Nursing and Midwifery Council
Investigating Committee

Registration Appeal Hearing
Monday, 2 November 2026 – Tuesday, 3 November 2026

Virtual Hearing

Name of Appellant:	Joana Gomes
Former NMC PIN:	12B0137C
Type of case:	Registrations appeal
Panel members:	Godfried Attafua (Chair, Registrant member) Wendy West (Lay member) Naomi Smith (Registrant member)
Legal Assessor:	Paul Hester
Hearings Coordinator:	Teige Gardner
Nursing and Midwifery Council:	Represented by Benjamin Eason, Case Presenter
Ms Gomes:	Present but unrepresented
Decision:	Appeal allowed

Decision and reasons

The panel decided to allow your appeal against the decision of the Assistant Registrar of the Nursing and Midwifery Council (NMC).

This appeal is made under Article 37 of the Nursing and Midwifery Order 2001 (the Order). You have appealed the decision of the Assistant Registrar, dated 4 November 2025, that Article 9(2)(ba) of the Nursing and Midwifery Order 2001, states that one of the requirements of registration is that an applicant must satisfy the Registrar that they have the necessary knowledge of English.

The Assistant Registrar therefore required you to complete an English language test, namely the academic version of the International English Language Testing System (IELTS) and obtain a score of at least 7 in reading, listening and speaking and at least a 6.5 in writing or to complete the Occupational English Test (OET) and attain at least level B in reading, listening and speaking and at least grade C+ in writing.

Background

On 14 February 2012, you joined the NMC register as a registered adult nurse. On 28 February 2013, you lapsed from the register.

On 22 October 2025, you submitted an application for Test of Competence (ToC) readmission application. The Assistant Registrar considered your application and your English language evidence and decided that it did not demonstrate that you met the language requirements for readmission.

You were therefore asked to take the academic IELTS or an OET to demonstrate you have the necessary knowledge of English to be able to practise safely and effectively. The decision was conveyed to you in a letter dated 4 November 2025.

You appealed the decision of the Assistant Registrar in a notice of appeal, dated 1 December 2025, and provided the following documents in support of your appeal:

- Reference letter from Fortius Clinic, Becky White, Head of Nursing dated 18 November 2025
- Employment reference letter from Fortius Clinic, Nena Matic, Head of HR, dated 21 November 2025
- Reference letter form Fortius Clinic, Giampaolo Martinelli, Consultant Intensivist, 14 November 2025
- Support letter from Fortius Clinic, undated

Submissions

Mr Eason outlined the background to the case.

Mr Eason took the panel to the NMC guidance on registration language requirements, dated June 2023. He took the panel through the three gateways when considering an appeal relating to English language.

Mr Eason took the panel to your notice of appeal, dated 1 December 2025. He told the panel that your appeal is based upon type 3 evidence (re-admission), which is you must have been registered with us for the last two years or practiced for either 450 hours in the previous three years or 750 hours in the previous five years in a country where English is a majority spoken language. He submitted that you do not qualify under this criteria and invited the panel to dismiss this appeal.

You provided the panel with documentation to support this appeal including:

- Manual Handling Training, dated 29 August 2025
- People Handling and Risk Assessment Key Trainer's Certificate, dated 29 August 2025
- Level 4 Advanced People Handling & Risk Assessment Key Trainer's Certificate, dated 1 September 2025
- NHS e-Learning for Healthcare: Care Certificate Programme Completion Record and Learning Activity Report, dated 29 July 2026

- Various mandatory training certificates dated between 1 March 2024 and 4 March 2024

The panel heard evidence under affirmation from Sabrina Asare, the Ward Manager at the Clinic.

Ms Asare told the panel that she has known you since April 2026. She said that she attended a moving and handling session, wherein you gave a PowerPoint presentation regarding safety. She said during this session you spoke clearly and were able to communicate effectively. She told the panel that your communication skills are good and there has been no complaints from patients or colleagues on the ward. She said when you communicate with each other there are no issues.

