

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

**Substantive Order Review Hearing
Wednesday, 21 February 2024**

Virtual Hearing

Name of Registrant: Julitta Chinyere Nzekwe

NMC PIN 86Y2109E

Part(s) of the register: Registered Nurse – Sub part 1
Adult Nursing – July 1991

Relevant Location: Buckinghamshire

Type of case: Lack of competence/Misconduct

Panel members: Melissa D’Mello (Chair, lay member)
Beth Maryon (Registrant member)
Yousuf Rossi (Lay member)

Legal Assessor: Hala Helmi

Hearings Coordinator: Eleanor Wills

Nursing and Midwifery Council: Represented by Surendra Agarwala

Mrs Nzekwe: Not Present and not represented

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

Fitness to practise: Impaired

Outcome: **Order to lapse upon expiry in accordance with Article 30 (1), namely 31 March 2024**

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Mrs Nzekwe was not in attendance and that the Notice of Hearing had been sent to Mrs Nzekwe's registered email address by secure email on 22 January 2024.

Further, the panel noted that the Notice of Hearing was also sent to Mrs Nzekwe's representative at Community Trade Union on 22 January 2024.

Mr Agarwala, 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, the date and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mrs Nzekwe's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all of the information available, the panel was satisfied that Mrs Nzekwe 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 Mrs Nzekwe

The panel next considered whether it should proceed in the absence of Mrs Nzekwe. The panel had regard to Rule 21 and heard the submissions of Mr Agarwala who invited the panel to continue in the absence of Mrs Nzekwe. Mr Agarwala submitted that Mrs Nzekwe has not made an application for adjournment. Mr Agarwala submitted that there is no reason to suppose that adjourning would secure her attendance. Further Mr Agarwala submitted that there is a strong public interest in the expeditious review of the case.

Mr Agarwala referred the panel to the email from Mrs Nzekwe to the NMC dated 20 February 2024, which included:

'I wish to inform you that I will no longer be attending the Substantive Order Review Hearing. I have stood trial now for 11 years and it's time for me to move on as I no longer have the zeal to continue. I am content and happy to serve as a HCA with NHS which I now qualify for.'

Mr Agarwala referred the panel to a communication log which included an account of a successful telephone call from the NMC case officer to Mrs Nzekwe on 20 February 2024, which included:

'I asked JN if she's received my email. She confirmed that she had received it and was going to send me an email.'

JN said that she won't attend tomorrow's hearing and is not represented. JN said that this has been going on for too long it's been 12 years and she said that she doesn't want to continue in this process. JN said she would confirm by email.'

JN said that she is working as an HCA in the NHS and she's very happy. JN said that she thinks it's been too long to return to nursing and that at the moment she's caring for people, and loving it. JN said that she thought about the NMC case and it's been so stressful but that she loves her job now and doesn't want to continue in the NMC process. I asked JN to confirm this in writing as it would be helpful for the panel. I asked her to confirm that she's happy for the panel to proceed tomorrow. JN said that is fine and she won't be coming. I asked if she would come to a future hearing, she said that she wouldn't. JN confirmed that she wants the panel to allow her order to lapse and be removed from the register. JN said she'd started her return to practice course, but didn't complete it. She said that she was doing well but that she enjoys her current role now. She said that she's worked for the NHS for 23 years and she's had recent compliment about her care and how friendly and positive she is from the director of the hospital. JN said that she's happy now to not continue with us and get her life back.'

Mr Agarwala submitted that Mrs Nzekwe has received the notice of hearing, is aware of the hearing taking place today and is content for the hearing to proceed in her absence.

