

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

**Substantive Order Review Hearing  
Monday 28 March 2022**

Virtual Hearing

**Name of registrant:** Ghiulghihan Ramazan

**NMC PIN:** 15F0625C

**Part(s) of the register:** RN1, Registered Nurse – Adult  
17 June 2015

**Area of registered address:** Romania

**Type of case:** Lack of knowledge of English

**Panel members:** Rachel Ellis (Chair, Lay member)  
Lucy Watson (Registrant member)  
Robert Cawley (Lay member)

**Legal Assessor:** Richard Tyson

**Hearings Coordinator:** Emma Bland

**Nursing and Midwifery Council:** Represented by Ryan Ross, Case Presenter

**Mrs Ramazan:** Not present and unrepresented

**Order being reviewed:** Conditions of practice order (12 months)

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (9 months) to come into effect at the end of 1 May 2022 in accordance with Article 30 (1)**

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

The panel was informed at the start of this hearing that Mrs Ramazan was not in attendance and that the Notice of Hearing had been sent to her registered email address on 18 February 2022.

Mr Ross, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 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.

The panel took into account that the Notice of Hearing provided details of the substantive order being reviewed, the time, date and virtual hearing link for the hearing and, amongst other things, information about Mrs Ramazan's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

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

## **Decision and reasons on proceeding in the absence of Mrs Ramazan**

The panel next considered whether it should proceed in the absence of Mrs Ramazan. The panel had regard to Rule 21 and heard the submissions of Mr Ross who invited the panel to continue in the absence of Mrs Ramazan. Mr Ross informed the panel that there had been no recent engagement from Mrs Ramazan.

Mr Ross informed the panel that the Mrs Ramzan has not applied for an adjournment and there is no evidence to suggest that she intended to attend the hearing today. Moreover, there was no evidence to suggest that an adjournment would secure her attendance in the future. Mr Ross had queried whether Mrs Ramazan would be attending the hearing today with the relevant NMC Case Officer and had received the following response:

*“The registrant has not responded to the Notice and I have not had any contact from her.”*

The NMC Case Officer confirmed that there has been no recent contact with Mrs Ramazan. Mr Ross submitted that it was in the interests of justice to deal with this matter expeditiously and therefore invited the panel to proceed in the absence of Mrs Ramazan.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mrs Ramazan. In reaching this decision, the panel has considered the submissions of Mr Ross, the documentation before it, and the advice of the legal assessor. It has had particular regard to any relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Mrs Ramazan;
- Mrs Ramazan has not engaged with the NMC since the last review and has not responded to any of the letters sent to her about this hearing;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- There is a strong public interest in the expeditious review of the case as the order is due to expire on 1 May 2022.

In these circumstances, the panel has decided that it is fair, appropriate and proportionate to proceed in the absence of Mrs Ramazan.

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

The panel decided to replace the current conditions of practice order with a suspension order for 9 months.

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

This is the fifth review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 30 June 2017. This was reviewed on 21 June 2018 and the order was continued for a period of 12 months. The order was reviewed on a second occasion on 20 June 2019 and it was continued for a period of 12 months. The order was reviewed on a third occasion on 22 June 2020 and it was continued for a period of 9 months. The order was reviewed on a fourth occasion on 23 March 2021 and a new conditions of practice order was imposed for a period of 12 months.

The current order is due to expire at the end of 1 May 2022.

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

The charge found proved which resulted in the imposition of the substantive order was as follows:

*'That you, a registered nurse:*

*1) Do not have the necessary knowledge of the English Language to practise safely and effectively;*

*AND in light of the above, your fitness to practise is impaired by reasons of your lack of knowledge of English.'*

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

*'The panel considered whether your fitness to practise remains impaired.*

*In its consideration of whether you have remedied your practice, the panel took into account your submissions and was of the view that you were honest. It noted the difficulty in studying for and taking the IELTS test during the Covid-19 pandemic and took into account your continued engagement with the NMC. It also took into account your attempt to study for the IELTS test, albeit limited, and that you had now obtained studying*

*materials. It was of the view that some progress had been made. However, the panel had regard to the fact that you had not passed the IELTS test and therefore, had not complied with your conditions of practice order.*

*The panel therefore determined, that in the absence of any evidence of remediation, there remains a risk of harm to the public should you be allowed to practise without restriction. 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 your fitness to practise remains impaired.'*

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

*'The panel next considered whether imposing a further conditions of practice order on your 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 was of the view that a further conditions of practice order is sufficient to protect patients and the wider public interest, noting that the only issue affecting your fitness to practise is your knowledge of the English language. It was satisfied that a substantive conditions of practice order would protect the public whilst giving you more time to study and successfully pass the IELTS test, especially during the Covid-19 pandemic. The panel also noted your engagement with the NMC and*

*willingness to comply with any conditions imposed. The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case.*

*The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of your case as you have stated your intention to improve your English and your continued engagement with the NMC.*

*The panel reminds you that all sanctions up to and including a strike off order remains available to the next reviewing panel.*

*Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of 12 months, which will come into effect on the expiry of the current order, namely at the end of 1 May 2021. It decided to impose the following conditions which it considered are appropriate and proportionate in this case:*

*'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. Before you return to practise in the UK, you must pass the IELTS to the requisite NMC standard.*
- 2. You must provide to the NMC a copy of the certificate of the IELTS test report form to show that you have met condition one within 28 days of receiving it, and at least 14 days before any NMC review hearing or meeting.*

3. *You must tell the NMC within 14 days of any nursing appointment (whether paid or unpaid) you accept within the UK or elsewhere, and provide the NMC with contact details of your employer.*
  
4. *You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 14 days of you receiving notice of them.*
  
