

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

**Substantive Order Review Meeting
Monday 29 April 2024**

Virtual Meeting

Name of Registrant: Mrs Oluwafemi I Adedeji

NMC PIN 02K04830

Part(s) of the register: Registered Nurse – Sub part 1
Adult Nursing (November 2002)

Relevant Location: Northamptonshire

Type of case: Misconduct

Panel members: Derek McFaul (Chair, Lay member)
Richard Luck (Registrant member)
Angela Kell (Lay member)

Legal Assessor: John Bromley-Davenport KC

Hearings Coordinator: Anya Sharma

Order being reviewed: Suspension order (6 months)

Fitness to practise: Impaired

Outcome: **Striking-Off order to come into effect immediately in accordance with Article 30 (2)**

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 Mrs Adedeji's registered email address by secure email on 19 March 2024.

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 22 April 2024 and inviting Mrs Adedeji to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mrs Adedeji 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).

The panel noted that the Rules do not require delivery and that it is the responsibility of any registrant to maintain an effective and up-to-date registered address and email.

Decision and reasons on application for hearing to be held in private

At the outset, the panel noted that the previous reviewing panel determined to hold parts of the hearing in private on the basis that proper exploration of Mrs Adedeji's case involves reference to [PRIVATE]. This panel considered that the same should apply to this meeting.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

Rule 19 states:

'19.— (1) Subject to paragraphs (2) and (3) below, hearings shall be conducted in public.'

- (2) *Subject to paragraph (2A), a hearing before the Fitness to Practise Committee which relates solely to an allegation concerning the registrant's physical or mental health must be conducted in private.*
- (2A) *All or part of the hearing referred to in paragraph (2) may be held in public where the Fitness to Practise Committee—*
- (a) *having given the parties, and any third party whom the Committee considers it appropriate to hear, an opportunity to make representations; and*
 - (b) *having obtained the advice of the legal assessor, is satisfied that the public interest or the interests of any third party outweigh the need to protect the privacy or confidentiality of the registrant.*
- (3) *Hearings other than those referred to in paragraph (2) above may be held, wholly or partly, in private if the Committee is satisfied—*
- (a) *having given the parties, and any third party from whom the Committee considers it appropriate to hear, an opportunity to make representations; and*
 - (b) *having obtained the advice of the legal assessor, that this is justified (and outweighs any prejudice) by the interests of any party or of any third party (including a complainant, witness or patient) or by the public interest.*
- (4) *In this rule, "in private" means conducted in the presence of every party and any person representing a party, but otherwise excluding the public.'*

Having noted from the previous reviewing panel's written decision that there will be reference to [PRIVATE], the panel determined to hold such parts of the hearing in private.

The panel determined to go into private session in connection with [PRIVATE] as and when such issues are raised.

Decision and reasons on review of the current order

The panel decided to impose a striking-off order. This order will come into effect immediately in accordance with Article 30(2) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the third review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 4 February 2022. This was reviewed on 26 January 2023 where the order was extended for a further nine months, and on 27 October 2023, where the order was extended for six months.

The current order is due to expire at the end of 7 June 2024.

The panel is reviewing the order pursuant to Article 30(2) 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. On 18 May 2020, whilst attempting to de-escalate a potential altercation:

- a. spat at Patient A on one or more occasions;*
- b. inappropriately attempted to move Patient A away from Colleague A, by pulling on Patient A's bag;*
- c. opened the door of the lounge and spat at Patient A*

2. On 21 May 2020, during an investigatory interview with Colleague B, on more than one occasion you denied the fact that you spat at Patient A.

3. Your actions as set out in charge 2 were dishonest in that you attempted to cover up that you had spat at Patient A.

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

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

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 Mrs Adedeji's fitness to practise remains impaired.

'The panel noted that the last reviewing panel found that there had been no evidence put before it to demonstrate that Mrs Adedeji had developed her insight. At this hearing, the panel determined that there have still been no new material changes in circumstances which could evidence that Mrs Adedeji has developed her insight into the failings.

In its consideration of whether Mrs Adedeji has taken steps to strengthen her practice, the panel noted that there has been no new documentation put before it which can be viewed to demonstrate that Mrs Adedeji has strengthened her practice.

The last reviewing panel determined that Mrs Adedeji was liable to repeat matters of the kind found proved. Today's panel determined that there have been no new material changes in circumstances which can be viewed to have altered the risk of repetition and the consequential risk of harm to the public. Further, the panel noted that Mrs Adedeji has not engaged with the NMC in relation to the proceedings and therefore the panel has not received an update on her personal circumstances, nor her current employment status. In light of this, this panel determined that Mrs Adedeji remains liable to repeat matters of the kind found proved. 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 this case, a finding of continuing impairment on public interest grounds also remains necessary.

