

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

**Substantive Order Review Hearing
Thursday, 6 November 2025**

Virtual Hearing

Name of Registrant:	Ionut Aurelian Necula
NMC PIN:	11A0018C
Part(s) of the register:	Registered Nurse – Sub Part 1, Adult Nursing (January 2011)
Relevant Location:	Kent
Type of case:	Misconduct
Panel members:	Vicki Wells (Chair, Registrant member) Wendy Hope (Registrant member) Georgina Wilkinson (Lay member)
Legal Assessor:	Ben Stephenson
Hearings Coordinator:	Zahra Khan
Nursing and Midwifery Council:	Represented by Tessa Donovan, Case Presenter
Mr Necula:	Not present and not represented at this hearing
Order being reviewed:	Conditions of practice order (12 months)
Fitness to practise:	Impaired
Outcome:	Striking-off order to come into effect on 11 December 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 Mr Necula was not in attendance and that the Notice of Hearing had been sent to Mr Necula's registered email address by secure email on 7 October 2025.

Ms Donovan, 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 Mr Necula's right to attend, be represented and call evidence, as well as the panel's power to proceed in his absence.

In light of all of the information available, the panel was satisfied that Mr Necula 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 Mr Necula

The panel next considered whether it should proceed in the absence of Mr Necula. The panel had regard to Rule 21 and heard the submissions of Ms Donovan who invited the panel to continue in the absence of Mr Necula. She submitted that Mr Necula had waived his right to attend or be represented at this hearing.

Ms Donovan referred to an email from Mr Necula in response to a query from the NMC regarding whether he will be attending today's hearing. His email, dated 5 November 2025, stated:

'No I'm not attending'.

The panel accepted the advice of the legal assessor.

The panel decided to proceed in the absence of Mr Necula. In reaching its decision, the panel considered the submissions of Ms Donovan, the email dated 5 November 2025 from Mr Necula, and the advice of the legal assessor. It had particular regard to relevant case law and to the overall interests of justice and fairness to all parties. The main considerations were:

- No application for an adjournment has been made by Mr Necula;
- Mr Necula is aware that today's hearing is taking place and has informed the NMC via an email dated 5 November 2025 that he will not be attending;
- There is no reason to suppose that adjourning would secure Mr Necula's attendance at some future date; and
- There is a strong public interest in the expeditious review of the case as the order is due to expire at the end of 11 December 2025.

In these circumstances, the panel decided that it is fair to proceed in the absence of Mr Necula.

Decision and reasons on review of the substantive order

The panel decided to replace the current conditions of practice order with a striking off order.

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

This is the second review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 9 November 2024. This was reviewed on 30 October 2024 when the panel extended the existing conditions of practice order for a period of 12 months.

The current order is due to expire at the end of 11 December 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:

‘Charge 1a

“That you, a registered nurse, on 5 September 2019 in relation to Resident A, failed to:

a) Record in the care notes that he was suffering from expectorate phlegm post cough.” [proved].

Charge 1b

“On 5 September 2019 in relation to Resident A, failed to:

b) Record observations for temperature and/or pulse and/or breathing.” [proved].

Charge 1c

“On 5 September 2019 in relation to Resident A, failed to:

c) Provide a handover for the next shift.” [proved].

Charge 2c

“On 20 September 2019 in relation to Resident B:

c) Failed to call the GP about Resident B’s deteriorating condition as requested by Colleague A,” [proved].

...

Charge 4

“On or before 19 October 2019 failed to:

- a) Complete care plans. [proved].*
- b) Complete wound care records.” [proved].*

Charge 5a)

“On 18 November 2019, in relation to Resident C:

- a) Failed to check Resident C’s glucose levels before administering insulin...” [proved].*

The second reviewing panel of 30 October 2024 determined the following with regard to impairment:

‘The panel considered whether Mr Necula’s fitness to practise remains impaired. It notes that in practical terms there is a persuasive burden on him to demonstrate to this reviewing panel that he has addressed all the concerns found proved by the previous panel through insight, application and supervision.

The panel noted that the original panel had not been provided with any evidence as to Mr Necula’s insight. However, it did appear to accept the evidence of an NMC witness that Mr Necula ‘has the potential to be a good nurse with the right support and further training’.

