

**Nursing and Midwifery Council
Investigating Committee**

**Fraudulent Entry Hearing
Wednesday 28 July 2021**

Virtual Meeting

Name of registrant: Mr Dildar Ali

NMC PIN: 01E1812O

Part(s) of the register: Registered Nurse sub part 1- RN1: Adult nurse level 1 (22 May 2001)

Area of registered address: Sheffield

Type of case: Fraudulent entry

Panel members: Ingrid Lee (Chair, lay member)
Godfried Attafua (Registrant member)
Petra Leseberg (Lay member)

Legal Assessor: Andrew Reid

Panel Secretary: Catherine Acevedo

Outcome: **Charges 1 and 2 proved. Entry on the NMC Register was fraudulently procured**

Direction: The panel directs the Registrar to remove Mr Ali's entry on the register in accordance with Article 26(7) of the Order

Interim order: **Interim suspension order (18 months)**

Decision and reasons on service of Notice of Meeting

The panel was informed that the Notice of Meeting had been sent to Mr Ali's registered email address on 18 June 2021.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, date and venue of the meeting.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mr Ali has been served with notice of this meeting in accordance with the requirements of Rules 3 and 5 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Details of charge

That you

- 1. As part of your application for admission to the NMC register, on 13 April 2000 you submitted or caused to be submitted a Registration Authority Verification (Reference) Form purporting to be stamped by the Pakistan Nursing Council which was not a genuine Pakistan Nursing Council stamp;*
- 2. At the time you submitted or caused to be submitted the documents mentioned above in charge 1, you knew or believed that this document was not genuine;*

And thereby an entry on sub-part 1 of the NMC register in the name of Mr Dildar Ali, PIN 01E18120 was fraudulently procured and/or incorrectly made.

Decision and reasons on the facts

In reaching its decisions on the facts, the panel took into account all the documentary evidence in this case.

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. This means that a fact will

be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

The panel had regard to the written statements of the following witnesses on behalf of the NMC:

- Witness 1: International Registration Team Manager;
- Witness 2: Registrar of the Pakistan Nursing Council.

Background

Mr Ali was referred to the NMC on 26 August 2020. It is alleged he used fraudulent documentation for his admission to the NMC register.

This case was opened after concerns were raised that Mr Ali had been working as a nurse despite never working as a nurse in Pakistan and he had supplied the NMC with fake documentation when he applied to join the NMC register.

In light of the concerns, enquiries were made with the Pakistan Nursing Council (PNC) in order to verify Mr Ali's overseas registration and the documentation that Mr Ali provided in support of his application for admission to the NMC register.

Mr Ali provided false documents, namely a Registration Authority Reference Form purporting to be stamped by the Pakistan Nursing Council in support of his application for admission to the NMC register dated 13 April 2000. Based on the information that Mr Ali provided to the NMC in support of his application for admission to the NMC register, Mr Ali was subsequently admitted to the NMC register on 1 June 2001.

The NMC has now received confirmation from the Pakistan Nursing Council (PNC) that Mr Ali's PNC registration number is fake/bogus, and therefore, he has practised as a nurse in the UK since 2001 without the necessary qualifications.

Mr Ali has provided the NMC with an application for voluntary removal (VR) from the register on the grounds of ill-health. Mr Ali's VR form also states that he does not admit the facts of the allegations against him.

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor. It considered the witness and documentary evidence provided by the NMC.

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

Charge 1

“As part of your application for admission to the NMC register, on 13 April 2000 you submitted or caused to be submitted a Registration Authority Verification (Reference) Form purporting to be stamped by the Pakistan Nursing Council which was not a genuine Pakistan Nursing Council stamp;”

This charge is found proved.

The panel had regard to the witness statements of the International Registration Team Manager at the NMC dated 22 March 2021 and the Registrar of the PNC dated 16 March 2021, as well as a copy of the Mr Ali's Registration Authority Verification (Reference) form.

