

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

**Substantive Order Review Meeting
Wednesday, 10 April 2024**

Virtual Meeting

Name of Registrant: Silas Chidiebere Offor

NMC PIN 07E2974E

Part(s) of the register: Registered Nurse - Mental Health
RNMH (September 2007)

Relevant Location: Essex

Type of case: Misconduct

Panel members: Susan Ball (Chair, Registrant member)
Esther Craddock (Registrant member)
Gill Mullen (Lay member)

Legal Assessor: John Donnelly

Hearings Coordinator: Petra Bernard

Order being reviewed: Conditions of practice order (9 months)

Fitness to practise: Impaired

Outcome: Conditions of practice order (6 months)
to come into effect on 26 May 2024 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 Offor's registered email address by secure email on 27 February 2024.

Further, the panel noted that the Notice of Meeting was also sent to Mr Offor's representative at the Royal College of Nursing (RCN) on 28 February 2024.

The panel took into account that the Notice of Meeting provided details of the review including the time, date and the fact that this meeting was to be held virtually.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mr Offor 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 extend the conditions of practice order for a period of six months. This order will come into effect at the end of 26 May 2024 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the sixth review of a substantive conditions of practice order originally imposed for a period of 9 months by a Fitness to Practise Committee panel on 26 October 2018. This was reviewed on 17 July 2019 at a meeting and the conditions of practice order was extended and varied for a further 12 months. It was further reviewed on 17 July 2020 at a hearing and the conditions of practice order was extended for a further period of 12 months. This was reviewed again on 20 July 2021 when the reviewing panel extended the conditions of practice order for a further period of 12 months. This was reviewed on 18 July 2022 when the panel confirmed the conditions of practice order.

The order was reviewed on 13 July 2023 when the conditions of practice order was extended and varied for a further 9 months.

The current order is due to expire at the end of 26 May 2024.

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

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

'That you, a registered nurse:

1. During a night shift on 17/18 June 2017 and in relation to Patient A, you:

1.1 used inappropriate manual handling techniques in that you dragged the patient along a corridor by her wrists;

1.2 when the patient was in conflict with a member of staff, failed to intervene and/or de-escalate the situation;

1.3 failed to take appropriate steps to preserve Patient A's dignity;

1.4 failed to ensure compliance with the patient's care plan in that you:

1.4.1 left the patient alone with a male member of staff, contrary to her care plan;

1.4.2 ...;

2. In respect of the incident described in charge 1.1 above, you failed to:

2.1 record the incident in the patient's notes;

2.2

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

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

'The panel had regard to the seriousness of the original charges and was of the view that there has been no material change in respect to full remediation since the last review hearing. The panel was encouraged that Mr Offor has continued to engage with the NMC over a significant period. The panel noted the challenging personal circumstances that Mr Offor has faced but considered that he has not worked as a registered nurse since 2017 and therefore has not been able to address the issues previously identified and demonstrate that he is a safe registered nursing practitioner.'

The panel noted that the last reviewing panel found that there was insufficient evidence to demonstrate that Mr Offor could put into practice what he had learned since the order was first imposed. The panel noted the difficult personal circumstances that Mr Offor had faced over the last year. However, for this hearing, Mr Offor has provided no new information and no evidence of recent reflections on his conduct or steps taken to fully remediate his past failings.'

The panel was of the view that Mr Offor needs to demonstrate that he is able to practise safely as a registered nurse for a period of time to reassure a future panel that he has fully remedied his practice. In the absence of evidence of full remediation, the panel determined that a risk of repetition remains, and that a finding of impairment continues to be 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 Mr Offor's fitness to practise remains impaired on both public protection and public interest grounds.'

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

'The panel next considered whether imposing a further conditions of practice order on Mr Offor'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 determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted that Mr Offor has been unable to comply with conditions of practice due to [PRIVATE] but is engaging with the NMC and remains willing to comply with any conditions imposed.

