

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

**Substantive Order Review Hearing
Monday, 23 June 2025**

Virtual Hearing

Name of Registrant:	Olatokunbo Adebayo
NMC PIN:	09K0542E
Part(s) of the register:	Registered Nurse RNA: Adult nurse (L1) – September 2011
Relevant Location:	London, Swansea, and Neath Port Talbot, Shrewsbury
Type of case:	Misconduct
Panel members:	Susan Thomas (Chair, lay member) Margaret Marshall (Registrant member) Matthew Clarkson (Lay member)
Legal Assessor:	Michael Bell
Hearings Coordinator:	Dennis Kutyauroipo
Nursing and Midwifery Council:	Represented by Charlotte Begue, Case Presenter
Olatokunbo Adebayo:	Not Present and unrepresented
Order being reviewed:	Suspension order (6 Months)
Fitness to practise:	Impaired
Outcome:	Striking-off order to come into effect at the end of 31 July 2025 in accordance with Article 30 (1)

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Ms Adebayo was not in attendance and that the Notice of Hearing letter had been sent to Ms Adebayo's registered email address by secure email on 20 May 2025.

Ms Begue, 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 Adebayo's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all of the information available, the panel was satisfied that Ms Adebayo has 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 Adebayo

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

Ms Begue submitted that there had been no engagement at all by Ms Adebayo with the NMC in relation to these proceedings and, as a consequence, there was no reason to believe that an adjournment would secure her attendance on some future occasion.

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 Adebayo. In reaching this decision, the panel has considered the submissions of Ms Begue, and the advice of the legal assessor. It has had particular regard to the factors set out in the decision of *R v Jones* (No.2) [2002] UKHL 5 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 Adebayo
- Ms Adebayo has not engaged with the NMC since 22 January 2020 and has not responded to any of the emails sent and phone calls to her about this hearing;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- The current order is due to lapse on 31 July 2025 and there is a strong public interest in the expeditious review of the case.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Ms Adebayo. The panel will draw no adverse inference from Ms Adebayo's absence in its findings of fact.

Decision and reasons on review of the substantive order

The panel decided to make a Striking-off order. This order will come into effect at the end of 18 July 2025 in accordance with Article 30(1)(b) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the second review of a substantive conditions of practice order originally imposed for a period of 18 months by a Fitness to Practise Committee panel on 3rd of July of 2023. This order was last reviewed on 16 December 2024 when the conditions of practice order was replaced by a six month suspension order.

The current order is due to expire at the end of 31 July 2025.

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

The charges found proved which resulted in the imposition of the substantive order are as follows:

'That you, a registered nurse:

1. Between April 2018 and June 2019 whilst working as an agency nurse at different hospitals, you failed to maintain safe medication management and administration in that:

(a) During a night shift on 22 May 2018, you failed to administer medication to one or more patients;

(b) During a night shift on 23 June 2019, you pre-potted medication for one or more patients;

(c) ...;

2. Between 22 May 2018 and 23 May 2018, you failed to support and/or work collaboratively with colleagues in that you:

(a) Refused to assist Colleague 1 with a patient and said "it is not my job" or words to that effect;

(b) Failed to assist colleagues by not attending to patient call bells despite being available;

(c) Told Colleague 1 that you were too busy to assist with patient care while using your personal phone during a busy shift and/or whilst patients required assistance;

3. Between 22 May 2018 and 23 May 2018, demonstrated poor patient care in that you:

- (a) Were rude and dismissive towards a patient who had asked for assistance and said “it’s not my job, it is not my area, I suggest you keep buzzing until the helper comes” or words to that effect;*
- (b) Refused to assist one or more patients who had asked for and/or required assistance;*
- (c) Ignored call bells from one or more patients when you were available to assist;*
- (d) ...*

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

The original panel determined the following with regard to impairment:

‘The panel next went on to decide if as a result of the misconduct, Miss Adebayo’s fitness to practise is currently 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. 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) ...'*

The panel considered that limbs a, b and c of the above test were engaged by Miss Adebayo's past actions.

The panel finds that Miss Adebayo's patients were put at risk of physical harm and were also caused emotional distress as was Miss Adebayo's colleague. This was a result of Miss Adebayo's misconduct. Miss Adebayo's misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

Regarding insight, the panel had limited information before it. The panel took into account that 'Statement regarding incident on ward 24' dated 5 December 2018, which Miss Adebayo provided to the Hospital during the course of its internal investigations, and which includes Miss Adebayo's reflections. The panel noted that

it has no information before it as to whether Miss Adebayo is working or where she is working, and that it has otherwise, no up to date information from Miss Adebayo.

