

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

**Substantive Order Review Hearing  
Wednesday, 8 May 2024**

Virtual Hearing

**Name of Registrant:** Hannah Kargbo

**NMC PIN** 11F2135E

**Part(s) of the register:** Registered Nurse – Sub Part 1  
Adult Nursing – 18 January 2012

**Relevant Location:** London

**Type of case:** Lack of competence and Health

**Panel members:** Alan Greenwood (Chair, Lay member)  
Emily Davies (Registrant member)  
Colin Sturgeon (Lay member)

**Legal Assessor:** Gerard Coll

**Hearings Coordinator:** Stanley Udealor

**Nursing and Midwifery Council:** Represented by Mohsin Malik, Case Presenter

**Miss Kargbo:** Present and unrepresented at the hearing

**Order being reviewed:** Suspension order (12 months)

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (6 months) to come into effect on 15 June 2024 in accordance with Article 30 (1)**

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

Mr Malik, on behalf of the Nursing and Midwifery Council (NMC) made an application that this case should be held partly in private [PRIVATE]. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

You supported the application.

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.

The panel determined to hear this hearing partly in private. [PRIVATE].

## **Decision and reasons on adjournment of hearing**

The panel was informed by the legal assessor that you had indicated that you needed more time to prepare and send evidence with respect to training you had completed and to secure a legal representative. The panel therefore invited you to make submissions with respect to an adjournment of these proceedings.

You submitted that you would like to return to the nursing profession as nursing has always been your passion. You stated that you love caring for people and you would like to utilise any opportunity provided to you to return to the nursing profession.

You informed the panel that when your previous interim suspension order had nearly expired, you were contacted by a person, purportedly from the Royal College of Nursing (your union), who stated that he would act as your representative at the NMC proceedings. You were asked to fill some medical consent forms and to provide evidence of any training you had completed. You stated that you sent the requested documents to your union but you did not receive any receipt. When you contacted your union, they stated that they had not received any document from you and they were not aware about your purported

representative. You told the panel that you tried to contact your representative but there was no response. You stated that you visited the NMC's office to enquire whether they had received any documents you had sent but they did not offer any support to you. You submitted that these events made you distrust the process and you decided to disengage from NMC proceedings.

You submitted that you were ready to re-engage with the NMC proceedings and you will require sufficient time to prepare and send to the NMC, evidence with respect to training you had completed and to secure a legal representative.

[PRIVATE].

Mr Malik informed the panel that you disengaged from the NMC in 2021 and despite several attempts by the NMC to contact you, there was no response from you. He stated that the case coordinator contacted the referrer to enquire about you and your disengagement from the NMC proceedings. Despite efforts made by your referrer to ensure that you re-engaged with the NMC, you failed to re-engage with the NMC including at the time of your substantive hearing until you joined the hearing today.

Mr Malik submitted that you have had sufficient time and opportunity to engage with the NMC and to secure a representative for these proceedings, but you have failed to utilise such opportunities. He highlighted that the training which you stated you undertook, were between the period from 2020 and 2021, therefore, they were not relevant to the current review hearing as the substantive hearing was held in 2023.

Mr Malik submitted that the hearing should not be adjourned as it would amount to unfairness to the NMC and such adjournment would pose a risk to the public given that the substantive order would expire on 15 June 2024.

The panel accepted the advice of the legal assessor.

The panel decided that it is fair and appropriate to proceed with the hearing. In reaching this decision, the panel considered the submissions from you and

submissions by Mr Malik. It has had particular regard to the NMC guidance and to the overall interests of justice and fairness to all parties.

The panel considered the seriousness and wide-ranging nature of the concerns raised about your nursing practice. It noted that the concerns were in relation to numerous failings in fundamental aspects of nursing practice [PRIVATE]. The panel took into account that the previous panel had found that there remained a risk of repetition and imposed a suspension order on your nursing practice. The panel noted that the suspension order would expire on 15 June 2024.

The panel took account of your submissions that you require sufficient time to organise evidence of steps you had taken to strengthen your nursing practice and to secure representation. However, the panel noted that this was the first time since 2021 that you have engaged with the NMC. It was of the view that based on the time you may require to take the required steps, there is a risk of the expiration of the substantive order before such steps would be completed and this would pose a consequent risk of harm to the public.

Therefore, in applying the principle of proportionality, the panel determined that the need to protect the public and the wider public interest outweighed your interest in this regard.

Accordingly, the panel determined that it is fair and appropriate to proceed with the hearing. It noted that there is a strong public interest in the expeditious hearing of this case and to protect the public from the risks identified.

### **Decision and reasons on review of the substantive order**

The panel decided to extend the current suspension order for a period of six months.

This order will come into effect at the end of 15 June 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the first review of a substantive suspension order originally imposed for a period of twelve months by a Fitness to Practise Committee panel on 17 May 2023.

