

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

**Substantive Order Review Meeting
Friday 21 April 2023**

Virtual Meeting

Name of Registrant: John Appiah-Danquah

NMC PIN 97A0390E

Part(s) of the register: Registered Nurse – Sub Part 1
Mental Health Nursing – (February 2000)

Relevant Location: Lancashire

Type of case: Misconduct

Panel members: Shaun Donnellan (Chair, Lay member)
Catherine Askey (Registrant member)
Seamus Magee (Lay member)

Legal Assessor: Tracy Ayling KC

Hearings Coordinator: Charis Benefo

Order being reviewed: Suspension order (12 months)

Fitness to practise: Impaired

Outcome: **Suspension order (12 months) to come into effect at the end of 31 May 2023 in accordance with Article 30 (1)**

Decision and reasons on service of Notice of Meeting

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Mr Appiah-Danquah's registered address by recorded delivery and by first class post on 9 March 2023.

The panel had regard to the Royal Mail '*Track and trace*' printout which showed the Notice of Meeting was delivered to Mr Appiah-Danquah's registered address on 9 March 2023. It was signed for in the name of '*John Danquah*'.

The panel took into account that the Notice of Meeting provided details of the review including the time, dates and the fact that this meeting would be heard virtually and no sooner than 17 April 2022.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mr Appiah-Danquah 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).

Decision and reasons on review of the current order

The panel decided to impose a further suspension order for the period of 12 months. This order will come into effect at the end of 31 May 2023 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 29 April 2022.

The current order is due to expire at the end of 31 May 2023.

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, on 14 October 2018:

1. *When Colleague 1 reported to you the deteriorating condition of Patient A at around 9.30am;*
 - a) *Failed to attend Patient A*
 - b) *Failed to take observations of Patient A*
 - c) *Failed to speak with the paramedics when they arrived to attend to Patient A*
2. *Failed to prioritise your medication round adequately resulting in Resident B missing doses of his Co-Beneldopa and Entacopone medication which were prescribed to be given at 10am.*
3. ...

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

The original panel determined the following with regard to impairment:

'The panel found limbs a-c engaged in the Grant test. The panel finds that patients were put at risk of harm as a result of Mr Appiah-Danquah's misconduct. Mr Appiah-Danquah's misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

Regarding insight, the panel took into account Mr Appiah-Danquah's written responses. It considered that he had demonstrated very limited insight into his actions. The panel noted that Mr Appiah-Danquah had shown remorse and accepted in part some of the misconduct in that he should have done things differently, but he also sought to blame his colleagues. The panel therefore considered Mr Appiah-Danquah's remorse to be insincere. The panel accepted Colleague 1's evidence that he had been dismissive

towards her and that he had said “I have been an RMN for 15 years. I won’t need your assistance”. It considered that Mr Appiah-Danquah had demonstrated sheer arrogance towards his colleagues and disregard for the patients in his care.

The panel was satisfied that the clinical misconduct in this case in relation to Mr Appiah-Danquah’s failure to prioritise and administer time-sensitive medication is capable of being addressed. However, it was of the view that the serious attitudinal concerns identified are more difficult to put right. The panel carefully considered the evidence before it in determining whether or not Mr Appiah-Danquah has taken steps to strengthen his practice. The panel took into account that Mr Appiah-Danquah had disengaged from proceedings and the panel had no information from him regarding any training he may have undertaken to keep his knowledge and skills up to date or where he is currently working.

The panel is of the view that there is a real risk of repetition based on Mr Appiah-Danquah’s limited insight, the attitudinal concerns, and the lack of evidence about how he has strengthened his practice. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also finds Mr Appiah-Danquah’s fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Mr Appiah-Danquah’s fitness to practise is currently impaired.’

The original panel determined the following with regard to sanction:

'Having found Mr Appiah-Danquah's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.'

The panel took into account the following aggravating features:

- Mr Appiah-Danquah's limited insight*
- Mr Appiah-Danquah's misconduct put patients at risk of suffering harm*
- Mr Appiah-Danquah's misconduct related to his failure to provide fundamental nursing care*

The panel did not identify any mitigating features in this case.