The panel was of the view that a further and varied conditions of practice order is sufficient to protect patients and the wider public interest, noting as the original panel did that there was no evidence of general incompetence nor of deep-seated attitudinal problems. However, the panel noted the aggravating factors considered by the substantive panel and decided to vary the conditions of practice order to protect the public and address the concerns raised. The panel decided to vary condition 1 (a) and add a new condition 2 for the purpose of clarification.

*The panel had regard to the [PRIVATE] that Mr Offor had faced since the last review but was concerned that the conditions of practice order has been in place since 2018 with no progress in demonstrating safe practice as a registered nurse. The panel noted the legal assessor's reference to the case of *Abbas vs NMC [2019] EWHC 971 (Admin)* and agreed that*

conditions of practice cannot continue indefinitely. Given that Mr Offor's registration has been subject to the same conditions of practice for the last five years, the panel considered that Mr Offor should prioritise taking the appropriate steps to fully remediate and demonstrate safe practice as a registered nurse.

The panel was of the view that to impose a suspension order or a striking-off order would be disproportionate at this point and would not be a reasonable response in light of Mr Offor's recent [PRIVATE].

Accordingly, the panel determined, pursuant to Article 30(1)(a) to make a conditions of practice order for a period of 9 months, which will come into effect on the expiry of the current order, namely at the end of 26 August 2023.

The panel determined to impose the following varied, appropriate and proportionate conditions:

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. At any time that you are employed or providing nursing services, you must place yourself and remain under the supervision of workplace line manager, mentor or supervisor nominated by your employer, such supervision to consist of:

- a) Working at all times on the same shift as, but not necessarily under the direct observation of an experienced registered nurse who is physically present in or on the same ward, unit, floor, or home that you are working in or on.*

2. *You must not be the nurse in charge on any shift.*
3. *You must work with your line manager, mentor, or supervisor (or their nominated deputy) to create a personal development plan designed to address the concerns about the following areas of your practice:*
 - a) *Moving and handling of people;*
 - b) *Managing challenging behaviour;*
 - c) *and record keeping.*
4. *You must meet with your line manager, mentor, or supervisor at least every month to discuss the standard of your performance and your progress towards achieving the aims set out in your personal development plan.*
5. *You must send a report from your line manager, mentor, or supervisor (or their nominated deputy) setting out the standard of your performance and your progress towards achieving the aims set out in your personal development plan to the NMC before any NMC review hearing or meeting.*
6. *You must keep the NMC informed about anywhere you are working by:*
 - a) *Telling your case officer within seven days of accepting or leaving any employment.*
 - b) *Giving your case officer your employer's contact details.*
7. *You must keep the NMC informed about anywhere you are studying by:*
 - a) *Telling your case officer within seven days of accepting any course of study.*
 - b) *Giving your case officer the name and contact details of the organisation offering that course of study.*

8. *You must immediately give a copy of these conditions to:*
- a) *Any organisation or person you work for.*
 - b) *Any agency you apply to or are registered with for work.*
 - c) *Any employers you apply to for work (at the time of application).*
 - d) *Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.*
 - e) *Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity.*
9. *You must tell your case officer, within seven days of your becoming aware of:*
- a) *Any clinical incident you are involved in.*
 - b) *Any investigation started against you.*
 - c) *Any disciplinary proceedings taken against you.*
10. *You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:*
- a) *Any current or future employer.*
 - b) *Any educational establishment.*
 - c) *Any other person(s) involved in your retraining and/or supervision required by these conditions.*

Decision and reasons on current impairment

The panel has considered carefully whether Mr Offor'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 and an email from Mr Offor's representative at the Royal College of Nursing (RCN) dated 9 April 2024.

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 noted that the previous panel found that that it had no new information, and no evidence of recent reflections on Mr Offor's conduct or steps taken to address past failings. At this sixth review meeting, the panel was disappointed to see that Mr Offor has not provided any material despite the clear recommendations from the previous panel. This would have assisted the panel in considering whether Mr Offor has strengthened his practice and addressed the concerns.

