

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

**Substantive Order Review Hearing
Tuesday, 20 January 2026**

Virtual Hearing

Name of Registrant:	Elena Cristina Sacuiu
NMC PIN:	13F0142C
Part(s) of the register:	Registered Nurse – Adult RN1 – 24 June 2013
Relevant Location:	Dorset
Type of case:	Lack of knowledge of English
Panel members:	Paul Grant (Chair, Lay member) Janet Williams (Registrant member) Vicki Harris (Lay member)
Legal Assessor:	Attracta Wilson
Hearings Coordinator:	Hamizah Sukiman
Nursing and Midwifery Council:	Represented by Nina Dunn, Case Presenter
Ms Sacuiu:	Present and represented by Wafa Shah, instructed by Royal College of Nursing (RCN)
Order being reviewed:	Conditions of practice order (6 months)
Fitness to practise:	Impaired
Outcome:	Conditions of practice order (2 years) to come into effect on 8 February 2026 in accordance with Article 30 (1)

Decision and reasons on application for hearing to be held partly in private

At the outset of the hearing, Ms Shah, on your behalf, made an application for this case to be held partly in private as there may be references made to your health and financial matters throughout this hearing. The application was made pursuant to Rule 19 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 ('the Rules').

Ms Dunn, on behalf of the Nursing and Midwifery Council ('NMC'), supported the application.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

Having heard that there will be reference to your health and financial matters, the panel determined to go into private session as and when such issues are raised in order to protect your privacy.

Decision and reasons on review of the substantive order

The panel decided to extend the conditions of practice order for a further period of two years. This order will come into effect at the end of 8 February 2026 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 ('the Order').

This is the tenth review of a substantive conditions of practice order originally imposed for a period of 12 months by a Conduct and Competence Committee on 30 September 2016. This was reviewed on 31 October 2017, when a further conditions of practice order was extended for further a period of 12 months. The order was then reviewed on 9 August 2018 and 28 June 2019, when the reviewing panels extended the order for a further 12 months on each occasion. It was then reviewed on 30 June 2020 and 23 December 2021, and the order was extended for a further 18 months on each occasion. The order was then reviewed on 10 July 2023, 26 June 2024 and 23 December 2024, and the order was extended for a further 12 months, 6 months and 6 months respectively. This order was

most recently reviewed on 26 June 2025, when the order was extended for a further 6 months.

The current order is due to expire at the end of 8 February 2026. The panel is reviewing the order pursuant to Article 30(1) of the Order.

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

‘That you, a registered nurse:

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

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

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

‘The panel note that you have not undertaken or passed the OET exam since the last review hearing in December 2024.

You last took the OET in September 2024 when you achieved the necessary standard in two domains but did not achieve the standard in the listening and reading domains. The panel bore in mind the further positive testimonials from your colleagues, however placed greater weight on the objective test which has not been undertaken since the previous review.

It is the panel’s view that the regulatory concerns around your English language skills have still not been fully addressed.

In light of this, this panel determined 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.'

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

'The panel next considered whether imposing a further 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 necessary, proportionate, measurable and workable.

The panel took into account the submissions on your behalf, and the evidence provided to the panel in the hearings bundle. The panel has also taken into account the positive testimonials provided by your work colleagues and direct line managers. 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 made considerable efforts to made to continue with your studying while working in a full-time position.

However, the panel was concerned to note that you have failed to take the OET test since the last review hearing in December 2024, despite this being a requirement of your conditions of practice. The panel acknowledge that taking such a test can be challenging and stressful, however the importance of the OET test lies in the objectivity of its results and failing to undertake it is a breach of your conditions of practice order.

The panel note that you enrolled on OET course to support your preparations, however it was concerned to note this only began in May and June 2025, only two months before the expiry of the current order.

The panel was of the view that a further conditions of practice order is required 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 seriously considered a suspension order in light of the delay in passing the language test and the lack of compliance with condition 3. However, the panel was mindful of the numerous positive testimonials demonstrating your good work and of your financial commitments. In light of these factors the panel considered that at this stage it would be disproportionate to impose a suspension order. Any future panel who may review this conditions of practice order should be mindful of the numerous opportunities you have been afforded to be successful in the reading and listening parts of the exam.

The panel is mindful the original Substantive Hearing took place in 2016, since that first hearing you have had opportunities to reach the required standard of proficiency in your English Language skills.

At the previous review hearing in December 2024, the panel determined that you should take the OET test before the next review hearing, something which you have not done.'