In considering whether Mr Necula had taken steps to strengthen his practice, the panel noted the absence of evidence since the imposition of the conditions of practice order. It noted that he does not appear to have secured work as a registered nurse and therefore the conditions of practise order has not come into effect.

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 protection and public interest grounds is required.

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

The second reviewing panel of 30 October 2024 determined the following with regard to sanction:

'The panel next considered whether extending the existing conditions of practice order would be a sufficient and appropriate response. It agrees with the matters identified by the previous panel from the sanctions guidance namely, no evidence of harmful deep-seated personality or attitudinal problems;

- Identifiable areas of the nurse or midwife's practice in need of assessment and/or 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 was of the view that a further conditions of practice order is sufficient to protect patients and the wider public interest, noting as the original panel did that there was no evidence of deep seated attitudinal problems. In this case, there are conditions that could be formulated which would protect patients during the period they are in force.

It has decided to afford Mr Necula a further opportunity to engage with the conditions of practice order. This will afford Mr Necula a final opportunity to obtain a nursing position and engage with the current conditions of practice order. Whilst this panel cannot bind any future reviewing panel, such a panel is unlikely to extend a

conditions of practice order in the absence of persuasive evidence that Mr Necula is engaging with the current order. Further, in the absence of such engagement, it is likely to impose a more severe sanction.

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 Mr Necula's case.

Accordingly, the panel determined, pursuant to Article 30(1), to extend the current conditions of practice order for a period of 12 months. This will come into effect on the expiry of the current order, namely at the end of 12 December 2024. It decided that the current conditions of practice are both 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 limit your employment to one substantive employer. This must not be an agency.

2. You must not be the sole registered nurse in charge until deemed competent by another registered nurse, equivalent to a Band 6.

3. You must ensure that you are supervised by another registered general nurse any time you are working. Your supervision must consist of:

a) Working at all times on the same shift as, but not always directly observed by, a registered nurse equivalent to a Band 6 or above until deemed competent.

4. You must work with your supervisor to develop a work plan which address the charges with particular regard to:

- a) Record keeping*
- b) Improving communication skills*
- c) The care of a deteriorating patient*
- d) The care of a diabetic patient.*

5. Meet monthly with supervisor to assess progress against the care plan in condition 4.

6. You must keep the NMC 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 the NMC 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 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.

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.*

Any future panel reviewing this case would be assisted by:

- Mr Necula's attendance at future hearings;*
- Evidence of Mr Necula's work plan and the effective steps taken to maintain skills and knowledge;*
- Evidence of relevant training and developed competence;*
- A written reflective piece demonstrating insight and improved practice relevant to the charges proved and Mr Necula's future intentions with regard to his future as a nurse;*
- Testimonials from current employer (paid or unpaid)'.*

Decision and reasons on current impairment

The panel considered carefully whether Mr Necula'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 suitability to remain on the register without restriction. The panel

took account of the NMC guidance on impairment (DMA-1, 3 March 2025), including the following question as detailed in the guidance:

‘Can the nurse, midwife or nursing associate practise kindly, safely and professionally?’.

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

The panel had regard to all of the documentation before it, including the NMC bundle. It has taken account of the submissions made by Ms Donovan on behalf of the NMC. The panel heard that Mr Necula had not attended the original substantive hearing nor the first review.

Ms Donovan outlined the concerns and submitted that they were serious. In relation to Resident A, Mr Necula failed to record in their care notes that they were suffering from expectorate phlegm post cough, failed to record observations for temperature and/or pulse and/or breathing, and failed to provide a handover for the next shift. In relation to Resident B, Mr Necula failed to call the GP about Resident B’s deteriorating condition as requested by Colleague A. In addition, Mr Necula failed to complete care plans and wound care records. Further, in relation to Resident C, Mr Necula failed to check their glucose levels before administering insulin.

Ms Donovan then provided a detailed background of the case and took the panel through the previous decisions. She submitted that Mr Necula’s failings put patients at risk of significant harm. Ms Donovan informed the panel that the last reviewing panel indicated that a reviewing panel would be assisted by evidence of Mr Necula’s work plan and the effective steps taken to maintain skills and knowledge, evidence of relevant training and developed competence, a written reflective piece, his future intentions with regard to his future as a nurse, and testimonials from current employer. However, there is nothing before the panel today to suggest that Mr Necula has demonstrated insight, or that the level of risk to patient safety has been managed.

