

**Nursing and Midwifery Council**

**Fitness to Practise Committee**

**Restoration Hearing**

**4 November 2020**

Nursing and Midwifery Council, Virtual Meeting

**Name of Applicant:** Mrs Ama Odeibea Dentor

**NMC PIN:** 97Y01290

**Part(s) of the register:** Registered Nurse – sub part 1  
Adult Nursing (7 August 1997)

**Area of Registered Address:** England

**Panel Members:** Paul Hopley (Chair, Registrant member)  
Catherine Cooper (Registrant member)  
Alex Forsyth (Lay member)

**Legal Assessor:** Charles Apthorp

**Panel Secretary:** Anjeli Shah

**Mrs Dentor:** Present and not represented

**Nursing and Midwifery Council:** Represented by Shabana Fazal

**Outcome:** Application granted subject to the completion  
of a return to practice course

## Rule 19

At the outset of the hearing, the legal assessor advised that any references to your personal and familial circumstances, should be heard in private, in accordance with Rule 19(3) of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004, as amended (“the Rules”).

While Rule 19 (1) provides, as a starting point, that hearings shall be conducted in public, Rule 19 (3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

Rule 19 states

- 19.—(1) Subject to paragraphs (2) and (3) below, hearings shall be conducted in public.
- (2) Subject to paragraph (2A), a hearing before the Fitness to Practise Committee which relates solely to an allegation concerning the registrant’s physical or mental health must be conducted in private.
  - (2A) All or part of the hearing referred to in paragraph (2) may be held in public where the Fitness to Practise Committee—
    - (a) having given the parties, and any third party whom the Committee considers it appropriate to hear, an opportunity to make representations; and
    - (b) having obtained the advice of the legal assessor, is satisfied that the public interest or the interests of any third party outweigh the need to protect the privacy or confidentiality of the registrant.
- (3) Hearings other than those referred to in paragraph (2) above may be held, wholly or partly, in private if the Committee is satisfied—

- (a) having given the parties, and any third party from whom the Committee considers it appropriate to hear, an opportunity to make representations;  
and
  - (b) having obtained the advice of the legal assessor, that this is justified (and outweighs any prejudice) by the interests of any party or of any third party (including a complainant, witness or patient) or by the public interest.
- (4) In this rule, “in private” means conducted in the presence of every party and any person representing a party, but otherwise excluding the public.

The panel determined that if there are any references to your personal or familial circumstances, those would be heard in private, as and when they are raised.

## **Determination of application for Restoration to the Register:**

This is a hearing of your first application for restoration to the Nursing and Midwifery Council ("NMC") register. A panel of the Conduct and Competence Committee directed on 29 July 2013 that your name be removed from the register. This application is made by you in accordance with Article 33 of the Nursing and Midwifery Order 2001 ("the Order"), as at least five years have now elapsed since the date of the striking-off order.

At this hearing the panel may reject your application or it may grant your application unconditionally. It may grant your application subject to your satisfying the requirements of Article 19(3) and it may make a conditions of practice order.

The panel has considered your application for restoration to the NMC register.

## **Background**

You were referred to the NMC on 22 September 2011. At the time you were employed as a registered nurse at St Mary's Hospital.

[PRIVATE]

The panel at the substantive hearing on 1 July 2013 and 29 July 2013, considered the following charges:

*That you, a registered nurse:*

- 1. On 8 September 2011 were convicted at Lambeth and Southwark Magistrates' Court of three counts of battery contrary to section 39 of the Criminal Justice Act 1988;*
- 2. Were sentenced in relation to (1) above to 18 weeks' imprisonment for each count to be served concurrently;*

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

You attended the hearing, and made admissions to both of the charges. The panel found the charges proved by way of your admissions.

