

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

**Substantive Order Review Meeting
Tuesday 23 July 2024**

Virtual Meeting

Name of Registrant: Prince Akwesi Amoateng Acheampong

NMC PIN 08G1764E

Part(s) of the register: Registered Nurse – Sub Part 1
Mental Health Nursing – (October 2008)

Relevant Location: Haringey

Type of case: Misconduct and Conviction

Panel members: Deborah Jones (Chair, Lay member)
Carol Porteous (Registrant member)
Alex Forsyth (Lay member)

Legal Assessor: Juliet Gibbon

Hearings Coordinator: Charis Benefo

Order being reviewed: Suspension order (12 months)

Fitness to practise: Impaired

Outcome: **Suspension order extended by a period of 6 months to come into effect at the end of 4 September 2024 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 Mr Acheampong's registered email address by secure email on 18 June 2024.

The panel took into account that the Notice of Meeting provided details of the review and that the review meeting would be held no sooner than 22 July 2024 and invited Mr Acheampong 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 Mr Acheampong 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 parts of this determination being in private

The panel noted that there were references to Mr Acheampong's health and personal matters throughout this case and determined that any such references should be in private in the final determination.

Decision and reasons on review of the current order

The panel decided to extend the suspension order for a period of six months. This order will come into effect at the end of 4 September 2024 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 4 August 2023.

The current order is due to expire at the end of 4 September 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. ...;
2. [PRIVATE];
3. [PRIVATE];

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

AND

'That you, a registered nurse:

- 1) *Were convicted on 10 September 2019 at Highbury Corner Magistrates' Court of being in charge of a mechanically propelled vehicle on a road whilst unfit to drive through drink contrary to section 4(2) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988.*

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

The original panel determined the following with regard to impairment:

'The panel had no evidence to show that Mr Acheampong's failure to respond to the NMC or his conviction had put patients at risk of harm and therefore finds that limb a) is not engaged.

With regards to limb b), the panel determined that by being convicted of a criminal offence resulting in a custodial albeit suspended sentence, and not cooperating with his regulator by [PRIVATE], Mr Acheampong had brought the profession into disrepute.

With regards to limb c), in not responding or cooperating with the NMC's requests, Mr Acheampong has breached one of the fundamental tenets of the nursing profession and did not uphold professional standards. In addition, his conviction further breached the fundamental tenets of the nursing profession as he has not obeyed the law and has not acted responsibly or with integrity as a result of a third drink-driving conviction.

There are no issues of dishonesty in this case therefore limb d) does not apply.

The panel was satisfied that the misconduct in this case is capable of being remediated. The panel carefully considered the evidence before it in determining whether or not Mr Acheampong had taken steps to strengthen his practice. Regarding insight, the panel considered that Mr Acheampong has not provided any evidence of insight or reflection into his actions, nor has he demonstrated any evidence of remorse. Mr Acheampong has not responded to the NMC except on one occasion where he advised the NMC in a telephone conversation that he would return the necessary forms and apologised for his lack of engagement but did not return the forms. Further, the panel had no assurance that Mr Acheampong would not repeat his pattern of offending.

The panel however had regard to an email from Mr Acheampong on 18 December 2019 in which he admitted the conviction and demonstrated some limited remorse stating: "I am sorry that this behaviour may have brought the profession into disrepute." However, the panel was not satisfied that Mr Acheampong had provided any real insight into his actions.

As the panel did not find Charge 1 proved, it determined that a finding of impairment is not necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel determined that a finding of impairment on public interest grounds is required because Mr Acheampong has not maintained or upheld professional standards in being convicted of a drink-driving offence for the third time. In addition, he has not responded to the NMC as a Registered Nurse on a very important request which speaks to his fitness to practise. The panel also noted that Mr Acheampong did not notify the NMC about his conviction until 3 months later, and there is no evidence before it as to why this was the case. The panel was of the view that such matters should be brought to the regulator's attention as soon as possible, however Mr Acheampong delayed this. The panel finds Mr Acheampong's behaviour concerning and concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case.

Having regard to all of the above, the panel was satisfied that Mr Acheampong's fitness to practise is currently impaired on public interest grounds.'