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 has defined fitness to practise as a registrant's ability 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 had regard to all of the documentation before it, including:

- the NMC bundle, including the decisions from the previous panels;
- Your Occupational English Test ('OET') Statement of Results, dated 13 December 2025;
- Your OET results, dated 28 September 2024;
- Your OET Preparation Reflective Log, dated 30 June 2025;
- Reference from the Director of Studies at OET Online, dated 11 December 2025;
- A general practitioner ('GP') consultation report, dated 18 December 2025;
- Your reflective account, dated 20 December 2025;
- Testimonials from two colleagues, dated 21 and 22 December 2025;
- Your curriculum vitae ('CV'); and
- Your finance and prep for OET document, dated 6 January 2026.

The panel heard submissions from Ms Dunn. She outlined the background of the case, including its procedural history. She referred the panel to your most recent OET results, where you achieved a pass mark in both the speaking and writing components, but you did not pass the listening and reading components. She submitted that, whilst you appeared to have made significant progress in the listening component, your reading component was significantly lower than the pass mark of 350.

Ms Dunn acknowledged your good performance in mock examinations. She submitted that the purpose of these mock examinations is to assist you in improving your performance and familiarising yourself with the examination process, but that these mock examinations are not a substitute for the final test results. Whilst it is "*regrettable*" that the OET results do not reflect your efforts, Ms Dunn submitted that the purpose of English language examinations is to protect the public, by setting the minimum language requirements to practise safely and effectively.

Ms Dunn referred the panel to the information in respect of your health, and she informed the panel that [PRIVATE] which might be impacting your performance in the OET examinations. The information before the panel suggests [PRIVATE]. Ms Dunn submitted that this may be a cause of concern, given that clinical practice is a high-pressure environment, and the original regulatory concern emerged in the context of medication administration. She submitted that listening and reading are both integral to nursing practice, and that the panel should not override your OET results in light of how vital these

skills are. She invited the panel to find that your fitness to practise therefore remains impaired.

Ms Dunn outlined the options available before this panel today. She submitted that, whilst conditions of practice can be varied and extended, they are not designed to exist indefinitely, pursuant to *Annon v NMC* [2017] EWHC 1879 (Admin). She submitted that it is neither in the public interest nor in your own interest for you to be kept in limbo. Ms Dunn submitted that, if a further conditions of practice was to be imposed, such an order should clearly set out the steps you need to achieve in order to address the regulatory concern.

Ms Dunn submitted that the panel may impose a suspension order, but that this would not serve any useful purpose as it would not allow the NMC to test your English language proficiency. She also outlined the panel's options of imposing a striking-off order, but she submitted that this would be disproportionate and inappropriate given the circumstances of this case.

Ms Dunn outlined for the panel that it may allow this order to lapse upon its expiry but with a finding of impairment. Ms Dunn submitted that, as you would no longer be on the nursing register but for this order and given the passage of time thus far, the panel would need to consider whether there is any realistic prospect of you returning to practice within a reasonable time period.

Ms Shah accepted that your fitness to practise remains impaired, in light of your latest OET results. She submitted that, despite this, there have been no concerns raised in respect of your clinical practice thus far. She submitted that your line manager, who is due to give live evidence to this panel, has observed you in a clinical setting, and has raised no concern with your practice.

Ms Shah submitted that, despite not having passed the OET yet, you have provided the panel with a detailed plan as to how you aim to achieve the requisite scores in future, and that you are not giving up. Whilst she accepted the general principle that substantive orders are not designed to continue indefinitely, you are extremely determined to pass your OET. Ms Shah submitted there is a public interest in a good nurse, without any clinical concerns, being allowed the opportunity to return to unrestricted practice.

Ms Shah invited the panel to impose a further conditions of practice order for a period of two years. [PRIVATE]. She submitted that two years would [PRIVATE] allow you to get yourself to a stage where you are able to pass all elements of the OET.

Ms Shah submitted that a suspension order would place financial pressure on you, and impede your ability to pay for the English language courses which are presently supporting you in passing the OET, frustrating the process of a substantive order review.

The panel heard evidence under affirmation from you. You told the panel that [PRIVATE]. You told the panel that you plan to sit another OET in November 2026, when you hope that [PRIVATE]. In the meantime, you will continue to attend the classes, focusing specifically on the listening and reading components. You told the panel that, in the listening test, you get distracted [PRIVATE], which leads you to miss key parts of information in the examination. Similarly, in the reading test, [PRIVATE] you to scan the information too quickly, causing you to miss key lines of information.

