

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

**Substantive Order Review Hearing
Thursday 30 July 2026**

Virtual Hearing

Name of Registrant:	Elise Mafang
NMC PIN:	22A4032E
Part(s) of the register:	Registered Nurse - Sub part 1 Adult Nursing - March 2023
Relevant Location:	Birmingham
Type of case:	Misconduct
Panel members:	Mark Gower (Chair, lay member) Mordecai Edziyie Dadzie (Registrant member) Zeenath Uddin (Registrant member)
Legal Assessor:	Nicholas Levisaur
Hearings Coordinator:	Rene Aktar
Nursing and Midwifery Council:	Represented by Sally Denholm, Case Presenter
Ms Mafang:	Not present and unrepresented at the hearing
Order being reviewed:	Suspension order (12 months)
Fitness to practise:	Impaired
Outcome:	Suspension order (6 months) to come into effect on 1 September 2026 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 Ms Mafang was not in attendance and that the Notice of Hearing had been sent to Ms Mafang's registered email address by secure email on 1 July 2026.

Ms Denholm, 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, that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Ms Mafang'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 Ms Mafang 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 Ms Mafang

The panel next considered whether it should proceed in the absence of Ms Mafang. The panel had regard to Rule 21 and heard the submissions of Ms Denholm who invited the panel to continue in the absence of Ms Mafang. She submitted that Ms Mafang had voluntarily absented herself.

Ms Denholm submitted that there had been no engagement at all by Ms Mafang with the NMC in relation to these proceedings 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 Ms Mafang. In reaching this decision, the panel has considered the submissions of Ms Denholm, 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 Ms Mafang;
- Ms Mafang has not engaged with the NMC and has not responded to any of the letters sent to her about this hearing;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- This is a mandatory review; 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 Ms Mafang.

Decision and reasons on review of the substantive order

The panel decided to impose a further period of a suspension for six months.

This order will come into effect at the end of 1 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 12 months by a Fitness to Practise Committee panel.

The current order is due to expire at the end of 1 September 2026.

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 nurse, between 23 September 2023 and 17 January 2024, whilst applying for and/or awaiting your start date for a Band 5 Preceptorship role at University Hospitals Birmingham Foundation Trust (the Trust);

1) On 23 September 2023 submitted an application to the Trust;

a) Whilst omitting;

i) Your employment history at New Cross Hospital ('NCH'), which had started on 17 July 2023.

ii) That you were subject to an action plan whilst working at New Cross Hospital.

2) Your actions in one or more of the above charges 1) a) i) & 1 a) ii) above were dishonest, in that you concealed details around your period of employment at New Cross Hospital, from your prospective employer.

3) Between 3 November 2023 and 17 January 2024 whilst pre-employment checks were being undertaken by the Trust, you did not disclose;

a) That New Cross Hospital had referred you to your regulator the Nursing & Midwifery Council ('NMC').

b) That you were subject to a NMC Fitness to Practise investigation.

...

5) Between 1 December 2023 and 17th January 2024 did not immediately disclose, a copy of the Interim Conditions of Practice Order, imposed by the NMC on 1 December 2023 restricting your practice, to your prospective employers at the Trust.

...

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

The original panel determined the following with regard to impairment:

'The panel next went on to decide if as a result of the misconduct, Ms Mafang's fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 March 2023, which states:

'The question that will help decide whether a professional's fitness to practise is impaired is:

"Can the nurse, midwife or nursing associate practise kindly, safely and professionally?"

If the answer to this question is yes, then the likelihood is that the professional's fitness to practise is not impaired.

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must be honest and open and act with integrity. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of CHRE v NMC and Grant in reaching its decision. In paragraph 74, she said:

'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's "test" which reads as follows:

'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/ fitness to practise is impaired in the sense that S/He:

- a) has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b) has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c) has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- d) has in the past acted dishonestly and/or is liable to act dishonestly in the future.'*

The panel found that all four limbs of the Grant test were engaged in this case in the past. It found that patients were put at risk of harm as a result of Ms Mafang concealing the details of her previous employment at NCH. This is because they had raised concerns about her practice, and concealing this from the Trust risked them employing an unsafe nurse without safeguards in place to protect the public. Such conduct also breached the fundamental tenets of the nursing profession, brought its reputation into disrepute, and was dishonest. The panel was satisfied that confidence in the nursing profession would be undermined if its regulator did not find impairment where charges related to dishonesty.

