

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

**Substantive Order Review Hearing
Wednesday, 1 July 2026**

Virtual Hearing

Name of Registrant:	Zwelani Charity Ndlovu	
NMC PIN:	20A0834E	
Part(s) of the register:	Nursing, Sub Part 1, RNLD, Registered Nurse – Learning Disabilities (3 December 2020)	
Relevant Location:	England	
Type of case:	Misconduct	
Panel members:	Michaela McAleer Jenni Etchells Lorraine Wilkinson	(Chair, Lay member) (Registrant member) (Lay member)
Legal Assessor:	Alain Gogarty	
Hearings Coordinator:	Zahra Khan	
Nursing and Midwifery Council:	Represented by Nicola Kay, Case Presenter	
Ms Ndlovu:	Present and represented by Roise Hannan, instructed by The Royal College of Nursing (RCN)	
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 10 August 2026	

Decision and reasons on review of the substantive order

The panel decided to allow the order to lapse upon expiry in accordance with Article 30(1), namely 10 August 2026.

This is the first review of a substantive suspension order imposed for a period of 9 months by a Fitness to Practise Committee panel on 8 October 2025.

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:

'Details of charges as amended

That you, as a registered nurse,:

- 1. between December 2020 and October 2021 (inclusive), whilst in paid employment on a full-time basis with Cygnet Healthcare, obtained paid employment on a full-time basis with Mersey Care NHS Foundation Trust contrary to Cygnet Healthcare's job specification;*
- 2. did not inform Cygnet Healthcare that you had obtained a full-time nursing role with Mersey Care NHS Foundation Trust;*
- 3. did not inform Mersey Care NHS Foundation Trust that you had a full-time nursing role with Cygnet Healthcare;*
- 4. between February 2021 and September 2021 (inclusive), worked full-time at Cygnet Healthcare in a clinical setting and worked full-time at Mersey Care NHS Foundation Trust in a clinical setting placing patients at risk of harm by working excessive hours;*

5. *between 21 and 24 June 2021 (inclusive), were paid to attend training by Cygnet Healthcare whilst being paid to work for Mersey Care NHS Foundation Trust;*
6. *between 20 and 24 September 2021 (inclusive), were paid to attend training by Mersey Care NHS Foundation Trust whilst being paid to attend training and work by Cygnet Healthcare;*
7. *on various dates between 27 September and 12 October 2021 (inclusive), you received paid study leave from Mersey Care NHS Foundation Trust whilst being paid to work for Cygnet Healthcare;*
8. *Your actions at charges 1, 2, 3, 5, 6 and/or 7 were dishonest in that you did not disclose your additional employment to each /or to either employer in order to obtain improper personal financial gain.*
9. *Your actions at charges 1, 2, 3, 5, 6 and/or 7 demonstrated a lack of integrity.*

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

The original panel determined the following with regard to impairment:

'The panel found that all four limbs of [the Grant test] are engaged in this case. You put patients at risk of harm by obtaining and working in two full-time roles one on a day shift, and one on a night shift, over a significant period of seven months. You supported vulnerable patients throughout your employment with both organisations, and your dual employment was brought to an end only as a result of the whistleblowing complaint. The panel concluded that you brought the nursing profession into disrepute and members of the public would have been alarmed, had they become aware of the facts and the risks these created. The panel noted that you breached three fundamental nursing tenets relating to practicing effectively,

preserving safety, and promoting professionalism and trust. The panel found that in several aspects of your conduct as described by the charges, were dishonest and demonstrated a lack of integrity.

The panel went on to consider whether your misconduct is capable of remediation, whether it has been remediated and whether it is highly unlikely to be repeated. The panel was of the view that your misconduct, relating to dishonesty raised attitudinal concerns. You told the panel that your personal circumstances contributed to your actions. Consequently, the panel concluded that you placed your personal interests before those of your patients and this aspect indicates a further attitudinal concern. Whilst the panel was of the view that your misconduct is capable of remediation, because of the underlying attitudinal concerns, this would be more difficult.