The substantive hearing panel determined the following with regard to impairment:

*“The panel has exercised its own judgement in determining the issue before it. In considering your fitness to practise the panel reminded itself of its duty to protect patients and its wider duty to protect the public interest which includes the declaring and upholding of proper standards of conduct and behaviour, and the maintenance of public confidence in the profession and the regulatory process.*

*The panel considered that on the facts found proved you breached the following standards from the Code:*

*The preamble:*

*The people in your care must be able to trust you with their health and wellbeing. To justify that trust, you must:*

*... uphold the reputation of your profession.*

*The numbered standards:*

*3. You must treat people kindly and considerately*

*49. You must adhere to the laws of the country in which you are practising*

*61. You must uphold the reputation of your profession at all times*

*The panel had careful regard to the questions posed by Lady Justice Smith in the Fifth Report of The Shipman Inquiry. The panel first considered whether you:*

*(a) had acted so as to put a patient or patients at unwarranted risk of harm;*

*(b) had brought the profession into disrepute;*

*(c) had breached one of the fundamental tenets of the profession;*

*The panel determined that, in the light of your convictions for assaulting your husband and children, following which you served a term of imprisonment, you had brought the profession into disrepute. Further, that you had breached one of the fundamental tenets of the profession. Whilst your actions did not involve patients, the panel was of the view that you had acted so as to put members of your family at unwarranted risk of harm. The panel took account of the fact that you accepted these matters during your evidence.*

*The panel next considered whether you are liable in the future to:*

- (a) act so as to put a patient or patients at unwarranted risk of harm;*
- (b) bring the profession into disrepute;*
- (c) breach one of the fundamental tenets of the profession;*

*In that regard, the panel considered whether the behaviour which gave rise to your convictions is easily remediable; whether it has been remedied and whether it is likely to be repeated. The panel had regard to all the circumstances of the case and also to the issue of your insight in respect of your convictions.*

*The panel considered the references provided by colleagues who had known you in a professional capacity; namely, two doctors, a nurse, and your former manager at St Mary's Hospital, but considered that they may be more relevant for a later stage of proceedings.*

*The panel acknowledged that since 2011 there has been no repetition of the behaviour, and that you have had, according to the evidence, an otherwise unblemished nursing career of over ten years in the UK. The panel took account of the remedial work which you have undertaken. [PRIVATE]. The panel was satisfied, having taken account of the efforts you have made [PRIVATE] that your risk of repeating your behaviour had reduced. However, whilst you have recognised that you can and should access support, and have stated you are willing to access the relevant services, the panel was of the view that you have*

*not yet gained full insight as to how you yourself would deal with similar challenging circumstances. The panel was of the view that although you have accessed and will continue to access support, you have not yet acquired the full range of strategies necessary to address the challenges you could face. In the light of this, the panel concluded that you have limited insight into your convictions, and as a result could not be confident that you would react appropriately if faced with similar challenging circumstances.*

*In all of the circumstances, the panel was unable to conclude that there would be no risk of repetition in this case. It was concerned that you had not fully reflected on what had led to the assault [PRIVATE] and what you have done to prevent it recurring.*

*The panel then gave careful consideration as to whether a finding of no impairment in the circumstances of this case would undermine the need to uphold proper professional standards and public confidence in you and in the profession. Given the serious nature of the convictions, the panel was of the view that it would.*

*For all of these reasons, the panel has determined that your fitness to practise is currently impaired by reason of your convictions.”*

The substantive panel went on to say with regard to sanction:

*“The panel first considered taking no action but concluded that, given the seriousness of your conviction and the absence of any exceptional circumstances which would justify such a course of action, this would be wholly inappropriate.*

*The panel then considered whether to make a caution order.*

*As previously stated, the panel has found that, in the light of your conviction, you brought the profession into disrepute and breached a fundamental tenet of the*

*profession. The panel reminded itself of its finding at the impairment stage that it was unable to conclude that there would be no risk of repetition in this case. It bore in mind that a caution order would not restrict your right to practise.*

*The panel also noted paragraph 64 of the ISG which states that ‘... a caution may be appropriate where the case is at the lower end of the spectrum of impaired fitness to practise ...’. The panel was in no doubt that your case was at the higher end of the spectrum of impaired fitness to practise.*

