

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

**Substantive Order Review Meeting  
29 March 2022**

**Virtual Meeting**

**Name of registrant:** Victoria Ethel Ansah

**NMC PIN:** 72Y2215E

**Part(s) of the register:** Registered Nurse – Sub-part 1  
Adult Nursing – 9 December 2005

Registered Nurse – Sub-part 2  
Adult Nursing – 25 November 1974

**Area of registered address:** England

**Type of case:** Misconduct

**Panel members:** John Penhale (Chair – Lay member)  
Janet Fisher (Lay member)  
Carol Porteous (Registrant member)

**Legal Assessor:** Attracta Wilson

**Hearings Coordinator:** Vicky Green

**Order being reviewed:** Conditions of practice order (3 years)

**Fitness to practise:** Impaired

**Outcome:** Suspension order (3 months) to come into effect  
at the end of 17 May 2022 in accordance with  
Article 30 (1)

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

In response to the current COVID-19 crisis, emergency changes were made to the Nursing and Midwifery Council (Fitness to Practise) Rules 2004, as amended (the Rules). The emergency changes allow for the Notice of Meeting (the Notice) to be sent by the Nursing and Midwifery Council (NMC) by email instead of by recorded delivery post. This email must be sent securely to a confirmed registered email address for the registrant and/or representative.

The panel noted that the Notice had been sent to Mrs Ansah's email address on 21 February 2022.

The panel took into account that the Notice provided details of the substantive order being reviewed and that the NMC proposed that this review would take place by way of a meeting. The panel noted that if Mrs Ansah did not request a hearing then a meeting will go ahead no sooner than 28 March 2022.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mrs Ansah has been served with the Notice in accordance with the requirements of Rules 11 and 34. The panel noted that Mrs Ansah has not responded to the Notice or requested that this review take place by way of a hearing.

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

The panel decided to replace the current conditions of practice order with a suspension order with a review for a period of three months.

This order will come into effect at the end of 17 May 2022 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the eighth review of the orders that have been made. A 24 month conditions of practice order was originally imposed on 5 January 2011 and replaced with a 9 month suspension order at a substantive order review hearing held on 18 August 2011. This suspension order was extended for a further 12 months at a substantive order review on 14 May 2012. On 8 May 2013, the next substantive order review took place, at which time your suspension order was replaced with a conditions of practice order for a period of 18 months. The fourth review of your order took place on 13 October 2014, at which point the conditions of practice order was replaced with a 6 month suspension order. The fifth reviewing panel on 17 April 2015, decided to impose a further conditions of practice order for a period of 36 months. This order was last reviewed on 6 April 2018, when the panel decided to impose a conditions of practice order for a period of 12 months. On 26 April 2019 the last reviewing panel decided to impose a further conditions of practice order for a period of three years.

The current order is due to expire at the end of 17 May 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, whilst employed as an agency nurse on Davidson ward, Kings College Hospital NHS Trust on the morning of 26 March 2008:*

- 1. Gave patient A, patient B’s medication*
- 2. Gave patient B patient A’s medication*

*And in light of the above your fitness to practise is impaired by reason of your misconduct.’*

The seventh panel determined the following with regard to impairment:

*‘The panel noted that since the last review hearing in April 2018 there has been no material change in your circumstances save that you have failed the numeracy test*

*again. However, the panel noted that you are determined to take this test again and you intend thereafter to obtain a place on the RTPC. In these circumstances, the panel found that whilst your deficiency is remediable, you have not remedied your practice.*

*The panel went onto consider that in light of your lack of remediation whether there is a real risk of you repeating your failing. The panel found that there is a real risk of you repeating your medication error.*

*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, your fitness to practise was materially impaired at the time of your misconduct. The panel determined that your fitness to practice is currently impaired for the reasons above. Accordingly, the panel found that you are liable in the future to act so as to put a patient or patients at unwarranted risk of harm and bring the nursing profession into disrepute and breach one of the fundamental tenets of the profession. The panel therefore found that your fitness to practice is currently impaired on both the grounds of public protection and the wider public interest.'*

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

*'Having found your 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 29 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 risk of repetition identified and the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to take no further action as this would not protect the public.*

*The panel then considered whether to impose a caution order but concluded that this would be inappropriate in view of the risk of repetition identified and the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order as this would not protect the public.*

*The panel next considered the imposition of a conditions of practice order. The panel was of the view that a conditions of practice order is, at present, sufficient to protect patients and the wider public interest. The panel noted that you have been under a conditions of practice order since 5 January 2011 and have not practised as a nurse since December 2010. Whilst these are significant periods of time, the panel noted your oral evidence today and your determination to return to nursing. On balance, the panel decided that a further period of conditions would be appropriate and proportionate in the circumstances. The panel was of the view that workable conditions could be formulated which would protect patients during the period they are in force.*

*The panel gave careful consideration to the length of the conditions of practice order and decided that a period of 3 years is appropriate. In coming to this period, the panel decided that this will give you sufficient time to pass the numeracy test; obtain a place on a RTPC; pass the RTPC; obtain employment as a nurse and thereafter, have sufficient time to comply with your conditions.*

*The panel determined, pursuant to Article 30(1) of the Order, to make a conditions of practice order for a period of 3 years, which will come into effect on the expiry of the current order. It decided to vary the conditions which are currently imposed on your registration, as it considered these to be workable, appropriate and proportionate in your case;*

- 1. In the event that you do successfully complete the Return to Practice Programme and return to nursing practice, you must send to the NMC at least 7 days before any review of this order, a report from your Line Manager, Mentor or Supervisor setting out the standard of your clinical practice including your drug administration*

