

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

**Substantive Hearing
Monday, 28 July 2025 – Friday, 1 August 2025**

Nursing and Midwifery Council
2 Stratford Place, Montfichet Road, London, E20 1EJ

Name of Registrant:	Elise Mafang
NMC PIN:	22A4032E
Part(s) of the register:	Nurses part of the register Sub part 1 RNA, Registered Nurse - Adult
Relevant Location:	Birmingham
Type of case:	Misconduct
Panel members:	Tracy Stephenson (Chair, lay member) Janet Williams (Registrant member) Raj Chauhan (Lay member)
Legal Assessor:	Alice Robertson Rickard
Hearings Coordinator:	Eric Dulle
Nursing and Midwifery Council:	Represented by Samprada Mukhia, Case Presenter
Ms Mafang:	Not present and unrepresented
Facts proved:	Charges 1a)i), 1a)ii) 2 (in relation to 1a)i) only), 3a, 3b, and 5
Facts not proved:	Charges 4a, 4b, and 6
Fitness to practise:	Impaired
Sanction:	Suspension Order (12 months)
Interim order:	Interim Suspension Order (18 months)

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Ms Mafang was not in attendance and that the Notice of Hearing letter had been sent to Ms Mafang's registered email address by secure email on 18 June 2025.

Ms Mukhia, 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 allegation, the time, dates and venue of the hearing and, amongst other things, information about Ms Mafang's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In light of all of the information available, the panel was satisfied that Ms Mafang had been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Ms Mafang

The panel next considered whether it should proceed in the absence of Ms Mafang. It had regard to Rule 21 and heard the submissions of Ms Mukhia who invited the panel to continue in the absence of Ms Mafang. She submitted that Ms Mafang had voluntarily absented herself.

Ms Mukhia referred the panel to the documentation from Ms Mafang which included two emails dated 13 June 2025 and 21 June 2025 where Ms Mafang states she is content for hearing to proceed in her absence.

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised '*with the utmost care and caution*'.

The panel has decided to proceed in the absence of Ms Mafang. In reaching this decision, the panel has considered the submissions of Ms Mukhia and the advice of the legal assessor. It had particular regard to the factors set out in the decision of *R v Jones* and *General Medical Council v Adeogba* [2016] EWCA Civ 162 and had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Ms Mafang;
- Ms Mafang has informed the NMC that she has received the Notice of Hearing and confirmed she is content for the hearing to proceed in her absence;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- A witness had made herself available remotely to give live evidence;
- Not proceeding may inconvenience the witness, their employer and, for those involved in clinical practice, the clients who need their professional services;
- The charges relate to events that occurred in 2023 and early 2024;
- Further delay may have an adverse effect on the ability of the witness accurately to recall events; and
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Ms Mafang in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to her at her registered email address, she has indicated that she will not be attending, and will not contest the allegations. She will not be able to challenge the evidence relied upon by the NMC in

person and will not be able to give evidence on her own behalf. However, in the panel's judgement, this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies. It has the benefit of Ms Mafang's written submissions in order to do this. Furthermore, the limited disadvantage is the consequence of Ms Mafang's decisions to absent herself from the hearing, waive her rights to attend, and/or be represented, and to not provide evidence or make oral submissions on her own behalf.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Ms Mafang.

Decision and reasons on application for hearing to be held in private

At the outset of the hearing, Ms Mukhia made a request that this case be held in private on the basis that proper exploration of Ms Mafang's case may involve reference to the [PRIVATE]. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

The panel determined to go into private session in connection with [PRIVATE].

Details of charge

That you a registered nurse, between 23 September 2023 and 17 January 2024, whilst applying for and/or awaiting your start date for a Band 5 Preceptorship role at University Hospitals Birmingham Foundation Trust (the Trust);

1) On 23 September 2023 submitted an application to the Trust;

a) Whilst omitting;

i) Your employment history at New Cross Hospital ('NCH'), which had started on 17 July 2023.

ii) That you were subject to an action plan whilst working at New Cross Hospital.

2) Your actions in one or more of the above charges 1) a) i) & 1 a) ii) above were dishonest, in that you concealed details around your period of employment at New Cross Hospital, from your prospective employer.

3) Between 3 November 2023 and 17 January 2024 whilst pre-employment checks were being undertaken by the Trust, you did not disclose;

a) That New Cross Hospital had referred you to your regulator the Nursing & Midwifery Council ('NMC').

b) That you were subject to a NMC Fitness to Practise investigation.

4) Your actions in one or more of the above charges 3) a) & 3) b) were dishonest, in that you concealed from your prospective employer;

a) That you had been referred to the NMC;

b) That you were subject to a Fitness to Practise investigation being conducted by the NMC.

