

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

**Substantive Order Review Hearing
Friday, 5 June 2026**

Virtual Hearing

Name of Registrant:	Augustine Yeboah
NMC PIN:	19J05190
Part(s) of the register:	Registered Nurse - Adult Nursing RNA – (14 October 2019)
Relevant Location:	Warwickshire
Type of case:	Misconduct
Panel members:	Farrah Jaura (Chair, lay member) Margaret Wilkinson (Registrant member) Marilyn Norman (Lay member)
Legal Assessor:	Ben Stephenson
Hearings Coordinator:	Khatra Ibrahim
Nursing and Midwifery Council:	Represented by Nicola Kay, Case Presenter
Mr Yeboah:	Present and unrepresented at this hearing
Order being reviewed:	Suspension order (6 months)
Fitness to practise:	Impaired
Outcome:	Suspension order (6 months) confirmed until the end of 17 November 2026 in accordance with Articles 30(2) and 30(4)

Decision and reasons on review of the substantive order

The panel decided to confirm the current suspension order

This order will come into effect immediately in accordance with Articles 30(2) and 30(4) of the 'Nursing and Midwifery Order 2001' (the Order).

This is an early review of the substantive suspension order imposed on 16 November 2025. This review is being held as you notified the NMC that you believe you have met the recommendations from the last reviewing panel on 8 April 2026.

This is the second review of a substantive suspension order originally imposed for a period of six months by a Fitness to Practise Committee panel on 16 November 2025. This was reviewed on 8 April 2026 and that reviewing panel decided to impose a further suspension order for a period of six months. Following the last review hearing on 8 April 2026, you contacted the NMC, and requested an early review of the current substantive suspension order.

The current order is due to expire at the end of 17 November 2026.

The panel is reviewing the order pursuant to Articles 30(2) and 30(4) of the Order.

The charges found proved which resulted in the imposition of the substantive order were as follows:

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That you, a registered nurse:

1. ...
2. *Responded to Colleague A's email sent on or around 21 March 2023 requesting an investigation meeting following the medication error in 1(a)*

above with, 'I will not be attending any meeting. You need a psychiatric assessment because you are sick in the head' or words to that effect.

3. *Your actions at charges 2 above were unprofessional and/or intended to undermine Colleague A.*
4. *Between 24 November 2022 and 21 March 2023 made comments on one or more Accident and Incident forms, which were inappropriate and/or unprofessional.*
5. ...
 - a. ...
 - b. ...
6. ...
7. ...
8. ...
 - a. ...
 - b. ...
 - c. ...
9. ...
 - a. ...
 - b. ...
10. *On or around 31 August 2021 without clinical justification:*
 - a. *Grabbed Resident B's arm/palm/wrist*
 - b. *Took a pen out of Resident B's hands and threw it across the room*

11. ...

12. ...

a. ...

b. ...

c. ...

13.

14. ...

a. ...

b. ...

15. ...

16. ...

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

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

'The panel considered whether your fitness to practise remains impaired.

The panel noted that the original panel found that you had not demonstrated an understanding of the fact that your actions caused harm to Resident B, nor had you demonstrated an understanding of why what you did was wrong, the seriousness of your misconduct, and how this impacted negatively on the reputation of the nursing profession.

At this hearing, the panel was of the view that you did demonstrate some limited acceptance and insight into areas of your misconduct, specifically relating to communication. You accepted that your conduct in that regard was unacceptable and offered an apology. The panel noted that you also provided some examples as to how your communication could be better in the future. The panel considered that your insight is developing. It noted your indication that you wish to return to nursing practice and that there have been no further incidents or concerns about you since the original charges.