In response to a question from the panel [PRIVATE], you told the panel that you have tried natural remedies such as tea and Cannabidiol ('CBD') oil to help you sleep. You also told the panel that you have not applied for any reasonable adjustments from the testing centre, but you will consider doing this in the future.

The panel also heard evidence under affirmation from your current line manager. She confirmed the contents of her positive testimonial, which addressed the four components of English language competence, which are tested and stated that you are "*excellent*", and that there are no concerns in respect of your communication in work.

In her closing submissions, Ms Shah submitted that there is a public interest in allowing you further time to achieve the requisite OET results, [PRIVATE]. She submitted that you will continue to engage with the NMC proceedings, and work towards passing your OET.

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 last reviewing panel found that you have not yet achieved the necessary standards in two components within the OET, namely the listening and reading components, when you undertook the OET in September 2024.

This panel bore in mind that, pursuant to the NMC English Language Requirements guidelines, the necessary scores are as follows:

'We will accept an OET examination certificate that confirms you have achieved:

- *At least grade B (350 or above) for reading, listening, and speaking*
- *At least grade C+ (300 or above) for writing*

[...]

Combining OET test scores

You can combine scores across two OET test sittings, providing that between the two test settings you achieve:

- *One reading score of at least Grade B (350-440)*
- *One listening score of at least Grade B (350-440)*
- *One speaking score of at least Grade B (350-440)*
- *One writing score of at least Grade C+ (300-340)*

All of your test scores across both sittings must be equal to or higher than the minimum scores:

- *Grade C+ (300-340) for listening*
- *Grade C+ (300-340) for reading*
- *Grade C+ (300-340) for speaking*
- *Grade C (250-290) for writing'*

This panel had evidence before it of your most-recent OET results, dated 13 December 2025. The test results showed that you obtained a C+ (310) for listening, C (240) for reading, a B (360) for speaking, and a B (360) for writing. It also had sight of your OET results from September 2024, where you obtained a C (270) for listening, C (270) for reading, B (350) for speaking and C+ (320) for writing.

Based on the guidance above, the panel was satisfied that your December 2025 indicated that you have achieved the necessary standards for the speaking and writing components. Bearing in mind both your December 2025 and September 2024 OET results, the panel determined that you have not yet achieved the necessary standards required for the reading and listening components, as you did not have the adequate score required over a single or across both OETs, as outlined in the guidance. However, the panel acknowledged the progress you are making in relation to your listening skills (from a C to a C+ between September 2024 and December 2025) and that your scores have also improved for the speaking and writing components of the OET.

The panel noted the evidence under affirmation given by your line manager as well as the testimonials from your colleagues, which suggested that you are currently practising safely and there have been no concerns in relation to your clinical practice. However, it noted that the NMC English language requirements are set out under the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004. The requirements are mandatory and clear. The panel therefore determined that these requirements have not been met.

Taking all the above into account, the panel determined that a finding of continuing impairment remains 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, given you have not yet fully addressed the regulatory concern and obtained the necessary level of English proficiency, 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 continues to be necessary and proportionate. It considered the substantive order finding your fitness to practise impaired on the grounds of lack of knowledge of English. It also noted the orders following the earlier review hearings and progress made by you since the last review. It noted limited progress in that you have not achieved the required pass mark so as to meet the standards required under Rule 5(2)(ab) of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004.

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 took account of public interest considerations. The NMC has a statutory duty not only to protect the public, but also to uphold standards and maintain trust and confidence in the nursing profession. Compliance with all requirements for registration including English language requirements is key to promoting and maintaining public confidence in the nursing profession, and upholding standards. There is also a public interest in supporting competent nurses to remain on the register and a public interest in bringing finality to proceedings. In this context the panel was mindful that almost 10 years have elapsed since the substantive order was made in this case.

The panel took into account the particular circumstances of your case. It noted that from the outset you have admitted your failure to pass the OET and you have good insight into your failings. It accepts that you are genuine in your efforts to prepare for the test and that you study hard. It accepts your evidence that you are overcome with anxiety during test conditions and this is a material factor affecting your performance. It noted that there are

no concerns regarding your clinical practice and your line manager gave compelling evidence as to your performance, knowledge and skill in all areas of nursing practice.

The panel balanced these considerations against the fact that your practice has been restricted by a conditions of practice order since 2016 and such orders are not intended to continue indefinitely.

The panel approached the review of the current conditions of practice order in this context.

The panel first considered whether to take no action but concluded that this would be inappropriate in light of its findings on impairment above. 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 its findings on impairment above, an order that does not restrict your 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 decided that it would be neither proportionate nor in the public interest to impose a caution order in these circumstances.