5) Between 1 December 2023 and 17th January 2024 did not immediately disclose, a copy of the Interim Conditions of Practice Order, imposed by the NMC on 1 December 2023 restricting your practice, to your prospective employers at the Trust.

6) Your actions in charge 5) above were dishonest as you concealed your Interim Conditions of Practice Order from your prospective employers.

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

Background

Ms Mafang applied for a Band 5 nursing role at University Hospitals Birmingham NHS Foundation Trust (the Trust) on 23 September 2023. She was made a conditional job offer on 28 September 2023, subject to receiving satisfactory clearances.

The Trust raised a number of concerns about the accuracy of the information included in her application. The concerns related to Ms Mafang not including her most recent employment at New Cross Hospital (NCH). Ms Mafang was employed at NCH between 17th July 2023 and 13th October 2023. During her time there she was subject to an action plan.

On 3 November 2023 the NMC received a referral from NCH regarding concerns about her competence and Ms Mafang was informed about this on 8 November 2023. On 1 December 2023 an Interim Conditions of Practice Order (ICIO) was imposed as a result of NCH's referral.

It is alleged that Ms Mafang omitted her full employment history from her application, omitted to disclose the NMC referral and subsequent investigation, and did not disclose the ICIO to the Trust. It is alleged that Ms Mafang's conduct was dishonest.

Decision and reasons on facts

In reaching its decisions on the disputed facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Ms Mukhia on behalf of the NMC, as well as the documentary evidence tendered by Ms Mafang.

The panel has drawn no adverse inference from the non-attendance of Ms Mafang.

The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that a fact will be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

The panel heard live evidence from the following witness called on behalf of the NMC:

- Witness 1: Director of Nursing Workforce at
University Hospitals Birmingham
NHS Foundation Trust

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor.

The panel then considered each of the disputed charges and made the following findings.

Charge 1a) i)

“On 23 September 2023 submitted an application to the Trust;

Whilst omitting;

Your employment history at New Cross Hospital ('NCH'), which had started on 17 July 2023."

This charge is found proved.

In reaching this decision, the panel took into account the documentary evidence, the written and oral evidence of Witness 1, and the documentary and written evidence tendered by Ms Mafang.

The panel found that Ms Mafang omitted to disclose her employment history at NCH to the Trust.

The panel considered Ms Mafang's application to the Trust, completed on 23 September 2023 (the "application"). In the application, Ms Mafang is prompted to provide information about her previous employers. In her response, Ms Mafang provides some information about her previous employers in this section, including her role prior to the NCH where she worked as a health care assistant, but makes no reference to her most recent employment with NCH at all.

Further, the panel also considered Witness 1's written statement at paragraph 5, where she states:

There were significant concerns about the information that was shared and the timeliness of responding to requests for information at the pre-employment stage. We then found out that Miss Mafang had totally omitted her employment with New Cross Hospital from 17th July 2023 - 13th October 2023 from her application. This was not disclosed at the point of application or amended post submission; ...

Finally, the panel considered a letter from the representative of Ms Mafang, dated 21 August 2024. In this letter, the representative for Ms Mafang confirms that Ms Mafang accepts that she did not initially disclose her employment at NCH within the application.

As a result, the panel was persuaded by the evidence that Ms Mafang failed to disclose her prior employment with NCH to the Trust.

Accordingly, the panel found this charge proved on the balance of probabilities.

Charge 1a) ii)

“On 23 September 2023 submitted an application to the Trust;

Whilst omitting;

That you were subject to an action plan whilst working at New Cross Hospital.”

This charge is found proved.

In reaching this decision, the panel took into account the documentary evidence, as well as the written and oral evidence of Witness 1.

As in charge 1a) i) above, the panel found that Ms Mafang omitted to disclose that she was subject to an action plan with the NCH (the “action plan”) to the Trust.

Here, the panel first considered the Reference Request from the Trust, dated 17 January 2024. Here, there is confirmation that Ms Mafang was involved in an action plan with the NCH at the time of her application on 23 September 2023.

Further, the panel again considered Ms Mafang’s application to the Trust, and found that she did not make any reference to the action plan anywhere in the application.

Therefore, the panel found that Ms Mafang omitted the fact that she was subject to an action plan in the application to the Trust.

Accordingly, the panel found this charge proved on the balance of probabilities.

Charge 2)

“Your actions in one or more of the above charges 1) a) i) & 1 a) ii) above were dishonest, in that you concealed details around your period of employment at New Cross Hospital, from your prospective employer.”

This charge is found partially proved.

In reaching this decision, the panel took into account the documentary evidence, the written and oral evidence of Witness 1, and the documentary and written evidence tendered by Ms Mafang.