In these circumstances, Ms Donovan submitted that an order remains necessary on the grounds of both public protection and in the wider public interest. She submitted that there is nothing before this panel to demonstrate that Mr Necula has strengthened his practice. As such, she submitted that Mr Necula's fitness to practise is still currently impaired.

Ms Donovan submitted that a conditions of practice order remains unworkable due to Mr Necula's lack of engagement. She submitted that there is nothing before the panel to suggest that the risk has decreased such as a reflective piece from Mr Necula, his work plan, or testimonials. Given Mr Necula's failure to engage with the NMC and the lack of evidence as to compliance with the conditions that have been in place, Ms Donovan invited the panel to upgrade the conditions of practice order to a suspension order or to a more serious sanction.

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 Mr Necula's fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Mr Necula had not provided any evidence since the imposition of the conditions of practice order. The last reviewing panel further noted that Mr Necula had not appeared to have secured work as a registered nurse and therefore the conditions of practice order had not come into effect.

At this hearing, Mr Necula has continued to be disengaged with these proceedings and has not attended today. There is a pattern of continuous non-engagement. Therefore, the panel does not have any information before it to suggest that Mr Necula has been complying with the conditions of practice order and there is no updated information regarding whether he has obtained employment as a registered nurse or information regarding his future nursing plans. Due to the absence of any information throughout the proceedings, Mr Necula has never demonstrated insight or any understanding of how his actions put patients at risk of harm, nor has he ever demonstrated an understanding of the

reasons why what he did was wrong and what could or should have been done differently, in addition to how this impacted negatively on the reputation of the nursing profession.

The panel has no evidence that Mr Necula has taken any steps to strengthen his practice. It determined that Mr Necula has had ample opportunity to do so but has not provided any evidence he has taken action on the previous panel's recommendations. For example, taking the effective steps to maintain skills and knowledge, evidence of relevant training and developed competence, a reflective piece demonstrating insight and improved practice relevant to the charges proved, his future intentions as a nurse, or testimonials.

Further, the last reviewing panel determined that Mr Necula was liable to repeat matters of the kind found proved. Today's panel has not been provided with any evidence to indicate that Mr Necula has made any progress at all since the substantive hearing and, as such, it determined that he is still liable to repeat matters of the kind found proved as the risk remains. 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 Mr Necula's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr Necula'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), 'Removal from the register when there is a substantive order in place' (Reference: REV-2h), and 'Suspension order' (Reference: SAN-3d). The panel 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.

The panel 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 Mr Necula'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 Mr Necula'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 a conditions of practice on Mr Necula's registration would still be a sufficient and appropriate response. The panel was mindful that any conditions imposed must be proportionate, measurable and workable. It considered that Mr Necula has not demonstrated compliance with the previous conditions of practice order since their imposition on 9 November 2023, nor engaged with the NMC during any fitness to practise hearings, notwithstanding his email dated 5 November 2025 stating that he will not be attending. The panel was of the view that Mr Necula has had sufficient time to engage with the NMC. Further, the panel has no evidence before it of Mr Necula's willingness to respond positively to the conditions of practice order. Therefore, a conditions of practice order is no longer appropriate.

The panel next considered imposing a suspension order. The panel again noted that Mr Necula has not submitted any materials addressing the charges found proved since the substantive order was imposed and there has never been any meaningful engagement with the NMC. Further, the panel was not satisfied that Mr Necula has demonstrated insight into his failings and therefore he poses a risk of repeating the behaviour. The panel also noted that in the last reviewing panel's decision the panel was clear that an extension to the conditions of practice order was providing Mr Necula a final opportunity to engage with the NMC. Despite this, no meaningful engagement has occurred.

In these circumstances, the panel determined that a period of suspension would not serve any useful purpose. The panel's view is that there are fundamental questions about Mr Necula's professionalism, particularly due to his prolonged lack of connection and engagement with the NMC in accordance with the Code. In addition, Mr Necula has made no progress towards addressing the issues relating to his fitness to practise.

The panel determined that it was necessary to take action to prevent Mr Necula from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order. The panel therefore directs the registrar to strike Mr Necula's name off the register.

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

This will be confirmed to Mr Necula in writing.

That concludes this determination.