

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

**Substantive Order Review Meeting  
Monday 17 January 2022**

Virtual Meeting

**Name of registrant:** Ms Princess Sibongile Thembeke Bunge

**NMC PIN:** 01Y04700

**Part(s) of the register:** Registered Nurse – Sub-part 1  
RN1: Adult – 1 October 2001

**Area of registered address:** Sunderland

**Type of case:** Misconduct

**Panel members:** Sue Heads (Chair, Lay member)  
Jacqueline Metcalfe (Registrant member)  
Rachel Barber (Lay member)

**Legal Assessor:** Graeme Henderson

**Hearings Coordinator:** Teige Gardner

**Order being reviewed:** Suspension order (12 months)

**Fitness to practise:** Impaired

**Outcome:** **Striking off order to come into effect at the end of 5 March 2022 in accordance with Article 30(1)**

## **Decision and reasons on service of Notice of Meeting**

The panel noted that the Notice of Meeting had been sent to Ms Bunge's registered email address on 1 October 2021.

The panel took into account that the Notice of Meeting provided details of the substantive order being reviewed and warned Ms Bunge that she should submit material to the NMC by 14 January 2022, and that a meeting would take place on or after 17 January 2022.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Ms Bunge has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Ms Bunge has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

## **Decision and reasons on review of the substantive order**

The panel decided to replace the current suspension order with a striking off order.

This order will come into effect at the end of 5 March 2022 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a suspension order originally imposed for a period of six months by a Fitness to Practise Committee panel on 5 February 2020. The order was reviewed by a Fitness to Practise Committee panel on 24 July 2020 when the suspension order was

extended for a period of six months. This was reviewed again on 18 January 2021, where that panel decided to impose a suspension order for a period of 12 months.

The current order is due to expire at the end of 5 March 2022.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

The charges found proved which resulted in the imposition of the substantive order were as follows:

*'That you, a registered nurse,*

1. *On 31 October 2016, slept whilst on duty.*
2. *On 28 August 2017,*
  - a. *Did not catheterise Patient JH when asked to do so.*
  - b. *Provided incorrect information to a doctor by stating you were not UK trained to carry out catheterisation.*
3. *Your conduct at charge 2 (b) above was dishonest in that you knew you were competent to carry out catheterisation but you intended to mislead the doctor to believe that you were not.*

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

The second reviewing panel determined the following with regard to impairment:

*"The panel considered whether Ms Bunge's fitness to practise remains impaired.*

*The panel noted there was no information before it or evidence of any engagement from Ms Bunge since the previous review hearing.*

*The panel noted that the last reviewing panel found that Ms Bunge had not demonstrated any evidence of insight nor had she demonstrated any remediation of her practice. This panel noted that Ms Bunge appears not to have engaged with the NMC since the substantive hearing and there is no evidence of any reflection or any remediation.*

*The original panel determined that Ms Bunge was liable to repeat matters of the kind found proved. Today's panel has received no further information on which it could make a different decision. In light of this, the panel determined that Ms Bunge remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.*

*The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.*

*For these reasons, the panel finds that Ms Bunge's fitness to practise remains impaired."*

The second reviewing panel determined the following with regard to sanction:

*"The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. The panel decided that it would not protect the public or be in the public interest to take no further action.*

*Next, in considering whether a caution order would be appropriate in the circumstances of this case, the panel noted the seriousness of the case, particularly noting this case involves a charge of dishonesty albeit not for personal gain. The panel therefore determined it would not be proportionate, protect the public or be in the public interest to impose a caution order.*

*The panel next considered whether conditions of practice on Ms Bunge's registration would be a sufficient and appropriate response. The panel was mindful that any conditions imposed must be proportionate, measurable and workable. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Ms Bunge's misconduct and dishonesty, particularly in light of her lack of engagement with these proceedings or any evidence of insight or remediation. The panel therefore determined a conditions of practice order was not proportionate, measurable or workable in the circumstances of this case.*

*The panel concluded that a further suspension order for a period of 12 months would be the appropriate and proportionate response in this case. A further suspension order would give Ms Bunge adequate time to engage with the NMC and provide evidence that she has developed her insight and remediated. It would also give Ms Bunge an opportunity to approach past and current health professionals, or other employers or voluntary organisations, to attest to her honesty and integrity in her workplace assignments since the substantive hearing.*

*The panel seriously considered the imposition of a striking-off order but decided that Ms Bunge could use a further 12 months suspension to engage with the NMC and decide whether she wants a future in nursing. The panel noted that, if Ms Bunge does not engage with these proceedings, a future panel may consider a striking-off order to be appropriate. However, this panel considered that such an order would be disproportionate at this stage. The panel therefore determined that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest.*

*Accordingly, the panel determined to impose a suspension order for a period of 12 months which it considered would provide Ms Bunge with an opportunity to re-engage with the NMC and demonstrate insight and remediation. It considered this to be the most appropriate and proportionate sanction available."*

## **Decision and reasons on current impairment**

The panel has considered carefully whether Ms Bunge's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as a registrant's suitability to remain on the register without restriction. In considering this case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel has had regard to all of the documentation before it, including the NMC bundle.

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

In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether Ms Bunge's fitness to practise remains impaired.

The panel noted that Ms Bunge has not engaged with the NMC since an email sent on 26 January 2020. The panel noted that Ms Bunge has provided no evidence of insight or remorse into her misconduct. In addition, the panel noted that there was no further information regarding how Ms Bunge has strengthened her practice. Therefore, the panel was of the view that there remains a real risk of harm in this case. The panel determined that a finding of impairment was necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that Ms Bunge's fitness to practise remains impaired.

## Decision and reasons on sanction

Having found Ms Bunge fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the 'NMC's Sanctions Guidance' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Ms Bunge's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that Ms Bunge's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice on Ms Bunge's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Ms Bunge's misconduct.

The panel next considered imposing a further suspension order. The panel noted that Ms Bunge has not engaged with the NMC for a considerable amount of time and has therefore not shown remorse for her misconduct. Further, Ms Bunge has not demonstrated any insight into her previous failings. The panel was of the view that considerable evidence

would be required to show that Ms Bunge no longer posed a risk to the public. The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances. The panel determined that it was necessary to take action to prevent Ms Bunge from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order. The panel noted that it is a registrant's responsibility to engage with their regulator, which Ms Bunge has failed to do.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 5 March 2022 in accordance with Article 30(1).

This decision will be confirmed to Ms Bunge in writing.

That concludes this determination.