

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

Substantive Meeting

Thursday, 11 December 2025 - Friday, 12 December 2025

Virtual Meeting

Name of Registrant: **Mashamandizyo Sandra Munyaradzi**

NMC PIN: 00C0595E

Part(s) of the register: Registered Nurse Sub Part 1
Mental Health - (Level 1)
01 March 2003

Relevant Location: Stevenage

Type of case: Conviction

Panel members: Louise Guss (Chair, Lay member)
Karan Patricia Sheppard (Lay member)
Janet Fitzpatrick (Registrant member)

Legal Assessor: Sean Hammond

Hearings Coordinator: Adaobi Ibuaka

Facts proved: Charge 1a

Fitness to practise: Impaired

Sanction: **Suspension order (3 months)**

Interim order: **Interim suspension order (18 months)**

Decision and reasons on service of Notice of Meeting

The panel was informed at the start of this meeting that the Notice of Meeting had been sent to Ms Munyaradzi's registered email address by secure email on 4 November 2025.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, dates and the fact that this meeting was heard virtually.

In the light of all of the information available, the panel was satisfied that Ms Munyaradzi 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) and was satisfied for the meeting to proceed.

Rule 19

The panel considered the papers and noted that there were various references to Ms Munyaradzi's health. Although this is a substantive meeting, the panel noted that there will be a written determination which will be published by the NMC.

The panel accepted the advice of the legal assessor.

The panel considered its power under Rule 19 to direct that parts of the determination should be marked as private.

The panel decided to direct that matters relating to Ms Munyaradzi's health and private life within this determination be marked as private and were satisfied that Munyaradzi's right to privacy outweighs that of the public interest in this case.

Details of charge

That you, a registered mental health nurse:

1) On 19 July 2023, were convicted at Stevenage Magistrates' Court of the following offence:

- a) On 01/07/2023 at Stevenage drove a motor vehicle, namely [redacted] on a road, namely Broadwater crescent, after consuming so much alcohol that the proportion of it in your breath, namely 135 microgrammes of alcohol in 100 millilitres of breath, exceeded the prescribed limit.

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

Background

On 30 July 2023 the NMC received a self-referral from Ms Munyaradzi. She told the NMC that on 1 July 2023 she was involved in a personal incident in Stevenage, following a social gathering at a friend's house where she had consumed two glasses of wine.

On her way home Ms Munyaradzi, was involved in a road traffic accident. The police attended the scene and administered a breath test which indicated that Ms Munyaradzi was over the legal alcohol limit.

Ms Munyaradzi was charged and convicted of driving a motor vehicle with excess alcohol. She was given a suspended sentence of imprisonment for 10 weeks suspended for 12 months with a requirement that she undertake 200 hours of unpaid work and complete an Education and Training course, in addition she was fined £239 and was disqualified from driving for 48 months.

Decision and reasons on facts

The charge concerns Ms Munyaradzi's conviction. The panel had regard to Rule 31 (2) and (3). These state:

'31.— (2) Where a registrant has been convicted of a criminal offence—

- (a) *a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and*
- (b) *the findings of fact upon which the conviction is based shall be admissible as proof of those facts.*

(3) *The only evidence which may be adduced by the registrant in rebuttal of a conviction certified or extracted in accordance with paragraph (2)(a) is evidence for the purpose of proving that she is not the person referred to in the certificate or extract.'*

The panel noted that the copy of the certificate of conviction was not certified as the rule stated. The panel had regard to the email correspondence trail between the NMC and Peterborough Magistrates Court dated 6 August 2025, which stated:

*'These documents do not get signed and have not done for years.
The court extract you have been sent is a true record of the court hearing.'*

Having regard to all of the above, the panel noted that the certificate of conviction does not satisfy the strict requirements of Rule 31(2), therefore, the panel went on to consider the facts on the available evidence. Taking into account the uncertified certificate of conviction, the email correspondence between the NMC and Peterborough Magistrates Court and Ms Munyaradzi's written submission in which she does not dispute but accepts the conviction, the panel is satisfied that on the balance of probabilities, charge 1a is found proved.

