

**Nursing and Midwifery Council
Investigating Committee**

**Registration Appeal Hearing
Tuesday 26 August 2025**

Virtual Hearing

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| Name of Appellant: | Lynda Chidinma Ezeala |
| Type of case: | Registrations appeal |
| Panel members: | Neil Calvert (Chair, lay member) Karen McCutcheon (Registrant member) Darren Rice (Lay member) |
| Legal Assessor: | Nigel Mitchell |
| Hearings Coordinator: | Ifeoma Okere |
| Nursing and Midwifery Council: | Represented by Mousumi Chowdhury, Case Presenter |
| Ms Ezeala: | Not present and not represented. Harry Dickens (Counsel), previously instructed by the Royal College of Nursing (RCN) attended at the outset to explain the RCN's position. |
| Decision: | Appeal dismissed |

Decision and reasons

The panel decided to dismiss Mrs Ezeala's appeal against the decision of the Assistant Registrar of the Nursing and Midwifery Council (NMC).

This appeal is made under Article 37(1)(a) of the Nursing and Midwifery Order 2001 (the Order). Mrs Ezeala appealed the decision of the Assistant Registrar, dated 5 December 2023, that she did not meet the character requirements for registration to the NMC register.

Background

This was a virtual appeal hearing before a panel of the Investigation Committee. The appeal concerned the Assistant Registrar's decision that Mrs Ezeala's Yunnik computer-based test result had been obtained fraudulently and that her conduct in doing so breached standard 20 of the Code, promote professionalism and trust. On this basis, the Assistant Registrar decided that she did not meet the character requirements for registration with the NMC. Mrs Ezeala lodged an appeal against that decision on 29 December 2023.

Attendance and representation

Mrs Ezeala did not attend the hearing listed for Tuesday 26 August and Wednesday 27 August 2025. At the outset, her counsel, Mr Dickens, who had been instructed by the Royal College of Nursing (RCN), informed the panel that she had told him she was out of the country on vacation. He stated that he had no instructions from her to apply to adjourn the hearing and no instruction to withdraw her appeal. Mr Dickens stated that because Mrs Ezeala had failed to attend, the RCN would withdraw representation and that he was therefore unable to continue to act on her behalf.

Privacy direction regarding [PRIVATE] matters

Mr Dickens began to refer to matters relating to Mrs Ezeala's [PRIVATE], the legal assessor advised that such issues should be considered in private.

The panel determined accordingly that [PRIVATE] would be heard in private pursuant to Rule 30(1) of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004.

For that reason, details of her [PRIVATE], have not been included in this public decision.

Preliminary issues

The panel was informed, and accepted, that a Notice of Hearing had been issued on 8 July 2025 listing the appeal for 26 and 27 August 2025. Mr Dickens confirmed that his most recent contact with Mrs Ezeala was by email at approximately 6.23 pm on 25 August 2025. He explained that he attempted to contact her again later that evening and on the morning of the hearing, but received no further response. He confirmed that Mrs Ezeala had engaged with the RCN in advance of the hearing, including providing instructions for the preparation of her defence bundle, which was submitted on 5 August 2025.

Mr Dickens further stated that he had not been given any instructions by Mrs Ezeala to apply for an adjournment. Although he had raised that option with her, she had not authorised him to pursue it. He also confirmed that she had not instructed him to withdraw her appeal and had given him no indication of how long she intended to remain out of the country.

Ms Chowdhury, on behalf of the NMC, set out the chronology of events. She explained that on 8 March 2025 the RCN informed the NMC that it was acting for Mrs Ezeala and asked that all future correspondence be directed to it. On 8 July 2025 the NMC issued the hearing bundles together with the Notice of Hearing, listing the matter for 26 and 27 August 2025. Subsequently, on 5 August 2025, the RCN lodged Mrs Ezeala's defence bundle. Ms Chowdhury confirmed that no notification of illness and no request to reschedule the hearing had been received from either Mrs Ezeala or the RCN in advance of the hearing. She further explained that the NMC first became aware of the suggestion of the health issues referred to by Mr Dickens only on the morning of the hearing itself.

