

**Nursing and Midwifery Council
Fitness to Practise Committee**

**Substantive Order Review Hearing
15 September 2021**

Virtual Hearing

Name of registrant:	Mr Emmanuel Mwaba
NMC PIN:	00C1378E
Part of the register:	Registered Nurse - Adult (April 2003)
Area of registered address:	Kent
Type of case:	Health
Panel members:	Suzy Ashworth (Chair, Lay member) John McGrath (Registrant member) Christine Moody (Lay member)
Legal Assessor:	Tracy Ayling
Panel Secretary:	Sophie Cubillo-Barsi
Nursing and Midwifery Council:	Represented by Alfred Underwood, Case Presenter
Mr Mwaba:	Present and not represented
Order being reviewed:	Suspension Order – 12 months
Fitness to practise:	Impaired
Outcome:	Conditions of practice order (2 years) to come into effect at the expiry of the current order in accordance with Article 30 (1)

Decision and reasons on review of the substantive order

The panel decided to replace the current suspension order with a conditions of practice order.

This order will come into effect at the end of 26 October 2021 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

The panel decided that the public would be suitably protected as would the reputation of the profession by the implementation of the following conditions of practice:

'For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.'

1. You must ensure that you are supervised by a registered nurse of Band 6 or above any time you are working. Your supervision must consist of:
 - Working at all times on the same shift as, but not always directly observed by, a registered nurse of band 6 or above; and
 - Monthly meetings with your manager/clinical lead/clinical supervisor to discuss your clinical caseload.
2. [PRIVATE]
3. [PRIVATE]
4. You must obtain a report from your line manager every 3 months. Each report must contain details of your:
 - a) Your performance.
 - b) Compliance with these conditions.

You must send your case officer the first report within 4 months of obtaining employment.

5. [PRIVATE]

6. [PRIVATE]

7. [PRIVATE]

8. You must keep us informed about anywhere you are working by:

- a) Telling your case officer within seven days of accepting or leaving any employment.
- b) Giving your case officer your employer's contact details.

9. You must keep us informed about anywhere you are studying by:

- a) Telling your case officer within seven days of accepting any course of study.
- b) Giving your case officer the name and contact details of the organisation offering that course of study.

10. You must immediately give a copy of these conditions to:

- a) Any organisation or person you work for.
- b) Any agency you apply to or are registered with for work.
- c) Any employers you apply to for work (at the time of application).
- d) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.
- e) Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity.

11. You must tell your case officer, within seven days of your becoming aware of:

- a) Any clinical incident you are involved in.
- b) Any investigation started against you.
- c) Any disciplinary proceedings taken against you.

12.[PRIVATE]

[PRIVATE]

The period of this order is for two years.

This conditions of practice order will take effect upon the expiry of the current suspension order, namely the end of 26 October 2021 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well you have complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- 1) Your full compliance with the NMC [PRIVATE];
- 2) Evidence of your continued engagement.

This will be confirmed to you in writing.

That concludes this determination.