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

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

- Mrs Nzekwe stated in her telephone call to the NMC on the 20 February 2024, when asked to confirm that she is happy for the panel to proceed tomorrow:
‘...that is fine and she won't be coming.’
- Mrs Nzekwe confirmed in writing in an email to the NMC dated 20 February 2024:
‘...I wish to inform you that I will no longer be attending the Substantive Order Review Hearing.’
- Mrs Nzekwe has forgone her previous representation, as stated by her previous representative Krystal Peters, from Community Trade Union, in an email to the NMC dated 20 February 2024:
*‘In response to your queries and in the absence of instruction from Ms Nzekwe:
1. I will not be in attendance but I cannot confirm either way for Ms Nzekwe as I have been unable to contact her’*
- Mrs Nzekwe has informed the NMC that she has received the Notice of Hearing and is aware of the proceedings today, therefore she has voluntarily absented herself;
- No application for an adjournment has been made by Mrs Nzekwe;
- Mrs Nzekwe stated in her telephone call to the NMC on the 20 February 2024, when asked if she would come to a future hearing:
‘she said that she wouldn’t’
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- There is a strong public interest in the expeditious review of the case.

In these circumstances, the panel has decided that it is in the interest of justice and fair to proceed in the absence of Mrs Nzekwe.

Decision and reasons on review of the substantive order

The panel decided to allow the current conditions of practice order to lapse.

This will come into effect at the end of 31 March 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the ninth review of a substantive order originally imposed for a period of 12 months by a Conduct and Competence Committee on 13 September 2012. The review history is as follows:

- 9 September 2013 – suspension order replaced with 12 month conditions of practice order;
- 10 October 2014 – conditions of practice order replaced with a 12 month suspension order;
- 5 October 2015 – suspension order extended for a further 4 months;
- 29 January 2016 – suspension order replaced with a 12 month conditions of practice order;
- 12 January 2017 – conditions of practice order extended for a further 12 months;
- 2 February 2018 – conditions of practice order varied and extended for a further 3 years;
- 27 January 2021 – conditions of practice order varied for a period of 24 months
- 17 March 2023 - conditions of practice order varied and extended for a period of 12 months

The current order is due to expire at the end of 31 March 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, whilst working as a band 5 staff nurse employed at Buckinghamshire Healthcare NHS Trust ('the Trust') between 2006 and 2010, failed to meet the competencies expected of a Band 5 nurse in that you:

- 1. Failed to meet the required standard for drug administration in that you:
 - a. Failed an intravenous drug calculation test on 29 January 2007;*
 - b. Failed an intravenous drug calculation test on 8 July 2008;*
 - c. Failed an intravenous drug calculation test on 15 September 2009;*
 - d. Failed an intravenous drug calculation test on 25 January 2010;**

- 2. Between 28 July 2008 to 21 October 2008, failed to comply with the Trust's 12 week supervision objectives in that you:
 - a. Failed to attend approximately 9 out of 12 weekly numeracy courses;*
 - b. Failed to complete the requisite number of supervised drug rounds;**

- 3. Between 10 November 2008 and 23 November 2008, failed to complete the objectives for the informal (management) stage of Trust Capability policy regarding safe administration of medications in that you:
 - a. Were unable to meet objective 1, in that you were unable to administer medications for a group of patients safely and in compliance with the Trust medicines policy;*
 - b. Were unable to meet objective 2, in that you failed to complete the intravenous drug calculations test to a satisfactory standard of achieving a 100% pass mark;**

- 4. Between April 2009 and May 2009, failed to meet the objectives of your performance review with MS 1, in that you did not successfully complete the intravenous drug calculations test by the end of May 2009;*

- 5. Between 20 January 2010 and 31 January 2010, failed to meet the objectives of your first formal warning under the Trusts capability procedure,*

in that you did not successfully complete the intravenous drug calculations test by the 31 January 2010'

And in light of the above, your fitness to practise is impaired by reason of your lack of competence.

6. On 12 June 2009, you informed MS 1 that you were due to take your intravenous drug calculations test later that day, when in fact there was no intravenous drug calculation test scheduled for that day;

7. Your actions at charge 6 above were dishonest.

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

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

'The panel considered whether your fitness to practise remains impaired. It noted that you have not worked as a registered nurse for over ten years, that you have not engaged with the conditions or remediated the concerns regarding your medication administration.

