

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

**Substantive Order Review Hearing
Friday, 21 August 2026**

Virtual Hearing

Name of Registrant:	Phyllis Mwangi
NMC PIN:	14H0787E
Part(s) of the register:	Nurses part of the register Sub part 1 RNMH, Registered Nurse - Mental Health 04 December 2015)
Relevant Location:	London
Type of case:	Misconduct / Conviction
Panel members:	Joanne Creasy (Chair, Lay member) Sarah Jane Freeman (Registrant member) Beverley Blythe (Lay member)
Legal Assessor:	Ben Stephenson
Hearings Coordinator:	Yvonne Temah
Nursing and Midwifery Council:	Represented by Honor Fitzgerald, Case Presenter
Mrs Mwangi:	Present and unrepresented
Order being reviewed:	Suspension order (9 months)
Fitness to practise:	Not Impaired
Outcome:	Order to lapse upon expiry in accordance with Article 30 (1), namely 16 September 2026

Decision and reasons on review of the substantive order

The panel decided to allow the order to lapse upon expiry of the current order at the end of 16 September 2026 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the first review of a substantive suspension order originally imposed for a period of nine months by a Fitness to Practise Committee panel on 17 November 2025.

The current order is due to expire at the end of 16 September 2026.

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 whilst applying for and/or working for the Central & North West London NHS Foundation Trust:

1) On an unknown date provided inaccurate information in response to a screening question on an application, in that you:

a) Inaccurately answered 'yes' to the question 'Do you have a full and valid driving licence and access to a car for work?'

2) On 19 April 2022 during an interview, inaccurately stated that you held a full and valid driving licence in the U.K.

3) On 25 April 2023 inaccurately informed your manager that you had been disqualified from driving & were required to re-sit your test and/or for a failure to pay a speeding fine.

4) On one or more occasion transported professional healthcare and/or nursing colleagues without being in possession of:

a) A full and valid driving licence in the U.K.

b) A valid certificate of insurance.

5) Your actions in charge 1) a) & 2) above were dishonest, in that you misrepresented that you held a full and valid driving licence during your application and/or recruitment process.

6) Your actions in charge 3 above were dishonest in that you sought to misrepresent that you previously held a full and valid licence to drive in the U.K whilst working at the Trust.

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

That you a registered nurse:

7) On 27 October 2023 at North West London Magistrates Court were convicted of:

a) On 21/04/2023 at London in the Borough of Hounslow drove a motor vehicle, namely NISSAN QASHQAI index [PRIVATE] on a road, namely Bath Road otherwise than in accordance with a license authorising you to drive a motor vehicle of that class. Contrary to section 87(1) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.

b) On 21/04/2023 at London in the Borough of Hounslow used a motor vehicle, namely NISSAN QASHQAI index [PRIVATE], on a road, or other public place, namely Bath Road, when there was not in force in

relation to that use such a policy of insurance. Contrary to section 143 of, the Road Traffic Act 1988 and Schedule 2 to, the Road Traffic Offenders Act 1988.

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

The substantive panel determined the following with regard to impairment:

'The panel considered that limbs b, c and d are engaged.

The panel finds that patients and the public were put at risk of physical harm as a result of your misconduct. The panel accepted that you were not driving patients but there was a risk of harm to the public in your driving without a valid driving licence or insurance. There was also a potential risk of harm to the public in you gaining employment by dishonest means. Your misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. It was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to dishonesty extremely serious.

Regarding insight, the panel considered that you acknowledged that you were dishonest on the employment form and you have shown remorse but you have shown limited insight into your misconduct. You have shown genuine remorse but struggled to understand that the serious nature of the allegation related to the dishonesty rather than the fact that you drove without a driving licence.

The panel considered that you made admissions before your employer and the NMC only when prompted. In your oral evidence you also admitted that your conduct was dishonest and that you were clearly 'wrong'. You also stated that you apologised to your colleague and made an apology at this hearing. You stated that you will never make the same mistake again in the

future. However, you were not able to articulate the precise reason why remorse was required.

The panel made reference to the NMC guidance and considered whether you can practise kindly, safely and professionally. It concluded that you can practise kindly and safely so far as being a nurse in a clinical environment, but not professionally in relation to your dishonesty.

