

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

**Substantive Order Review Hearing
Tuesday, 13 May 2025**

Virtual Hearing

Name of Registrant:	Sophie Addo
NMC PIN	99A0620E
Part(s) of the register:	Registered Nurse – Adult Effective – 14 March 2002 Registered Midwife Effective – 14 March 2005
Relevant Location:	London
Type of case:	Misconduct
Panel members:	Michelle Lee (Chair, registrant member) Anne Rachael Browning (Registrant member) Michael Glickman (Lay member)
Legal Assessor:	Fiona Moore
Hearings Coordinator:	Tyra Andrews
Nursing and Midwifery Council:	Represented by Ryan Hodgins, Case Presenter
Miss Addo:	Not present and unrepresented at this hearing
Order being reviewed:	Suspension order (6 months)
Fitness to practise:	Impaired
Outcome:	Order to lapse with impairment upon expiry in accordance with Article 30(1), namely 19 June 2025

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Miss Addo was not in attendance and that the Notice of Hearing had been sent to Miss Addo's registered email address by secure email on 11 April 2025.

Mr Hodgins, 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 substantive order being reviewed, the time, date and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Miss Addo'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 Miss Addo has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Miss Addo

The panel next considered whether it should proceed in the absence of Miss Addo. The panel had regard to Rule 21 and heard the submissions of Mr Hodgins who invited the panel to continue in the absence of Miss Addo. He submitted that Miss Addo had voluntarily absented herself.

Mr Hodgins submitted that there had been no engagement at all by Miss Addo with the NMC in relation to these proceedings since the substantive hearing in November 2023 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 has decided to proceed in the absence of Miss Addo. In reaching this decision, the panel has considered the submissions of Mr Hodgins, and the advice of the legal assessor. It has had particular regard to any relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Miss Addo;
- Miss Addo has not engaged with the NMC since the substantive hearing in November 2023, and has not responded to any of the emails sent to her about this hearing;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- The order is due to expire on 19 June 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 Miss Addo.

Decision and reasons on review of the substantive order

The panel decided to allow the current suspension order to lapse with impairment on expiry.

This order will lapse at the end of 19 June 2025 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the second review of a substantive order originally imposed as a conditions of practice order for a period of 12 months by a Fitness to Practise Committee panel on 21 November 2023. This was reviewed on 11 November 2024 and a suspension order was imposed for a period of 6 months.

The current order is due to expire at the end of 19 June 2025.

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

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

‘That you, a Registered Midwife, whilst working at Newham University Hospital (‘the Hospital’):

Patient B

1) *On night of 18/19 July 2016, in relation to Patient B:*

a) ...

b) ...

c) ...

d) ...

e) ...

f) ...

g) ...

h) *Having documented that the CTG was pathological at 04:15:*

i) *failed to escalate Patient B’s care / record such escalation; **Found Proved***

ii) *increased the syntocinon to 50mls an hour / failed to discontinue syntocinon; **Found Proved***

i) ...

j) ...

Patient A

- 2) ...
 - a) ...
 - b) ...
 - c) ...
 - d) ...
 - e) ...
 - f) ...
- 3) ...
- 4) ...
- 5) ...
 - a) ...
 - b) ...
 - c) ...
- 6) ...

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

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

'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 Addo's fitness to practise remains impaired.

The panel noted that the original panel found that Miss Addo had not demonstrated effective development in her insight or evidenced the appropriate steps to remedy past failings or strengthen her practice. The panel considered that Miss Addo has

disengaged from the process and has not provided any new information or representations for the panel to consider. The panel noted that Miss Addo has not provided any evidence of development of insight or remedial steps, nor has she provided the information recommended by the previous panel. Therefore, the panel had no new information before it to show that Miss Addo was unlikely to repeat the matters found proved by the substantive panel.

This panel agrees with the original panel that the misconduct is capable of remediation with committed engagement from Miss Addo. However, in light of Miss Addo's continued non-engagement, and the absence of evidence of insight or strengthened practice, this panel determined that there is a continued risk that Miss Addo might repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that Miss Addo's fitness to practise remains impaired.'

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

'The panel considered that to take no further action, or to impose a caution order would be inappropriate as this would not protect the public from the risk associated with any repetition of the misconduct.