Ms Asare told the panel that she works with you directly when you are working clinically. She said she is able to observe your interactions with patients and she said you are able to effectively communicate with colleagues and patients. Ms Asare told the panel that she has not seen you in an environment where your English has been tested in an academic way.

Ms Asare informed the panel that she has observed you communicate with multi-disciplinary teams and she said that you manage the junior health care assistants in your role as a senior health care assistant. She said you are responsible for completing some record keeping and there has been no issues with it.

The panel then heard evidence from Patricia Brennan under oath, the interim deputy director of nursing at the Clinic.

Ms Brennan told the panel that she has never had any issues with the way you communicate. She said that she meets with you daily, usually in the mornings when she visits the wards. She said she had witnessed you taking patients to x-rays. She told the panel that you are able to express yourself clearly and she understands you. She said that you successfully developed and trained significant number of people in moving and handling within the Clinic. She said that when you teach those classes you are demonstrating your effective communication skills.

You gave evidence under affirmation.

You read out a pre-prepared statement, which stated:

> *'…I fully understand and respect the NMC's responsibility to protect patients and ensure that nurses have the English-language skills required to practice safely and effectively.*
>
> *I share that responsibility. I qualified as a nurse in Portugal in 2006, and since March 2023, I have been working as a Senior Healthcare Assistant at Fortius Clinic London, where English is the language I use every day to communicate with patients, nurses, doctors and other healthcare professionals.*
>
> *My responsibilities include actively participating in clinical handovers, communicating with and supporting patients throughout the different stages of their hospital stay, delivering personalised care according to each patient's individual needs, and appropriately escalating any concerns or changes in a patient's clinical condition. I also guide and support colleagues and new starters, assist with clinical procedures, and deliver manual handling training to other staff members.*
>
> *All these responsibilities require clear and effective communication, accurate understanding of clinical information, and the ability to respond appropriately and safely in a clinical environment.*
>
> *My English-language ability has been directly observed and supported by senior nursing professionals, doctors and colleagues who work closely with me.*
>
> *I have also successfully passed both the NMC CBT and OSCE examinations, conducted in English. I understand that these do not replace an approved English-language test, but I believe they provide further evidence of my ability to understand and communicate in a clinical context.*

I acknowledge that my nursing degree was taught in Portuguese and that my recent clinical experience in the UK has been as a Healthcare Assistant rather than a Registered Nurse. And I also acknowledge that some of the evidence I provided can have limitations.

However, I respectfully ask the panel to consider the full range of evidence demonstrating my current English language abilities, particularly how I have used these skills safely and effectively in everyday clinical practice.'

In response to questions from Mr Eason, you told the panel that you practiced as a nurse in Portugal between 2006 and 2015 and your nurse training was taught and tested in Portuguese. You told the panel that, although you worked in Portugal, you were often asked to care for English speaking patients as you could communicate clearly with them. You have lived in the U.K. for three years now. You told the panel that, in your current role, you are required to look after patients and cater to their needs, such as assisting them shower. You are also responsible for inducting new starters and creating the rota for staff. You are responsible for escalating concerns to nurses. You also conduct assessments, such as ECGs and blood examinations.

Mr Eason asked you a question regarding why you had not completed an English language test in advance of this appeal, in line with the Assistant Registrar's letter.

You told the panel that you have previously sat the general IELTS test and found the experience very stressful. You said you had recently sat an academic IELTS test which you found overwhelming and feel it does not accurately reflect your English skills. You said you struggled with the IELTs test because it is timed and you are required to write about abstract concepts that you are not well-versed in.

At this point, there was a short adjournment so that you could provide the results of your IELTS. The panel received a test report form, dated 30 May 2026, which provided the following results: Listening 7.0; Reading 6.0; Writing 5.5; Speaking 8.0; and an overall band score of 6.5.