*In the circumstances, the panel concluded that a caution order would not be sufficient to protect the public nor would it satisfy the wider public interest.*

*The panel next considered the imposition of a conditions of practice order. The conviction which is the subject of this case does not involve clinical failings; rather your conviction was for three counts of battery in a non-clinical setting. In the light of this, the panel was of the view that conditions could not be formulated which would address the particular conduct in this case. Further, in view of the serious nature of the conviction, a conditions of practice order would not be sufficient to protect the public or satisfy the wider public interest in any event.*

*The panel next considered the imposition of a suspension order.*

*The panel took into account the following mitigating and aggravating factors:*

*Mitigating factors:*

- there has been no repetition of the behaviour which gave rise to your conviction;*
- you have provided positive testimonials which attest to your clinical skills and good character;*
- you have had an otherwise unblemished career of over 10 years in the UK prior to this conviction;*
- this was an isolated event;*

- *you have demonstrated some insight;*
- *you have taken some steps to address the issues which gave rise to the conviction;*
- *you have demonstrated remorse in relation to your conduct which the panel accepts is genuine.*

*Aggravating factors:*

- *the conviction in this case was serious: [PRIVATE];*
- *you used a weapon [PRIVATE] to carry out the assaults;*
- *[PRIVATE];*
- *injuries were caused.*

*The panel considered the mitigation advanced on your behalf in detail. It accepted that this is an isolated incident [PRIVATE]. It took account of the positive testimonials and acknowledges that you appear to be a skilled nurse and that you have taken some steps to address your wrongdoing. The panel recognised that you may have had an attitudinal problem [PRIVATE], but it was satisfied that the steps you have taken to address these issues appear to have helped you understand any cultural differences. It was also mindful that there is a public interest in allowing a skilled nurse to practise.*

*However, it took account of the nature and circumstances of the conduct which gave rise to the conviction. [PRIVATE]. You used a weapon to carry out these assaults and inflicted injuries on the victims. [PRIVATE]. For these reasons, the panel was satisfied that in spite of the mitigation in this case, this behaviour is fundamentally incompatible with continued registration and that a suspension order would not be sufficient to protect the public and the wider public interest.*

*Your behaviour was such a serious departure from the standards expected of a nurse that a striking-off order is the only sanction which will be sufficient to protect the public interest. This includes the protection of the public, the maintenance of public confidence in the profession and the NMC as regulator,*

*and the declaring and upholding of proper standards of conduct and behaviour. The panel is of the view that all limbs of the public interest are engaged in this case. In particular, in view of the nature and circumstances of the convictions, the panel is satisfied that public confidence in the profession could not be maintained if your name remained on the register.*

*The panel took account of paragraph 75.5 of the ISG where the following is set out as a behaviour which would be fundamentally incompatible with continued registration:*

*75.5 Any violent conduct, whether towards members of the public or patients, where the conduct is such that the public interest can only be satisfied by removal*

*The panel has taken into account the impact, financial or otherwise, such an order would have on you, but concluded that in this case your interests were outweighed by the public interest. It considered that a striking-off order was the appropriate and proportionate sanction.*

*Accordingly, the panel determined to direct the Registrar to strike you off the register.*

*You will be advised that your name will be removed from the NMC register. You may not apply for restoration until five years after the date that this decision takes effect. Anyone who enquires about your registration will be advised of this.*

## Submissions and evidence

The panel took into account the documentary evidence in this case, which included:

- The contents of your application for restoration dated 1 December 2019,
- Three written character references;
- The reasons from the original substantive hearing in July 2013;
- Correspondence between you and the NMC;
- A Police National Computer (“PNC”) system check dated 20 January 2020;
- A Disclosure and Barring Service (“DBS”) check dated 19 October 2020;
- A record of your volunteering hours with the Royal Voluntary Service; and
- Correspondence regarding voluntary work with a befriending service.