The original panel determined the following with regard to sanction:

'The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:

- A single instance of misconduct but where a lesser sanction is not sufficient;*
- No evidence of harmful deep-seated personality or attitudinal problems;*
- No evidence of repetition of behaviour since the incident;*

- *In cases where the only issue relates to the nurse or midwife's lack of competence, there is a risk to patient safety if they were allowed to continue to practise even with conditions.*

The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register. It did go on to consider whether a striking-off order would be proportionate. The panel was of the view that the misconduct and conviction in this case are very serious and was at the borderline between the two sanctions. However, taking account of all the information before it, and of the fact that Mr Acheampong is yet to appear before a fitness to practise panel to present any possible mitigation, reflection and insight, the panel concluded that a striking-off order would be disproportionate.

Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in Mr Acheampong's case to impose a striking-off order as outlined above.

The panel was strongly of the view that a future panel should consider a striking-off order in circumstances where Mr Acheampong continues to ignore his regulator and disengage.

Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction.

The panel considered that this order is necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.

The panel determined that a suspension order for a period of 12 months with review was appropriate in this case to mark the seriousness of the misconduct and the conviction.

At the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by Mr Acheampong providing:

- *A reflective piece demonstrating evidence of insight, remorse, and remediation in relation to his misconduct and conviction.*
- *Engagement with the NMC.*
- *His attendance at future NMC proceedings.'*

Decision and reasons on current impairment

The panel has considered carefully whether Mr Acheampong's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has provided guidance to panels that the question it should ask itself is '*can the nurse.. practise kindly, safely and professionally?*'. 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 written responses from Mr Acheampong which included:

- An email from Mr Acheampong dated 5 July 2024 detailing his reflection and current personal circumstances; and
- Email correspondence between Mr Acheampong and the NMC dated between 26 June 2024 and 2 July 2024 relating to accessing documents and a form sent by the NMC.

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 Mr Acheampong's fitness to practise remains impaired.

The panel noted that the original panel found that Mr Acheampong had insufficient insight. At this meeting, the panel noted Mr Acheampong's reflection in the email dated 5 July 2024. It considered that Mr Acheampong had demonstrated remorse, and an understanding of why what he did was wrong and how this impacted negatively on the reputation of the nursing profession. In addition, Mr Acheampong had provided an explanation of his circumstances leading up to the misconduct and conviction, and described how his circumstances had since changed. The panel was therefore satisfied that Mr Acheampong had provided sufficient insight into his misconduct and conviction.

In its consideration of whether Mr Acheampong has taken steps to strengthen his practice, the panel noted that it had no information about what Mr Acheampong has been doing to strengthen his practice or develop his knowledge since resigning from his post at the Trust on 28 January 2020. The panel had no evidence of any additional training Mr Acheampong may have undertaken, and he had not provided a clear indication of whether he intends to return to nursing practice.

[PRIVATE]

Today's panel had received evidence of developed insight, but not enough information around strengthened practice and [PRIVATE] to determine whether Mr Acheampong is safe to return to nursing practice. In light of this, the panel determined that Mr Acheampong may still be liable to repeat matters of the kind found proved if [PRIVATE].

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 required.

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

Decision and reasons on sanction

Having found Mr Acheampong'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.

The panel 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 Mr Acheampong'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 Acheampong's misconduct and conviction 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 Mr Acheampong's registration would be a sufficient and appropriate response. It noted that the misconduct and conviction did not relate to Mr Acheampong's clinical practice, and so a conditions of practice order would not be appropriate.

The panel considered the imposition of a further period of suspension. It was of the view that an extension of the current suspension order would allow Mr Acheampong further time to co-operate with the NMC and [PRIVATE]. The panel concluded that a further six-month

suspension order would be the appropriate and proportionate response and would also afford Mr Acheampong adequate time to take steps to strengthen his practice.

The panel determined therefore that an extension to the current suspension order is the appropriate order which would continue to satisfy the wider public interest. Accordingly, the panel determined to extend the current suspension order for a period of six months which would provide Mr Acheampong with an opportunity to continue engaging with the NMC. It considered this to be the most appropriate and proportionate sanction available.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 4 September 2024 in accordance with Article 30(1).

At the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, it may allow the order to lapse upon expiry, it may further extend the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- Having sight of Mr Acheampong's reflection in the email dated 5 July 2024.
- [PRIVATE]
- Mr Acheampong's continued engagement with the NMC and attendance at future review hearings.
- Evidence of professional development, including details of how Mr Acheampong has been maintaining his knowledge and strengthening his practice through training or work.
- Testimonials including from paid or unpaid work.

This will be confirmed to Mr Acheampong in writing.

That concludes this determination.