The panel had regard to the case of Cohen and considered that Miss Adebayo's actions were remediable. The panel went on to consider whether Miss Adebayo remained liable to act in a way to put patients at risk of harm, to bring the profession into disrepute and to breach fundamental tenets of the profession in the future. In doing so, the panel considered whether there was any evidence of insight and remediation.

Whilst the panel concluded that the misconduct in this case is capable of being remediated, the panel has no evidence before it of whether Miss Adebayo's has taken steps, if any, to address her misconduct and strengthen her practice. The panel, therefore, found that there is a risk of repetition. The panel decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions. The panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also finds Miss Adebayo's fitness to practise impaired on the grounds of public interest.

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

The original panel determined the following with regard to sanction:

'Having found Miss Adebayo'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 (Sanctions Guidance). The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Misconduct which put patients at risk of suffering harm.*
- Actual upset and distress caused to patients and a colleague.*
- Apparent lack of insight into failings.*

The panel did not find any mitigating features in terms of insight and remediation.

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 Miss Adebayo'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 Miss Adebayo'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 and risk of repetition. 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 Miss Adebayo'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 SG, in particular:

- Identifiable areas of the nurse or midwife's practice in need of assessment and/or retraining;*

- *Potential to respond positively to retraining;*
- *Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- *The conditions will protect patients during the period they are in force; and*
- *Conditions can be created that can be monitored and assessed.*

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 had regard to the fact that these incidents happened a long time ago and that, other than these incidents, Miss Adebayo had an unblemished career as a nurse. The panel was of the view that it was in the public interest that, with appropriate safeguards, Miss Adebayo should be able to return to practise as a nurse. Balancing all of these factors, the panel determined that the appropriate and proportionate sanction is that of a conditions of practice order.

The panel noted that Miss Adebayo had to date, failed to fully comply with previous orders and engage with the process, although as far as the NMC were aware, she had not been practising as a registered nurse since April 2020. It was not clear if this was due the pandemic, [PRIVATE] the challenges of securing agency work with restrictions on her practice, or a general unwillingness to engage at that stage. The panel decided it was fair to provide her with this opportunity to engage, whilst at the same time through a conditions of practice order provide the requisite protection for the public.

The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of Miss Adebayo's case. A conditions of practice order would be sufficient enough to protect the public and to enable Miss Adebayo to strengthen her practice.

Having regard to the matters it has identified, the panel has concluded that a conditions of practice order will mark the importance of maintaining public

confidence in the profession and will send to the public and the profession a clear message about the standards of practice required of a registered nurse.

The panel determined that the following conditions 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. You must not be the nurse in charge of the shift.*
- 2. You must not manage or administer any medication without direct supervision by a registered nurse.*
- 3. You must keep a personal development log to address how you are strengthening your practice in relation to:*
 - The management and the administration of medication including, where appropriate electronic systems*
 - Treating patients with dignity and respect*
 - Working with colleagues to provide effective care*
 - Communication with colleagues, including handover*

The log must:

- Contain the dates that you carried out these tasks*
- Show where you are working*
- Be signed by your supervisor*
- Contain feedback from your supervisor on how you carried the tasks out*

You must send your case officer a copy of the log every three months.

4. *You must prepare and submit a reflective piece that addresses the concerns in the charges and what you have done to strengthen your practice and minimise the risk of repetition.*
5. *You will send the NMC a report seven days in advance of the next NMC hearing or meeting from either your line manager, mentor, or supervisor.*
6. *You must keep us 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 us 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 18 months.'

Decision and reasons on current impairment

The panel has considered carefully whether Ms Adebayo'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 ability to practise kindly, safely, and professionally. 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 hearing bundle and proof of service. It has taken account of the submissions made by Ms Begue on behalf of the NMC.

Ms Begue submitted that the NMC would like for the current order to be allowed to lapse with a finding of impairment or for a striking off order.

Ms Begue submitted that today's reviewing panel has received nothing that could evidence that her practice has strengthened or assist in formulating a route for Ms Adebayo to return to safe nursing practice from this time forward. She stated that the sensible options the NMC would contest appear to be limited. She also stated that there is little to be gained by giving Ms Adebayo another chance to engage with the NMC's regulatory processes. Therefore, the risk she poses to the public remains high if she is allowed to return to unrestricted practice.