The panel found that Ms Mafang was acting dishonestly by omitting to provide details of her employment with NCH to the Trust. The application prompts the applicant to provide the following information: “Current/Most Recent Employment”. The panel was satisfied that the application placed a clear requirement for Ms Mafang to provide information relating to her employment with NCH where she was employed at the time of making the application. The panel was satisfied that Ms Mafang was aware of this obligation, and that she purposely omitted disclosing it. The panel was further satisfied that this conduct would be regarded as dishonest by the standards of ordinary decent people.

Regarding her omissions relating to her employment with NCH, the panel considered Ms Mafang’s contention that English is her third language, which she said contributed to her confusion while completing the application. However, the panel nonetheless found that Ms Mafang fully comprehended her obligations to provide details of her employment with

NCH in the application. In support of this finding, the panel relied on the fact that Ms Mafang had been in the United Kingdom for 20 years at the time of the application and had already completed a university nursing degree in the UK. Further, the panel found that Ms Mafang *did* provide prior employment history in her application, including evidence of her employment as a health care assistant. The panel found that this is a clear indication that Ms Mafang understood what she was being asked in the application.

As a result, the panel did not find it credible that Ms Mafang's level of English comprehension led to the omission.

The panel further assessed Ms Mafang's contention that [PRIVATE] at the time also contributed to her omission. In particular, the panel carefully considered paragraph 16 of her reflective account, where she indicates [PRIVATE] at the time of the application. However, the panel again found that Ms Mafang was fully aware of what the application was asking of her. The fact that she provided details of her other employment history, supports the conclusion that Ms Mafang was aware of her obligation to provide her employment history with the NCH.

The panel found that there was motivation for Ms Mafang to omit this information in her application; namely, to increase her chances of leaving behind her current employment at NCH, which was a desire of hers. In this regard, the panel considered Ms Mafang's Reflective Account, where she states as follows:

... I will take additional precautions to ensure that my frame-of-mind is in a better place when I submit applications, and that I will not send it off when I am coming from a place of desperation for my nursing career. It is my sincerest hope that I will not be placed under such duress as I was during my time at New Cross Hospital, and therefore I will have the clear mind to check all of the details are correct in the application. Furthermore, my desire is to be able to have a fresh start on my nursing career and fulfil my desire to help people.

The panel found that Ms Mafang's desire to obtain new employment was a likely motivator for her to omit her previous employment history from her application.

Finally, the panel found that there were other instances where Ms Mafang misrepresented her employment history in that she stated she was newly qualified in the application. The panel also considered evidence from other sections in the application, where Ms Mafang states that she was working as a Clinical Support Worker up to September 2023 whilst omitting that she was working as a registered nurse at NCH during that time.

In summary, the panel found that Ms Mafang was aware of her obligation to inform the Trust of her employment with NCH, but purposely omitted this information in her application. This act of purposely omitting relevant and required information was dishonest.

Conversely, the panel found that Ms Mafang was not acting dishonestly when she omitted to provide information relating to her action plan with NCH to the Trust. In particular, the panel concluded that it is unclear where, if at all, Ms Mafang would have been required to include this information.

In particular, the panel referenced the application, which requires applicants to provide information of any fitness to practise investigations or regulatory proceedings, as follows:

Are you currently subject to a fitness to practise investigation and/or proceedings of any nature by a regulatory or licensing body which may have a bearing on your suitability for the position you are applying for? This may include any fitness to practise investigation and/or proceedings of any nature that are being undertaken by a regulatory or licensing body in any other country.

Here, the panel concluded that an "action plan", is neither a fitness to practise investigation nor proceedings by a regulatory body and thus is not required to be disclosed in the application.

Further, the panel considered the NMC's submission that Ms Mafang should have included information relating to the action plan under the reasons for leaving her current employment. However, the panel rejected this submission, as there is no evidence that the action plan was the reason for Ms Mafang's desire to leave the NCH, nor is it clear that this is where such information should go.

In summary, the panel found that Ms Mafang acted dishonestly when she did not disclose her employment with NCH to the Trust while knowing she was required to do so. However, the panel found that Ms Mafang was not acting dishonestly when she did not disclose that she was under an action plan with NCH, as there is no clear requirement for her to do so.

Therefore, this charge is found proved in respect of 1(a)(i) and not proved in respect of 1(a)(ii).

Charge 3a)

"Between 3 November 2023 and 17 January 2024 whilst pre-employment checks were being undertaken by the Trust, you did not disclose;
That New Cross Hospital had referred you to your regulator the Nursing & Midwifery Council ('NMC')."

This charge is found proved.

In reaching this decision, the panel took into account the documentary evidence and the written evidence of Ms Mafang.

