

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

**Substantive Order Review Hearing
Tuesday, 22 October 2024**

Virtual Hearing

Name of Registrant: **Ronaldo Golimlim**

NMC PIN 01F10600

Part(s) of the register: RN1: Adult Nurse, Level 1 (29 May 2001)

Relevant Location: Buckinghamshire

Type of case: Misconduct

Panel members: Dale Simon (Chair, Lay member)
Charlotte Cooley (Registrant member)
Chantelle Whitehead (Lay member)

Legal Assessor: Simon Walsh

Hearings Coordinator: Fabbuha Ahmed

Nursing and Midwifery Council: Represented by Jennifer Morris, Case Presenter

Mr Golimlim: Not present and unrepresented

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

Fitness to practise: Impaired

Outcome: **Conditions of practice order extended for 3 months in accordance with Article 30 (1)(a)**

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Mr Golimlim was not in attendance and that the Notice of Hearing had been sent to his registered email address by secure email on 23 September 2024.

Miss Morris, 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 Mr Golimlim's right to attend, be represented and call evidence, as well as the panel's power to proceed in his absence.

In the light of all of the information available, the panel was satisfied that Mr Golimlim 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 Mr Golimlim

The panel next considered whether it should proceed in the absence of Mr Golimlim. The panel had regard to Rule 21 and heard the submissions of Miss Morris who invited the panel to continue in the absence of Mr Golimlim. She submitted that Mr Golimlim had voluntarily absented himself, there were two unsuccessful attempts made by telephone and email to contact Mr Golimlim regarding this hearing.

Miss Morris submitted that there had been no engagement at all by Mr Golimlim with the NMC in relation to these proceedings and, as a consequence, there was no reason to believe that an adjournment would secure his attendance on some future occasion.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mr Golimlim. In reaching this decision, the panel has considered the submissions of Miss Morris and the advice of the legal assessor. It has had particular regard to any relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Mr Golimlim;
- Mr Golimlim has not engaged with the NMC and has not responded to any of the emails sent to him about this hearing;
- There is no reason to suppose that adjourning would secure his attendance at some future date; and
- There is a strong public interest in the review of the case.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Mr Golimlim.

Decision and reasons on review of the substantive order

The panel decided to extend the current conditions of practice order for a period of 3 months.

This extension will come into effect at the end of 27 November 2024 in accordance with Article 30(1)(a) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the first review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 30 October 2023.

The current order is due to expire at the end of 27 November 2024.

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:

1) Between 23 and 24 March 2019 failed to keep proper records, in that you, made notes on Patient A's clinical notes which were not:

- a) Dated; [PROVED]*
- b) Timed; [PROVED]*
- c) Signed; [PROVED]*
- d) Printed with your name; or [PROVED]*
- e) Legible. [PROVED]*

2) Between 24 and 25 March 2019 failed to keep proper records, in that you, made notes on Patient A's clinical notes which were not:

- a) Dated [PROVED]*
- b) Timed [PROVED]*
- c) Printed with your name; [PROVED]*
- d) Legible; or [PROVED]*
- e) In the correct chronological order. [PROVED]*

3) Between 24 and 25 March 2019, in relation to Patient A's clinical notes failed to:

- a) record their deteriorating condition. [PROVED]*
- b) record that their care needed to be escalated and/or that their care was escalated. [PROVED]*

4) Between 24 and 25 March 2019, in relation Patient A's observation NEWS charts, failed to:

- a) review the observations and/or record a review of the observations. [PROVED]*

b) correct the NEWS scoring. [PROVED]

c) [NOT PROVED]

d) record that their care needed to be escalated and/or that their care was escalated. [PROVED]

e) countersign the observational chart. [PROVED]

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

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

'The panel next went on to decide if, as a result of the misconduct, Mr Golimlim's fitness to practise is currently impaired.

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

In this regard, 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:

'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, 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" which reads 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/ fitness to practise is impaired in the sense that S/He:

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) has in the past acted dishonestly and/or is liable to act dishonestly in the future.'

The panel considered the Grant test and, given that there are no charges alleging dishonesty, was satisfied that the fourth limb is not relevant. However, it determined that the first three limbs of the test were engaged.

The panel found that patients were put at risk of harm as a result of Mr Golimlim's misconduct. The panel was of the view that accurate record keeping is important as it ensures that patient deterioration can be tracked, and that action can be taken accordingly. Mr Golimlim's misconduct breached the fundamental tenets of the nursing profession in that he failed to communicate effectively and keep accurate records, therefore bringing its reputation into disrepute.

Regarding insight, the panel considered that Mr Golimlim has not provided any evidence demonstrating an understanding of how his actions and/or omissions put the patients at a risk of harm, why what he did was wrong and how this impacted negatively on the reputation of the nursing profession. The panel also noted that Mr Golimlim has not expressed remorse for his misconduct, nor has he demonstrated how he would behave differently in the future.