The panel then went on to consider if a further conditions of practice order would be appropriate. Miss Addo has not demonstrated any willingness to comply with the conditions of practice set out by the original panel, and nothing is known about her

current circumstances or career intentions. In these circumstances the panel concluded that the current conditions of practice are no longer workable as Miss Addo has not demonstrated a willingness to engage with them.

The panel next considered the imposition of a suspension order. It was of the view that a suspension order would allow Miss Addo time to reflect on her future career intentions and whether or not she wishes to seek to remediate and return to her Midwifery career. The panel noted that before she could safely return to practice, Miss Addo would need to demonstrate insight into her actions and their potential impact on the patient, her colleagues and the Midwifery profession, and to demonstrate a willingness to take remedial steps to ensure that those actions would not be repeated.

The panel noted this is the first review of the substantive order and Miss Addo did engage with the substantive hearing. The panel also noted that the failings identified in this case are capable of being remedied. It bore in mind that Miss Addo had practised without regulatory concern for a significant period before this isolated episode which took place on a single shift. It considered that there was no evidence of deep-seated attitudinal issues in this case, and that the failings were not fundamentally incompatible with ongoing registration.

The panel considered allowing the order to lapse upon expiry however, it noted that there was no settled intention put forward by Miss Addo that she wished to leave the profession. The panel concluded that it would be disproportionate at this time to allow the order to lapse upon expiry given Miss Addo's previous engagement with proceedings.

The panel considered a short period of suspension would enable Miss Addo if she so wished, to provide evidence to a future panel to demonstrate a clear and settled intention to retire from the profession without the necessity of a striking-off order, and the steps she has taken to implement her plans to leave the profession.

In all those circumstances, the panel considered that at this stage, a striking-off order would be disproportionate and inappropriate. It considered that at this stage,

the public could be protected, and the wider public interest considerations satisfied, by a lesser sanction, which would give Miss Addo the opportunity for a further period of reflection on how she wishes to proceed. However, the panel wish to advise Miss Addo that if she continues to be disengaged from the process, a future reviewing panel might well consider that a point has come when the situation ceases to be compatible with ongoing registration and removal from the register may be the appropriate outcome.

The panel therefore determined that a suspension order is the appropriate sanction at this stage, which would continue to protect the public and satisfy the wider public interest considerations. Accordingly, the panel has imposed a suspension order for the period of six months, to provide Miss Addo with an opportunity to reflect further and to engage with the NMC. The panel considered that within that period Miss Addo should be able to give a clear indication of whether she wishes to seek to return to her Midwifery career, or whether she has instead decided to leave the profession.

The suspension order will come into effect at the end of 19 December 2024 in accordance with Article 30(1).

Before 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 Miss Addo's:

- *Engagement with the NMC and attendance at future hearings.*
- *Written statement clarifying whether she intends to retire permanently as a midwife.*
- *Reflective piece addressing the concerns raised.*
- *Any evidence of keeping up to date with the Midwifery profession and any relevant training undertaken.'*

Submissions on impairment and sanction

Mr Hodgins outlined the background of the case and referred the panel to the relevant documentation. Mr Hodgins noted the original panel considered that this panel may be assisted by Miss Addo's engagement with the NMC, a reflective piece addressing the concerns raised, Miss Addo's attendance at future hearings and a written statement clarifying whether Miss Addo intends to retire permanently as a midwife.

Mr Hodgins submitted that Miss Addo has not engaged with the NMC or provided any evidence to demonstrate remediation or insight and remorse and no testimonial evidence has been provided. Mr Hodgins submitted there has been no material change since the previous hearing and Miss Addo has not complied with the recommendations of the previous panel, therefore a finding of impairment is necessary on the grounds of public protection and public interest.

Regarding sanction, Mr Hodgins invited the panel to consider a striking off order. He directed the panel's attention to the determination of the previous panel which advised Miss Addo that this option would be available to any future panel. Mr Hodgins acknowledged that Miss Addo's representative made written submissions in the substantive hearing that she had retired, however he submitted that there is no supporting evidence of this. Mr Hodgins further submitted that Miss Addo's actions have brought the profession into disrepute, and she has failed to comply with the steps required to return to practice. He submitted that a striking off order was appropriate in the light of this failure to engage with her regulator.