The panel recognised that the misconduct in this case may have the potential to be addressed. Therefore, the panel carefully considered the evidence before it in determining whether or not you have taken steps to strengthen your practice. The panel took into account your training records and your character references. It noted the record of mandatory training that you have undertaken but that the training is not directly related to the misconduct in this case. There is no evidence of a reflective piece from you, although you told the panel that you have reflected on your conduct.

The panel is of the view that there may be a risk of repetition based on your limited insight in relation to your dishonesty. The panel therefore 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 determined that a finding of impairment on public interest grounds is required because a well-informed member of the public would be shocked to hear about the convictions and dishonesty in this case.

In addition, 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 your fitness to practise impaired on the grounds of public interest.

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

The substantive panel determined the following with regard to sanction:

'The panel then went on to consider whether a 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; and*
- The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour*

The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register.

It did go on to consider whether a striking-off order would be proportionate but, taking account of all the information before it, and of the mitigation provided, the panel concluded that it would be disproportionate. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in your case to impose a striking-off order.

Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction.

The panel noted the hardship such an order will inevitably cause you. However, this is outweighed by the public interest in this case.

The panel considered that this order is 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 standards of behaviour required of a registered nurse.

In making this decision, the panel carefully considered the submissions of Ms Verity in relation to the sanction that the NMC was seeking in this case.

However, the panel considered that you are genuinely remorseful and heard evidence of your developing insight during the course of the hearing. The panel heard no evidence of harmful deep-seated personality or attitudinal concerns.

The panel recognised that the repeated deception in this case was in relation to one distinct issue. Whilst the panel accepted that all dishonesty is of a serious nature it balanced this with the evidence that, although your dishonesty was maintained over a period of time, the individual acts of dishonesty were all as a result of your inability to face up to your initial conduct.

The panel accepted that you are a good clinician and had no complaints made against you prior to this incident.

The panel considered that a striking-off order would be disproportionate in light of your genuine remorse and recognition that you have to do more to do to enable you to practise kindly, safely and professionally. It determined that a suspension order would mark that your misconduct falls below the standards expected of a registered nurse and afford you time to reflect and develop further insight, to enable you to demonstrate that you can practise unimpaired.

The panel considered decided that a nine-month suspension order would be sufficient to mark the seriousness of your misconduct and impairment.

At 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:

- *Evidence of training you have undertaken linked to ethics, professional standards and the duty of candour*
- *A written reflection using a recognised reflective model that demonstrates:*
 - *The impact of your training and how you will put it into practice;*
 - *Your understanding of the impact of your behaviour on your colleagues, the reputation of the profession and the wider public; and*
 - *How you will behave differently in the future*
- *Your continued engagement with the regulatory process*
- *Your attendance at the next hearing'*

Decision and reasons on current impairment

Today's panel has considered carefully whether your fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the Nursing and Midwifery Council (NMC) has defined fitness to practise as the ability of a professional on our register to practise as a nurse, midwife or nursing associate safely and effectively without restriction. 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, your reflective statements and training certificates. It has taken account of the submissions made by Ms Fitzgerald on behalf of the NMC. She reminded the panel that this was the

first review of a substantive suspension order and that the persuasive burden rested on you to demonstrate that your fitness to practise is no longer impaired.

Ms Fitzgerald referred the panel to the findings of the substantive panel, which accepted that you had shown genuine remorse but considered your insight into the dishonesty to be limited. The substantive panel noted that you appeared to understand the seriousness of the driving conviction but had not fully appreciated the seriousness of the dishonesty itself. That panel considered the misconduct capable of remediation and identified the need for further reflection and training.

Ms Fitzgerald submitted that you have made significant further progress since the substantive hearing. You have provided an updated reflective statement and completed training on duty of candour, professionalism, probity, ethics, fitness to practise and remediation. The focus of your updated reflective statement is on the dishonesty, rather than simply the driving offence, which was the main area of limited insight identified by the previous panel. Your reflective statement also addressed the impact of your conduct on colleagues, the profession and the public, and how you would avoid similar conduct in future.

Ms Fitzgerald stated that you have not been able to demonstrate safe practice during the suspension as you have not secured employment. She invited the panel to take this into account when considering whether your fitness to practise is now no longer impaired.

If the panel found that impairment remained, Ms Fitzgerald submitted that no action, a caution or conditions of practice were unlikely to be appropriate, given the nature of your misconduct. Suspension remained available as a proportionate option, while strike off could be disproportionate given your remorse and developing insight.