The panel next considered whether extending the current conditions of practice order on your registration would still be a sufficient and appropriate response. It took into account all the evidence presented and balanced your interest against the public interest, including the need for proceedings to be finalised. It noted that you are performing competently in your current role as a registered nurse, are fully engaged with these proceedings, are fully compliant with the conditions imposed upon your registration and are genuine in your efforts to pass the OET. [PRIVATE]. Having taken all of this into account, the panel determined that, in the interest of fairness to you, you should be allowed further opportunity to pass the OET. The panel determined that this would be unlikely to create any risk of harm to the public and would strike a balance between your interests and the public interest.

The panel determined that it could create conditions which are proportionate, measurable and workable and that such an order would be sufficient to protect the public and meet the wider public interest, as there was no evidence of general incompetence or deep-seated attitudinal problems, and 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 would be disproportionate in these circumstances. The panel noted that you continue to show progress in your knowledge of the English language, and that to impose a suspension order would not serve any useful purpose. It was of the view that a suspension order would hinder your ability to improve your knowledge of English by depriving you of the opportunity of applying your knowledge in a clinical setting and impacting your financial ability to undertake language classes.

The panel further determined that to impose a striking-off order would be wholly disproportionate, as you continue to engage with the regulatory process and the concerns do not raise fundamental questions in respect of your professionalism.

The panel bore in mind the need to balance the public interest in reaching a conclusion of this case, the retention of competent nurses on the register and the upholding of the English language standards of the profession as set out by the NMC. The panel determined that, whilst no substantive order should exist indefinitely, an extension of the current conditions of practice order is appropriate and proportionate in the circumstances.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to extend the current conditions of practice order for a period of two years, which will come into effect on the expiry of the current order, namely at the end of 8 February 2026. The panel considered that this period would be likely to have the beneficial effect of reducing the pressure on you, and allow you time to explore further strategies to [PRIVATE] cope better with exam conditions. [PRIVATE], it considered that the exploration of managing other elements of stress and anxiety (unrelated to your [PRIVATE]) might be beneficial to you. It was further of the view that the exploration of reasonable adjustments, [PRIVATE], in relation to taking the OET may also be beneficial to you.

The panel reminded itself that, in the event that your circumstances change (such as you pass the OET), you can request an early review of this order.

It decided to impose 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. Whilst consolidating your English language skills to enable you to practise safely and effectively and until you have passed the IELTS or the OET to the requisite standard, you must restrict your nursing practice to one employer.
2. At any time that you are employed or otherwise providing nursing services, you must place yourself and remain under the indirect supervision of a workplace line manager, mentor or supervisor nominated by your employer. Such supervision is to consist of working at all times on the same shift as another registered nurse who is physically present in or on the same ward, unit, floor or home that you are working in or on.
3. You must continue to work to improve your proficiency in the English Language towards achieving the NMC standard required for registration. You must undertake and pass the International English Language Testing System (“IELTS”) or the Occupational English Test (“OET”) to the required standard prior to any NMC review of this Order and you must send the results of the IELTS or OET assessment to the NMC at least 7 days before the review of this order.

4. You must forward a report to the NMC from the line manager, mentor or supervisor setting out the standard of your clinical performance generally, and specifically in relation to your English language proficiency, prior to any NMC review of this order.
5. You must inform the NMC of any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 7 days of you receiving notice of them.
6. You must within 14 days of accepting any employment or course of study connected with nursing or midwifery, provide the NMC with the name/contact details of the individual or organisation offering the post, employment or course of study.
7. You must immediately inform 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 (6) above, to them:
 - a) 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).
 - b) Any organisation or person employing, contracting with, or using you to undertake nursing work.
8. You must continue to keep a reflective log on a weekly basis. This is to demonstrate active preparation for the outstanding elements of your OET. You must also produce a reflective piece on your OET preparation to the NMC before the next review hearing.

9. You must evidence the undertaking of regular mock exams to support your development towards an adequate and successful examination score.

The period of this order is for two years. This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 8 February 2026 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.

Any future panel reviewing this case would be assisted by:

- Your continued engagement and attendance at future NMC hearings;
- Evidence from a medical practitioner or appropriately qualified psychologist regarding your health conditions and their potential impact on your ability to pass the OET;
- Any information regarding steps you have taken to address the underlying causes and impact of your health conditions (including [PRIVATE]) and progress you have made in that regard;
- Any information on inquiries and/or applications you made regarding your eligibility for reasonable adjustments in relation to the OET.

This will be confirmed to you in writing.

That concludes this determination.