

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

**Substantive Order Review Meeting
Wednesday 13 September 2023**

Virtual Meeting

Name of Registrant: Therese Nwala Alonge

NMC PIN 08G1262E

Part(s) of the register: Registered Nurse
Mental Health Nurse – March 2009

Relevant Location: Kent

Type of case: Misconduct

Panel members: Michelle McBreeze (Chair, lay member)
Patricia Richardson (Lay member)
Terry Shipperley (Registrant member)

Legal Assessor: Charles Conway

Hearings Coordinator: Shela Begum

Order being reviewed: Conditions of practice order (9 months)

Fitness to practise: Impaired

Outcome: **Caution order (3 years) to come into effect on at the end of 26 October 2023 in accordance with Article 30 (1)**

Decision and reasons on service of Notice of Meeting

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Ms Nwala Alonge's registered email address by secure email on 31 July 2023.

The panel took into account that the Notice of Meeting provided details of the review that the review meeting would be held no sooner than 11 September 2023 and inviting Ms Nwala Alonge to provide any written evidence seven days before this date.

The panel noted the comments from the Ms Nwala Alonge's Royal College of Nursing representative's in the letter dated 6 September 2023 which states:

“Our member will not be attending the hearing nor will they be represented. No disrespect is intended by their non-attendance. Our member has received the notice of hearing and is happy for the hearing to proceed in their absence. They are keen to engage with the proceedings.”

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Ms Nwala Alonge has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 (as amended) (the Rules).

Decision and reasons on review of the current order

The panel decided to impose a Caution order (3 years). This order will come into effect on at the end of 26 October 2023 in accordance with Article 30 (1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the third review of a substantive conditions of practice order originally imposed for a period of nine months by a Fitness to Practise Committee panel on 25 June 2021. This was reviewed on 12 April 2022 when the conditions of practice order was extended for a

period of nine months. On 12 December 2022, the condition of practice order was varied and extended for a further 9 months.

The current order is due to expire at the end of 26 October 2023.

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 Ms Nwala Alonge, a registered nurse:

- 1) Between 3rd and 4th February 2018, having received a report of alleged mistreatment of Resident A failed to safeguard the resident, in that Ms Nwala Alonge did not,:*
 - a) Immediately or timeously report the incident to a manager and/or member of senior staff.*
 - b) Complete an incident report.*
 - c) Complete a body map of Resident A.*
 - d) Obtain statements from relevant staff and residents for the attention of the Home Manager.*
 - e) Ensure Resident A had no further contact with the staff member alleged to have mistreated her.’*

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

“The panel considered whether Ms Nwala Alonge’s fitness to practise remains impaired.

The panel had regard to the information before it. The panel noted that a number of steps had been undertaken by Ms Nwala Alonge to remediate Ms Nwala Alonge’s nursing practice since the review hearing in April 2022. Ms Nwala Alonge have obtained employment as a nurse and had been working towards meeting the current conditions of practice order. Ms Nwala Alonge had put together what Ms

Nwala Alonge believed to be a 'PDP', which addressed the concerns about Ms Nwala Alonge's conduct. Ms Nwala Alonge have also provided testimonials by Ms Nwala Alonge's colleagues. Furthermore, Ms Nwala Alonge had produced two reflective pieces and had provided information regarding training in safeguarding.

In relation to adhering to the conditions of practice, the panel noted that Ms Nwala Alonge had provided a 'PDP' which was inadequate as it had not been signed off by Ms Nwala Alonge's manager or supervisor neither was it in the appropriate format. The document did not include areas that the panel would have expected in this case and given the conditions of practice. Whilst having regard to Ms Nwala Alonge's oral evidence and Ms Khanna to why this may be the case, the panel was of the view that condition 1 had not been fully complied with. However, it accepted that condition 1 may have been open to interpretation.

While the panel acknowledged that Ms Nwala Alonge had provided two reflective pieces in evidence, it did not consider that Ms Nwala Alonge fully demonstrated insight into the impact upon Resident A and their family and in relation to awareness of risk to vulnerable patients in the future. In response to panel questioning, Ms Nwala Alonge's responses raised further concerns in relation to Ms Nwala Alonge's understanding and appreciation of the position of vulnerable patients going forward. The panel considered that overall Ms Nwala Alonge's reflective piece appeared limited, and a more detailed and comprehensive appreciation was required in order to satisfy a panel that Ms Nwala Alonge have developed sufficient insight into risk and safeguarding concerns of vulnerable adults. The panel noted that insight continued to develop, but was not satisfied that Ms Nwala Alonge had developed full insight.