The panel found that Ms Mafang did not disclose her NMC referral to the Trust. Specifically, the panel found that Ms Mafang was aware of the referral as of 14 November 2023 and was under an obligation to inform the Trust of the referral, but did not inform them of the same.

Here, the panel considered an email from the NMC to Ms Mafang dated 8 November 2023, wherein the NMC informed Ms Mafang that there had been a referral to the NMC by NCH. On 14 November 2023, Ms Mafang replied to this email by acknowledging receipt. The panel found this to be clear evidence that Ms Mafang was aware of the referral as of 14 November 2023.

Further, the panel found that Ms Mafang was under an obligation to provide information of the referral to the Trust. In this regard, the panel considered that Ms Mafang signed a declaration following the application to the Trust on 23 September 2023, indicating that she would inform the Trust of any changes to the substance of her application, including any investigations or proceedings she may become subject to.

However, despite being aware of the referral and being obligated to inform the Trust of this referral, the panel found that there was no evidence that Ms Mafang ever informed the Trust of these changes in circumstances.

Accordingly, the panel found this charge proved on the balance of probabilities.

Charge 3b)

“Between 3 November 2023 and 17 January 2024 whilst pre-employment checks were being undertaken by the Trust, you did not disclose;
That you were subject to a NMC Fitness to Practise investigation.”

This charge is found proved.

In reaching this decision, the panel took into account the documentary evidence of the NMC and the documentary and written evidence of Ms Mafang.

The panel found that due to the declaration mentioned above, Ms Mafang was under an obligation to inform the Trust that she was subject to a Fitness to Practice investigation.

The panel further found that Ms Mafang did not provide this information to the Trust, as was required.

In particular, the panel found that Ms Mafang acknowledged the Fitness to Practise investigation in her 14 November 2023 email as discussed in Charge 3a) above, as well as in an email dated 24 November 2023.

The panel further found that Ms Mafang attended an Interim Order hearing on 1 December 2023 in relation to this investigation and was represented at the hearing.

However, the panel found that there is no evidence that Ms Mafang ever informed the Trust of these proceedings.

Accordingly, the panel also found this charge proved on the balance of probabilities.

Charge 4a) and 4(b)

“Your actions in one or more of the above charges 3) a) & 3) b) were dishonest, in that you concealed from your prospective employer;

a) That you had been referred to the NMC;

b) That you were subject to a Fitness to Practise investigation being conducted by the NMC.”

This charge is found NOT proved.

In reaching this decision, the panel took into account the documentary evidence, the written and oral evidence of Witness 1, and the documentary and written evidence tendered by Ms Mafang.

The panel has already found that Ms Mafang signed a declaration obligating her to inform the Trust of her referral and her Fitness to Practice investigation. However, the panel was not satisfied on the balance of probabilities that Ms Mafang acted dishonestly when she failed to inform the Trust of these changes in her circumstances. It noted that she had signed the declaration on 23 September 2023 over six weeks prior.

In particular, the panel considered Ms Mafang's belief that the NMC would inform the Trust about the outcome of the Fitness to Practise investigation. She stated as follows:

I was absolutely under the impression that once the NMC investigation has occurred, that it would automatically be sent to University Hospital Birmingham, as this was what I had been told verbally.'

The panel concluded that this was a reasonable belief for Ms Mafang to have held in the circumstances. The panel noted that the NMC specifically asked Ms Mafang for information about current and ongoing applications in its 8 November 2023 email, and Ms Mafang provided this information in her email dated 14 November 2023. Here, there was no attempt by Ms Mafang to conceal her application to the Trust, which the panel found supports the conclusion that Ms Mafang was not attempting to avoid her disclosure obligations.

Further, the panel found that Ms Mafang could have reasonably inferred that the NMC was asking for this information from Ms Mafang because it was going to inform the Trust of the investigation itself. The panel found it credible that Ms Mafang believed that the NMC would use this information to automatically update the Trust about the investigation results.

In addition, although the panel acknowledges that Ms Mafang's disclosure obligations were ongoing throughout the relevant timeframe, the panel concluded that it is unlikely that this would have been at the forefront of her mind, having signed the declaration over six weeks prior. In particular, the panel found that it was reasonable for Ms Mafang to

have been fully focussed on the NMC Fitness to Practise investigation, as this was the most pressing issue in her career. In other words, it is not unreasonable to conclude that this investigation, along with her relative inexperience with these applications could have led Ms Mafang to fail to consider her own disclosure obligations to the Trust. The Panel therefore concluded that Ms Mafang was not acting dishonestly when she failed to adhere to the declaration requirements. The panel noted that there is little evidence of what conversations occurred between the Trust and Ms Mafang during the recruitment process.