The panel had regard to the submissions of Ms Fazal, on behalf of the NMC. You also gave oral evidence, and the panel heard from two of your referees, Mr 1 and Ms 2.

Ms Fazal, on behalf of the NMC, outlined the background of the case and the facts which led to the striking-off order. She referred this panel to the original substantive hearing panel’s decision which resulted in your removal from the NMC register. Ms Fazal also referred the panel to the contents of your application for restoration, including your reflective statement, three character references and other material which shows what you have been doing since you were removed from the register.

You gave oral evidence. You said you were sorry, and that you could not say sorry enough for your actions. You said you deeply regretted what occurred on the day. You also apologised for bringing the profession into disrepute.

You said that this process had been a long hard road for you, and it had given you the opportunity to reflect on what happened. You said you had reflected, and if you were ever in a similar situation again, you would think before you acted, rather than venting or losing your temper, as well as employing different coping mechanisms. You said the situation made you reflect and look into yourself, to understand why you behaved in the way you did, and in order to identify triggers and warning signs, as well as developing coping mechanisms. You said if a similar situation were to arise, instead of allowing

your emotions to take over, you would excuse yourself from the situation, try and calm yourself down, for example by going for a walk, and talk to someone and seek support.

You said this situation had led to you constantly re-evaluating yourself. [PRIVATE] you said you go to church, and you talk to your pastor when you require support. You said you also talk to your manager (in the accounting firm where you work) if you have any issues and require support, as well as talking to friends.

[PRIVATE].

You confirmed that since the incident, you had never become angry or acted in a similar way again.

You said that since being struck off the register, you trained in accounting and started working in this field. During the COVID-19 pandemic, you have also been volunteering with a befriending service to check in and talk to people in isolation. You said this volunteering involves you ringing people three times a week to check in with them and how they are doing. You confirmed that you had volunteered for a total of 645 hours during the pandemic.

You said you had not worked as a nurse for nine years. You said that during the time, you had kept up to date with information on the NMC website, including around the requirements for revalidation and what would be required if your application for restoration was successful. You said you were familiar with the requirement to either undertake a test of competence or a return to practice ("RTP") course, and that you would prefer to take a RTP course, given the length of time you have been out of practice, and the way the profession would have changed during that time. You said you had looked into undertaking an RTP course, and had made enquiries with City University which offers such a programme. It had been confirmed to you that it could take up to six months to go through the programme.

You said that you previously worked in endoscopy nursing, and that if you were to return to nursing, you would either like to work in endoscopy again, or in adult general

nursing, so that you are fully up to date with the workings of the ward. You said you have contact with Ms 2, one of your referees, who is a nurse, as well as another friend in Scotland who is a nurse (although you said she is very busy so you do not get much chance to speak to her). You said speaking to these people has helped you in terms of trying to understand how the profession may have changed since you have not been practising.

You said you had not undertaken any work in the healthcare profession since you had been struck off the register, as you did not want to put yourself in a situation where should something arise, you were not covered, and until you had sorted out these issues with the NMC. You said it was important for you to be able to return to nursing, as this was what you trained in, originally in Ghana. You said you have always wanted to care for people. You spoke of [PRIVATE] and how this motivated you to go into nursing in order to care for people.

Mr 1 addressed the panel. He confirmed he was the director of an accounting firm, where you currently work, and that he had known you for several years. He said that he could see over the years that you have regretted what happened and he has seen a transformation in your attitude and your relationship with people. [PRIVATE]. He said that you deal with clients calmly and professionally. He said that whilst you had trained in accounting, and you were doing your very best, and as much as he wanted to keep you in his firm, nursing is your passion and he knew how much you wanted to return to this profession.

Mr 1 told the panel that he also runs a care home and had discussed the possibility of you working there, but at the time, because of the mark on your DBS, this was not possible until everything had been cleared, and until you had your NMC PIN reinstated.

Mr 1 said you are a transformed person, who is sad about what happened and regret your actions. He said from the years of working with you, he could see that regret, your professionalism and all you have been through. He appealed to the panel to take all of this into consideration.