In respect of condition 3, Ms Nwala Alonge said in oral evidence that Ms Nwala Alonge were being supervised by a registered nurse and/or a mental health nurse during Ms Nwala Alonge's shifts. In respect of conditions 4 and 5, Ms Nwala Alonge admitted that these conditions had been breached, as Ms Nwala Alonge had not obtained a report from Ms Nwala Alonge's line manager or supervisor before this review hearing, and Ms Nwala Alonge had not informed Ms Nwala Alonge's NMC case officer about anywhere Ms Nwala Alonge were working. In respect of condition

7, Ms Nwala Alonge said in Ms Nwala Alonge's oral evidence that Ms Nwala Alonge's employers were aware of the conditions. However, the panel have no evidence to indicate that Ms Nwala Alonge had provided a copy of Ms Nwala Alonge's conditions to Ms Nwala Alonge's agency or Ms Nwala Alonge's employer. The panel heard no evidence to suggest that conditions 6, 8 and 9 were breached.

The panel had regard to the progress Ms Nwala Alonge have made and the fact Ms Nwala Alonge have undertaken a number of steps to remediate Ms Nwala Alonge's practice. However, having regard to all of the circumstances as detailed above, including the lack of full development of insight and the fact that there have been breaches of the conditions, the panel considered that a risk remains to patients if Ms Nwala Alonge were able to practise as a nurse without restriction. The panel therefore determined that a finding of impairment remains 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 recognised that members of the public would expect restrictions to remain in place on a nurse's practice whilst they had yet to fully demonstrate that they were able to work safely and effectively. The panel therefore determined that a finding of impairment also remains necessary on public interest grounds.

For these reasons, the panel finds that Ms Nwala Alonge's fitness to practise remains currently impaired."

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

"The panel then considered whether to impose a caution order but concluded that this would also be inappropriate in view of the remaining risks identified with Ms Nwala Alonge's nursing practice. The panel determined that imposing a caution order would not protect the public and it would not satisfy the public interest.

The panel next considered whether imposing a varied conditions of practice order on Ms Nwala Alonge'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 considered that conditions of practice continued to be appropriate and proportionate. The panel did however decide to make some variations to the current conditions to make the conditions more workable for Ms Nwala Alonge. It also determined that extending and varying the conditions of practice order would protect the public and it would satisfy the public interest.

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 Ms Nwala Alonge's case.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to extend and vary the conditions of practice order for a period of nine months, which will come into effect on the expiry of the current order, namely at the end of 26 January 2023. It decided to impose the following conditions which it considered 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. Ms Nwala Alonge must meet with a nominated clinical supervisor on a monthly basis to discuss Ms Nwala Alonge's practice and specifically discuss the care of vulnerable patients and safeguarding procedures or policies. The clinical supervisor must provide a report. The report must:

- Contain the dates that Ms Nwala Alonge met;*
- Provide a description of the discussions Ms Nwala Alonge had and Ms Nwala Alonge's response;*

- *Set out discussions about safeguarding matters going forward; and*
- *Be signed by Ms Nwala Alonge and Ms Nwala Alonge's designated supervisor.*

Ms Nwala Alonge must send Ms Nwala Alonge's NMC case officer a copy of this report before any review hearing.

2. Ms Nwala Alonge must obtain a report from Ms Nwala Alonge's line manager or supervisor before any review hearing. The report must contain:

- *Confirmation that they have received a full copy of Ms Nwala Alonge's conditions of practice order.*
- *Comments on Ms Nwala Alonge's performance with particular regard to identifying safeguarding risks and responding to safeguarding concerns; and*
- *Detail any safeguarding incidents in Ms Nwala Alonge's practice.*

Ms Nwala Alonge must send Ms Nwala Alonge's NMC case officer a report of this before any review hearing.