Fitness to practise

Having announced its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Ms Munyaradzi's fitness to practise is currently impaired by reason of her conviction. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's ability to practice kindly, safely and professionally.

Representations on impairment

The panel noted that there were no written submissions on impairment provided by the NMC.

The panel therefore had regard to the guidance published by the NMC, and bore in mind the NMC's overarching objective to protect 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.

Ms Munyaradzi did provide written submissions and evidence for the consideration of the panel. Ms Munyaradzi stated that she does not consider her practice to be currently impaired.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin) and *Cohen v General Medical Council* [2008] EWHC 581 (Admin).

Decision and reasons on impairment

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

In coming to its decision, the panel had regard to the NMC Guidance on '*Impairment*' (Reference: DMA-1 Last Updated: 03/03/2025) in which the following is stated:

'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 and to maintain professional boundaries. 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.'

The panel considered that the regulatory concern was remediable and could be addressed through sufficiently developed insight, reflections and an understanding of the potential impact of her actions on the public and those involved in the incident, colleagues, the nursing profession and the NMC as a regulator.

The panel noted that Ms Munyaradzi had started to take steps towards addressing the concerns, however she had not fully addressed them. With regard to Ms Munyaradzi's insight, the panel had regard to her reflections contained within her written submissions and noted that she had expressed remorse for her conduct that day and apologised for the danger she had put other drivers in at the time. The panel noted that Ms Munyaradzi has provided written reflections on the impact this had on her, her friends/family, and how she wanted to pay for the damage caused to the other vehicle.

The panel noted the circumstances that led up to Ms Munyaradzi's drink driving offence [PRIVATE]. The panel further noted that Ms Munyaradzi's stated she had [PRIVATE], completed the 200hrs of community work imposed by the court and has completed the Education and Training course imposed by the court. She also provided testimonials from employers which speak to her clinical practice as a nurse.

However, the panel was of the view that Ms Munyaradzi had sought to minimise the seriousness of her conviction. It noted that Ms Munyaradzi does not mention in her referral letter to the NMC that the conviction led to a suspended prison sentence for 10 weeks, and instead talks about the unpaid work she was ordered to complete and the driving disqualification. The panel noted that she minimises that she was significantly over the alcohol limit when the police arrested her, as a result, the panel determined that Ms Munyaradzi had limited insight into her actions.

The panel noted that this was not the first time Ms Munyaradzi had been convicted of driving a motor vehicle with excess alcohol, and she had been convicted of the same offence in October 2017. Given Ms Munyaradzi lack of insight and the fact that this was not her first conviction for the same offence, the panel found that there was a risk that she could be liable to repeat matters of the kind found proved.

The panel next had regard to paragraph 76 of *Grant*, in which 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/their fitness to practise is impaired in the sense that S/He/They:

- 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) ...'

The panel found that limb a of the test was not engaged because the conviction for driving a motor vehicle with excess alcohol was not in any way connected to Ms Munyaradzi's professional practice. Furthermore, there was no evidence before the panel of any patient being placed at risk of unwarranted harm.

The panel found that limbs b and c were engaged in this case both in respect of Ms Munyaradzi's past actions, and given the risk of repetition identified by the panel, in respect of what Ms Munyaradzi is liable to do in the future.

Ms Munyaradzi's conviction had breached the fundamental tenets of the nursing profession, particularly the following standards set out in the NMC Code 2018 under the title: '*Promote professionalism and trust*':

- 20.1 keep to and uphold the standards and values set out in the Code
- 20.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people
- 20.4 keep to the laws of the country in which you are practising

Thus, bringing its reputation into disrepute.