Ms 2 also addressed the panel. She said she had known you for many years, [PRIVATE]. Ms 2 said that when the incident happened, you discussed this with her and your pastor, and Ms 2 said that she had remained with you every step of the way. She said that she had seen a great transformation in you. [PRIVATE].

[PRIVATE].

[PRIVATE]. She said you have shown great remorse, have regretted your actions [PRIVATE].

Ms Fazal, on behalf of the NMC, referred the panel to the test set out in Article 33(5) of the Order. She submitted that the onus was on you, as the applicant, to satisfy the panel that you are a fit and proper person who has demonstrated capability of safe and effective practice, in light of all of the information heard and considered today. Ms Fazal submitted that the panel was duty bound by the substantive hearing panel's decision in 2013, which it must not revisit. She submitted that the panel should focus on what progress, if any, you have made since being struck off the register in 2013.

Ms Fazal invited the panel consider whether you have demonstrated that you recognise your failings and whether it was persuaded that the behaviour which led to the striking-off order being made would not be repeated. She submitted that the panel had heard oral evidence from you, as well as considering your reflective piece. The panel also had before it three character references from people known to you, and it had heard from two of those referees. Ms Fazal reminded the panel of its overarching duty to ensure the health, safety and wellbeing of the public is protected and that confidence in the nursing profession is maintained. She concluded that it was a matter for the panel's consideration as to whether you have satisfied all of the relevant requirements and have demonstrated that you are a fit and proper person.

The panel accepted the advice of the legal assessor.

The legal assessor reminded the panel of the test, set out in Article 33(5) of the Order. Firstly you must satisfy the panel that you satisfy the requirements of Article 9(2)(a) (approved qualification and prescribed education, training and experience) and Article

9(2)(b) (capable of safe practice). Secondly, you must satisfy the panel whether, having regard in particular to the circumstances which led to the making of the striking-off order in 2013, you are a *“fit and proper person to practise as a registered nurse”*. The legal assessor advised the panel that it is for you to satisfy the panel of these matters and it is for the panel to use its own independent judgment as to whether it is so satisfied.

### **Decision on the application for restoration**

The panel has considered your application for restoration to the NMC register carefully. It has decided to allow the application subject to your successful completion of a return to practice course.

In reaching its decision the panel recognised its statutory duty to protect the public as well as maintain public confidence in the reputation of the profession, which includes the declaring and upholding of proper professional standards. The panel bore in mind that the burden was upon you to satisfy it that you are a fit and proper person who is able to practise safely and effectively as a nurse.

In considering whether you are a fit and proper person, the panel had regard to the serious nature of the conviction, which resulted in you serving an 18 week custodial sentence, as well as the decision for you to be struck off the NMC register. [PRIVATE]. In considering whether you are a fit and proper person, the panel assessed your levels of reflection, remorse, insight and remediation.

The panel considered that you had displayed genuine remorse for the incident, noting that during your oral evidence you said that you could not apologise enough for your actions, [PRIVATE]. The panel noted that this incident resulted in you reflecting deeply on your behaviour, which included, in your words, looking within yourself, to understand what had happened, and what your own triggers and warning signs were. The panel considered that you had demonstrated to it that this behaviour was unacceptable, and that it had brought the nursing profession into disrepute.

The panel considered that you were able to articulate coping mechanisms which you have developed should you face a similar situation again. This included excusing

yourself from the situation, going for a walk and taking moments to calm down and relying on your support network to talk about the situation. This included talking to your pastor, your friends and your manager. You told the panel that you would not let your emotions get the better of you and you would now always think before you acted.

As well as undertaking deep reflection into the incident and your understanding of your own behaviour, the panel considered that you had undertaken a number of other remedial measures to ensure a situation like this did not occur again. [PRIVATE].

[PRIVATE].