The panel then considered whether Ms Mafang was liable in the future to act in a similar way again. In reaching this decision, it had careful regard to Ms Mafang's

insight. The panel considered that Ms Mafang had demonstrated limited insight. Although she appeared to have a degree of remorse for her misconduct, the panel was not satisfied that she had demonstrated any understanding of how her actions put patients at risk, or an understanding of why what she did was wrong and how this negatively impacts the reputation of the nursing profession. Instead, she sought to put the blame for her misconduct on external factors. Further, while Ms Mafang did provide some evidence of what she might do in the future to avoid failing to fill out a comparable application, the panel found that she did not provide evidence pertaining to the fundamental issue, which was acting dishonestly while filling out an application.

Whilst dishonesty is inherently difficult to remediate, the panel was satisfied that the misconduct in this case is potentially capable of being addressed. However, having carefully considered the evidence before it in determining whether or not Ms Mafang has taken steps to strengthen her practice, it concluded that she has not. In particular, the panel found that there is no evidence that she has taken any steps to address the concerns with her dishonesty.

Therefore, the panel is of the view that there is a risk of repetition based on the fact that she has not taken steps to address her concerns and there is still limited insight into why what she did was serious and wrong. 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.

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 Ms Mafang's fitness to practise impaired on the grounds of public interest. The panel gave consideration to the NMC guidance on Impairment: What factors are relevant when deciding whether a professional's fitness to practise is impaired?:

‘However, there are types of concerns that are so serious that, even if the professional addresses the behaviour, a finding of impairment is required either to uphold proper professional standards and conduct or to maintain public confidence in the profession.’

The panel determined that a finding of impairment on the ground of public interest is necessary. It concluded that dishonest behaviour during an application to a prospective employer—particularly where concerns have been raised by a previous employer—needs to be taken seriously and the lack of full insight into Ms Mafang’s behaviour needs to be addressed.

The panel determined that not to make a finding of impairment would significantly undermine the public’s trust and confidence in the nursing profession. It is also necessary to mark the seriousness of the misconduct and to uphold proper standards and conduct for members of the nursing profession.

Having regard to all of the above, the panel was satisfied that Ms Mafang’s fitness to practise is currently impaired.’

The original panel determined the following with regard to sanction:

‘Having found Ms Mafang’s fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel accepted the advice of the legal assessor.

The panel considered the following to be aggravating features:

- *Ms Mafang’s dishonesty was premeditated and deliberate*
- *Lack of insight into her failings*

The panel considered the following to be mitigating features:

- ...
- *This was an isolated, one-off incident*
- *Ms Mafang was early in her career, inexperienced with employment applications and felt unsupported during the application process*

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.

It then considered the imposition of a caution order but again determined that, due to the public protection issues identified, an order that does not restrict Ms Mafang'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 Ms Mafang'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 placing conditions of practice on Ms Mafang's registration would be a sufficient and appropriate response. The panel was mindful that any conditions imposed must be proportionate, measurable and workable.

The panel was of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case and Ms Mafang's stated intention that she does not wish to return to practice as a nurse. The misconduct identified in this case was not something that can be addressed through retraining.

Furthermore, the panel concluded that the placing of conditions on Ms Mafang's registration would not adequately protect the public.

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 present:

- 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 of the view that this case did involve a single instance of misconduct, but where a lesser sanction is not sufficient. Further, there was no evidence before it of any repetition of the behaviour since the incident.

The panel acknowledged that it had found that Ms Mafang has demonstrated limited insight, and that there was a risk of repetition. However, whilst there was a risk of repetition, it did not consider the risk of repetition to be significant in this case. Ms Mafang had acted dishonestly on one occasion, ... , motivated by her desire to obtain employment elsewhere. She had, however, subsequently been open about her application with the NMC.

While the panel found that Ms Mafang's conduct was serious and premeditated, it has also weighed the contextual factors of this case and concluded that her conduct is not reflective of deep-seated attitudinal issues. Ms Mafang's motivation for her conduct was a desire to remove herself from a deeply stressful employment situation and move into a more secure and supportive position. Her actions were premeditated only insofar as she appreciated that leaving out employment information would increase her chances of obtaining employment with the Trust. ... As such, the panel did not consider her conduct to be deep-seated.

The panel carefully considered the submissions of Ms Mukhia that the appropriate sanction in this case would be a striking-off order. However, taking account of all

the information before it, and of the mitigating factors, 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 Ms Mafang's case to impose a striking-off order.