The panel noted that there have been steps taken by you to strengthen your practice, but these steps remain limited. There is some evidence of training relevant to the charges, however, all the training took place in 2025 and certificates for several online courses were dated 23 September 2025. The panel considered that there is limited evidence of any sustained or early effort to strengthen your practice by training. The panel had very little evidence as to how you would assimilate your training in order to strengthen your practice and prevent your misconduct being repeated.

The panel has had regard to the two testimonials you adduced in your bundle and noted that they are supportive and indicate knowledge of the NMC's case. The panel noted that the testimonials are from people who have known you for a relatively short period of time and as such cannot attest to your long-term working capabilities and character.

In relation to your insight, the panel considered all the evidence before it, including your oral evidence. The panel recognised that you have every right to meet the charges and defend your position.

It had regard to the two undated reflective statements adduced by you as part of your bundle, a personal details form adduced by the NMC and your oral evidence. The panel noted that the first reflective statement appears to be thoughtful and recognises that your actions could have had a detrimental impact on your patients, colleagues and wider community. However, in your oral evidence you told the panel that “I don’t think I put anyone at the risk of harm”, contradicting your earlier reflections. Consequently, the panel could not rely on your reflection as an accurate indication of your genuine insight.

The panel considered that the tone of your second reflective statement characterises some of your conduct as misunderstandings of your contractual obligations and also deflects a number of issues onto other people.

The panel also considered that your reflections overall are couched in general terms and primarily focus on your personal circumstances, without demonstrating real insight into what led you to act as you did or what steps you will put in place to prevent recurrence.

The panel, having regard to your efforts to strengthen your practice, reflections and insight concluded that your conduct has not been remediated, and therefore there remains a risk of repetition. Consequently, the panel finds that all four limbs of the Grant test are engaged as to the future.

Accordingly, the panel finds that your fitness to practice is impaired on public protection grounds.

The panel bore in mind that the overarching objectives of the NMC are 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 fully informed member of the public would be concerned if

serious findings of this nature, were not to result in a finding of impairment given the unwarranted risk you posed to yourself, patients and the wider public.

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 original panel determined the following with regard to sanction:

‘The panel took into account the following aggravating features:

- Your conduct put people receiving care at risk of harm*
- You demonstrate a lack of insight and a tendency to deflect*
- There has been a pattern of misconduct sustained over a lengthy period of time*
- You abused a position of trust for financial gain.*

The panel also took into account the following mitigating features:

- You have no previous fitness to practice history*
- The panel noted evidence and submissions about your difficult personal circumstances but balanced this against the seriousness of the matters found proved*
- You made admissions to some of the facts.*

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, an order that does not restrict your practice would not be appropriate in the circumstances. Your misconduct includes elements of dishonesty, lack of integrity and attitudinal concerns. 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 your 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 your registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel took into account the guidance in SAN-3C in particular the factors that indicate that a conditions of practice order may be appropriate.

Whilst some of the above factors may be present in this case, the panel is of the view that there are no practical or workable conditions that could be formulated to address the attitudinal concerns including your dishonesty in this case.

Furthermore, the panel concluded that placing of conditions on your registration would not adequately address the seriousness of this case, would not protect the public nor meet the public interest aspects.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The panel referred to the guidance in SAN-3 which identifies key things for the panel to consider before imposing a suspension order as follows;

- Whether the seriousness of the case requires temporary removal from the register?*
- Will a period of suspension be sufficient to protect patients, public confidence in nurses, midwives or nursing associates, or professional standards?*

The guidance states that a suspension order may be appropriate where 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;*
- 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 is serious and that your misconduct requires at least temporary removal from the register. However, it considered that a period of suspension may be sufficient to protect public confidence and maintain professional standards.