However, the panel determined that your overall insight was insufficient. The panel was not provided with testimonials from any of your current employers, having informed the panel that you worked as a Healthcare Assistant for several different care homes. The panel was also not provided with any evidence of any up-to-date training. You also did not provide the panel with a reflective piece. Whilst the panel acknowledges that you do not accept some of the findings of the substantive hearing panel, which is your right, you could nevertheless have provided a reflective piece demonstrating insight into the matters you accept and sufficient insight of a more general nature into the matters you disagree with, demonstrating an understanding of why the conduct was considered unacceptable and cannot be repeated.

The panel was not therefore satisfied that your insight has developed sufficiently, but it did acknowledge that there is some insight which is still developing. The panel was also not satisfied that you have taken steps to maintain your skills or knowledge.

The original panel determined that you were liable to repeat matters of the kind found proved.

Today's panel determined that you are still liable to repeat matters of the kind found proved, due to the insufficient insight and lack of strengthening of practice. The panel therefore decided that 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 first reviewing panel determined the following with regard to sanction:

The panel considered the imposition of a further period of suspension. It bore in mind that you have now engaged with the regulatory process and shown some insight into your misconduct. It was therefore of the view that a suspension order would allow you further time to fully reflect on your previous misconduct. The panel concluded that a further six-month suspension order would be the appropriate and proportionate response and would afford you adequate time to further develop your insight and allow you to take steps to strengthen your 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 the period of six months which would protect the public and uphold the public interest whilst providing you with an opportunity to further reflect, obtain references and testimonials from colleagues and undertake any relevant training. It considered this to be the most appropriate and proportionate sanction available.

The panel determined that a striking-off order would be a disproportionate sanction in this case, given your engagement in these proceedings and your intention to return to practice.

Decision and reasons on current impairment

Today's panel has considered carefully whether your fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as the ability of a professional on our register to practise as a nurse, midwife or nursing associate safely and effectively without restriction. In considering this case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

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

Ms Kay took the panel through the background of the case, and referred the panel to the very positive testimonials provided by you. She submitted that at this time, it is unclear whether the testimonials refer to your current employment, and the dates the authors of the testimonials worked with you. She also referred to your training certificates online training completed on 9 April 2026 in the following areas:

- Communication;
- NHS conflict resolution
- Clinical skills

Ms Kay submitted that the main concern is whether your fitness to practise remains impaired. She submitted that whilst it is to your credit that you have undertaken the aforementioned courses, the key issue is that of insight, given the nature of the charges found proved at the substantive hearing in 2025.

Ms Kay submitted that the original substantive panel determined that your actions would be considered deplorable by another registered nurse, including that of grabbing a 100 year old resident's arm, palm and wrist and throwing a pen across the room. She submitted that at the last review hearing, you indicated that you did not accept the panel's findings in relation to this incident, but that you could have provided a reflective piece

demonstrating insight into the matters you disagreed with, with an understanding of why the conduct was considered unacceptable, and cannot be repeated. She submitted that the reflective pieces you have provided do not appear to address the concerns identified.

Ms Kay submitted that you have not reflected upon or shown insight into how your conduct towards an elderly and vulnerable patient could have caused both physical and psychological harm, or how such conduct is acceptable. In relation to the public interest, Ms Kay submitted that in light of the charges found proved, the public confidence in the nursing profession would be damaged. She invited the panel to find your fitness to practise remains impaired on both the grounds of public protection and in the wider public interest.

In regard to sanction, Ms Kay referred the panel to NMC guidance, and submitted that it is for the panel to determine what sanction, if any, to impose. She submitted that it was previously determined that the seriousness of the case is such that taking no action or imposing a caution order would not be appropriate, as it would not have sufficiently protected the public or satisfied the wider public interest. She also referred the panel to the previous panels' findings as to why a conditions of practice order would not be appropriate at this time.

Ms Kay submitted that if the panel determine that your fitness to practise remains impaired, the panel are invited to continue the current suspension order, which was imposed on 8 April 2026, and is due to expire on 17 November 2026. She submitted that if you require, you are able to request an early review. She also submitted that continuing the current suspension order is appropriate and proportionate, given that the order was recently imposed.

