

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

**Substantive Order Review Meeting
Monday, 6 July 2026**

Virtual Meeting

Name of Registrant:	Gifty Sey Mensah-Kirchner
NMC PIN	20D0797E
Part(s) of the register:	Registered Nurse – Sub part 1 Learning Disabilities Nursing – 12 August 2020
Relevant Location:	Staffordshire
Type of case:	Lack of competence
Panel members:	Anica Alvarez Nishio (Chair, Lay member) Alison Thomson (Registrant member) Anne Rice (Lay member)
Legal Assessor:	Nigel Mitchell
Hearings Coordinator:	Nicola Nicolaou
Order being reviewed:	Suspension order (9 months)
Fitness to practise:	Impaired
Outcome:	Suspension order (12 months) to come into effect on 13 August 2026 in accordance with Article 30 (1)

Decision and reasons on service of Notice of Meeting

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Mrs Mensah-Kirchner's registered email address by secure email on 29 May 2026.

The panel took into account that the Notice of Meeting provided details of the review and that the meeting would be held on or after 29 June 2026.

The panel accepted the advice of the legal assessor.

In light of all of the information available, the panel was satisfied that Mrs Mensah-Kirchner has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 (as amended) (the Rules).

Decision and reasons on review of the current order

The panel decided to impose a further suspension order for a period of 12 months.

This order will come into effect at the end of 13 August 2026 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive suspension order imposed for a period of nine months by a Fitness to Practise Committee on 15 October 2025.

The current order is due to expire at the end of 13 August 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, between around October 2022 and around June 2023 failed to demonstrate the standards of knowledge, skill and judgment required to practise without supervision as a band 5 nurse in that:

- 1. You failed to meet your medicines administration objective in that:
 - a. Around 21 November 2022 while under supervision you were assessed as not safe to administer medications.*
 - b. Around 8 April 2023 while under supervision you were assessed as not safe to administer medications.*
 - c. Around 25 May 2023 while working under a Performance Improvement Action Plan you were assessed as not safe to administer medications.**
- 2. ...*
- 3. On one or more occasions failed to complete care note entries with sufficient detail.*
- 4. On one or more occasions failed to deliver effective handovers to staff.*
- 5. On one or more occasions failed to contribute to effective teamwork.*

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

The original substantive panel determined the following with regard to impairment:

‘The panel next went on to decide if as a result of the lack of competence, Mrs Mensah-Kirchner’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 and to maintain professional boundaries. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

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:

'...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" as to fitness to practise which is expressed 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/their fitness to practise is impaired in the sense that S/He/They:

- 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) *...*

The panel found limbs a, b and c engaged in this case.

The panel found all the failings are remediable. However, the panel found that as a result of Mrs Mensah-Kirchner being unable to correctly and consistently calculate the correct dosage of medication, along with not being able to keep patient notes up to date with relevant information, and brief the next nursing team with that information about vulnerable patients and their care, linked with a lack of team work, potentially put patients at an unwarranted risk of harm as a direct result of Mrs Mensah-Kirchner's lack of competence.

In considering impairment the pane took account of the information supplied by Mrs Mensah-Kirchner, this included a response to the allegations, two testimonials and training undertaken while in role. However, the panel noted that there was no evidence of strengthened practice, no evidence of training since leaving this role and no reflective statement showing insight. Furthermore, there had been no recent engagement and Mrs Mensah-Kirchner did not attend the hearing and the panel are unaware for the reason for this or her current circumstances.

The panel determined that there is no evidence before it that can demonstrate that remediation or strengthened practice has taken place.

The panel has found there has been a lack of insight demonstrated by Mrs Mensah-Kirchner. Despite the significant level of support and guidance this was perceived by her as bullying, racism and demotion. Mrs Mensah-Kirchner did not appear to accept the concerns about her practice and asserted in her NMC response that she had done nothing wrong.

The only explanation the panel has received from Mrs Mensah-Kirchner is from the Royal College of Nursing (RCN) in which she says:

‘She hasn’t done anything wrong’

The panel found no evidence of bullying, racism or demotion, indeed all three witnesses appeared shocked by these accusations.

The panel next considered whether the actions of Mrs Mensah-Kirchner were likely to be repeated. The panel referred to Dame Janet Smith’s “test” and found that three of the four limbs had been engaged. The panel decided in these circumstances there is no evidence of insight and there is accordingly a real risk of repetition of the failures found proved, and it cannot conclude that those failures are highly unlikely to be repeated. The panel found Mrs Mensah-Kirchner’s fitness to practise impaired on the grounds of public protection.

The panel was mindful of the overarching objectives of the NMC and the expectation of the public for nurses to be competent. Given the seriousness of its findings the panel concluded that public confidence in the profession would be undermined if a finding of impairment was not made in this case. The panel also found Mrs Mensah-Kirchner’s fitness to practise impaired on the grounds of public interest.’

The original 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:

- In cases where the only issue relates to the nurse or midwife's lack of competence, there is a risk to patient safety if they were allowed to continue to practise even with conditions.*

The panel concluded that Mrs Mensah-Kirchner's lack of competence puts patients and the public at risk. The risk of repetition remains and there has been a lack of engagement by Mrs Mensah-Kirchner in response to the concerns. The panel has no evidence that Mrs Mensah-Kirchner has reflected on the failings identified during her employment. There is no evidence of remediation by which the panel can measure any improvement and there is a proven lack of competence and in particular with regards to medication administration.