The panel noted that there is no evidence of your misconduct being repeated. The panel identified attitudinal issues in respect of your dishonesty and that you placed your own interests before those of patients. However, the panel has not characterised these as deep seated in the sense that your conduct overall is incapable of remediation, or that there is any other evidence of such attitudes being displayed before or after the events subject of this case. The panel was satisfied that in this case; the misconduct was not fundamentally incompatible with remaining on the register.

The panel went on to consider whether a striking-off order would be proportionate. However, the panel was of the view that in the circumstances of this case, public confidence can be maintained through imposition of a suspension order and that a striking-off order is not the only sanction sufficient to protect the public and maintain professional standards. The panel concluded that imposition of a striking-off order would be disproportionate in this case.

Balancing all of these factors the panel determined that a suspension order is the appropriate and proportionate sanction.

The panel considered that this order is necessary to protect the public, maintain 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.

The panel acknowledges the hardship such an order will inevitably cause you as submitted by Ms Maqboul. However, this is outweighed by the public interest in this case.

The panel determined that a suspension order for a period of 9 months is appropriate to mark the seriousness of the misconduct. This period will also allow you sufficient time to further reflect, develop your insight and evidence your strengthened practice.

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 workplace testimonials*
- Evidence of further relevant training*
- Evidence of how you will apply your learning to strengthening your practice*
- A revised reflective statement/s demonstrating your developing insight'.*

Decision and reasons on current impairment

The panel 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 suitability to remain on the register safely and effectively without

restriction. In considering this case, the panel carried out a comprehensive review of the order in light of the current circumstances. Whilst it noted the decision of the last panel, this panel exercised its own judgement as to current impairment.

The panel had regard to all of the documentation before it, including both yours and the NMC's bundle. It took account of the submissions made by Ms Kay, on behalf of the Nursing and Midwifery Council (NMC).

Ms Kay outlined the background of the case and referred the panel to relevant pages of the bundles, including the original panel's findings on facts, impairment and sanction. She submitted that the case concerned you working two full-time nursing roles simultaneously over a period of approximately seven months, with one role consisting of day shifts and the other night shifts. She submitted that you failed to disclose each employment to the other employer and, by working excessive hours, placed patients at risk of harm. She further submitted that you were paid by one employer to attend training whilst also being paid by the other employer to work, together with proven dishonesty and lack of integrity arising from the failure to disclose your additional employment for personal financial gain.

Ms Kay reminded the panel of the recommendations made by the original panel, namely that a future reviewing panel would be assisted by evidence of workplace testimonials, further relevant training, evidence of how you had applied your learning in practice and an updated reflective statement demonstrating developing insight.

Ms Kay submitted that the persuasive burden rested on you to demonstrate that your fitness to practise was no longer impaired. She referred the panel to the NMC's guidance on substantive order reviews (REV-2A) and the new material for it to consider, namely two workplace testimonials, evidence of training undertaken in 2025 and 2026, a reading log, and your updated reflective account dated 18 June 2026.

Ms Kay submitted that it was a matter for the panel to determine whether you had sufficiently remediated the concerns identified by the original panel, particularly in relation to insight, and whether you had discharged the persuasive burden of demonstrating that your fitness to practise was no longer impaired.

Ms Kay submitted that, in the event that impairment remains, the panel should consider sanction in accordance with the NMC's guidance and REV-2A. She submitted that there was nothing to undermine the original panel's conclusions that taking no further action, a caution order or a conditions of practice order would not be appropriate, given the seriousness of the case and the attitudinal concerns arising from your dishonesty. Ms Kay submitted that, if impairment were found to remain, a further suspension order may be the appropriate and proportionate sanction.

The panel also had regard to submissions made by Ms Hannan, on your behalf. She submitted that, whilst the original panel had been correct to find impairment and impose a suspension order for a period of nine months at the substantive hearing, the position had materially changed following the completion of that order.