Ms Begue submitted that Ms Adebayo did not attend her substantive hearing and provided no written submissions ahead of the review meeting in December. She also directed the panel to the lack of information to evidence any development of insight ahead of today's hearing, and she did not express any willingness to attend the hearing.

She submitted that the panel would have little choice but to find impairment again as Ms Adebayo has completely disengaged with the NMC, she has not provided any information of paid or unpaid employment as recommended by the previous panel.

She further submitted that the panel's options beyond a striking off order are limited, as the NMC has now reached a stage where it deems a striking off order as the most realistic option in this case.

The panel accepted the advice of the legal assessor.

In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether Miss Adebayo's fitness to practise remains impaired.

The panel noted that the last reviewing panel found that there was no evidence to show that Ms Adebayo's insight had developed. At this hearing, the panel noted that it had not received any new information that would show that this has now changed. This shows that she still poses a high risk, and the public would be interested to know that a nurse with such serious charges has taken the necessary steps to remediate.

In its consideration of whether Ms Adebayo has taken steps to strengthen her practice, the panel took into account that Ms Adebayo has not provided any evidence of how she has strengthened her practice. She has not provided any information on training undertaken; any employment she is currently undertaking to remediate the found concerns that gave rise to these regulatory proceedings.

Today's panel noted that the last reviewing panel concluded that the misconduct in this case is capable of being remediated, but it had no evidence before it of whether Miss Adebayo had taken steps, if any, to address her misconduct and strengthen her practice. Further, this panel has no information about what Miss Adebayo is currently doing and whether she intends to continue to practise as a registered nurse. The panel, therefore, found that there is a risk of repetition and a real risk of harm to the public, and decided that a finding of 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 Ms Adebayo's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Ms Adebayo'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 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 not protect the public or be in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Ms Adebayo'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 Adebayo's misconduct was not at the lower end of the spectrum and that a caution order 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 impose a caution order.

The panel next considered whether placing conditions of practice on Ms Adebayo's registration would be a sufficient and appropriate response. The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case and the stage at which proceedings are now on. The misconduct identified in this case is something that the previous panel had deemed remediable. However, Ms Adebayo has not provided evidence of steps taken to remediate, nor has Ms Adebayo demonstrated any willingness to engage through retraining, supervision or compliance with previous practice orders. The panel considered that Ms Adebayo has not demonstrated any insight. Furthermore, the panel concluded that the placing of conditions on Ms Adebayo's registration would not adequately address the seriousness of the misconduct and would not protect the public or meet the public interest.

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

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

The panel took into account that, despite Ms Adebayo having had the opportunity over the past 18 months to demonstrate insight, reflect on her actions and how it impacted on patients and colleagues, she has not done so. Therefore, this failure undermines public confidence and has brought the profession into disrepute. There is no evidence of repetition since Ms Adebayo has not provided any information of having worked as a registered nurse since the proceedings began. The panel considered that Ms Adebayo has not demonstrated any insight, and did not reflect on her actions and how they impacted patients, undermined public confidence and brought the profession into disrepute.

The conduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse. The panel noted that the serious breach of the fundamental tenets of the profession evidenced by Ms Adebayo's actions is fundamentally incompatible with Ms Adebayo remaining on the register.

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

Finally, in looking at a striking-off order, the panel took note of the following paragraphs of the SG:

- *Do the regulatory concerns about the nurse or midwife raise fundamental questions about their professionalism?*
- *Can public confidence in nurses and midwives be maintained if the nurse or midwife is not removed from the register?*
- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

Ms Adebayo's actions were significant departures from the standards expected of a registered nurse and are fundamentally incompatible with her remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Ms Adebayo's actions were serious in that they relate to professional misconduct. The panel determined that to allow Ms Adebayo to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

The panel determined that the misconduct in this case raises fundamental questions about Ms Adebayo's professionalism. The charges that the panel found proved are particularly difficult to put right given they were across various clinical areas. Furthermore, she has not expressed any interest to remain in the profession. The panel noted that registrant has failed to engage at all with the regulatory process from the substantive hearing onwards.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the effect of Ms Adebayo's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct themselves, her disinterest in engaging with the proceedings. The panel has concluded that nothing short of a striking-off order would be sufficient in this case.

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

This will be confirmed to Ms Adebayo in writing.