The current order is due to expire at the end of 15 June 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) *On 16 May 2018 did not:*

  - a) *Review Patient A's medical records to confirm their allergy to metronidazole;*
  - b) *Review Patient A's wristband for patient's allergy status.*

- 2) *On 16 May 2018 administered metronidazole to Patient A without a prescription.*
- 3) *On or before 13 November 2018, on one or more occasions did not pass the workbook practical drug administration.*
- 4) *On 6 February 2019, on one or more occasions administered eye drops in Patient B's left eye.*
- 5) *.....*
- 6) *On 6 February 2019 reused your signature on the prescription chart when you recorded you had administered drops to Patient B's right eye.*
- 7) *On or before 26 April 2019 failed to pass the competencies for the theatre circulating role.*
- 8) *On 21 December 2018 you refused to accept an unknown patient from recovery.*

9) [PRIVATE].

*AND in light of the above, your fitness to practise is impaired by reason of your lack of competence in respect of charges 1 – 7 and by reason of your misconduct or lack of competence in respect of charge 8 and by reason of your [PRIVATE] in respect of charge 9.*

Schedule 1 (private – not for publication)

1. [PRIVATE]

The original panel determined the following with regard to impairment:

***‘Lack of competence***

.....

*Having regard to the test for remediation set out in the case of Cohen v GMC, the panel determined that Miss Kargbo’s lack of competence is capable of remediation. In considering whether it has been remedied, the panel assessed Miss Kargbo’s practice since these errors arose as well as her level of insight.*

*The panel had regard to the testimonials provided by Miss Kargbo and the oral evidence of Witness 1 and Witness 2 who both said that Miss Kargbo was a kind and good nurse. However, Miss Kargbo has not proactively engaged with the NMC in respect of these regulatory proceedings; she has provided no information as to any attempts at remediating her practice, any current relevant training she has undertaken, or any current references from previous or current employers as to the level of her clinical competence. Aside from the limited levels of insight demonstrated in the reflective pieces undertaken by Miss Kargbo at a local level, the panel has also no information as to Miss Kargbo’s current level of insight into her actions. The panel also had no evidence before it to suggest that since 2019 Miss Kargbo had worked in a safe and effective capacity as a nurse, and that she*

*had been able to successfully perform tasks in those areas where her skills were said to be lacking.*

*Given Miss Kargbo's lack of insight into her own failure to demonstrate the standards of knowledge, skill and judgement expected of a registered nurse, and the lack of remediation of the concerns, the panel considered that there remained a risk of repetition. The panel therefore determined that a finding of impairment was necessary on the grounds of public protection.*

*The panel bore in mind that the overarching objectives of the NMC are to protect, promote and maintain the health, safety and wellbeing of the public and patients, and to uphold and protect the wider public interest, which includes promoting and maintaining public confidence in the nursing profession and upholding the proper professional standards for members of the profession. The panel considered that confidence in the profession would be undermined if a finding of impairment was not made in this case. The panel therefore determined that a finding of impairment was also necessary on public interest grounds, in order to maintain confidence in the nursing profession, and in order to declare and uphold proper standards of conduct and performance.*

*[PRIVATE].'*

The original panel determined the following with regard to sanction:

*'Having found Miss Kargbo's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case....*

*.....*

*The panel then considered whether to impose a suspension order. Miss Kargbo had demonstrated limited insight into the incidents in the local investigation, although she appeared to lack insight into her own nursing practice. The panel considered that there would be a risk to patient safety if Miss Kargbo were permitted to practise*

*subject to conditions of practice at this time. In these circumstances, the panel considered that a suspension order would protect the public. It also considered that a suspension order would give Miss Kargbo the opportunity to reflect on her own nursing practice and the seriousness of the concerns in this case and to take steps towards remediating and addressing the issues identified. The panel also determined that a suspension order would mark the seriousness of the case and satisfy the public interest by maintaining confidence in the nursing profession and in the NMC as a regulator, whilst declaring and upholding appropriate standards of performance.*

*As this case relates to Miss Kargbo's lack of competence [PRIVATE], the panel does not have the power to impose a striking-off order at this time.*

*The panel determined that a suspension order for a period of twelve months was appropriate and proportionate in this case....'*

## **Decision and reasons on current impairment**

The panel has considered carefully whether your 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 Mr Malik on behalf of the NMC and those made by you.

Mr Malik took the panel through the background of the case and referred it to the relevant pages within the bundle. He submitted that that it was a matter for the panel's judgement as to whether your fitness to practise remains impaired.



Mr Malik submitted that the burden of proof lies on you to demonstrate that your fitness to practise was no longer impaired. He referred the panel to the case of *Abrahaem v General Medical Council (GMC)* [2008] EWHC 183 Admin.

Mr Malik informed the panel that you have failed to engage with the NMC since 2021 and that although you attended the hearing today, there was no evidence to indicate that you have taken any steps to strengthen your nursing practice [PRIVATE]. He referred the panel to the recommendations made by the previous panel at the substantive hearing and he highlighted that you have failed to comply with those recommendations.

Mr Malik submitted that the charges found proved are serious and in the absence of any evidence with respect to your insight into your failings and any steps taken to strengthen your nursing practice, there remains a risk of repetition. He therefore submitted that your fitness to practise remains impaired.