Ms Kay invited the panel to continue the current suspension order.

You told the panel that the incident which gave rise to the referral occurred in 2021, and that your employer at the time did not identify any evidence of harm to the resident. You stated that the NMC used a statement that was acquired in 2024, despite having a statement from the same person in 2021, where they stated they had not witnessed the incident. You also said that you cannot write a reflection regarding something that did not take place, and that if you attempted to do so, it would be very challenging.

You said that if the incident had occurred, you would accept it and apologise. You also said that you contacted the NMC and referred to various pages in the documentation in the bundle. You stated that you feel the NMC has not been fair to you, and that you are unsure as to how you can reflect on an incident that did not happen.

You informed the panel of the [PRIVATE] issues that have arisen as a result of the current suspension order. [PRIVATE] You expressed to the panel that you wish to return to nursing practice, and that you acknowledge you have made mistakes, and you asked the panel to give you the opportunity [PRIVATE].

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 your insight continues to develop.

The panel considered that charges 2-4 relate to incidents with colleagues, charge 10 relates to an incident with a patient, and determined that in regard to the Grant test, the first three limbs remain engaged at this time. It further considered that the concerns can be addressed by way of strengthening your practice and noted your reflection demonstrated significant development, however, the panel having had sight of positive testimonials, noted these precede the outcome of the NMC investigation, and are undated and unsigned. It further determined that there was a lack of understanding of how your actions put patients, colleagues and the public at a risk of harm. The panel acknowledged your reflection, but concluded that it did not fully address the nature of all charges found proved. It also noted your training certificates, but that three comprehensive courses were completed in just one day, which was a concern for the panel, and that application into practice is yet to be evidenced.

In relation to charge 10, the panel acknowledges that you do not accept some of the findings from the original substantive hearing. The panel noted that although this is your right, you could have provided a reflective piece demonstrating insight into the matters you accept and sufficient insight of a more general nature into the matters you disagree with, demonstrating an understanding of why the conduct was considered unacceptable and cannot be repeated.

The panel also considered whether you have taken any steps to strengthen your practice. It noted that you have not worked as a nurse since the imposition of the original substantive suspension order, however, the panel noted from the previous reviewing panel's determination that you were working as a Healthcare Assistant (HCA).

The last reviewing panel determined that you were liable to repeat matters of the kind found proved. This panel concluded that you remain liable to repeat matters of the kind found proved, and there remains a risk of harm to the public. The panel therefore decided that 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.

Decision and reasons on sanction

Having found your 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) 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 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, but the Committee wants to mark that what happened 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 a 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 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. Today's panel was not able to formulate conditions of practice that would adequately address the concerns relating to your misconduct.

The panel considered continuing the current period of suspension. It bore in mind that you have engaged fully with the regulatory process and demonstrated developing insight into your misconduct. It was therefore of the view that confirming the current 6 month suspension order would allow you further time to fully reflect on your previous misconduct of all charges found proved. This continuation would be the appropriate and proportionate response and would afford you adequate time to further develop your insight and allow you to take steps to strengthen your practice.

The panel determined therefore that the continuation of the current suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. The panel concluded that this would provide you with an opportunity to further reflect, obtain references and testimonials from colleagues and undertake any relevant training. It considered this to be the most appropriate and proportionate sanction.

The panel determined that a striking-off order would be a disproportionate sanction in this case, given your engagement in these proceedings and your intention to return to practice.

This suspension order will continue until the expiry of the current suspension order, namely the end of 17 November 2026 in accordance with Articles 30(2) and 30(4).

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.

In relation to all charges found proved, any future panel reviewing this case would be assisted by:

- A report from your line manager where you are currently employed. This report needs to be signed and dated;
- A reflective statement demonstrating insight, and evidence of any relevant up to date training, together with;
- Up to date and detailed examples of how you have applied this in practice; and
- Continued engagement with the NMC and its processes.

This will be confirmed to you in writing.

That concludes this determination.