Therefore, in considering the totality of the evidence, the panel is not satisfied on the balance of probabilities that Ms Mafang's failure to disclose her referral or the Fitness to Practice investigation to the Trust was dishonest. The panel found that Ms Mafang believed that the NMC would make the necessary disclosure and in that context, her failure to do so herself would not be regarded as dishonest by the standards of ordinary decent people.

This charge is not proved on a balance of probabilities.

Charge 5)

"Between 1 December 2023 and 17th January 2024 did not immediately disclose, a copy of the Interim Conditions of Practice Order, imposed by the NMC on 1 December 2023 restricting your practice, to your prospective employers at the Trust."

This charge is found proved.

In reaching this decision, the panel took into account the documentary evidence, the written and oral evidence of Witness 1, and the documentary and written evidence tendered by Ms Mafang.

The panel found that Ms Mafang did not immediately disclose a copy of the Interim Conditions of Practice Order to the Trust.

In reaching its conclusion, the panel had regard to Witness 1's written statement, where she states as follows:

At no point did Miss Mafang inform us that she was under investigation or had restrictions on her practice.

The panel had further regard to Ms Mafang's own acknowledgement that she did not immediately notify the Trust of her change in circumstances, as discussed above.

As a result, the panel was satisfied on a balance of probabilities that Ms Mafang did not immediately disclose a copy of the Interim Conditions of Practice Order to the Trust.

Charge 6)

6) Your actions in charge 5) above were dishonest as you concealed your Interim Conditions of Practice Order from your prospective employers.

This charge is found NOT proved.

In reaching this decision, the panel took into account the documentary evidence, the written and oral evidence of Witness 1, and the documentary and written evidence tendered by Ms Mafang.

The panel was not satisfied on a balance of probabilities that Ms Mafang's conduct in Charge 5 was dishonest. In particular, the panel found that the timeline of events and the specific wording of the Interim Conditions of Practice Order created ambiguity as to Ms Mafang's obligations, such that her failure to disclose the Interim Conditions of Practice Order to the Trust was not dishonest.

In reaching its conclusion, the panel first noted that Ms Mafang applied for the position at the Trust on 23 September, 2023.

The panel then considered the specific wording of the Interim Conditions of Practice Order, dated 1 December 2023, which create the following obligations:

7. You must immediately give a copy of these conditions to:

a) Any organisation or person you work for.

b) Any employers you apply to for work (at the time of application).

c) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.

In considering these conditions, the panel found that the specific wording of the charge only obligated Ms Mafang to disclose the Interim Conditions of Practice Order *at the time of application*. There is no clear requirement in the wording of the condition or otherwise that Ms Mafang disclose these conditions to employers she has already applied to. In other words, the condition does not obviously apply retroactively; it only clearly applies to applications made on or after the date the conditions were imposed. As such, since Ms Mafang had applied to the Trust prior to the imposition of the Conditions of Practice order, she was not under a clear obligation to provide these Interim Conditions of Practice order retroactively to the Trust. At minimum, the wording of condition 7 created understandable confusion on Ms Mafang's part, such that the panel was not satisfied that she was acting dishonestly by not disclosing these conditions to the Trust.

Therefore, in considering the totality of the evidence, the panel was not satisfied on a balance of probabilities that Ms Mafang's failure to disclose her interim Conditions of Practice Order to the Trust was dishonest, nor would it be regarded as dishonest by the standards of ordinary decent people.

Fitness to practise

Having reached its determination on the facts of this case, the panel then moved on to consider whether the facts found proved amount to misconduct and, if so, whether Ms Mafang's fitness to practise is currently impaired. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's ability to practise kindly, safely and professionally.

The panel, in reaching its decision, has recognised its statutory duty to protect the public and maintain public confidence in the profession. Further, it bore in mind that there is no burden or standard of proof at this stage and it has therefore exercised its own professional judgement.

The panel adopted a two-stage process in its consideration. First, the panel must determine whether the facts found proved amount to misconduct. Secondly, only if the facts found proved amount to misconduct, the panel must decide whether, in all the circumstances, Ms Mafang's fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct

Ms Mukhia invited the panel to take the view that the facts found proved amount to misconduct. She submitted that Ms Mafang's conduct had breached 'The Code: Professional standards of practice and behaviour for nurses and midwives 2015' (the Code) and was serious.

Ms Mukhia referred the panel to its findings of fact that Ms Mafang did not disclose her employment history to the Trust and that this was dishonest. Ms Mukhia emphasised that this conduct was deliberate, premeditated, and disregarded the public safety issues inherent in being dishonest to a potential employer during the screening process. Ms Mukhia further highlighted the concerns with Ms Mafang's practice at the time. She

pointed out that these concerns led to the imposition of the action plan, which she submitted exacerbated the seriousness of the dishonesty, as it could have led to the Trust employing Ms Mafang without proper safeguards in place relating to her practice.