The panel noted that you are currently working as a healthcare assistant and that you have worked as a carer over a number of years. The panel took into account the mandatory training you undertook in January 2023. However, the panel determined that this was required in your role as a healthcare assistant and not as a nurse. The panel also acknowledged your reflective statement dated 14 March 2023. It concluded that you have developing insight into the need to safely administer medication to patients, by seeking support from colleagues and completing relevant courses including the Return to Practice course.

The panel considered that in all the circumstances, there remains a real risk that you could repeat such medication errors if you were allowed to practise

unrestricted. The panel determined that the risk had not diminished since earlier hearings at which your fitness to practise was found to be impaired. The panel therefore determined that a finding of current impairment continued to be required to protect the public.

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 impairment continued to be required on the public interest grounds, as a member of the public would not expect a nurse who had failed to demonstrate sufficient levels of competence to be allowed to practise without restriction.'

The eighth panel determined the following with regard to sanction:

'The panel next considered whether imposing a further conditions of practice order on your registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be relevant, proportionate, measurable, and workable. It was satisfied that a conditions of practice order remained the most appropriate and proportionate sanction which would protect the public and uphold the public interest.

The panel accepted that you have been engaging with the NMC and are willing to comply with any conditions imposed. The panel noted that the current conditions of practice order has restricted you from gaining employment and has appeared to be unworkable in its current form. The panel now looked for a conditions of practice order which will give the maximum protection to the public from a nurse who has not yet shown that she is safe to practise independently but which, in order to help you, does not bind or restrict the provider of a formal Return to Practice course as this might adversely affect your acceptance or progress on such a course.

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 your case. The only concern at this stage is your competence, and you can begin to address this by undertaking a Return to Practice course.

Accordingly, the panel 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. You may only work as a nurse when undertaking the clinical components of, and subject to any conditions or requirements of, a Return to Practice course.*
- 2. You must within 14 days of accepting any post or employment requiring registration with the NMC, or any course of study connected with nursing or midwifery, provide the NMC with the name/contact details of the individual or organisation offering the post, employment, or course of study*
- 3. You must inform the NMC of any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 14 days of you receiving notice of them.*
- 4. You must immediately inform the following parties that you are subject to a conditions of practice order under the Council's fitness to practice procedures, and disclose the conditions listed above to them:*

- a. *Any organisation or person employing, contracting with, or using you to undertake nursing work;*
- b. *Any educational establishment at which you are undertaking a course of study connected with nursing, or any such establishment to which you apply to take such a course (at the time of application).*

The period of this order is for one year. The panel considered that this will give you the sufficient time to complete the Return of Practice course you have been offered so that you can demonstrate progress or remediation of your competency concerns to a future reviewing panel.'

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Nzekwe'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 response provided by Mrs Nzekwe. The panel has taken into account the submissions made by Mr Agarwala on behalf of the NMC.

Mr Agarwala submitted that this is the ninth review of a substantive order against Mrs Nzekwe originally imposed for a period of 12 months by a Conduct and Competence Committee on 13 September 2012. He submitted that the NMC has sought to direct and support Mrs Nzekwe to attain basic competence as a Registered Nurse for the last 12 years. He highlighted that Mrs Nzekwe has not achieved this.

Mr Agarwala submitted that Mrs Nzekwe is currently working as a Healthcare Assistant (HCA) for the NHS. He submitted that Mrs Nzekwe has found a position which brings her satisfaction by providing her with a role in the community where she can care for others whilst not practicing as a Nurse. Mr Agarwala submitted that Mrs Nzekwe stated she has

no intention to return to nursing practice as she is happy in her current role. Mr Agarwala submitted that Mrs Nzekwe stated that she wants the panel to allow her order to lapse and be removed from the register as she is no longer interested in being a Registered Nurse.