The panel was satisfied that the misconduct in this case is capable of being addressed. However, the panel had no evidence before it which demonstrated that Mr Golimlim has taken steps to strengthen his practice or remediate his misconduct.

In light of the above, the panel determined that there is a risk of repetition, therefore it decided that a finding of impairment is necessary on the grounds of public protection.

The panel also decided that a finding of impairment on public interest grounds is required to promote and maintain public confidence in the nursing profession and the NMC as a regulatory body, and to uphold and declare proper professional standards for members of the profession.

Having regard to all of the above, the panel was satisfied that Mr Golimlim's fitness to practise is currently impaired.'

The original panel determined the following with regard to sanction:

'The panel bore in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Mr Golimlim not providing any evidence of insight into his failings*
- Mr Golimlim not providing evidence of him taking steps to strengthen his practice*
- Mr Golimlim's conduct put patients at risk of harm*

In relation to mitigating features, the panel noted the four references. The panel bore in mind that one of the references dated 20 March 2020 was written by Mr Golimlim's line manager from 2014 - 2020. The panel also noted that no recent management references have been provided. The remaining testimonials from colleagues and a patient's relative were undated. However, all attested to Mr Golimlim's kindness and good professional skills. The panel further noted that there was no evidence of any previous Fitness to Practise history.

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 and determined that, due to the seriousness of the case and the public protection issues identified, an order that does not restrict Mr Golimlim'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 Mr Golimlim'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 placing conditions of practice on Mr Golimlim's registration would be a sufficient and appropriate response. The panel is mindful that 50 any conditions imposed must be proportionate, measurable and workable. The panel took into account the SG, in particular:

- No evidence of harmful deep-seated personality or attitudinal problems;*
- Identifiable areas of the nurse or midwife's practice in need of assessment and/or retraining;*
- No evidence of general incompetence;*
- Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- The conditions will protect patients during the period they are in force; and*
- Conditions can be created that can be monitored and assessed.*

The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case, protect the public, and address the wider public interest.

In light of the fact that Mr Golimlim has not recently engaged with these proceedings, the panel considered very carefully whether he would engage with a conditions of practice order, or whether a suspension order would be more appropriate. It concluded that, although a suspension order could also protect the public and meet the public interest, to impose a suspension order would be disproportionate at this time. A reviewing panel may take a different view if Mr Golimlim does not reengage with this process.

Balancing all of these factors, the panel concluded that a conditions of practice order is the appropriate and proportionate sanction to mark the importance of maintaining public confidence in the profession, and

send to the public and the profession a clear message about the standards of practice required of a registered nurse.

The panel decided to make the order for a period of 12 months. The effect of this order is that Mr Golimlim's name on the NMC register will show that he is subject to a conditions of practice order and anyone who enquires about his registration will be informed of this order.

The panel decided that the following conditions are appropriate and proportionate in this case:

'For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.

1. You must inform the NMC of your current employer and the type of work you are undertaking within one month of this decision being sent to you.

2. You must ensure that you are supervised any time you are working as a registered nurse. Your supervision must consist of working at all times on the same shift as, but not always directly observed by, a registered nurse.

3. You must meet with your supervisor every month to discuss:

- Your record keeping*
- How and when to escalate concerns about a patient's deteriorating condition*

4. Prior to any NMC review hearing, you must obtain a report from your supervisor commenting on:

- Your record keeping*

- *Your decision making in relation to escalating concerns*

5. *You must send your NMC Case Officer evidence that you have successfully completed a course on the importance of clinical record keeping.*

6. *You must work with your supervisor to create a personal development plan (PDP). Your PDP must address the concerns about record keeping and communication with colleagues with regard to escalating concerns. You must:*

- *Send your case officer a copy of your PDP and your progress towards achieving it prior to any NMC review hearing.*

7. *You must keep the NMC informed about anywhere you are working by:*

- Telling your case officer within seven days of accepting or leaving any employment*
- Giving your case officer Your employer's contact details.*

8. *You must keep the NMC informed about anywhere you are studying by:*

- Telling your case officer within seven days of accepting any course of study.*
- Giving your case officer the name and contact details of the organisation offering that course of study.*

9. *You must immediately give a copy of these conditions to:*

- Any organisation or person you work for.*
- Any agency you apply to or are registered with for work.*
- Any employers you apply to for work (at the time of application).*
- Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.*

e) Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity.

10. You must tell your case officer, within seven days of your becoming aware of:

- a) Any clinical incident you are involved in.*
- b) Any investigation started against you.*
- c) Any disciplinary proceedings taken against you.*

11. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:

- a) Any current or future employer.*
- b) Any educational establishment.*
- c) Any other person(s) involved in your retraining and/or supervision required by these conditions*

The period of this order is 12 months.

