

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

**Substantive Order Review Hearing  
Tuesday, 17 March 2026**

Virtual Hearing

**Name of Registrant:** Nyakallo Putsoane

**NMC PIN:** 04H0144O

**Part(s) of the register:** Registered Nurse – Adult  
RN1 – 06 August 2004

**Relevant Location:** Port Talbot

**Type of case:** Misconduct

**Panel members:** Nilla Varsani (Chair, Lay member)  
Corinne Foy (Registrant member)  
Dora Waitt (Lay member)

**Legal Assessor:** Graeme Sampson

**Hearings Coordinator:** Hamizah Sukiman

**Nursing and Midwifery Council:** Represented by Debbie Churaman, Case Presenter

**Miss Putsoane:** Not present and unrepresented

**Order being reviewed:** Conditions of practice order (12 months)

**Fitness to practise:** Impaired

**Outcome:** **Striking-Off order to come into effect at the end of 31 March 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 Miss Putsoane was not in attendance and that the Notice of Hearing had been sent to Miss Putsoane's registered email address by secure email on 16 February 2026.

Ms Churaman, 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 and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Miss Putsoane'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 Miss Putsoane 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 Miss Putsoane**

The panel next considered whether it should proceed in the absence of Miss Putsoane, pursuant to Rule 21 of the Rules.

Ms Churaman submitted that there has been good service of the Notice of Hearing pursuant to the Rules, and there had been no engagement by Miss Putsoane with the NMC in relation to these proceedings. She further submitted that, whilst the panel's powers to proceed in Miss Putsoane's absence should be exercised with care and caution, this is not absolute, and cannot be used to frustrate the regulatory due process. She submitted that, in these circumstances, there is a public interest in proceeding today and she invited the panel to proceed in Miss Putsoane's absence.

The panel accepted the advice of the legal assessor.

The panel decided to proceed in the absence of Miss Putsoane. In reaching this decision, the panel has considered the submissions of Ms Churaman as well as the advice of the legal assessor. It considered the relevant case law and the overall interests of justice and fairness to all parties. It noted that:

- Miss Putsoane has not engaged with the NMC, has not responded to any of the correspondence sent to her about this hearing, and has voluntarily absented herself;
- No application for an adjournment has been made by Miss Putsoane;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- This is a statutory 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 Miss Putsoane.

### **Decision and reasons on review of the substantive order**

The panel decided to replace the current conditions of practice order with a striking off order.

This order will come into effect at the end of 31 March 2026 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the second review of a substantive conditions of practice order originally imposed for a period of 17 months by a Fitness to Practise Committee panel on 3 October 2023. This was reviewed on 26 February 2025 and the panel extended the conditions of practice order for a further 12-month period.

The current order is due to expire at the end of 31 March 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:*

*On 16 March 2019:*

1) *Stopped Patient A's oxygen:*

a) ...

b) *without seeking the authority of a GP. [Proved]*

2) ...

3) *Did not escalate and or take appropriate action promptly, after Patient A had pulled out the syringe driver. [Proved]*

4) *Failed to make adequate records of your observations of Patient A, in that you:*

a) *Did not record that you had removed Patient A's oxygen. [Proved]*

b) ...

c) *Did not record that Patient A had removed the syringe driver.*

***[Proved]***

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

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

*'The panel noted that the original panel was not presented with any evidence of insight or remorse. At this hearing, there remains a complete absence of evidence and engagement from Miss Putsoane to demonstrate that she has reflected on her practice, developed any insight into the concerns identified, or taken steps to*

*address them. The panel noted that there is no evidence of any attempt at remediation. In light of this the panel had no basis to conclude that Miss Putsoane has acknowledged the seriousness of the concerns or taken steps to prevent a recurrence.*

*The panel noted that Miss Putsoane's failings posed a risk of significant harm to patients. Given the fundamental importance of patient safety, the panel expected to see evidence of remediation, such as evidence of relevant training, or testimonial from colleagues demonstrating improvements in clinical practice and decision making as outlined by the original panel.*

*In its consideration of whether Miss Putsoane has taken steps to strengthen her practice, the panel considered her continued lack of engagement, including failure to provide evidence of insight or remediation. It noted that Miss Putsoane has not fulfilled the persuasive burden to demonstrate she has addressed the deficiencies in her practice, and this gives the panel no assurance that she has taken any steps to remediate her failings.*