Information provided by the RCN on behalf of Mrs Ezeala

Mr Dickens told the panel that Mrs Ezeala was not in attendance because she had informed him, she was out of the country on vacation. He reiterated that he had no

instructions to seek an adjournment and no instructions to withdraw the appeal. He confirmed that the Notice of Hearing had been dated 8 July 2025, that he had last heard from her on the evening before the hearing, and that she had not provided any information about the duration of her absence.

In response to questions from the panel, Mr Dickens explained that before 25 August 2025 there had been engagement between her and the RCN and nothing to suggest that she would not attend the hearing. He confirmed that there had been no request from her for an adjournment, despite him raising this option with her, and that she had not at any point asked to withdraw the appeal.

Submissions on behalf of the NMC

Ms Chowdhury told the panel that this was Mrs Ezeala's appeal against the Assistant Registrar's decision. She stated that, in circumstances where she was not present and had not sought an adjournment, there could be no meaningful appeal hearing. She reminded the panel that the Assistant Registrar's decision remained in force unless overturned on appeal. She also submitted that Mrs Ezeala would not be prejudiced by dismissal of this appeal because she would remain able to make a fresh application to join the register, and if refused again, she would then have a further right of appeal.

When questioned by the panel, Ms Chowdhury confirmed that all correspondence and hearing materials had been sent to the RCN as her representative of record. She reiterated that the NMC first learned of the matters relating to her health only on the morning of the hearing.

Advice of the legal assessor

The legal assessor advised the panel on the rules and the options available. He explained that Rule 27 of the Rules permits an appeal to be determined without an oral hearing on the documents, but that some of the notification requirements in Rule 27 had not been engaged in this case. He advised that Rule 28 empowers the panel, of its own motion, to postpone or adjourn proceedings. He also referred to Rule 29, which provides for hearings in the absence of an appellant if certain conditions are satisfied, including notice and an indication from the appellant of their intention to attend or be represented.

The legal assessor also advised the panel that, in considering these rules, it must decide the case on the basis of fairness, both to Mrs Ezeala as the appellant and to the NMC as the regulator.

In light of this, the legal assessor advised that the panel could dismiss the appeal, determine it on the documents alone, or postpone the hearing of its own motion.

Neither party made any observation about the legal assessor's advice.

Panel's decision and reasons

The panel determined to dismiss Mrs Ezeala's appeal.

The panel carefully considered the submissions and the advice of the legal assessor. It determined that it would not be fair or appropriate to proceed with the substantive appeal in Mrs Ezeala's absence, nor to determine the case on the papers alone, given the lack of any up-to-date appeal grounds and the fact that she was unrepresented. The panel then turned to consider whether it should postpone the hearing of its own motion or dismiss the appeal.

The panel noted that she was given proper notice of the hearing on 8 July 2025, giving her at least six weeks to prepare and attend. It accepted that she had engaged with the RCN during that period, including providing instructions for her defence bundle which was filed on 5 August 2025. The panel noted that she informed her representative on the evening of 25 August 2025 that she would not attend the hearing. As a result, the RCN confirmed it would no longer represent her.

The panel considered three key factors. First, it considered fairness to Mrs Ezeala as the appellant. The panel accepted that she had initially engaged with the appeal process but had ultimately chosen not to attend and had declined the opportunity to seek an adjournment. The panel considered that dismissing the appeal would not deny her any future opportunity to pursue registration. She remains entitled to make a fresh application to join the register, and if refused, to appeal that decision. For that reason, the panel was satisfied that dismissal would not cause her undue prejudice.

Second, the panel considered fairness to the NMC and the wider public interest. The panel was mindful that postponing the hearing would require the NMC to expend further resources in relisting the matter and convening another panel, with no assurance that she would attend on a future occasion. The panel considered that this would not be a proportionate use of regulatory resources. It was satisfied that the public interest lay in reaching a conclusion on the present appeal rather than postponing it indefinitely.

Third, the panel considered the options available under the rules. It concluded that it would not be appropriate to proceed on the papers given that some of the notifications requirements of Rule 27 had not been met. It also concluded that postponement would not be justified in the circumstances described.

Taking into account Rules 27, 28 and 29, and the legal assessor's advice, the panel determined that dismissal was the most appropriate and proportionate course of action.

The panel therefore dismissed Mrs Ezeala's appeal against the Assistant Registrar's decision.