In response to questions from the panel, you said you are responsible for writing patient admissions and discharges, increasing NEWS scores and escalating appropriately and the development and writing of a day long training course; including handouts, trainers notes and PowerPoint slides.

You told the panel that you have regular 1:1s and an annual review with your manager and there has not been any issues regarding your English language competence.

You told the panel that you did not mention that you had sat the IELTS in your notice of appeal or any of your documentation as you considered that you had failed the IELTS and were embarrassed. You considered that was the end of the matter in respect of type 1 evidence.

In Mr Eason's closing submissions, he submitted that this appeal was originally was an evidence type 3 appeal made against the Assistant Registrar. However, he submitted that during your oral evidence you informed parties that you had recently undertaken a IELTS test. Mr Eason submitted that, whilst your listening and reading scores met the standards required by the NMC, your scores in reading and writing fell short. However, he conceded that you have brought additional evidence to support your knowledge of the English language, namely the two witnesses who spoke to your abilities and the training certificates you have completed in the English language.

Mr Eason submitted that, despite the additional evidence you have provided, your scores in writing and reading fell well short of the standards required of a registered nurse. He further submitted that none of the witnesses who attending these proceedings were able to affirm that they have seen you complete an academic English language test. Therefore, he submitted that the panel should dismiss your appeal.

In your closing submissions, you asked the panel to take your IELTS scores, your experience, the testimonies of your witnesses, the references and the additional evidence provided into consideration and invited the panel to allow your appeal.

Panel's decision

The panel accepted the advice of the legal assessor.

The panel firstly considered your notice of appeal which based the appeal solely upon type 3 evidence (re-admission), which is you must have been registered with us for the last two years or practiced for either 450 hours in the previous three years or 750 hours in the previous five years in a country where English is a majority spoken language.

The panel noted from your notice of appeal that you have been working as a Senior Health Care Assistant in a hospital in the UK for the last three years. However, the panel considered that this type of evidence is designed for qualified nurse who is working overseas in a country where English is a majority spoken language. You have not been working as a nurse but as a Senior Health Care Assistant. In these circumstances, the panel decided that you have not satisfied the requirements under type 3 evidence.

The panel went onto consider whether you have satisfied the requirements under type 1 evidence.

The panel noted the NMC Guidance on registration language requirements, dated June 2023. The panel noted the following paragraphs:

> *'26. You must have recently achieved the required score in the academic IELTS or OET. You must achieve the required scores in reading, writing, listening and speaking, and you must have achieved the required score within the last two years at the point we consider your complete application (see evidence type 1 for further details, including on additional supporting information from employers).'*
>
> *'11. You can meet the required scores across two sittings of the same test. You cannot combine OET and IELTS test scores when combining tests. You must take the two test sittings within twelve months of each other, and you must have been tested in all four sections both times.*
>
> *11.1. IELTS: you must achieve at least 7 for reading, listening, and speaking, and at least 6.5 for writing, in at least one of the two test sittings. You must*

not score below 6.5 for listening, reading, and speaking, or below 6 for writing, in either of the two test sittings.

11.2. …

12. If you have taken the test twice and missed one of the required scores by no more than 0.5 (IELTS) or no more than half a grade (OET), you can supplement your test'

'Supporting information from employers

22. As set out above, in specific circumstances we will allow you to supplement evidence types 1 and 2 with additional supporting information from your current employer. You must have been working in a health or care setting for at least 12 months at the point you submit your application.

23. When you apply you will be asked to nominate your line manager to confirm that you have suitable knowledge of English in reading, writing, listening and speaking. You must have shown that you can interact with a wide range of people, including patients, service users, their families and other healthcare professionals. Your line manager (or line managers) must be an NMC registrant.