In conclusion, she submitted that Ms Mafang's behaviour was a serious departure from the standards to be expected of a registered nurse.

Ms Mukhia therefore invited the panel to conclude that the facts found proved in this case amount to misconduct.

Submissions on impairment

Ms Mukhia moved on to the issue of impairment and addressed the panel on the need to have regard to protecting the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. This included reference to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin), *Calhaem v GMC* [2007] EWHC 2606 (Admin), *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), and *Ronald Jack Cohen v General Medical Council* [2008] EWHC 581 (Admin).

Ms Mukhia submitted all four limbs of the test set out in *Grant* are engaged. She submitted that Ms Mafang's conduct of omitting relevant employment details while under an action plan from that employer was liable to put patients at unwarranted risk of harm. This type of misconduct would bring the medical profession into disrepute, and breached fundamental tenets of the profession by failing to promote professionalism and trust in the profession. Ms Mukhia submitted that such conduct was dishonest, premeditated and deliberate.

Ms Mukhia further submitted that Ms Mafang had demonstrated limited insight, and there was no evidence of remediation. Specifically, Ms Mukhia submitted that in her reflective pieces, Ms Mafang mostly blamed her conduct on various other factors, while failing to

take accountability for her own conduct or demonstrating how she would address this dishonest behaviour. Ms Mukhia further submitted that the nature of this dishonesty is inherently difficult to address, and that Ms Mafang's lack of accountability demonstrates that she has not addressed the concern. As a result, Ms Mukhia submitted that this conduct is highly likely to be repeated, and that a finding of impairment on the grounds of public protection should follow.

Finally, Ms Mukhia submitted that the conduct was sufficiently serious that a finding of impairment on public interest grounds is also necessary in this case.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Roylance v General Medical Council* (No 2) [2000] 1 A.C. 311, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), *General Medical Council v Meadow* [2007] QB 462 (Admin), *Benn v GMC* [2025] EWHC 87 (Admin), and *Cheatle v GMC* [2009] EWHC 645 (admin).

Decision and reasons on misconduct

When determining whether the facts found proved amount to misconduct, the panel had regard to the terms of the Code. It was satisfied that Ms Mafang's actions amounted to breaches of the Code. Specifically:

'20 Uphold the reputation of your profession at all times

20.1 keep to and uphold the standards and values set out in the Code

20.2 act with honesty and integrity at all times...

20.8 act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to'

The panel was mindful that breaches of the Code do not automatically result in a finding of misconduct, and went on to consider the seriousness of the conduct it had found proved.

Charge 1a)i) and 2

The panel found that Ms Mafang's conduct in relation to these linked charges was sufficiently serious to warrant a finding of misconduct.

The panel found that Ms Mafang's conduct was a dishonest, deliberate and premeditated attempt to conceal the details of her previous employment at NCH. This was particularly serious as NCH had raised concerns about her practice and she was under an action plan at the time of her application. Concealing this employment and thereby the concerns that had been raised by her employers, posed a risk of harm to the public.

The panel had no doubt that Ms Mafang's conduct in this regard fell far below the standard that was expected of her as a professional, and was sufficiently serious to amount to misconduct.

Charge 1)a)ii)

The panel determined that the facts found proved in this charge did not warrant a finding of misconduct. As found previously, it was not clear where in the application, if anywhere, Ms Mafang was supposed to include that she was subject to an action plan. In those circumstances, omitting this information was not sufficiently serious to amount to misconduct.

The panel therefore found that Charge 1)a)ii) did not amount to misconduct.

Charges 3a) and 3b)

The panel considered these linked Charges cumulatively and concluded that a finding of misconduct was not warranted.

While the panel found that Ms Mafang had failed in her duty to disclose her referral and investigation to the Trust in its findings in Charges 3a) and 3b), it concluded that Ms Mafang's breach of her obligations in this regard was not so serious as to amount to misconduct. This is because the panel found that Ms Mafang had informed the NMC about her application to the Trust, and it accepted Ms Mafang's assertion that she had believed that the NMC would inform the Trust.

In all the circumstances, it did not find that Ms Mafang's actions in this regard were sufficiently serious as to amount to misconduct.

Charge 5

The panel concluded that although Ms Mafang did not disclose her Interim Conditions of Practice Order to the trust, it was ultimately unclear based on the wording of the Interim Conditions of Practice Order whether Ms Mafang was under any obligation to provide this information. In these circumstances, her failure to disclose this information did not amount to misconduct.

Decision and reasons on impairment

The panel next went on to decide if as a result of the misconduct, Ms Mafang's fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 March 2023, which states:

‘The question that will help decide whether a professional’s fitness to practise is impaired is:

“Can the nurse, midwife or nursing associate practise kindly, safely and professionally?”