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 neither protect the public nor be 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 Mr Appiah-Danquah'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 Mr Appiah-Danquah's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the serious misconduct 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 placing conditions of practice on Mr Appiah-Danquah'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 is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case and Mr Appiah Danquah's non-engagement. The seriousness of the attitudinal issues identified in this case is not something that can be addressed simply through retraining. Furthermore, the panel concluded that the placing of conditions on Mr Appiah-Danquah's registration would not adequately address the seriousness of this case and would not protect the public.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:

- A single instance of misconduct but where a lesser sanction is not sufficient;*
- No evidence of harmful deep-seated personality or attitudinal problems;*
- No evidence of repetition of behaviour since the incident;*
- The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*

The panel considered that Mr Appiah-Danquah's conduct was serious and involved two patients during a single shift but can be deemed a single instance of misconduct. It considered that although it identified serious attitudinal issues, it had no evidence that they were deep seated and he had shown some insight. The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register.

It did go on to consider whether a striking-off order would be proportionate but, taking account of all the information before it, and of the mitigation provided, the panel concluded that it would be disproportionate. Whilst the panel acknowledges

that a suspension may have a punitive effect, it would be unduly punitive in Mr Appiah-Danquah's case to impose a striking-off order.

Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction.

The panel noted the hardship such an order will inevitably cause Mr Appiah-Danquah. However this is outweighed by the public interest in this case.

The panel considered that this order is necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.

The panel determined that a suspension order for a period of 12 months was appropriate in this case to protect the public and mark the seriousness of the misconduct. The panel considered 12 months to be sufficient time for Mr Appiah-Danquah to engage with the NMC and provide evidence that he has developed his insight and strengthened his practice.

At 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:

- Mr Appiah-Danquah's engagement with the NMC and his attendance at a future hearing.*
- A reflective statement outlining the events and any learning.*
- Evidence of any steps Mr Appiah-Danquah has taken or training undertaken to strengthen his practice.*
- Employment references and testimonials.'*

Decision and reasons on current impairment

The panel has considered carefully whether Mr Appiah-Danquah'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 Mr Appiah-Danquah's fitness to practise remains impaired.

The panel noted that the original panel found that Mr Appiah-Danquah had demonstrated very limited insight into his actions. At this meeting, the panel noted that Mr Appiah-Danquah had not engaged with the NMC or responded to any correspondence about his case. The panel also noted that the last correspondence from Mr Appiah-Danquah was almost three years ago when he responded to the regulatory concerns. Mr Appiah-Danquah was neither present or represented at the substantive hearing in April 2022. There was no information before this panel regarding Mr Appiah-Danquah's current circumstances. There was also no new information to indicate that Mr Appiah-Danquah has developed insight, that the concerns identified have been addressed or that he has taken steps to strengthen his practice.

The panel considered the previous panel's finding of serious attitudinal concerns in respect of Mr Appiah-Danquah. In view of his lack of engagement with these proceedings, the panel determined that Mr Appiah-Danquah did not appear to appreciate the seriousness of

the issues identified with his practice. The panel therefore concluded that Mr Appiah-Danquah's attitudinal issues had not been addressed.

The original panel determined that Mr Appiah-Danquah was liable to repeat matters of the kind found proved, based on his limited insight, the attitudinal concerns, and the lack of evidence about how he had strengthened his practice. Today's panel had not received any new information from, or in respect of, Mr Appiah-Danquah to suggest that the risk of repetition had decreased. In light of this the panel determined that Mr Appiah-Danquah is now still 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 found that Mr Appiah-Danquah's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr Appiah-Danquah'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 Mr Appiah-Danquah'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 Mr Appiah-Danquah'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 Mr Appiah-Danquah'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 bore in mind the nature and seriousness of the facts found proved at the original hearing, and Mr Appiah Danquah's attitudinal issues and non-engagement. It 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 seriousness of the concerns relating to Mr Appiah-Danquah's misconduct.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mr Appiah-Danquah further time to fully reflect on his previous failings. The panel concluded that a further 12-month suspension order would be the appropriate and proportionate response and would afford Mr Appiah-Danquah adequate time to further develop his insight and take steps to strengthen his practice.

The panel determined therefore 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 the period of 12 months. It concluded that this would provide Mr Appiah-Danquah with ample opportunity to think about the area of concern, and should he choose to do so, take steps to improve his practice and assure a future panel that he can return to nursing safely. It considered this to be the most appropriate and proportionate sanction available.

The panel noted the hardship such an order might cause Mr Appiah-Danquah. However this is outweighed by the public interest in this case.

The panel considered that this order was necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 31 May 2023 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:

- Mr Appiah-Danquah's engagement with the NMC and his attendance at a future hearing.
- A reflective statement outlining the events and any learning.
- Evidence of any steps Mr Appiah-Danquah has taken or training undertaken to strengthen his practice.
- Employment references and testimonials.

This will be confirmed to Mr Appiah-Danquah in writing.

That concludes this determination.