*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.'*

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

*'The panel next considered whether imposing a further conditions of practice order on Miss Putsoane's registration would still be a sufficient and appropriate response. The panel noted there was no record of Miss Putsoane's current employment status and there was no information on what Miss Putsoane's current intentions were regarding nursing.*

*The panel was however of the view that the concerns identified by the original panel could be remediated and that Miss Putsoane's practice could be strengthened. It*

*noted that if Miss Putsoane chooses to remain in the profession, the public would be protected by the imposition of a conditions of practice order which remains a sufficient and appropriate response in this instance.*

*The panel is mindful that any conditions imposed must be proportionate, measurable and workable. 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 was of the view that the current conditions of practice order is proportionate and workable, and that none of the conditions impede Miss Putsoane from gaining employment as a registered nurse.*

*The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of Miss Putsoane's case. It noted that an extension of the conditions of practice order would afford Miss Putsoane additional time to develop her insight and remediate.'*

## **Decision and reasons on current impairment**

The panel has considered carefully whether Miss Putsoane's 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 has had regard to all of the documentation before it, including the NMC bundle, as well as submissions from Ms Churaman. The panel received no information from Miss Putsoane.

Ms Churaman outlined the background of the case, and detailed the previous panels' decisions. In respect of today's review, she reminded the panel that the persuasive burden is on Miss Putsoane to demonstrate that her fitness to practise is no longer impaired, pursuant to *Abrahaem v General Medical Council* [2008] EWHC 183 (Admin). She submitted that there has been no engagement from Miss Putsoane in the regulatory process, and she has consequently failed to discharge this persuasive burden.

Ms Churaman referred the panel to the NMC Guidance, '*Standard reviews of substantive orders before they expire*' (Rev-2a) as well as '*Removal from the register when there is a substantive order in place*' (Rev-2h). She submitted that a deliberate failure to comply with a conditions of practice order could be grounds for a panel to impose a striking-off order. Further, she referred the panel to the considerations outlined within the guidance of when a striking-off order may be appropriate, and submitted that these are present in today's case. She reminded the panel that allowing a substantive order to lapse with a finding of impairment is only appropriate when there has been engagement with the fitness to practise process from the registrant and when the concerns relate solely to their health or a lack of knowledge of English, and these are not applicable for Miss Putsoane's case. In these circumstances, she invited the panel to impose a striking-off order.

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 first considered whether Miss Putsoane's fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Miss Putsoane had not demonstrated any insight or attempt at remediation. The last reviewing panel was unable to conclude that she acknowledged the seriousness of her misconduct, or taken any steps to prevent a recurrence.

Today's panel has received no evidence to the contrary. The panel considered that Miss Putsoane continues to not engage with the NMC, and there has been no evidence of her

acknowledging the seriousness of the misconduct, or any evidence of insight or remediation from her. The panel bore in mind that the persuasive burden rests on Miss Putsoane to demonstrate that her fitness to practise is no longer impaired, and it has no evidence before it suggesting that Miss Putsoane has developed any insight since the last review.

Further, today's panel bore in mind that there is no evidence from Miss Putsoane of her strengthened practice or any information in respect of a demonstrable period of safe practice. The panel noted that there is no information before it on Miss Putsoane's future intentions with nursing.

The last reviewing panel determined that Miss Putsoane was liable to repeat matters of the kind found proved. In light of Miss Putsoane's continued non-engagement and in the absence of any information from her of her insight, remediation or strengthened practice, this panel determined that Miss Putsoane remains liable to repeat matters of the kind found proved. This is particularly the case as Miss Putsoane has not been in nursing practice for over four years and has not provided any evidence of strengthening her practice in that time. The panel therefore decided 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, in light of Miss Putsoane's continued lack of engagement and in the absence of any evidence of remediation or strengthened practice, a finding of continuing impairment on public interest grounds is also required.

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

### **Decision and reasons on sanction**

Having found Miss Putsoane'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') 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.

In reaching its decision, the panel had sight of the NMC Guidance, '*Removal from the register when there is a substantive order in place*' (Rev-2h), which stated:

*'There is a persuasive burden on the professional at a substantive order review to demonstrate that they have fully acknowledged why past professional performance was deficient and through insight, application, education, supervision or other achievement sufficiently addressed the past impairments.'*

*'While Suspension Orders and Conditions of Practice Orders can be varied or extended, they are not intended to exist indefinitely. In time the professional must be allowed to practise without restriction or they must leave the register. It is neither in the interests of the public nor the professional's own interests that they are kept in limbo.'*

