

Nursing and Midwifery Council

Voluntary Removal Decision

5 May 2022

Registrant: Oliver Muzambi

PIN: 0211777S

Part(s) of the register: Registered Nurse – Sub Part 1, Mental Health Nursing – September 2005, General Nursing – 30 May 2017

Area of Registered Address: Scotland

[PRIVATE REDACTED]

REGISTRAR'S DECISION

A decision has been made by the Registrar to approve the application for voluntary removal based on the assessment of the relevant criteria. The reasons for the decision to grant voluntary removal from the Register are below.

Details of charge

[PRIVATE REDACTED]

REGISTRAR'S REASONS

The following documents were considered when assessing this voluntary removal application:

- Voluntary removal application form dated 19 April 2022 and supporting documents
- Voluntary removal admission form dated 19 April 2022
- Draft charges
- Regulatory concerns response form dated 11 September 2019
- Regulatory concerns response form dated 25 March 2020
- Case examiner decision letter dated 16 November 2020
- Case management form dated 10 February 2021

Background

Oliver Muzambi first joined the NMC register in September 2005. In August 2017, he started working at NHS Grampian as a band 5 staff nurse in the Forensic Rehab Unit.

[PRIVATE REDACTED]

[PRIVATE REDACTED]

[PRIVATE REDACTED]. On 20 July 2019, NHS Grampian made a referral to raise concerns about Mr Muzambi's fitness to practise.

The concerns about Mr Muzambi's fitness to practise were referred to our case examiners. On 3 November 2020, the case examiners decided there's a case to answer and referred the case to the Fitness to Practise Committee. Mr Muzambi's practice is currently restricted by an interim suspension order.

On 19 April 2022, Mr Muzambi completed an application for voluntary removal from the NMC register. Our guidance explains that we need to carefully consider the following things in deciding whether to grant application for voluntary removal:

- Whether the regulatory concerns have been accepted by the nurse, midwife, or nursing associate,
- The public interest in the case being dealt with by the Fitness to Practise Committee,
- The interests of the nurse, midwife, or nursing associate,
- Any comments received from the maker of the allegation.

Acceptance of the regulatory concerns

Mr Muzambi's application for voluntary removal contains a signed declaration that he accepts the concerns about his fitness to practise and that his fitness to practise is impaired. He's also provided a signed voluntary removal admissions form and a statement dated April 2022 confirming the same.

[PRIVATE REDACTED]

[PRIVATE REDACTED]

In light of Mr Muzambi's signed declarations and supporting statement, I'm satisfied that he accepts the concerns about his fitness to practise.

Public interest

When a nurse, midwife, or nursing associate is removed from the register through voluntary removal, the public is immediately protected from the risk of future harm. However, our guidance says more serious concerns where the nurse, midwife, or nursing associate's conduct is fundamentally incompatible with continued registration aren't suitable for voluntary removal. This is because there's a public interest in these matters being dealt with by the Fitness to Practise Committee.

One of the key factors when weighing up the public interest of a case is seriousness of the concerns and whether they require us take regulatory action in the public interest, to promote public confidence or uphold standards. The concerns in this case are the kinds of concerns that could result in harm to patients but they wouldn't require us to take regulatory action solely to maintain public confidence or uphold standards.

[PRIVATE REDACTED]

[PRIVATE REDACTED]

[PRIVATE REDACTED]

[PRIVATE REDACTED] For these reason, I don't consider the public interest requires the matter to be considered in full by a Fitness to Practise Committee panel.

Interests of the nurse, midwife or nursing associate

Mr Muzambi's voluntary removal application contains a signed declaration confirming his intention to stop practising. [PRIVATE REDACTED]

In his April 2022 statement, Mr Muzambi said that since July 2019, he's been working as a Care Assistant. He said [PRIVATED REDATCED] and that there are no concerns [PRIVATE REDACTED] in his current role. Mr Muzambi has provided evidence from his current employer confirming these things and told us he'd like to continue in this role and to carry on helping people.

Comments from the maker of the allegation

We invited NHS Grampian to comment on Mr Muzambi's voluntary removal application. They told us they have no comments to make.

Registrar's decision

I've decided to grant Mr Muzambi's application for voluntary removal. I'm satisfied that he accepts the concerns about his fitness to practise and that in the circumstances of this case, allowing Mr Muzambi to leave the register quickly without the need for a full fitness to practise hearing is the best way to meet the public interest.