5. a) *You must within 14 days of accepting any post or employment requiring registration with the NMC, or any course of study connected with nursing or midwifery, provide the NMC with the name/contact details of the individual or organisation offering the post, employment or course of study.*  
  
b) *You must within 14 days of entering into any arrangements required by these conditions of practice provide the NMC with the name and contact details of the individual/organisation with whom you have entered into the arrangement.*
  
6. *You must immediately inform the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose to them the conditions listed at 1 to 5 above:*
  - a) *Any organisation or person employing, contracting with, or using you to undertake nursing work.*
  - b) *Any agency you are registered with or apply to be registered with (at the time of application) to provide nursing or midwifery services.*
  - c) *Any prospective employer (at the time of application) where you are applying for any nursing or midwifery appointment.*
  - d) *Any educational establishment at which you are undertaking a course of study connected with nursing or midwifery, or any such establishment to which you apply to take such a course (at the time of application).*

*The period of this order is for 12 months'*

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

The panel has considered carefully whether Mrs Ramazan'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 and has taken account of the submissions made by Mr Ross on behalf of the NMC.

Mr Ross invited the panel to exercise its judgement in determining whether Mrs Ramazan should be permitted to return to practise unrestricted. He submitted that the NMC take no stance with regard to this issue and remains neutral.

Mr Ross reminded the panel of the factual circumstances in which the initial referral arose in 2015. He further reminded the panel that a conditions of practice order was originally imposed at a substantive hearing in 2017 where the panel found that Mrs Ramazan did not have the necessary knowledge of the English language to enable her to practise safely and effectively. Mr Ross also summarised the progression of this matter through NMC substantive order review hearings.

Mr Ross informed the panel that the conditions of practice order was reviewed in 2018 and Mrs Ramazan attended the hearing. She had told the panel on that occasion that she was in the process of working on her language skills by way of reading books, listening to CDs and watching television with subtitles. The panel extended the order for a period of 12 months.

The order was reviewed in 2019 and Mrs Ramazan was not in attendance. The panel noted that there was no material change in circumstances and the order was extended for a period of 12 months.

The order was further reviewed in 2020 and Mrs Ramazan attended the hearing. She informed the panel that she had taken the IELTS test and received a Level 5 score overall, which fell short of the Level 7 NMC requirement. Mrs Ramazan informed the panel that she continued to work on her English skills, however, she was adversely impacted by the COVID-19 pandemic which prevented her from engaging with classes. The order was extended for a period of 9 months.

The most recent review of the order took place in March 2021. The panel on that occasion decided to impose a new order for a period of 12 months. It decided not to strike off Mrs Ramazan as she was engaging with the NMC and stated that her intention was to undertake further English language classes.

Turning to the review task before the panel today, Mr Ross informed the panel that it appeared that there has been no relevant change in circumstances since the last review hearing. Mrs Ramazan does not appear to have completed the IELTS test to the required NMC Level 7 standard (or any other NMC recognised occupational English language test).

Mr Ross reminded the panel of the neutral stance of the NMC and invited the panel to consider whether Mrs Ramazan's fitness to practise remains impaired and if so, whether an appropriate order is in place.

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 Ramazan's fitness to practise remains impaired.

The panel noted that there had been no relevant change in circumstances in relation to Mrs Ramazan's completion of an occupational English language test. There was no information before it to suggest that Mrs Ramazan had taken the IELTS test and achieved a Level 7, which is the NMC requirement. The panel was mindful of NMC Guidance on English language requirements which states that nurses must be able to speak English to

a level which enables them to practise safely and effectively. The panel noted that a sufficient level of English is required to enable nurses to speak to patients to assess their needs, inform them of their treatment, seek consent and receive feedback.

The panel determined that the level of risk to the public in this matter remains high as Mrs Ramazan has not yet evidenced her English language skills to the required NMC standard. The panel therefore determined that Mrs Ramazan's fitness to practise remains impaired on the ground 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 Mrs Ramazan's fitness to practise remains impaired.

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

Having found Mrs Ramazan'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 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 Mrs Ramazan'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 a caution order would be inappropriate in view of the language issue 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 imposing a conditions of practice order on Mrs Ramazan'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 was mindful that a conditions of practice order has been in place since 2017 with limited steps taken by Mrs Ramazan towards achieving the required standard in the English language in either the IELTS test or OET test. This panel was of the view that the current conditions of practice are unworkable and not appropriate as in practical terms they are tantamount to suspension as she cannot work under these conditions given that her level of English is below that required for safe and effective nursing practice. The panel concluded that no workable conditions of practice could be formulated which would protect the public or satisfy the wider public interest.

The panel seriously considered whether a striking off order was appropriate in the circumstances of this case given the significant length of time that has elapsed by this fifth review and apparent lack of progress. However, the panel was mindful of Mrs Ramazan's prior engagement with the NMC, her past willingness to improve her English skills and the impact of the COVID-19 pandemic on her ability to improve her English skills. Bearing in mind fairness and proportionality, the panel has decided to allow Mrs Ramazan a further opportunity to demonstrate the relevant proficiency in English noting that if she was struck off, it would take her 5 years before she could even apply to be restored to the register.

The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for a period of 9 months, which would provide Mrs Ramazan with an opportunity to demonstrate commitment in taking steps to achieving the required standard of English proficiency in an IELTS or OET assessment. It considered this to be the most appropriate and proportionate sanction available.

This suspension order will take effect upon the expiry of the current conditions of practice order, namely the end of 1 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:

- The engagement of Mrs Ramazan with the NMC;
- Evidence of a structured approach in making progress with her English language skills;
- Evidence of satisfactorily completing either the IELTS or OET test to the required standard;
- Her attendance at the next review hearing.

This will be confirmed to Mrs Ramazan in writing.

That concludes this determination.