Ms Hannan submitted that the suspension order had marked the seriousness of the misconduct and afforded you sufficient time to reflect, develop your insight and strengthen your practice. You had now effectively served the suspension order and had done everything within your power to demonstrate remorse, regret and remediation. As such, Ms Hannan submitted that public confidence would not be undermined by a finding that your fitness to practice was no longer impaired. She acknowledged that the NMC was not submitting that the panel should find your fitness to practice remained impaired.

Ms Hannan submitted that you had addressed each of the recommendations made by the original panel. She referred the panel to your reflective statement dated 18 June 2026 and submitted that it demonstrated a clear understanding of the misconduct, the risks posed to patients, colleagues and the wider public, the impact on the reputation of the profession, and the steps you would take to prevent any repetition.

Ms Hannan also referred the panel to two updated workplace testimonials and submitted that they had been provided by colleagues who were aware of the regulatory proceedings and who had worked closely with you over a number of years. She submitted that the testimonials addressed the concerns previously identified by the original panel and spoke positively of your professionalism and practice.

Ms Hannan submitted that you had demonstrated full insight and remediation, that the risk of repetition had been addressed and that there was no longer any basis for a finding of impairment on either public protection or public interest grounds. She submitted that you had no previous regulatory or disciplinary history, that the misconduct had not been repeated, and that the substantive panel had found no evidence of deep-seated attitudinal concerns beyond the matters before it.

For these reasons, Ms Hannan submitted that the carefully selected suspension order and time period of the order had now been completed without incident, you had complied with all of the original panel's recommendations, and your fitness to practise was no longer impaired. She therefore submitted that the panel should allow the suspension order to lapse upon expiry and that no extension was necessary.

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 original panel found that your dishonesty gave rise to significant attitudinal concerns, concluding that you had prioritised your own interests over those of your patients. Whilst the original panel considered the misconduct being capable of remediation, it determined that the underlying attitudinal concerns made remediation more difficult. The original panel also found that, although you had taken some steps to strengthen your practice, there was limited evidence of sustained remediation, training or insight.

The panel today had regard to the following updated material within your bundle:

- Your detailed reflection dated 18 June 2026.
- Training Certificates in the following areas:

- 'Promoting patient safety through effective communication and teamwork' dated 11 June 2026.
- 'Leadership Skills' dated 11 June 2026.
- 'Promoting effective communication skills in nursing practice' dated 19 May 2026.
- 'Duty of Candour' dated 12 May 2026.
- 'The importance of interpersonal skills' dated 23 September 2025.
- 'Making decisions' dated 23 September 2025.
- 'So, you want to be a nurse? A brief introduction to nursing' dated 23 September 2025.
- Reading Log
- Two positive testimonials dated 13 and 17 May 2026.

The original panel determined that you were liable to repeat matters of the kind found proved. Today's panel, however, received new material contained within your bundle. It was satisfied that you have developed insight into how your actions placed patients at risk of harm and why your conduct was wrong. In reaching its conclusion, the panel took into account the relevant training you have undertaken between 2025 and 2026, your detailed reflective piece dated 18 June 2026, and the two positive testimonials dated 13 and 17 May 2026. The panel also noted within your reflective piece that you unequivocally accepted responsibility for your actions, demonstrating remorse and understanding of the implications for public protection and public confidence and that this was expressed in specific detailed terms. You also sought to apply the learning you had gained from your training and training log to each of the respected charges found proved, setting out how you would act differently in the future.

Whilst you are not currently practising as a registered nurse, the panel was satisfied that the training addressed key nursing principles, including the duty of candour, and was broadly relevant to the misconduct found proved. The panel also noted that you have not been working in any capacity, so have been unable to demonstrate safe practice, but was satisfied that you have made significant progress with appreciating the seriousness and impact of your misconduct. The panel noted the actions you intend to take in future in respect of communication with your employers and meticulous logging of your working hours and training leave.

For these reasons, the panel determined that you are now not liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is not necessary on the grounds of public protection.

The panel bore 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 no longer required.

Accordingly, the panel found that, although your fitness to 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 10 August 2026.

This will be confirmed to you in writing.

That concludes this determination.