Ms Fitzgerald adopted a neutral position on both impairment and sanction, submitting that it was a matter for the panel to determine whether you had demonstrated sufficient further insight and remediation to discharge the persuasive burden and establish that your fitness to practise is no longer impaired.

The panel also had regard to your reflective statements, training certificates and your oral evidence under oath. You stated that you accept full responsibility for your misconduct and expressed genuine remorse for your actions. You explained that you now understood the seriousness of driving without a licence and the dishonesty connected to it. You said that the nine months away from practice had given you time to reflect and that you have now passed your driving test.

You submitted that you have taken meaningful steps to strengthen your practice during the period of suspension. You referred the panel to your evidence of professional development, including training on duty of candour, professionalism, probity, fitness to practise, ethics, rebuilding trust and remediation. You said you now understood the importance of being open and honest, reporting concerns and documenting incidents accurately.

You said you had continued reading and updating your nursing knowledge while away from practice and have been honest about your circumstances when applying for jobs, even though this meant you have been unable to secure employment.

When asked about the impact of your conviction on public confidence, you acknowledged that your conduct could have affected trust in the profession, particularly as you had previously been working in the community. You said you had learned from the experience and no longer considered yourself a risk to the public.

When asked why you believed you could return to practice safely, you referred to your experience as a nurse and carer, communication skills, compassion and commitment to patients. You said you had not previously experienced concerns about your nursing practice and remained committed to working in the best interests of patients.

You also explained how you would use your experience to teach junior nurses about honesty. You said this would include encouraging them to report and document incidents accurately, be open about mistakes, record concerns and not cover up errors. You said you had taken responsibility for your own mistake and would encourage others to do the same.

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.

The panel noted that the substantive panel had identified limited insight, limited remediation and the absence of a reflective piece, particularly in relation to your dishonesty underlying your misconduct.

At this hearing the panel noted that you provided two reflective statements, including a detailed reflection using a recognised reflective model, together with a number of targeted training courses covering duty of candour, fitness to practise, remediation, probity, professionalism, ethics and rebuilding trust. The panel was satisfied that you were able to convey genuine insight into your misconduct and its consequences.

The panel considered that there has been a significant improvement in your insight. It attached particular weight to your oral evidence. Your oral evidence supported your written reflections and demonstrated that you now understood why your actions were wrong, the impact on colleagues and public confidence, and what you would do differently in the future. The panel was particularly reassured by your explanation of how you would encourage honesty and openness, ensure concerns were reported and documented, and take responsibility for mistakes.

The panel also noted that you have stated that you have now passed your driving test and that there have been no further concerns brought to its attention. Although you have been out of nursing practice during the suspension, the panel did not consider that this, in itself, meant that you could not practise safely.

The panel noted that the evidential burden is upon you to persuade it that your fitness to practice is no longer currently impaired. The panel decided that you have discharged that

burden and there is sufficient evidence that you can now practise safely and effectively as a nurse without restriction.

In its consideration of whether you have taken steps to strengthen your practice, the panel noted that you have undertaken relevant professional development. The panel was satisfied that you have reflected on this learning and demonstrated an improved understanding of honesty. It accepted that you had used the period of your suspension constructively to strengthen your practice and were committed to applying this learning in your future practice.

The panel next considered whether a finding of impairment is necessary on public interest grounds. The panel bore in mind that the overarching objectives of the NMC, namely 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 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 acknowledged the seriousness of your misconduct, which involved dishonesty. However, it was satisfied that you had fully complied with the suspension order, engaged positively with the regulatory process, undertaken relevant professional development and demonstrated meaningful insight into the impact of your actions on colleagues, the profession and public confidence. The panel also found that you had strengthened your practice and that the risk of repetition was low.

The panel considered that the concerns were not clinical in nature and therefore did not identify a need for conditions of practice. It concluded that the nine month suspension order marks the seriousness of your misconduct and maintains public confidence in the profession. Having regard to your insight, remediation and low risk of repetition, the panel concluded that a reasonable and well-informed member of the public would not consider a further finding of impairment necessary. The panel therefore considered that there was no

current impairment on either public protection or public interest grounds and that it would be unduly punitive to impose any further restriction once the existing order expired.

For these reasons, the panel finds that, although your practise was impaired at the time of the substantive hearing, given all of the above, your fitness to practise is not currently impaired.

In accordance with Article 30(1), the substantive suspension order will lapse upon expiry, namely the end of 16 September 2026.

This will be confirmed to you in writing.

That concludes this determination.