In its consideration of whether Mr Offor has taken steps to strengthen his practice, the panel noted that Mr Offor has not worked as a nurse since he was dismissed from his last nursing post in 2017. The panel was of the view that nothing has been provided beyond the email dated 9 April 2024 from his representative at the RCN which states that he has been given an opportunity to work under supervision. The email received does not specify in what capacity Mr Offor would be working.

In light of this the panel determined that Mr Offor is 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 Mr Offor's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr Offor'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, the risk of repetition and public protection issues identified, an order that does not restrict Mr Offor'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 Offor'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 imposing a further conditions of practice order on Mr Offor'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 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 a further conditions of practice order is sufficient to protect patients and the wider public interest, noting as the previous panel did that there was no evidence of general incompetence and no deep-seated attitudinal problems. In this case, there are conditions that could be formulated which would protect patients during the period they are in force.

The panel was of the view that to impose a suspension order or a striking-off order remains disproportionate at this time. However, the panel particularly noted that these events occurred in June 2017. It noted that Mr Offor has been subject to a range of conditions of practice in various forms since October 2018 with no evidence forthcoming to support the strengthening of his practice.

However, the panel noted that the previous panel had stated:

'Given that Mr Offor's registration has been subject to the same conditions of practice for the last five years, the panel considered that Mr Offor should prioritise taking the appropriate steps to fully remediate and demonstrate safe practice as a registered nurse.'

This panel endorses this view, and invites Mr Offor to prioritise certain aspects of his nursing career going forward that he has not yet done. The panel was of the view that, without further information from Mr Offor, a future panel will have no choice but to consider a suspension order or a striking-off order.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of six months, which will come into effect on the expiry of the current order, namely at the end of 26 May 2024. It decided to extend 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. At any time that you are employed or providing nursing services, you must place yourself and remain under the supervision of workplace line manager, mentor or supervisor nominated by your employer, such supervision to consist of:
 - a) Working at all times on the same shift as, but not necessarily under the direct observation of an experienced registered nurse who is physically present in or on the same ward, unit, floor, or home that you are working in or on.
2. You must not be the nurse in charge on any shift.
3. You must work with your line manager, mentor, or supervisor (or their nominated deputy) to create a personal development plan designed to address the concerns about the following areas of your practice:
 - a) Moving and handling of people;
 - b) Managing challenging behaviour;
 - c) and record keeping.
4. You must meet with your line manager, mentor, or supervisor at least every month to discuss the standard of your performance and your progress towards achieving the aims set out in your personal development plan.
5. You must send a report from your line manager, mentor, or supervisor (or their nominated deputy) setting out the standard of your performance and your progress towards achieving the aims set out in your personal development plan to the NMC before any NMC review hearing or meeting.
6. You must keep the NMC informed about anywhere you are working by:

- a) Telling your case officer within seven days of accepting or leaving any employment.
 - b) Giving your case officer your employer's contact details.
7. You must keep the NMC informed about anywhere you are studying by:
- a) Telling your case officer within seven days of accepting any course of study.
 - b) Giving your case officer the name and contact details of the organisation offering that course of study.
8. You must immediately give a copy of these conditions to:
- a) Any organisation or person you work for.
 - b) Any agency you apply to or are registered with for work.
 - c) Any employers you apply to for work (at the time of application).
 - d) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.
 - e) Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity.
9. You must tell your case officer, within seven days of your becoming aware of:
- a) Any clinical incident you are involved in.
 - b) Any investigation started against you.
 - c) Any disciplinary proceedings taken against you.
10. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:
- a) Any current or future employer.
 - b) Any educational establishment.
 - c) Any other person(s) involved in your retraining and/or supervision required by these conditions.

The period of this order is for six months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 26 May 2024 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well Mr Offor has complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- Evidence of current clinical practice.
- An up-to-date reference from Mr Offor's line manager in relation to moving and handling of people, managing challenging behaviour and record keeping.
- Further testimonials or evidence regarding the standard of Mr Offor's nursing practice.

This will be confirmed to Mr Offor in writing.

That concludes this determination.