3. Ms Nwala Alonge must ensure that Ms Nwala Alonge are supervised any time Ms Nwala Alonge are working. Ms Nwala Alonge's supervision must consist of:

- *Working at all times on the same shift as, but not always directly observed by, a manager or supervisor.*

4. Ms Nwala Alonge must keep the NMC informed about anywhere Ms Nwala Alonge are working by:

- Telling Ms Nwala Alonge's NMC case officer within seven days of accepting or leaving any employment.*
- Giving Ms Nwala Alonge's NMC case officer Ms Nwala Alonge's employer's contact details.*

5. *Ms Nwala Alonge must keep the NMC informed about anywhere Ms Nwala Alonge are studying by:*
 - a) *Telling Ms Nwala Alonge's NMC case officer within seven days of accepting any course of study.*
 - b) *Giving Ms Nwala Alonge's NMC case officer the name and contact details of the organisation offering that course of study.*

6. *Ms Nwala Alonge must immediately give a full copy of these conditions to:*
 - a) *Any organisation, department or person Ms Nwala Alonge work for.*
 - b) *Any agency Ms Nwala Alonge apply to or are registered with for work.*
 - c) *Any employers Ms Nwala Alonge apply to for work (at the time of application).*
 - d) *Any establishment Ms Nwala Alonge apply to (at the time of application), or with which Ms Nwala Alonge are already enrolled, for a course of study.*
 - e) *Any current or prospective patients or clients Ms Nwala Alonge intend to see or care for on a private basis when Ms Nwala Alonge are working in a self-employed capacity.*

7. *Ms Nwala Alonge must tell Ms Nwala Alonge's NMC case officer, within seven days of Ms Nwala Alonge's becoming aware of:*
 - a) *Any clinical incident Ms Nwala Alonge are involved in.*
 - b) *Any investigation started against Ms Nwala Alonge.*
 - c) *Any disciplinary proceedings taken against Ms Nwala Alonge.*

8. *Ms Nwala Alonge must allow Ms Nwala Alonge's NMC case officer to share, as necessary, details about Ms Nwala Alonge's performance, Ms Nwala Alonge's 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 Ms Nwala Alonge's retraining and/or supervision required by these conditions.*

The period of this order is for nine months.

This order will take effect upon the expiry of the current conditions of practice order, namely the end of 26 January 2023 in accordance with Article 30(1)."

Decision and reasons on current impairment

The panel has considered carefully whether Ms Nwala Alonge'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 and the representations from Ms Nwala Alonge's RCN representatives which included evidence of training undertaken and a reflective piece.

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 Ms Nwala Alonge's fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Ms Nwala Alonge did not have fully developed insight. At this meeting the panel had regard to an undated reflective piece that was enclosed with a letter from Ms Nwala Alonge's RCN representatives dated 6 September 2023.

The panel found that Ms Nwala Alonge has provided extensive and detailed reflections on her failures. It was satisfied that she has sufficiently demonstrated an understanding of what went wrong. The panel found that the reflective piece demonstrates that she has taken accountability for her failures and recognizes the responsibilities she carries as a registered nurse. It determined that Ms Nwala Alonge has positively demonstrated an understanding of why what she did was wrong and how this impacted negatively on the reputation of the nursing profession. Further, it was satisfied that Ms Nwala Alonge has demonstrated that she has a full understanding of her role as a nurse. It noted that, in her reflection, she stated:

“My primary role as a nurse is to protect the public, prioritise people effectively, preserve safety, promote professionalism and trust the code NMC”

It noted that Ms Nwala Alonge went on to state:

“In conclusion I could have acted upon as quickly as possible eg coming back to work after the interaction I had [...] making a conscious effort on my part now is to liaise effectively with the team I felt more relief that the patient in hand did not die I feel ashamed, embarrassed, guilt, regret” [sic]

The panel found that Ms Nwala Alonge has demonstrated remorse for her failures.

The panel also took into account that Ms Nwala Alonge has demonstrated how she proposed to improve her nursing practice in relation to the areas of concern and has included within her reflection a ‘plan of action’ for going forward. This included carrying out personal development and undertaking training in safeguarding which addresses risk assessing, escalation of concerns and research in nursing journals.

In considering whether Ms Nwala Alonge has taken steps to strengthen her practice, the panel noted that the charges which led to the imposition of the order relate to a failure to report a safeguarding concern. The panel had regard to certificates of completion of courses Ms Nwala Alonge has undertaken in safeguarding adults and safeguarding

children. The panel took the view that she has made sufficient efforts to address the central concerns in this case.