*'Professionals who are not subject to fitness to practise proceedings have to revalidate every three years to stay on the register. In many cases it will be more appropriate for a professional to leave the register if they have been on a substantive order for this period of time and remain impaired.'*

The guidance further states, on determining whether to allow an order to lapse with a finding of impairment, or to impose a striking off order:

*'Cases where **striking off** is likely to be appropriate include when:*

- the professional has shown limited engagement and/or insight,*
- the professional has breached a substantive order; or*
- the professional has otherwise made no or negligible progress towards addressing issues with their fitness to practise.'*

*Striking off will **not** usually be an appropriate outcome where:*

- the professional has engaged with the fitness to practise process; **and***

- *the concerns relate solely to matters involving health or English language skills*

*Our guidance on conditions of practice orders sets out that a nurse, midwife or nursing associate must comply with the conditions of a conditions of practice order. A deliberate failure to comply with a conditions of practice order could be proper grounds for making a striking off order.’ (emphasis as quoted)*

The panel considered the above guidance. It determined that it would not be appropriate to allow the current conditions of practice order to lapse with a finding of impairment, given Miss Putsoane has not engaged with the fitness to practise process and that this case relates to misconduct, as opposed to health or a lack of knowledge of English. The panel accepted Ms Churaman’s submissions in this regard.

Bearing the above in mind, the panel then considered what sanction, if any, to impose.

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 Miss Putsoane’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, but the Committee wants to mark that what happened was unacceptable and must not happen again.’* The panel considered that Miss Putsoane’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 a conditions of practice on Miss Putsoane’s registration would still 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 that Miss Putsoane has not engaged with this process since 2022, and it determined that the imposition of a further conditions of practice order would not serve any purpose, in light of her non-engagement. The panel noted that, pursuant to the above guidance, the imposition of a conditions of practice order is not designed to provide Miss Putsoane with unlimited opportunities to re-engage with the regulatory process. It bore in mind that if further restrictions were imposed upon Miss Putsoane's practice, it would be unlikely to result in renewed engagement from her, given her non-engagement thus far. The panel concluded that a conditions of practice order is only workable if Miss Putsoane engaged with the conditions. In these circumstances, a further conditions of practice order would not be workable at this stage.

The panel further noted that there is no information before it of Miss Putsoane's future intentions with nursing.

The panel next considered imposing a suspension order. The panel determined that the imposition of a suspension order would not serve any purpose in the circumstances. The panel concluded that this would prevent Miss Putsoane from being able to practise as a nurse, and would not assist her in demonstrating a period of remediation of the concerns through safe and strengthened practice. Further, the panel was satisfied that a suspension order would be unlikely to result in renewed engagement from Miss Putsoane, and that to impose such an order would delay the conclusion of these proceedings.

Finally, in respect of a striking-off order, the panel considered the following paragraphs of the SG:

- Do the charges found proved raise fundamental questions about their professionalism?
- Can public confidence in the profession be maintained if the professional is not removed from the Register?
- Is there any amount of insight and reflection which could keep people receiving care and members of the public safe, maintain public confidence in the profession, and uphold professional standards?

- Is there a realistic prospect that, after suspension, the professional will have gained insight and strengthened their practice such that the risk they pose will have reduced?

The panel considered the above in turn.

The panel took into account that the charges found proved relate to Miss Putsoane's clinical practice, and do not, in themselves, raise questions of her professionalism. However, the panel determined that the findings are nonetheless serious, and Miss Putsoane's non-engagement with the regulator, save for an acknowledgement of the proceedings in 2022, does now raise questions of her professionalism.

The panel next considered that the allegations are serious and carry a risk of harm to patients, and public confidence in the profession could not be maintained if Miss Putsoane remained on the register despite her disengaging from the regulatory process.

On whether there is a realistic prospect that Miss Putsoane will have gained insight, the panel noted that, at the substantive hearing, the Fitness to Practise committee remarked that she has not engaged with the NMC since 2022. This panel was of the view that there is no realistic prospect that Miss Pursoane will have gained insight following the conclusion of another substantive order, given she has not demonstrated any insight or remediation thus far.

In all the circumstances, the panel concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order. The panel therefore directs the registrar to strike Miss Putsoane's name off the register.

This striking-off order will take effect upon the expiry of the current conditions of practice order, namely the end of 31 March 2026 in accordance with Article 30(1). The panel was satisfied that there is no exceptional circumstance which would necessitate the imposition of this order with immediate effect, pursuant to Article 30(2).

This will be confirmed to Miss Putsoane in writing.

That concludes this determination.