If the answer to this question is yes, then the likelihood is that the professional’s fitness to practise is not impaired.

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must be honest and open and act with integrity. They must make sure that their conduct at all times justifies both their patients’ and the public’s trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 74, she said:

‘In determining whether a practitioner’s fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.’

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's “test” which reads as follows:

‘Do our findings of fact in respect of the doctor’s misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/ fitness to practise is impaired in the sense that S/He:

- a) *has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b) *has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c) *has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- d) *has in the past acted dishonestly and/or is liable to act dishonestly in the future.'*

The panel found that all four limbs of the Grant test were engaged in this case in the past. It found that patients were put at risk of harm as a result of Ms Mafang concealing the details of her previous employment at NCH. This is because they had raised concerns about her practice, and concealing this from the Trust risked them employing an unsafe nurse without safeguards in place to protect the public. Such conduct also breached the fundamental tenets of the nursing profession, brought its reputation into disrepute, and was dishonest. The panel was satisfied that confidence in the nursing profession would be undermined if its regulator did not find impairment where charges related to dishonesty.

The panel then considered whether Ms Mafang was liable in the future to act in a similar way again. In reaching this decision, it had careful regard to Ms Mafang's insight. The panel considered that Ms Mafang had demonstrated limited insight. Although she appeared to have a degree of remorse for her misconduct, the panel was not satisfied that she had demonstrated any understanding of how her actions put patients at risk, or an understanding of why what she did was wrong and how this negatively impacts the reputation of the nursing profession. Instead, she sought to put the blame for her misconduct on external factors. Further, while Ms Mafang did provide some evidence of what she might do in the future to avoid failing to fill out a comparable application, the

panel found that she did not provide evidence pertaining to the fundamental issue, which was acting dishonestly while filling out an application.

Whilst dishonesty is inherently difficult to remediate, the panel was satisfied that the misconduct in this case is potentially capable of being addressed. However, having carefully considered the evidence before it in determining whether or not Ms Mafang has taken steps to strengthen her practice, it concluded that she has not. In particular, the panel found that there is no evidence that she has taken any steps to address the concerns with her dishonesty.

Therefore, the panel is of the view that there is a risk of repetition based on the fact that she has not taken steps to address her concerns and there is still limited insight into why what she did was serious and wrong. 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.

In addition, 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 Ms Mafang's fitness to practise impaired on the grounds of public interest.

The panel gave consideration to the NMC guidance on Impairment: What factors are relevant when deciding whether a professional's fitness to practise is impaired?:

'However, there are types of concerns that are so serious that, even if the professional addresses the behaviour, a finding of impairment is required

either to uphold proper professional standards and conduct or to maintain public confidence in the profession.'

The panel determined that a finding of impairment on the ground of public interest is necessary. It concluded that dishonest behaviour during an application to a prospective employer—particularly where concerns have been raised by a previous employer —needs to be taken seriously and the lack of full insight into Ms Mafang's behaviour needs to be addressed.

The panel determined that not to make a finding of impairment would significantly undermine the public's trust and confidence in the nursing profession. It is also necessary to mark the seriousness of the misconduct and to uphold proper standards and conduct for members of the nursing profession.

Having regard to all of the above, the panel was satisfied that Ms Mafang's fitness to practise is currently impaired.

Sanction

The panel has considered this case very carefully and has decided to make a suspension order for a period of one year. The effect of this order is that the NMC register will show that Ms Mafang's registration has been suspended.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had careful regard to the Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

Submissions on sanction

Ms Mukhia informed the panel that the NMC sought a striking-off order in this case. She referred the panel to the NMC Guidance at SAN-3d and 3e.

Ms Mukhia submitted that the following were aggravating features in this case:

- Ms Mafang has demonstrated a lack of insight, remorse and remediation
- Her conduct put patients at risk of harm

She identified the following mitigating features:

- [PRIVATE]
- [PRIVATE]

In respect of taking no action or imposing a caution order, it was Ms Mukhia's submission that, given the panel's findings, this was not a case where either of those sanctions are appropriate as they do not mark the gravity of Ms Mafang's actions or address the current risks posed to members of the public.

Ms Mukhia went on to submit that a conditions of practice order would also not be appropriate. She noted that Ms Mafang has provided limited insight into her dishonest conduct and there is no evidence that she has taken any steps to address the concerns in respect of dishonesty. She further noted that Ms Mafang does not wish to continue being a nurse. She submitted therefore that no workable conditions could be formulated that would address the concerns, and a conditions of practice order would not be sufficient to mark the gravity of the case.