The panel determined that a suspension order is the only appropriate sanction that can be imposed.

In considering whether a striking-off order would be appropriate, the panel took into the account the Sanctions Guidance, reference SAN-3e which states:

'A striking-off order can't be used if the nurse, midwife or nursing associate's fitness to practise is impaired due to:

- Lack of competence*

Until they have been on either a suspension order, a conditions of practice order for a continuous period of two years.'

In taking these factors into account, a suspension order is the most serious sanction the panel has the power to impose at this stage. The panel was mindful that they did not have the power to strike-off at this stage given the absence of a continuous period of two years of suspension or conditions.

In making this decision, the panel carefully considered the submissions of Ms Ghotra in relation to the 12 month suspension sanction the NMC was seeking.

However, the panel determined that a suspension order for a period of nine months is appropriate in this case to mark the seriousness of the lack of competence shown by Mrs Mensah-Kirchner. The time period would also give Mrs Mensah-Kirchner sufficient opportunity to demonstrate strengthening of practice and insight at the review stage.

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 may be assisted by:

- *Mrs Mensah-Kirchner's attendance at the hearing*
- *Engagement with the fitness to practise process*
- *Written reflections which clearly address the charges proved*
- *Evidence of strengthened practice which address the charges proved*
- *Evidence of relevant training and development'*

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Mensah-Kirchner's fitness to practise remains impaired. There is no statutory definition of fitness to practise. However, the NMC has recently redefined fitness to practise as a registrant's ability to practise safely and

effectively without restriction. (Reference: DMA–1 updated 28 January 2026). 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.

The panel 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 Mrs Mensah-Kirchner's fitness to practise remains impaired.

The panel noted that the original substantive panel found that whilst Mrs Mensah-Kirchner's lack of competence was capable of being addressed, Mrs Mensah-Kirchner had not demonstrated any insight. At this meeting, the panel considered that there was no evidence before it to suggest that the circumstances had changed. There was no evidence before the panel of any engagement by Mrs Mensah-Kirchner since February 2024. She had not provided any evidence of insight or reflection, nor was there evidence before the panel to suggest that Mrs Mensah-Kirchner had taken any steps to address the concerns or strengthen her practice.

The original substantive panel determined that Mrs Mensah-Kirchner was liable to repeat matters of the kind found proved. Today's panel has received no new information to suggest that the risk in this case has reduced. In light of this the panel determined that Mrs Mensah-Kirchner remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the ground 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 the ground of public interest is also required. It was mindful that a reasonable member of the public, knowing the full facts of the seriousness of the original charges found proved, and the lack of engagement or remediation by Mrs Mensah-Kirchner, would be at risk of losing confidence in the nursing profession and the NMC as the regulator if a finding of current impairment was not made.

For these reasons, the panel finds that Mrs Mensah-Kirchner's fitness to practise remains impaired on both grounds of public protection and public interest.

Decision and reasons on sanction

Having found Mrs Mensah-Kirchner'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) (last updated: 28 January 2026), 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.

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 Mrs Mensah-Kirchner'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 Mrs Mensah-Kirchner's lack of competence 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 a caution order would not protect the public, nor would it maintain public confidence in the nursing profession.

The panel next considered whether a conditions of practice on Mrs Mensah-Kirchner'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 bore in mind the seriousness of the facts found proved at the original substantive hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel noted that Mrs Mensah-Kirchner has not engaged with the NMC since February 2024, and that there is no evidence before it to suggest that Mrs Mensah-Kirchner would comply with any conditions imposed. The panel considered that Mrs Mensah-Kirchner was previously on a performance improvement plan and yet the concerns regarding her competencies remained. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mrs Mensah-Kirchner's lack of competence. Further, the panel considered that a conditions of practice order would not protect the public or maintain public confidence in the nursing profession.

The panel considered the imposition of a further period of suspension. It took into account the fact that a striking-off order is not an available sanction at this time, as Mrs Mensah-Kirchner has not been subject to a suspension order or a conditions of practice order for a continuous period of two years. The panel therefore considered that a further period of suspension would be the appropriate and proportionate response and would afford Mrs Mensah-Kirchner adequate time to develop her insight and take steps to strengthen her practice.

The panel determined therefore that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for a period of 12 months and considered that this would provide Mrs Mensah-Kirchner's with an opportunity to engage with the NMC, and to provide evidence of any insight or steps taken to strengthen her practice. It considered this to be the most appropriate and proportionate sanction available.

This suspension order will take effect upon the expiry of the current suspension order, namely at the end of 13 August 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:

- Mrs Mensah-Kirchner's attendance at the hearing
- Significant engagement by Mrs Mensah-Kirchner with the NMC and this Fitness to Practise process
- Written reflections which clearly address the charges proved
- Evidence of significantly strengthened practice which address the charges proved
- Evidence of robust training and development in relation to medication administration and management

This will be confirmed to Mrs Mensah-Kirchner in writing.

That concludes this determination.