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

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

'The panel next considered whether a conditions of practice on Mrs Adedeji's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel considered that Mrs Adedeji has not been engaging with the NMC proceedings, nor has she provided the panel with evidence of her compliance with the recommendations of the previous panel on 26 January 2023. Therefore, the panel was not satisfied that it could formulate conditions of practice that would protect the public and adequately address the concerns relating to Mrs Adedeji's misconduct.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mrs Adedeji more time to fully reflect on her previous dishonesty and failings. It considered that Mrs Adedeji needs to gain a full understanding of how the dishonesty of one nurse can impact upon the nursing profession as a whole and not just the organisation that the individual nurse is working for. The panel concluded that a further 6-month suspension order would be the appropriate and proportionate response and would afford Mrs Adedeji adequate time to further develop her insight and take steps to strengthen her practice. It

would also give Mrs Adedeji an opportunity to approach past and current health professionals to attest to her honesty and integrity in her workplace assignments since the substantive hearing.

In light of Mrs Adedeji not engaging with the NMC proceedings, not providing the NMC with update on her personal circumstances and current employment status and failing to evidence her compliance of the previous panel's recommendations; the panel considered whether the imposition of a striking-off order would now be the appropriate sanction. However, the panel noted that, at the time of the previous hearing, [PRIVATE]. Whilst the panel has not received any new information of this matter, nor an update as to whether Mrs Adedeji has returned from Africa and wishes to return to nursing practise, the panel determined that it would be fair and proportionate to give Mrs Adedeji a final opportunity to engage with the NMC proceedings.

The panel did however note that a future panel may consider the imposition of a striking-off order if Mrs Adedeji were to continue to not engage with the NMC and provide updates as to her current position and her intentions with regard to future practice.

In all the circumstances, the panel determined that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined that a further suspension order for the period of 6 months would provide Mrs Adedeji with an opportunity to engage with the NMC, provide evidence of her compliance with the panel's recommendations and update the NMC of her current circumstances and future plans for her nursing career. It considered this to be the most appropriate and proportionate sanction available.'

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Adedeji's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the Nursing and Midwifery Council (NMC) has defined fitness to practise as a registrant's suitability to practise safely, kindly and effectively and therefore 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.

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 Mrs Adedeji's fitness to practise remains impaired.

The panel took into account the written determination of the last reviewing panel dated 27 October 2023. It noted that at that hearing, the reviewing panel had no new evidence before it to demonstrate that Mrs Adedeji had taken steps to strengthen her nursing practice or develop her insight into the regulatory failings.

At this hearing, the panel noted that it is not in receipt of any new information and determined that there has been no material change in the circumstances. The panel also noted that Mrs Adedeji has failed to provide the NMC with the following, as requested by the last reviewing panel:

- *A further reflective statement demonstrating Mrs Adedeji's insight. This should address the impact of her misconduct on the patients, the public and the wider nursing profession. She may wish to further reflect on and explain the reason for her misconduct (her spitting and dishonesty).*

- *Further evidence of her working in a healthcare setting, for example as a carer, without repeating the kind of misconduct found proved.*
- *Evidence of ongoing continued professional development.*
- *Continued engagement with the NMC and attendance at any review hearing.*
- *An indication of Mrs Adedeji's future plans for her career and if she wishes to return to working as a registered nurse.*

The last reviewing panel determined that Mrs Adedeji was liable to repeat matters of the kind found proved. Today's panel determined that there have been no new material changes in circumstances which can be viewed to have altered the risk of repetition and the consequential risk of harm to the public. Further, the panel noted that Mrs Adedeji has not engaged with the NMC in relation to the proceedings, [PRIVATE]. Therefore, the panel has not received an update on Mrs Adedeji's personal circumstances, nor her current employment status. In light of this, this panel determined that Mrs Adedeji remains liable to repeat matters of the kind found proved. 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 this case, a finding of continuing impairment on public interest grounds is also required.

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

Decision and reasons on sanction

Having found Mrs Adedeji'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.

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 Mrs Adedeji'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 Mrs Adedeji'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 order on Mrs Adedeji's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing, which also included an element of dishonesty, and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mrs Adedeji's misconduct.

The panel next considered imposing a further suspension order. The panel noted that Mrs Adedeji has not shown remorse for her misconduct and has not demonstrated any insight into her previous failings, despite requesting a further extension of the suspension order at a previous review of this order.

The panel had no new information before it to indicate that Mrs Adedeji no longer posed a risk to the public. The charges found proved were serious and she has not provided any evidence of remediation, remorse or insight into her failings. In spite of the recommendations of previous panels, Mrs Adedeji has failed to provide any evidence of her current circumstances or to engage with the NMC for some substantial time. Given

these circumstances, and the duty on this panel for an expeditious disposal of this case, the panel determined that a striking-off order would be appropriate.

This striking-off order will replace the current suspension order with immediate effect in accordance with Article 30(2).

This decision will be confirmed to Mrs Adedeji in writing.

That concludes this determination.