

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

**Substantive Order Review Hearing
Wednesday, 4 June 2025**

Virtual Hearing

Name of Registrant:	Anisoara Lazar
NMC PIN:	15D0551C
Part(s) of the register:	Registered Nurse – Sub Part 1 Adult Nursing – April 2015
Relevant Location:	Wales
Type of case:	Lack of knowledge of English
Panel members:	Chris Weigh (Chair, Lay member) Janet Williams (Registrant member) Kitty Grant (Lay member)
Legal Assessor:	Fiona Barnett
Hearings Coordinator:	Karina Levy
Nursing and Midwifery Council:	Represented by Sian Beaven, Case Presenter
Ms Anisoara Lazar:	Present and represented by Tasmin Malcolm, of Crucible Chambers.
Order being reviewed:	Conditions of practice order (24 Months)
Fitness to practise:	Impaired
Outcome:	Conditions of practice order (24 Months)

Decision and reasons on review of the substantive order

The panel decided to extend the current conditions of practice order.

This order will come into effect at the end of 11 July 2025 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the fourth review of a substantive conditions of practice order originally imposed for a period of 18 months by a Fitness to Practise Committee panel on 12 December 2018. This was reviewed on 19 June 2020 where the conditions of practice order was varied and extended for 12 months, coming into effect upon expiry of the last order. This order was then once again reviewed on 1 July 2021, whereby the conditions were varied and continued. This order was once again reviewed on 26 May 2023 whereby the conditions were continued.

The current order is due to expire at the end of 11 July 2025.

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

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

That you, a registered nurse:

- 1. Do not have the necessary knowledge of the English language to practise safely and effectively.*

And in the light of the above, your fitness to practise is impaired by reason of your lack of knowledge of English.

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

"The panel noted that the last reviewing panel found that although there was no evidence of actual patient harm, it determined that there was a potential risk due to lack of English language skills. It also noted that your

IELTSS score is the same as it was at the last reviewing panel.

The panel took into account that you have undertaken additional training courses and made a significant effort to improve your English language skills. It noted that you provided Ms 1 with up-to-date training certificates, undertaken in June 2021. In her evidence, Ms 1 also noted that she has had no concerns with your English skills and communication with staff and residents. It also took into account your reflective piece that was written in English.

The last reviewing panel determined that as your IELTSS score was low, your fitness to practise was still impaired. Today's panel has heard evidence from your line manager and received positive testimonials, as well as your written reflective statement. In light of this, this panel determined that as your IELTSS score is still low and has not changed since the last review, it decided that a finding of continuing impairment is necessary on the grounds of public protection."

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

'Having found your fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the 'NMC's Sanctions Guidance' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel first considered whether to allow the order to lapse but concluded that this would be inappropriate in view of the public protection concerns identified and the risk of repetition. The panel decided that it would be neither proportionate nor in the public interest to allow the order to lapse. The panel then considered whether to impose a caution order but concluded that this would be inappropriate for the same reasons.

The panel next considered continuing the current conditions of practice order. It accepted Ms Grummitt's submission that the current conditions of practice order requires some form of amendment.

The panel determined that a suspension order would be wholly disproportionate at this time.

Accordingly, the panel concluded, pursuant to Article 30 (1) of the Nursing and Midwifery Order 2001, to amend and continue the current conditions of practice order until it's expiry, namely at the end of 10 July 2020. The panel was of the view that the order would be sufficient to protect patients as well as address the wider public interest. It decided to impose the following conditions which it considered are appropriate and proportionate in this case:

- 1. You must confine your nursing practice to any home which forms part of the Hengoed Care Group and/or April Court Care Home.*
- 2. You must re-take the International English Language Testing System (IELTSS) assessment or an Occupation English Test before a review of this order and provide the results to the NMC at least 14 days before a review hearing.*
- 3. You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 7 days of you receiving notice of them.*
- 4. You must within 7 days of accepting any course of study connected with nursing or midwifery, provide the NMC with the name and contact details of the individual or organisation offering the or course of study.*
- 5. You must immediately tell the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose the conditions listed at (1) to (4) above, to them.*

a) Hengoed Care Group;

b) Any educational establishment at which you are undertaking a course of study connected with nursing or midwifery, or any such establishment to which you apply to take such a course (at the time of application)”

The period of this order is for 12 months

Should you achieve the English test scores required by the NMC before the expiry of this order, you can ask for an early review of the order.

In any event, before the end of the period of the order, a panel will hold a review hearing to see if your knowledge of English language has improved. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order’.

