i. the findings of facts made against the Second Respondent (as set out in Schedule 1 of this Order) are upheld.

- ii. the Second Respondent's fitness to practise is impaired on the basis that the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made.
 - b. an order directing the Registrar to annotate the register to the effect that the Second Respondent is cautioned for 3 years.
3. The First Respondent shall pay the Appellant's reasonable costs of this appeal, to be assessed if not agreed.

We consent to an order on the terms above.

Dated this 6th day of April 2021

Browne Jacobson LLP
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Solicitors for the Appellant




Nursing and Midwifery
Council
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First Respondent

Matthew Cassells,
Senior Lawyer

Nichola Susan Connolly

Second Respondent



Order approved by Hugh Mercer QC sitting as a Deputy High Court Judge
Date: 26th April 2021

Schedule 1

That you, a registered nurse employed by Heart of England Foundation Trust on a date between 1 March and 31 March 2016:

- 1) Submitted three inaccurate Mentorship Assessment Records representing that you had completed the requisite activities for you to take an oral viva examination in order to gain a SLAIP Mentorship qualification accredited by Staffordshire University and that the records had been completed and signed by Staff Nurse A
- 2) Your actions as set out in charge 1 were dishonest in that you:
 - a. falsified the signature of Staff Nurse A on each of the three documents
 - b. ...
 - c. knew that Staff Nurse A did not consent to you using her signature
 - d. were seeking to mislead the SLAIP Mentorship Programme by representing that each of the records was an accurate record of your training confirmed by your mentor, when you knew that this was not the case.

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