In regard to a suspension order, Ms Mukhia submitted that such an order would not be sufficient to address the risk posed to patients or the public's trust and confidence in the nursing profession or the NMC as a regulator. She directed the panel to NMC guidance 'SAN-3d: Suspension order' which sets out the factors which might make a suspension order appropriate:

- *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, midwife or nursing associate has insight and does not pose a significant risk of repeating behaviour*

Ms Mukhia stated that, in light of the above, this case does not fall within the parameters of when a suspension order may be appropriate.

It was therefore Ms Mukhia's submission that the most suitable, appropriate and proportionate sanction in the case would be a striking-off order. She added that, from the panel's findings, there are concerns in this case that do raise fundamental questions about Ms Mafang's professionalism. Further, she submitted that Mafang's behaviour involved breaches of the fundamental tenets of the profession, and they are breaches which are incompatible with continued registration, particularly given the lack of any explanation or acceptance of responsibility by Ms Mafang.

Ms Mukhia also submitted that a striking-off order is necessary to mark the importance of maintaining public confidence in the nursing profession and the NMC as a regulator, and to send a clear message as to the standards required of a registered nurse.

Decision and reasons on sanction

Having found Ms Mafang'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 accepted the advice of the legal assessor.

The panel considered the following to be aggravating features:

- Ms Mafang's dishonesty was premeditated and deliberate
- Lack of insight into her failings

The panel considered the following to be mitigating features:

- The misconduct occurred at a time of [PRIVATE]
- This was an isolated, one-off incident
- Ms Mafang was early in her career, inexperienced with employment applications and felt unsupported during the application process

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 public protection issues identified, an order that does not restrict Ms Mafang'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 Ms Mafang'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 placing conditions of practice on Ms Mafang'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 was 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 Ms Mafang's stated intention

that she does not wish to return to practice as a nurse. The misconduct identified in this case was not something that can be addressed through retraining.

Furthermore, the panel concluded that the placing of conditions on Ms Mafang's registration would not adequately 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 present:

- *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; and*
- *the Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour.*

The panel was of the view that this case did involve a single instance of misconduct, but where a lesser sanction is not sufficient. Further, there was no evidence before it of any repetition of the behaviour since the incident.

The panel acknowledged that it had found that Ms Mafang has demonstrated limited insight, and that there was a risk of repetition. However, whilst there was a risk of repetition, it did not consider the risk of repetition to be significant in this case. Ms Mafang had acted dishonestly on one occasion, at a time of [PRIVATE], motivated by her desire to obtain employment elsewhere. She had, however, subsequently been open about her application with the NMC.

While the panel found that Ms Mafang's conduct was serious and premeditated, it has also weighed the contextual factors of this case and concluded that her conduct is not reflective of *deep-seated* attitudinal issues. Ms Mafang's motivation for her conduct was [PRIVATE].

Her actions were premeditated only insofar as she appreciated that leaving out employment information would increase her chances of obtaining employment with the Trust. Her actions were serious, but they were also a product of [PRIVATE]. As such, the panel did not consider her conduct to be deep-seated.

The panel carefully considered the submissions of Ms Mukhia that the appropriate sanction in this case would be a striking-off order. However, taking account of all the information before it, and of the mitigating factors, 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 Ms Mafang's case to impose a striking-off order.

The panel considered that Ms Mafang's actions were not fundamentally incompatible with remaining on the register. Furthermore, the panel concluded that members of the public, knowing the facts of this case in its entirety, would not conclude that a strike-off is the only sanction available to protect the public.

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

The panel determined that a suspension order for a period of one year was appropriate in this case to mark the seriousness of the misconduct.

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.

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:

- Evidence of a reflective piece regarding Ms Mafang's insight following this incident. This reflective piece should detail her understanding of the risk her conduct posed to patients, the impact that her actions are likely to have on the public confidence in the profession, the impact on the reputation of the nursing profession, an understanding of how and why her actions were wrong, and how she can improve her practice in the future; and
- Testimonials from a current line manager or supervisor.
- If it remains her position that she does not wish to pursue her nursing career, evidence in relation to this.

This will be confirmed to Ms Mafang in writing.

Interim order

As the suspension order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Ms Mafang's own interests until the suspension sanction takes effect. The panel heard and accepted the advice of the legal assessor.

Submissions on interim order

The panel took account of the representations made by the NMC that an interim suspension order of 18 months should be imposed on the basis that it is necessary for the protection of the public and otherwise in the public interest.

Decision and reasons on interim order

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest. The panel had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

The panel concluded that the only suitable interim order would be that of a suspension order, as to do otherwise would be incompatible with its earlier findings.

If no appeal is made, then the interim suspension order will be replaced by the substantive suspension order 28 days after Ms Mafang is sent the decision of this hearing in writing.

That concludes this determination.