The panel noted that, within the PNC Registrar's witness statement, she confirmed that she had reviewed all of Mr Ali's documentation and stated:

‘On reviewing the copy of Mr Ali's Registration Authority Reference form

- a) We have found that the signature and stamp of the Registrar used is not genuine. The overseas verification document is therefore fake*
- b) The name of the PNC Registrar is written/stamped incorrectly... and does not match the correct name of the PNC Registrar at that time...’*

The PNC Registrar goes on to say that Mr Ali does not appear on the PNC's records, is not a registered nurse and therefore cannot practise as a nurse in Pakistan. In a letter to the NMC dated 16 February 2021 the PNC Registrar declared that Mr Ali's PNC registration number was *'fake/bogus'*.

The panel accepted this evidence and concluded that, on the balance of probability, the Registration Authority Verification (Reference) Form purporting to be stamped by the Pakistan Nursing Council that was submitted on 13 April 2000 as part of Mr Ali's application to the NMC register was not genuine. It noted that, having never been registered with the PNC, it would have been impossible for Mr Ali to obtain a true PNC registration number.

The panel therefore found charge 1 proved.

Charge 2

"At the time you submitted or caused to be submitted the documents mentioned above in charge 1, you knew or believed that this document was not genuine;"

This charge is found proved.

The panel had regard to its findings at charge 1 in which it has found that the Registration Authority Verification (Reference) Form purporting to be stamped by the PNC which was submitted to the NMC in support of Mr Ali's application to the NMC register, was not a genuine PNC stamp,

The panel noted that Mr Ali was never registered with the PNC, as confirmed by the Registrar of the PNC. The panel considered that Mr Ali must have known or believed that the document he submitted in support of his application, as detailed at the previous charge, was not genuine as he had never registered with the PNC. To have submitted a falsified document in support of an application to the NMC was, in the panel's view, indicative of a deliberate act.

The panel therefore found charge 2 proved.

Decision and reasons on direction

Having determined that Mr Ali 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) 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 referred to the guidance issued by the NMC.

The panel accepted the advice of the legal assessor and had regard to the Guidance.

The panel bore in mind that the focus of its decision was centred on the need to protect the public and the public interest in the integrity of the register.

The panel bore in mind its finding that Mr Ali had acted in a way to deliberately mislead the NMC Registrar by knowingly submitting false documentation in order to secure entry onto the NMC register. The finding of a fraudulently procured entry to the NMC register is a serious matter, and the panel considered that to take no action in the circumstances was wholly inadequate. The panel also considered that an amendment was not appropriate in this case because it was not just a matter of Mr Ali having made an error in his application.

The panel considered that, in light of its finding that his entry to the NMC register had been fraudulently procured, the only appropriate action is to direct that Mr Ali's entry be removed. It considered that the false documentation provided in support of Mr Ali's application for admission to the NMC register was neither trivial nor unimportant. The submission of falsified documentation intended to deliberately mislead the NMC is an

extremely serious matter. The panel recognised the importance of protecting the public and maintaining the integrity of the NMC register and public confidence in the profession. It considered that the public would be shocked to discover a person had secured entry onto the NMC register by the use of a falsified document and would expect action to be taken.

The panel therefore directs that the NMC Registrar remove Mr Ali's entry from the register in accordance with Article 26(7) of the Order.

Mr Ali will be notified of the panel's decision in writing. Mr Ali has the right to appeal the decision under Article 38 of the Order. This order cannot take effect until the end of the 28 day appeal period or, if an appeal is made, before the appeal has been concluded.

Decision and reasons on interim order

Having directed that the Registrar remove Mr Ali'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.

The panel was aware that an interim order hearing took place on 3 March 2021 and that the interim order panel had decided to make an interim suspension order for a period of 18 months. This panel recognised that in accordance with Article 31(5)(ii) of the Order, Mr Ali's current interim suspension order ceased to have effect when the panel reached its decision on the allegations in this hearing.

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 Mr Ali'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 concluded that to not make an interim order would be incompatible with the panel's earlier findings and with the substantive direction that it has imposed. Similarly, not to impose an interim suspension order would be inconsistent with its decision to remove the entry. The panel did not consider there to be any interim conditions of practice that would be appropriate given its earlier findings.

Therefore, the panel decided to impose an interim suspension order for the same reasons as it imposed the substantive direction and to do so for a period of 18 months in light of the likely length of time that an appeal would take to be heard if one was lodged.

If no appeal is made then the interim order will lapse upon the removal of Mr Ali's entry on the register 28 days after he is sent the decision of this hearing in writing.

That concludes this determination.