The panel did not have any evidence to suggest that a situation like this has arisen since, nor that you had been the subject of any further criminal proceedings. It noted your own confirmation that you had never got angry or acted in a similar manner since this incident.

The panel had regard to the passage of time since this incident, during which you have been not been able to practise as a nurse, and when you have been subject to a custodial sentence [PRIVATE]. The panel considered that you had deeply reflected and demonstrated full and developed insight into your actions as well as genuine remorse. The panel considered that you had made a number of efforts to ensure a situation like this did not occur again. The panel also took into account the mitigating factors which the original substantive hearing panel considered in 2013, which the panel considered remained applicable today. The panel was satisfied that you had fully remediated the incident in this case and the panel considered that the risk of this behaviour being repeated in the future was significantly low.

For these reasons, the panel was satisfied that you are a fit and proper person.

In considering whether you are capable of safe and effective practice, the panel noted that you had been out of nursing practice for some nine years. Since being struck off the register, you have trained and worked in a different profession, outside of healthcare. The panel considered that it was to your credit that you had undertaken a significant

number of hours (645) of volunteering during the COVID-19 pandemic, with the befriending service. The panel noted that you had kept up to date with the requirements for maintaining nursing registration, on the NMC website, and you had made enquiries with regard to the next steps for registering with the NMC, should your application for restoration be successful today. It noted your own preference to undertake a RTP course, as opposed to the test of competence, given your length of time out of nursing practice, and the changes which would have occurred to the nursing profession during this time. The panel was satisfied that you would be capable of safe and effective practice, pending fulfilling the NMC's requirements, as set out in Article 9(2)(a) of the Order, in terms of having an approved qualification and prescribed education, training and experience. This would require you to fulfil the NMC's return to practice standards.

Having determined that you are a fit and proper person, who would be capable of safe and effective practice, the panel considered whether confidence in the nursing profession and in the NMC as a regulator would be upheld if you were to be restored to the register. The panel had regard to the serious nature of the conviction you received, and it considered that members of the public would be concerned about a nurse, in those circumstances, being restored to the register. However, the panel also considered that you had been through a process which included serving a custodial sentence for the conviction, being struck off the NMC register [PRIVATE]. During this period of time, you had reflected deeply on your actions, expressed genuine remorse, developed full insight and fully remediated your behaviour. As a result, the panel considered that you were now someone who would not let their emotions get the better of them, and you would employ various coping mechanisms if faced with a similar situation in the future. [PRIVATE].

The panel considered that a member of the public, aware of all of these circumstances of your case today, would be confident that you have been through a process where you have learnt from your behaviour, and that you have assured members of the public and the nursing profession that this would not be repeated again. In these circumstances, the panel determined that confidence in the nursing profession and in the NMC as a regulator would be maintained if you were to be restored to the register.

The panel has therefore determined to grant your application to be restored to the NMC register.

In determining to grant your application for restoration the panel reminded itself that you have not practised as a registered nurse since 2011 and that you no longer meet the requirements for registration with the NMC on this basis. The panel noted that it had the option to grant your application for restoration, subject to you satisfying the requirements for additional education, training or experience set out in the NMC's return to practice standards, which would include a direction for you to either successfully complete a RTP course or pass the test of competence. Having regard to the length of time you have been out of practice, and indeed your own preference expressed in your oral evidence for undergoing a RTP programme, the panel was not satisfied that passing the test of competence would be sufficient in the circumstances of your case.

The panel therefore determined to allow your application for restoration subject to your successful completion of a Return to Practice course and paying the prescribed fee which satisfies the requirements of Article 19(3) and Article 33(7)(a). This article states:

“The Council may by rules require persons who have not practised or who have not practised for or during a prescribed period, to undertake such education or training or to gain such experience as it shall specify in standards.”

“(7) On granting an application for restoration, the Committee—

(a) shall direct the Registrar to register the applicant in the relevant part of the register on his satisfying any requirements imposed under paragraph (6) and on payment of the prescribed fee; and”

That concludes this determination.

This decision will be confirmed to you in writing.