Nursing and Midwifery Council

Investigating Committee
Fraudulent/Incorrect Entry Meeting

4 December 2018
Nursing and Midwifery Council, 61 Aldwych, London, WC2B 4AE

Name of registrant: Linda Adedayo

NMC PIN: 07G1605E

Part(s) of the register: Registered Nurse – Mental Health Nurse

Area of Registered Address: England

Type of Case: Incorrect Entry/Fraudulent Entry

Panel Members: Mandy Renton (Chair, registrant member)
Yana Richens (Registrant member)
Caroline Corby (Lay member)

Legal Assessor: Lachlan Wilson

Panel Secretary: Kathleen Picketts

Outcome: Fraudulent entry. The panel directs the Registrar to remove Ms Adedayo’s entry on the register in accordance with Article 26(7) of the Order

Interim Order: Interim suspension order (18 months)
Service of notice of meeting:

The panel was informed that notice of this meeting was sent to Ms Adedayo on the 26 October 2018 by recorded delivery to her address on the register. The panel noted the Royal Mail Track and Trace service indicated that notice of this meeting was delivered to Ms Adedayo’s address on the register on 27 October 2018.

The panel accepted the advice of the legal assessor.

In the light of the information available, the panel was satisfied that notice had been served in compliance and accordance with Rules 5 and 34 of The Nursing and Midwifery Council (Fitness to Practise) Rules Order of Council 2004 (“the Rules”).

Charges:

That you a Registered Nurse:

1. On or around 28 June 2010 signed and submitted a Notification of Practice form indicating that you had not been convicted of a crime since 1 August 2004, when you had.

2. On or around 24 June 2013 signed and submitted a Notification of Practice form indicating that you had not been convicted of a crime since 1 August 2004, when you had.

3. On or around 4 May 2016 submitted an online application form for Revalidation indicating that you had not received a conviction, when you had.

AND thereby, an entry made on sub part 1 of the register of the Nursing and Midwifery Council, in the name of Linda Iyabo Jabaru or Linda Adedayo, PIN 07G1605E, was fraudulently procured, or in the alternative, incorrectly made.
Background:

The NMC received a referral on 16 May 2017 from Ms Adedayo.

Ms Adedayo informed the NMC that she had been arrested on 2 April 2007 and charged on 11 October 2007 for ‘Acquiring Criminal Property’. On 30 October 2008 Ms Adedayo was found guilty and sentenced to suspended imprisonment for a period of 9 months; 1000 hours of unpaid work; and a £250.00 fine.

Following her conviction, on approximately 28 June 2010, Ms Adedayo signed and submitted a Notification of Practice form to the NMC indicating that she had not been convicted of a crime since 1 August 2004. On approximately 24 June 2013 Ms Adedayo signed and submitted another Notification of Practice form to the NMC indicating that she had not been convicted of a crime since 1 August 2004. On approximately 4 May 2016 Ms Adedayo submitted an online application form for Revalidation to the NMC indicating that she had not received a conviction.

Ms Adedayo has not worked as a nurse since October 2016.

Decision on the finding on facts and reasons

In reaching its decisions on the facts, the panel considered all the evidence adduced in this case together with the responses provided by Ms Adedayo.

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

The panel went on to consider whether the entry on the NMC register was made fraudulently and/or incorrectly. The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities.

The panel noted that, in her case management form (CMF), Ms Adedayo admitted all of the charges.
The panel had regard to Ms Adedayo’s CMF dated 3 September 2018. The panel noted that under ‘Do you admit the facts alleged in the charge above’ in relation to charge 1, charge 2 and charge 3, Ms Adedayo indicated ‘Yes’. In response to ‘Do you admit that the entry in your name the register of the Nursing and Midwifery Council was incorrectly made?’ Ms Adedayo indicated ‘Yes’. Furthermore, in response to ‘Do you admit that the entry in your name on the register of the Nursing and Midwifery Council was fraudulently procured?’ Ms Adedayo again indicated ‘Yes’.

In the light of the above the panel therefore found charges 1, 2 and 3 proved by way of Ms Adedayo’s admissions.

The panel then went on to consider whether the entry was fraudulently or incorrectly procured. It had regard to Ms Adedayo’s admissions in her CMF that the entries made on the register of the NMC, in the name of Linda Adedayo, PIN 07G1605E, were fraudulently procured.

On that basis, the panel determined that the entries were fraudulently procured. Having found that the entry was fraudulently procured, the panel did not go on to consider the alternative allegation of incorrect entry.

**Decision on direction**

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

Article 26(7) of the Order states:

‘…..if the Investigating Committee is satisfied that an entry in the register has been fraudulently procured or incorrectly made, it may make an order that the Registrar remove or amend the entry and shall notify the person concerned of his right of appeal under article 38.’
The panel heard and accepted the advice of the legal assessor.

The panel considered that, having found that Ms Adedayo’s entry on the NMC register was fraudulently procured, it would be inappropriate to take no action.

Ms Adedayo, in her self-referral to the NMC, dated May 2017, informed the NMC of her conviction in October 2008 and of her sentence.

The panel had regard to Ms Adedayo’s reflective statement, dated 3 September 2018, and was mindful of the explanation provided by Ms Adedayo for her actions. It bore in mind that Ms Adedayo had referred herself to the NMC, and that she has an unblemished record as a registered nurse. However, the panel was of the view that Ms Adedayo has procured her entry onto the NMC register dishonestly, and has committed fraud.

In all the circumstances the panel decided that the only appropriate order is to direct the Registrar to remove Ms Adedayo’s entry from the register.

Ms Adedayo will be notified of the panel’s decision in writing. Ms Adedayo has the right to appeal the decision under Article 38 of the Order. This order cannot take effect until the end of the appeal period (28 days from the date of the notice of the decision) or if an appeal is made, before the appeal has been concluded.

Decision on Interim Order:

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

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

In reaching its decision on whether to impose an interim order, the panel had regard to the reasons set out in its decision on the facts and its decision to direct the Registrar to remove Ms Adedayo’s entry from the Register. It also had regard to the NMC’s published Guidance on Fraudulent and incorrect entry cases. It noted that the imposition of an interim order is
not an automatic outcome but is a matter for the panel’s discretion in the circumstances of the case, having regard to the public interest in maintaining the integrity of the register. It also had regard to Article 31 of the Order and the NMC’s Guidance on interim orders.

The panel determined that an interim order was necessary on the grounds of public interest only to uphold and maintain the integrity of the NMC register.

The panel first considered whether to impose an interim conditions of practice order. It determined that an interim conditions of practice order was not appropriate and incompatible with its decision.

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

The period of this order is for 18 months to allow for the possibility of an appeal to be made and determined.

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

That concludes this determination.