Decision and reasons on current impairment

The panel has considered carefully whether your fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC states in its guidance DMA1, that, *“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?”*

In considering this case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel has had regard to all of the documentation before it, including the NMC bundle, the registrant’s bundle including the most recent IELTS test score, CPD certificates and references. It has taken account of the submissions made by Ms Beaven on behalf of the NMC. Ms Beaven submitted that this current order is being reviewed prior to its expiry on 11 July 2025 and went on to provide some background information. Concerns were

originally raised about the proficiency of your English by your employer. You undertook an initial IELTS assessment and returned a score of 4.0 across the disciplines, which is lower than the 7.0 required as a minimum score. On the 22nd of June 2020 the case was reviewed for the first time and the panel decided to extend and change the conditions of the order. An extension of 12 months was granted, and the alteration included the addition of conditions 6C which stated that you were not permitted to work for an agency under the terms of condition one. It was understood that on that occasion the pandemic had interfered with your ability to complete the English test.

As there was a lack of testing opportunities available on the 2nd of July 2021, the case was further reviewed for the second time and the panel decided once again to extend the order, this time for a further 24 months.

At that time the NMC acknowledged that you had made efforts to improve your levels of English and heard evidence from your line manager in support of this program. However, the IELTS score remained unchanged. A finding of current impairment was found to be necessary on the grounds of public protection on that occasion as well. On the 26th of May 2023, the case was reviewed for the third time and the decision was to extend the order for a further 24 months. On that occasion, the NMC highlighted that the you had retaken the IELTS examination and received a score of 4.5 as the overall result. Whilst of course this was an improvement, it remained significantly below the NMC's expected level of 7.0 and on that occasion the registrant accepted that she did not meet the required level and requested an extension of the order to continue to try and improve her language.

The panel also had regard to your submissions from Ms Malcolm who was not instructed to oppose any extension on conditions of practice that remain on the substantive order while you are seeking to improve your English language. Ms Malcolm highlighted to the panel that you have continued to test in relation to the IELTS score, a modest 4.5 but you are still attempting to achieve better scores, this therefore demonstrates your commitment to the process and to the NMC. You are continuing to learn and are keeping up to date with any developments. Ms Malcolm referred to the testimonials from the registrant bundle where it has been noted how you have extended your professionalism by supporting the residents. It was stated that you have been able to do so with a good level of

communication skills and you are able to advocate and express the residents' care needs. It was stated that you are able to complete your verbal handover following each shift.

The panel heard and accepted the advice of the legal assessor.

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

The panel considered whether your fitness to practise remains impaired.

In its consideration of whether you have taken steps to strengthen your practice, the panel took into account that you have once again fallen well short of the required test score. In looking at your testimonials, the panel noted that they are from only one employer due to the conditions imposed due to your impairment. The panel believe that there would be a risk to the public interest and public protection if you were to work outside of your familiar environment.

The panel are encouraged that you have a good work support system, and a supportive work environment but your lack of knowledge of English has still not been adequately addressed. You have not demonstrated progress in that your current score of 4.5 is significantly below the NMC required score of 7.

The panel took into account the guidance FTP-2e. Given that the most recent score is so far short of the required standard the panel decided that the testimonial and CPD evidence, whilst positive, was insufficient to justify a finding that your fitness to practise is no longer impaired

Having had regard of the evidence before it today the panel noted there had been very little progress made since the previous review hearing and therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and

upholding proper standards of conduct and performance. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that your fitness to practise remains impaired.

Decision and reasons on sanction

Having found your fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the 'NMC's Sanctions Guidance' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the regulatory concerns in this case, and the public protection and public interest issues identified, an order that does not restrict your practice would not be appropriate in the circumstances.

The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice order on your registration would still be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case. The panel accepted that you have been complying with current substantive conditions of practice

The panel was of the view that a further conditions of practice order is sufficient to protect patients and the wider public interest. In this case, there are conditions could be formulated which would protect patients during the period they are in force.

The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of your case.

Accordingly, the panel determined, pursuant to Article 30(1)(a) to extend the conditions of practice order for a period of 24 months, which will come into effect on the expiry of the current order, namely at the end of 11 July 2025. It decided to continue the following conditions which it considered are appropriate and proportionate in this case:

'For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.'

1. You must confine your nursing practice to any home which forms part of the Hengoed Care Group and/or April Court Care Home.
2. You must re-take an NMC accepted English language test, such as the International English Language Testing System (IELTS) assessment or an Occupation English Test, before a review of this order and provide the results to the NMC at least 14 days before a review hearing.
3. You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 7 days of you receiving notice of them.
4. You must within 7 days of accepting any course of study connected with nursing or midwifery, provide the NMC with the name and contact details of the individual or organisation offering the or course of study.

5. You must immediately tell the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose the conditions listed at (1) to (4) above, to them.

- a) Hengoed Care Group;
- b) Any educational establishment at which you are undertaking a course of study connected with nursing or midwifery, or any such establishment to which you apply to take such a course (at the time of application)

The period of this order is for 24 months.

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 11 July 2025 in accordance with Article 30(1)

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

This will be confirmed to you in writing.

That concludes this determination.