24. You will also need to nominate a senior NMC registrant from the same employer to counter-sign the information.'

The panel also noted the NMC guidance on English language requirements decision-making guidance dated August 2023. It noted the key principles/content which a panel must consider. The panel noted that this guidance should be used in conjunction with the June 2023 guidance. The August 2023 guidance states as follows:

- *Reminder to decision makers to consider whether evidence is recent, objective and independent, and verifiable, and what we mean by these criteria. For references provided by the applicant, our key principles are objectivity, fairness and accountability.*
- *Referee must have observed applicant in all four domains, must include examples showing that the applicant can read, write, speak and listen to people, and confirm applicant is safe to practise.*

- *Referee should be a colleague registered with the NMC who's worked with applicant for at least six months in a healthcare setting. Referee must provide an objective view.*
- *Applicants encouraged to provide reference on a SIFE (Supporting Information From Employers) form which should be counter-signed by colleague registered with NMC.*
- *…*

Panels

- *Panels should focus on how the evidence provided meets our criteria and principles, rather than how the appellant communicates at the hearing which may not be a reliable reflection of their language skills in practice.*
- *Panels should consider full range of evidence – including previous test scores – and consider why applicant hasn't been able to demonstrate English language competency through usual routes.'*

The panel noted your IELTS results. You obtained passes in listening and speaking but in respect of reading and writing, your result was 1.0 below the required standard respectively. The panel noted that paragraph 12 of the June 2023 guidance details one score to fall 0.5 below a required score. The panel also noted the August 2023 guidance which states that panels should consider the full range of evidence which can include a previous test score and consider why an appellant has not been able to demonstrate English language competency through the usual routes which would include type 1 evidence. In this regard, the panel took into account all of your evidence and in particular the supporting information which was provided by your employers and the sworn evidence from your two witnesses.

The panel then considered the evidence you provided at these proceedings. The panel was of the view that the evidence you have provided is recent, objective, independent, verifiable. It noted that you asked two witnesses to attend these proceeding to give evidence on your behalf. The panel noted that both Ms Brennan and Ms Asare provided evidence that your English is up to the standard required for a registered nurse. Further, both witnesses said they have directly observed you working within a clinical environment

and stated clear that they do not have any concerns about your knowledge of the English language.

The panel noted the testimonials you have provided, including the open support letter signed by 24 of your colleagues attesting to your professionalism and that they considered your communication skills, both spoken and written, adequate in providing safe and effective practice.

The panel noted that you have provided evidence from your previous line manager who has verified your application form by way of a Supporting Information From Employers form (SIFE). This was further countersigned by a senior nurse, who was registered with the NMC.

The panel also had regard to two of your references, one of which was the letter to the Registrar from Giampaolo Martinelli, the Consultant Intensivist a senior member of the medical staff at the Clinic, dated 14 November 2025, which states:

> *'… During this time, I have regularly observed Joana working and she consistently demonstrates professionalism, confidence, and communication skills required to support safe patient care, and she interacts effectively with both patients and the clinical team.*
>
> *From my experience working with her, Joana shows the maturity, clinical awareness, and competence expected of someone preparing to assume the responsibilities of a Registered Nurse. She engages well in clinical discussions, responds appropriately to instructions, and contributes reliably during patient care activities. Her communication, both verbal and written, is clear, appropriate and supportive of safe, effective practice.'*

The panel noted all the documentary evidence you have provided. It noted the training certificates you have received, which would have been taught in English and therefore was of the view that this highlights that you are competent in English. Further, the panel noted the letter from your line manager who said you are competent in English, both written and verbally.

The panel having carefully considered the full range of evidence which you have provided decided that, whilst you have not met the requirement of passing each component of the IELTS, you have demonstrated competency in the English language, in all four domains, through the comprehensive supporting information from your employers which included senior clinicians. In these circumstances, the panel decided that you have satisfied the requirements in respect of type 1 evidence as set out in the NMC's guidance.

The panel therefore decided to allow your appeal, to quash the decision appealed against, and to direct the Registrar to admit you to the NMC register.

This will be confirmed to you in writing.

That concludes this determination.