Having regard to the above, the panel was satisfied that the concern had nothing to do with Ms Munyaradzi's clinical practice and therefore did not pose a risk to the health, safety and wellbeing of the public. The panel therefore decided that a finding of impairment is not necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC are to protect, promote and maintain the health safety and well-being of the public and patients, and to uphold/protect the wider public interest, which 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 had regard to the guidance in DMA 1, which states:

'In deciding whether fitness to practise is impaired, the Fitness to Practise Committee will need to consider whether any part of the Code has been breached or is liable to be breached in the future. Any breach would be considered alongside other relevant factors. Not all breaches of the Code require a finding of impairment but where a breach of the Code involves breaching a fundamental tenet of the profession, the Committee would be entitled to conclude that a finding of impairment is required. The finding of impairment would be required to mark the profound unacceptability of the behaviour, emphasise the importance of the fundamental tenet breached, and to reaffirm proper standards or behaviour.'

The panel determined that, in this case, a finding of impairment on public interest grounds was required to declare and uphold proper standards of conduct and behaviour and maintain public confidence in the profession. It considered that the public would lose confidence in the NMC as a regulator if a nurse who has displayed the behaviour that led to her conviction, was allowed to return to practise without a finding of impairment.

In coming to this conclusion that Ms Munyaradzi is impaired on public interest grounds, the panel took into account the NMC Guidance FTP-2c entitled Criminal Convictions and Cautions, dealing with offending outside professional practice, and considered that the underlying behaviour, the subject matter of this conviction was capable of undermining public trust and confidence in the profession.

Having regard to all of the above, the panel is satisfied that Ms Munyaradzi'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 3 months. The effect of this order is that the NMC register will show that Ms Munyaradzi's registration has been suspended.

In reaching this decision, the panel 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.

Representations on sanction

The panel noted that in the Notice of Meeting, dated 4 November 2025, the NMC had advised Ms Munyaradzi that it would seek the imposition of a substantive suspension order for a proposed period of 3 months if it found Ms Munyaradzi's fitness to practise currently impaired.

Ms Munyaradzi submitted that her practice was not currently impaired and therefore that no sanction was necessary. In the alternative, Ms Munyaradzi submitted that '*a proportionate sanction should be considered, reflecting remediation and insight*'.

Decision and reasons on sanction

Having found Ms Munyaradzi'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 bore in mind that there were no concerns regarding Ms Munyaradzi's clinical practise, however, her conduct was a significant departure from the standards expected of a registered nurse.

The panel took into account the following aggravating features:

- Lack of insight into failings including the minimisation of the conviction when she self-referred to the NMC by not mentioning she had received a sentence of imprisonment which had been suspended for 10 weeks.
- This was Ms Munyaradzi second conviction for the same offence, albeit the first offence was 6 years ago.

The panel also took into account the following mitigating features:

- Since self-referring, Ms Munyaradzi has fully admitted the regulatory concerns.
- Ms Munyaradzi has completed court sentencing requirements which included an Education and Training course relating to the offence of driving a motor vehicle with excess alcohol.
- Ms Munyaradzi apologised in written submissions and demonstrated remorse. She offered to pay for the damage caused by the accident.
- [PRIVATE]
- Ms Munyaradzi provided testimonials from employers to show she has practised safely since the incident.

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 interest concerns identified by the panel this was not appropriate. 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 decided that given the seriousness of the conviction which resulted in a sentence of suspended imprisonment, 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 Munyaradzi'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 took into account the NMC Sanctions Guidance (SG).

The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charge in this case. The conviction in this case was not something that can be addressed through retraining.

Furthermore, the panel concluded that the placing of conditions on Ms Munyaradzi's registration would not adequately address the seriousness of this case and would not meet the public interest.

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 panel was satisfied that in this case, the regulatory concern was not fundamentally incompatible with remaining on the register.

The panel went 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 Ms Munyaradzi'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 Ms Munyaradzi. 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 3 months was appropriate in this case to mark the public interest.

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:

- A reflective piece demonstrating developed insight.
- Up to date testimonials.

This will be confirmed to Ms Munyaradzi 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 Munyaradzi's own interests until the suspension sanction takes effect. The panel heard and accepted the advice of the legal assessor.

Decision and reasons on interim order

The panel was satisfied that an interim order is 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 an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months due to allow for the possibility of an appeal to be made and determined.

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

That concludes this determination.