Before the order expires, a panel will hold a review hearing to see how well Mr Golimlim has complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- Engagement with the NMC regarding the review hearing*
- Recent testimonials*
- A written reflective piece addressing the concerns identified in the charges found proved and the impact on the reputation of the profession'*

Decision and reasons on current impairment

The panel has considered carefully whether Mr Golimlim's 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 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. It has taken account of the submissions made by Miss Morris on behalf of the NMC. She invited the panel to consider an extension of the current conditions of practice order for a period of 3 months to allow the NMC time to complete its investigation into a possible breach of Mr Golimlim's conditions of practice order. Miss Morris submitted that there is no new information from Mr Golimlim before this panel, no recent management references, no recent testimonials or a written reflective piece addressing the concerns identified by the original panel.

Miss Morris submitted that Mr Golimlim's fitness to practise remains impaired as there is no evidence of insight into his failings.

The panel heard and accepted the advice of the legal assessor.

The panel noted that the notice of hearing for this review suggested there may have been a breach of a conditions of practice order by Mr Golimlim in the past. This matter was not before this panel for determination and no account has been taken of it when the panel reached its decision. This will be dealt with by a future panel.

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 Mr Golimlim's fitness to practise remains impaired.

The panel noted that the original panel found that Mr Golimlim had insufficient insight and had not provided evidence of strengthening his practice. At this hearing the panel concluded that Mr Golimlim has not provided any evidence to demonstrate that he has addressed the original panel's concerns. The panel further noted that the persuasive burden rests with Mr Golimlim to demonstrate that he is not currently impaired.

The original panel determined that Mr Golimlim was liable to repeat matters of the kind found proved. Today's panel has received no new information to mitigate the risk of repetition. In light of this, this panel determined that Mr Golimlim is liable to repeat matters of the kind found proved. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect the public 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 impairment on public interest grounds is also required.

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

Decision and reasons on sanction

Having found Mr Golimlim'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.

The panel first considered the imposition of a caution order but determined that, due to the seriousness of the case, and the public protection an order that does not restrict Mr Golimlim'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 Mr Golimlim'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 imposing a further conditions of practice order on Mr Golimlim'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 found that the current conditions of practice were appropriate in addressing Mr Golimlim's misconduct.

The panel was of the view that a conditions of practice order is sufficient to protect patients and the wider public interest, noting as the original panel did that there was no evidence of general incompetence or deep-seated attitudinal problems. In this case, conditions have been formulated which would protect patients during the period they are in force.

The panel was of the view that to impose a suspension order or a striking-off order would be disproportionate at this stage.

Accordingly, the panel determined, pursuant to Article 30(1)(a) to extend the current conditions of practice order for a period of 3 months, which will come into effect on the expiry of the current order, namely at the end of 27 November 2024.

'For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.

1. You must inform the NMC of your current employer and the type of work you are undertaking within one month of this decision being sent to you.

2. You must ensure that you are supervised any time you are working as a registered nurse. Your supervision must consist of working at all times on the same shift as, but not always directly observed by, a registered nurse.

3. You must meet with your supervisor every month to discuss:

- Your record keeping
- How and when to escalate concerns about a patient's deteriorating condition

4. Prior to any NMC review hearing, you must obtain a report from your supervisor commenting on:

- Your record keeping
- Your decision making in relation to escalating concerns

5. You must send your NMC Case Officer evidence that you have successfully completed a course on the importance of clinical record keeping.

6. You must work with your supervisor to create a personal development plan (PDP). Your PDP must address the concerns about record keeping and communication with colleagues with regard to escalating concerns. You must:

- Send your case officer a copy of your PDP and your progress towards achieving it prior to any NMC review hearing.

7. You must keep the NMC informed about anywhere you are working by:

a) Telling your case officer within seven days of accepting or leaving any employment

b) Giving your case officer Your employer's contact details.

8. You must keep the NMC informed about anywhere you are studying by:

a) Telling your case officer within seven days of accepting any course of study.

b) Giving your case officer the name and contact details of the organisation offering that course of study.

9. You must immediately give a copy of these conditions to:

a) Any organisation or person you work for.

b) Any agency you apply to or are registered with for work.

c) Any employers you apply to for work (at the time of application).

d) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.

e) Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity.

10. You must tell your case officer, within seven days of your becoming aware of:

a) Any clinical incident you are involved in.

b) Any investigation started against you.

c) Any disciplinary proceedings taken against you.

11. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:

a) Any current or future employer.

b) Any educational establishment.

c) Any other person(s) involved in your retraining and/or supervision required by these conditions

The period of the extension is 3 months.

This extension of the conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 27 November 2024 in accordance with Article 30(1)(a).

Before the end of the period of the extended order, a panel will hold a review hearing. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- Engagement with the NMC regarding the review hearing
- Recent testimonials
- A written reflective piece addressing the concerns identified in the charges found provided and the impact on the reputation of the profession.

This decision will be confirmed to Mr Golimlim in writing.

That concludes this determination.