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

Decision and reasons on current impairment

The current panel has considered carefully whether Miss Addo'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 capability 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 NMC bundle. It has taken account of the submissions made by Mr Hodgins on behalf of the NMC.

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 Addo's fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Miss Addo had insufficient insight. Given that there has been no new evidence or engagement from Miss Addo during the intervening period, there has been no material change in circumstances or evidence to demonstrate insight, remorse or strengthening of her practice. In light of this the panel has concluded that there is no evidence that Miss Addo has sufficient insight into her actions and therefore is likely to repeat matters of the kind found proved.

The panel noted Miss Addo appears to have disengaged with the NMC and acknowledged the previous panel's position that Miss Addo's actions fell significantly short of the standards expected of a registered midwife. The panel has not received new information to demonstrate remediation of Miss Addo's misconduct. In light of this, it determined that Miss Addo has not upheld the standards of the profession and there remains a risk of harm to patients and the public should Miss Addo be allowed to practise unrestricted. The panel determined that a finding of impairment on public protection grounds is required.

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 noted that, despite the length of the proceedings, Miss Addo has not demonstrated strengthened practice or upholding the standards of practice or conduct required of an NMC registrant. A finding of continuing impairment on public interest grounds is therefore also required.

For these reasons, the panel finds that Miss Addo's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Miss Addo's fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the 'NMC's Sanctions Guidance' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect. The panel also had regard to NMC guidance REV-3h 'Removal from the register when there is a substantive order in place'.

The panel considered all of the options available to it as advised by the legal assessor.

The panel considered whether to replace the current order with a caution order. However, it concluded that this would be insufficient to protect the public in view of the misconduct found proved in the substantive hearing.

The panel next considered whether placing a conditions of practice order on Miss Addo's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. As Miss Addo continues to fail to engage with the regulatory process, the panel could not be confident that she would comply with any conditions it imposed. It bore in mind that the previous reviewing panel had replaced the conditions of practice order with a suspension order for this reason. It therefore determined that it would not be appropriate to replace the current order with a conditions of practice order.

The panel next considered extending the current suspension order. The panel noted that Miss Addo has not shown remorse for her misconduct and has not demonstrated any insight into her previous failings. The panel was of the view that considerable evidence and engagement with the NMC would be required to show that Miss Addo no longer posed a risk to the public. However, the panel noted the proceedings were initiated in November 2017 and Miss Addo has not been practicing as a midwife since that time. It determined

that a further period of suspension would not serve any useful purpose in all of the circumstances.

The panel went on to consider whether a striking off order would be appropriate. It noted that the original panel had found only two out of 42 allegations proved and had determined that a conditions of practice order was the appropriate sanction, indicating that the misconduct was not at the higher end of the spectrum of seriousness. It further noted that the registrant had been subject to an interim suspension order for some five years before the original hearing. It concluded that the public interest could be served by a lesser sanction than a striking off order.

The panel noted the written submissions made by Miss Addo's representative in the substantive hearing as recorded in the determination that Miss Addo had retired and did not intend to return to practice. Today's panel acknowledges that no supporting evidence has been provided to support that this is Miss Addo's current position, however, given the length of time that she has been out of practice, it considers it unlikely that she has changed her mind.

The panel took note of the NMC guidance REV-3h regarding allowing a nurse to lapse with impairment, which states that this may be appropriate when:

- the professional would no longer be on the register but for the order in place;
- the panel can no longer conclude that the professional is likely to return to safe unrestricted practice within a reasonable period of time;
- a striking off order isn't appropriate.

It noted that Miss Addo's registration fee had expired on 31 March 2019. Her lack of engagement made it unlikely that any further extension of the proceedings would lead to her returning to practice within a reasonable period of time. A striking off order was not appropriate for the reasons given above.

If Miss Addo's registration were allowed to lapse, she would be unable to return to the register without satisfying the Registrar that her fitness to practise was no longer impaired. This would ensure that the public remain protected.

The panel therefore determined to allow the suspension order to lapse with impairment on expiry on 19 June 2025.

This will be confirmed to Miss Addo in writing.

That concludes this determination.