2. *At any time that you are employed, or otherwise engaged in providing professional nursing services, which require you to be registered with the NMC, you must place yourself and remain under the supervision of a workplace line manager/mentor/supervisor nominated by your employer during the period of your conditions of practice order;*
3. *You must inform the NMC of any formal disciplinary proceedings taken against you, from the date of this determination;*
4. *Before undertaking any form of drugs administration other than under direct supervision, you must provide a signed appraisal from your supervisor specifically confirming your safety in drugs administration practice and the basis of such assessment;*
5. *You must immediately inform the following parties that that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose the conditions listed at (1) to (5) above, to them:*
  - i. *Any organisation or person employing, contracting with, or using you to undertake nursing work;*
  - ii. *Any agency you are registered with or apply to be registered with (at the time of application);*
  - iii. *Any prospective employer (at the time of application);*
  - iv. *Any educational establishment at which you are undertaking a course of study connected with nursing, or any such establishment to which you apply to take such a course (at the time of application).*

*The panel, in varying the conditions of practice order, have removed the condition as to you successfully completing and passing a RTPC. In doing so, the panel considered this condition to be unnecessary as it is a mandatory requirement for you to pass such a test before returning to work as a nurse after a long period of absence from the profession.'*

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

The panel has considered carefully whether Mrs Ansah'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 noted that there was no documentation provided by Mrs Ansah.

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 Mrs Ansah's fitness to practise remains impaired.

The panel noted that Mrs Ansah attended the last substantive order review hearing on 26 April 2019 and gave the following evidence:

*'You told the panel that you have sat a number of pre-selection tests for a return to practice course and that you passed the literacy part of the process on the first occasion. However, you told the panel that you have sat the numeracy test subsequently on three occasions, the most recent being in August 2018, and have yet to pass. You showed the panel a book recommended by a university, in order to assist you with the passing of your numeracy test. You told the panel that you are intending to sit the test again if it is held in September of this year.*

*You told the panel that your fitness to practise is currently impaired as you have not worked as a nurse for eleven years. You said that you were hoping to pass the numeracy test and then attend for an interview at Guy's, London for the RTPC. You*

*told the panel that you are “making an effort” to attempt to try and get back into nursing.*

*You told the panel that you want to return to nursing soon after the completion of a RTPC.’*

Despite Mrs Ansah’s engagement and stated intentions at the last hearing, the panel noted that she has not engaged with the NMC, provided any evidence to demonstrate that she has complied with the conditions of practice order or any information about her future intentions.

The panel noted that Mrs Ansah has not worked as a registered nurse since 2010 and therefore there is no evidence to suggest that she has addressed the shortfalls identified. The panel determined that there is a continuing risk of repetition of the medication error and a consequent risk of harm to patients. The panel therefore found that Mrs Ansah’s fitness to practice remains impaired on public protection grounds.

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 Mrs Ansah’s fitness to practise remains impaired.

### **Decision and reasons on sanction**

Having found Mrs Ansah’s 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 clinical failings identified in this 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 clinical failings and the public protection issues identified, an order that does not restrict Mrs Ansah's practice would not be appropriate in the circumstances. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether imposing a further conditions of practice order on Mrs Ansah's registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel noted that Mrs Ansah has not engaged with the NMC since 2019 or provided any information about her progress in securing a place on a return to practice course. However, the panel was mindful of the impact of the COVID-19 pandemic on such courses. Nevertheless, in the light of Mrs Ansah's lack of engagement with the NMC, the panel determined that a conditions of practice order was no longer workable or appropriate.

Whilst the panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest, it gave serious consideration to a striking off order in view of the age of this case and Mrs Ansah's lack of engagement. The panel noted that the charges occurred in 2008, Mrs Ansah has not practised as a registered nurse since 2010 and she has failed to fully address the concerns identified. The panel was mindful of the need for finality in regulatory proceedings and the public interest in concluding proceedings expeditiously.

In order to allow Mrs Ansah an opportunity to engage with the NMC and communicate her intentions for the future, the panel determined to impose a suspension order with a review for a period of three months. The panel was of the view that this would allow Mrs Ansah sufficient time to re-engage with the NMC. It considered this to be the most appropriate and proportionate sanction available at this stage but noted that a striking off order is available to the next panel if Mrs Ansah continues to disengage with the NMC.

The panel was mindful that Mrs Ansah may have decided to not return to nursing, and it considered that if this is the case, she may be assisted by the following NMC guidance on 'Allowing orders to expire when a nurse or midwife's registration will lapse'

(Reference: REV-3h):

*'In certain circumstances allowing a suspension or conditions of practice order to expire following a finding of current impairment may actually be the best way to protect the public from concerns about a nurse, midwife or nursing associate's practice.'*

*Taking this option is likely to be appropriate if:*

- the nurse, midwife or nursing associate's registration is only active because of the substantive order being in place,*
- the nurse, midwife or nursing associate doesn't want to continue practising, and*
- the public are protected because the panel have made a clear finding that the nurse, midwife or nursing associate's fitness to practise is currently impaired so that this can be drawn to the attention of any future decision-maker if the nurse, midwife or nursing associate attempts to re-join the register.'*

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 17 May 2022 in accordance with Article 30(1).

Before the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- Mrs Ansah's engagement with the NMC and evidence of her future intentions about her nursing career.

This will be confirmed to Mrs Ansah in writing.

That concludes this determination.