With respect to the appropriate sanction, Mr Malik highlighted the reasons given by the previous panel as to why taking no action, a caution order or a conditions of practise order was considered not to be appropriate and proportionate in this case. He submitted that there has been no material change of circumstances in this case since the substantive hearing except that you have attended the hearing today. He therefore invited the panel to impose a suspension order on your nursing practice as the appropriate and proportionate sanction in this case.

You informed the panel that you had prepared your reflective piece but due to the bank holiday, there was no sufficient time to send it to the NMC. [PRIVATE]. [PRIVATE]. You indicated that you would require a period of six to eight weeks to prepare and send those documents to the NMC.

You submitted that you have reflected on the incidents and learnt your lesson and you are ready to return to the nursing profession. You stated that you apologised to the patients affected by your conduct and you will ensure that such incidents do not re-occur in future. You stated that when the incidents occurred, you were punished and transferred to the theatre to work as a theatre nurse. However, you were not provided with adequate support by your referrer as you were only given two weeks to learn the competencies for the

theatre nurse role, which led to you being unable to achieve the desired result. You stated that you were later moved to the role of theatre runner and thereafter you were suspended by your referrer. When you were suspended, you were given the options to either work as a receptionist or as a healthcare assistant. You told the panel that you chose to work as a healthcare assistant because of your passion for caring for patients and your desire to return to the nursing profession.

[PRIVATE].

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 your fitness to practise remains impaired.

The panel took into account that although you disengaged from the NMC since 2021, you joined the hearing today and you have indicated your desire to continue to engage with the NMC proceedings. It considered that you stated that you completed several online trainings in the areas of concerns between the period of 2020 and 2023. The panel noted that you stated that you have learnt your lesson and you would ensure the incidents would not occur in future. It took into account that [PRIVATE] and you would like to return to the nursing profession.

[PRIVATE]. [PRIVATE]. The panel further noted that you have not provided any evidence of such training you had completed nor did you provide any evidence of any steps taken to strengthen your nursing practice as recommended by the previous panel. The panel was of the view that your insight remains limited as it was, during the investigations at the local level and that you have failed to demonstrate insight into the impact of your conduct on patients, the nursing profession and the public. [PRIVATE].

The panel therefore determined that there remains a real risk of repetition and that a finding of continuing impairment is 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. It was of the view that a fully informed member of the public, aware of the proven charges in this case and that there was no evidence to demonstrate the necessary steps required to strengthen your practice, would be very concerned if a finding of impairment were not made in this case. Therefore, the panel determined that a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that your fitness to practise remains impaired on both public protection and public interest grounds by reason of your lack of competence [PRIVATE].

### **Decision and reasons on sanction**

Having found your 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. It had found that there remains a risk of repetition and that your fitness to practise is currently impaired on both public protection and public interest grounds. The panel therefore determined that it would neither protect the public nor be 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 your nursing 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 your

failings were 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 a caution order would neither protect the public nor be in the public interest.

The panel next considered whether a conditions of practice on your registration would be a sufficient and appropriate response. The panel was mindful that any conditions imposed must be proportionate, measurable and workable. The panel acknowledged that it might have been possible to address the concerns in relation to your competency through retraining and assessment. It also noted that you are currently working as a healthcare assistant. However, the panel considered that you failed to engage with the NMC until today. It noted that despite the training and support provided by your referrer to you, there was no progress made in addressing the concerns at that time. [PRIVATE].

In this regard, the panel determined that there are no practical or workable conditions that could be formulated. Accordingly, a conditions of practice order would not address the risk of repetition and this poses a risk of harm to patients' safety and the public. The panel had no evidence before it to suggest that you would comply with any conditions of practice. Consequently, the panel determined that any conditions of practice order would not be workable or appropriate in this case and would not protect the public nor be in the public interest.

The panel considered the imposition of a further period of suspension. It noted that you have now engaged with these proceedings and you have indicated your intention to continue engaging with the NMC. The panel considered that you have expressed your desire to return to the nursing profession and that you stated that you have learnt your lessons. It noted that you stated that you are ready to comply with the recommendations of the previous panel and you will require sufficient time to organise evidence of steps you have taken to strengthen your nursing practice.

The panel therefore concluded that a suspension order would be the appropriate and proportionate sanction to protect the public and address the public interest in this case. It was satisfied that a suspension order for a period of six months would provide you with an opportunity to demonstrate evidence of sufficient insight into your failings [PRIVATE], their impact on patients and ability to practise safely as a registered nurse and that your fitness

to practise is no longer impaired. It would also provide you with an opportunity to provide evidence of your engagement with the NMC [PRIVATE].

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 15 June 2024 in accordance with Article 30(1).

Before 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:

- Your full engagement with the NMC and attendance at review hearings;
- Your acknowledgment of the incidents and charges found proved, articulated through a structured reflective piece (for example, using the Gibbs' model);
- Evidence of development of your nursing practice such as online courses;
- Testimonials or references from any employment you had undertaken since the last substantive hearing, whether paid or unpaid;
- [PRIVATE];
- [PRIVATE].

This will be confirmed to you in writing.

That concludes this determination.