The panel considered that Ms Mafang's actions were not fundamentally incompatible with remaining on the register. Furthermore, the panel concluded that members of the public, knowing the facts of this case in its entirety, would not conclude that a strike-off is the only sanction available to protect the public.

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

The panel determined that a suspension order for a period of one year was appropriate in this case to mark the seriousness of the misconduct.

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 standard of behaviour required of a registered nurse.

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 a reflective piece regarding Ms Mafang's insight following this incident. This reflective piece should detail her understanding of the risk her conduct posed to patients, the impact that her actions are likely to have on the public confidence in the profession, the impact on the reputation of the nursing profession, an understanding of how and why her actions were wrong, and how she can improve her practice in the future; and*

- *Testimonials from a current line manager or supervisor.*
- *If it remains Ms Mafang's position that she does not wish to pursue her nursing career, evidence in relation to this.*

This will be confirmed to Ms Mafang in writing.'

Decision and reasons on current impairment

The panel has considered carefully whether Ms Mafang'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. 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 Ms Denholm.

Ms Denholm submitted that there has been no engagement from Ms Mafang and that she was not present at the substantive hearing. She submitted that there is no information before the panel today that there is some form of insight into the conduct that has been found proved.

Ms Denholm submitted that in the absence of any information today, there remains a risk of repeating the behaviour in the future. She submitted that Ms Mafang has not provided sufficient insight or evidence of any strengthened practice, specifically in relation to her dishonest actions.

Ms Denholm submitted that the public confidence in the profession would be undermined if a finding of impairment were not made in this case today. She submitted that the overarching objectives to the NMC is to promote, protect, and maintain the health, safety, and wellbeing of the public and patients and to also uphold and protect the wider public interest.

Ms Denholm submitted that a no action or a caution order is not proportionate in the circumstances and would go against any finding of impairment based on the public protection grounds. She submitted that when considering a conditions of practice order, there are no workable conditions that could be formulated, given the nature of the charges found proved in this case.

Ms Denholm submitted that Ms Mafang previously indicated that she does not wish to return to practice as a nurse, which would make conditions unworkable in the circumstances. She invited the panel to consider a period of further suspension.

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 Ms Mafang's fitness to practise remains impaired.

The panel noted that there had been a complete lack of engagement since the date of the original substantive hearing and that Ms Mafang has not demonstrated remediation in relation to the varied concerns raised about her practice. It noted that Ms Mafang has not shown evidence of any meaningful insight into the impact which her actions and behaviour have on public confidence in the profession.

The panel determined that although Ms Mafang's dishonesty was at the lower end of dishonest conduct, there remains an ongoing risk to the public and to public confidence in the profession, particularly in light of her lack of understanding as to the impact. It concluded that Ms Mafang's fitness to practise remains impaired by reason of her misconduct. 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 therefore determined that, in this case, a finding of current impairment on public protection and public interest grounds is required.

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

Decision and reasons on sanction

Having found Ms Mafang's 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 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.

It 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 Ms Mafang'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 Ms Mafang'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 conditions of practice on Ms Mafang's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Ms Mafang's misconduct.

The panel considered the imposition of a period of suspension. It was of the view that a suspension order would allow Ms Mafang further time to fully reflect on her misconduct

and will provide her with the opportunity to clearly articulate her future plans in relation to, and beyond, her nursing profession. The panel concluded that a six-month suspension order would be the appropriate and proportionate response and, if she decided that she did after all wish to continue in practice as a nurse, would afford Ms Mafang adequate time to further develop her insight and engage with the NMC. The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest.

The panel did consider a strike-off order but determined that at this stage this period of suspension will give Ms Mafang the opportunity to meaningfully engage with the NMC. This suspension order will take effect upon the expiry of the current suspension order, namely the end of 1 September 2026 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 a clear indication from Ms Mafang as to her future intentions, namely whether to retire from nursing, or whether she wanted to continue in those professions. If it be the latter, then a future panel would also be assisted by:

- Evidence of a reflective piece regarding Ms Mafang's insight following this incident. This reflective piece should detail her understanding of the risk her conduct posed to patients, the impact that her actions are likely to have on the public confidence in the profession, the impact on the reputation of the nursing profession, an understanding of how and why her actions were wrong, and how she can improve her practice in the future; and
- Testimonials from a current line manager or supervisor.
- If it remains Ms Mafang's position that she does not wish to pursue her nursing career, evidence in relation to this.

This will be confirmed to Ms Mafang in writing.

That concludes this determination.