The panel determined that, based on the evidence it has seen, it was satisfied that Ms Nwala Alonge's has demonstrated insight and remorse. In relation to remediation, the panel noted that Ms Nwala Alonge has not been able to secure nursing employment as of yet and therefore has not been able to apply the skills she has developed through training undertaken to her nursing practice. However, it was persuaded by the considerable insight she has demonstrated, the training she has undertaken and her proposed 'plan of action' that there is no longer a risk of repetition. Accordingly, it determined that a finding of impairment is not required on public protection grounds.

The panel gave regard to the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. It found that a member of the public, fully informed of the circumstances of this case, would expect a finding of impairment to be made to mark the seriousness of the misconduct. The panel therefore determined that, in this case, a finding of continuing impairment on public interest grounds is required.

For these reasons, the panel finds that Ms Nwala Alonge's fitness to practise remains impaired on public interest grounds alone.

Decision and reasons on sanction

Having found Ms Nwala Alonge'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 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.

Next, in considering whether a caution order would be appropriate in the circumstances, the panel took into account the SG, which 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 noted that Ms Nwala Alonge has shown considerable insight into her conduct. The panel noted that she made admissions to her misconduct and has since demonstrated evidence of genuine remorse. Ms Nwala Alonge has been engaging with the NMC throughout these proceedings.

The panel considered whether it would be proportionate to impose a more restrictive sanction and looked at a conditions of practice order. The panel noted that Ms Nwala Alonge has been subject to a conditions of practice order for a lengthy period of time and it was persuaded that, although she has not secured nursing employment, she has been able to sufficiently demonstrate that she has a full understanding of what went wrong and how to avoid a repeat of the conduct. The panel was satisfied that Ms Nwala Alonge has demonstrated in her reflections that she understands the importance of safe, kind and professional nursing practice.

The panel noted that the charges in this case relate to a failure to report the mistreatment of a resident by another member of staff. The panel noted that Ms Nwala Alonge's failures relate to not taking sufficient steps to safeguard the resident and do not relate to the mistreatment of the resident by her. The panel was satisfied that Ms Nwala Alonge has recognised her failures and subsequently undergone training in the areas of concern. The panel was persuaded based on the evidence before it that Ms Nwala Alonge understands the importance of safeguarding those in her care and was satisfied that she has demonstrated that she will apply her learning to her future nursing practice.

The panel concluded that no useful purpose would be served by continuing the conditions of practice order. It is not necessary to protect the public and would not assist Ms Nwala Alonge's return to nursing practice. The panel further considered that a suspension order would be wholly disproportionate in this case.

The panel has decided that a caution order would adequately protect the public. For the next three years, Ms Nwala Alonge's employer - or any prospective employer - will be on notice that her fitness to practise had been found to be impaired and that her practice is subject to a restriction. Having considered the general principles above and looking at the totality of the findings on the evidence, the panel has determined that to impose a caution order for a period of three years would be the appropriate and proportionate response. It would mark not only the importance of maintaining public confidence in the profession, but also send the public and the profession a clear message about the standards required of a registered nurse.

The panel noted the submissions from the RCN which stated:

“The panel is respectfully reminded that the purpose of a sanction is not to be punitive. Ms Alonge continues to engage with the NMC proceedings. We request that the panel extend the current order for a further 18 months. This would continue to protect the public and be in Ms Alonge’s own interests to enable her to find suitable employment.

If you are not minded to agree with our submissions then please adjourn this review to the earliest available date to allow our member to attend and be represented.”

The panel determined that as it has imposed a caution order which is a lesser restrictive sanction and in these circumstances an adjournment of this meeting would serve no useful purpose.

At the end of this period the note on Ms Nwala Alonge's entry in the register will be removed. However, the NMC will keep a record of the panel's finding that her fitness to practise had been found impaired. If the NMC receives a further allegation that Ms Nwala Alonge's fitness to practise is impaired, the record of this panel's finding and decision will be made available to any practice committee that considers the further allegation.

This caution order will take effect upon the expiry of the current substantive conditions of practice order, namely the end of 26 October 2023 in accordance with Article 30(1).

This will be confirmed to Ms Nwala Alonge in writing.

That concludes this determination.