Mr Agarwala therefore submitted that the best outcome for all parties involved including, the NMC, Mrs Nzekwe and the public, given the context of case and the cumulative effect of the circumstances, is to allow the order to lapse and for Mrs Nzekwe to be removed from the register. Mr Agarwala directed the panel to the relevant guidance provided by the NMC reference REV-3h updated 24 April 2023, and highlighted the first section, which states:

*'In most circumstances nurses, midwives or nursing associates who are subject to a substantive suspension or conditions of practice order, but no longer wish to continue practising, should be allowed to be removed from the register. Our Order and Rules state that professionals cannot be removed from the register while a substantive suspension or conditions of practice order is in place.'*¹

Allowing professionals to leave the register can be achieved in two ways:

a) the nurse, midwife or nursing associate can request an early review of their substantive order because they no longer wish to continue practising; the panel will then be invited to lift the substantive order in order to allow the professional to be removed from the Register;

b) the nurse, midwife or nursing associate can indicate at a standard review that they no longer wish to continue practising; the panel will then be invited to let the substantive order expire in order to allow the professional to be removed from the Register.'

Mr Agarwala further highlighted the last paragraph of the guidance REV-3h, which states that:

'Before allowing a professional to leave the register by lifting a substantive order or allowing it to expire, the panel should make it clear whether they consider the professional's fitness to practise to be currently impaired.'

This is because nurses, midwives or nursing associates, whose registration lapses or are removed from the register after a suspension or conditions of practice order expires or is lifted, can apply for readmission.'

Mr Agarwala submitted that the other option the panel may consider, given the circumstances, is a strike off order. Mr Agarwala informed the panel if they were to impose a strike off order that the panel must first determine that Mrs Nzekwe fitness to practice remains impaired. He submitted the panel would then determine if a strike off order is appropriate and proportionate, given the circumstances. Mr Agarwala submitted that the panel may take into consideration that Mrs Nzekwe has been under a conditions of practice order since 2016 and that no progress has been made to achieve the basic competence that is required to return to practice. Mr Agarwala submitted that the panel may want to take into account that Mrs Nzekwe has been given numerous opportunities to remediate the deficiencies in her practice and has not done so.

Mr Agarwala submitted that a conditions of practice order cannot go on being renewed indefinitely. Mr Agarwala submitted that action needs to be taken to prevent Mrs Nzekwe practicing as a Registered Nurse in the future and to remove her from register. Mr Agarwala emphasised that the two options before the panel today to enact this, is to strike off Mrs Nzekwe or to allow the current order to lapse and Mrs Nzekwe's name to fall of the register, the latter being the best outcome for all parties.

In response to a question from the panel, regarding the NMC's position on Mrs Nzekwe's current impairment, Mr Agarwala submitted that Mrs Nzekwe's fitness to practice is currently impaired on the grounds of public protection and public interest, as she has not met the basic level of competence required of a Registered Nurse.

When questioned by the panel regarding the NMC's position on Mrs Nzekwe's compliance with the current conditions of practice order Mr Agarwala submitted the following in respect of each condition:

Regarding condition 1, Mr Agarwala submitted the Mrs Nzekwe had started a Return to Practice course but did not complete it.

Regarding condition 2, Mr Agarwala submitted that Mrs Nzekwe informed the previous panel on 17 March 2023, that she had received an offer from Canterbury Christ Church University to start her return to practice course. She informed the previous panel that the orientation to this course started 28 March 2023 with the formal course starting end of April 2023. Mr Agarwala submitted to the panel that Mrs Nzekwe informed the NMC that she had commenced her return to Nursing course at Canterbury Christ Church University on 18 August 2023. Mr Agarwala therefore submitted that, having regard to the papers before the panel today, there may be a breach of condition 2.

Regarding condition 3, 4(a) and 4(b), Mr Agarwala submitted that there has been no communication from Mrs Nzekwe to the NMC providing any information regarding these conditions.

In response to a question regarding whether Mrs Nzekwe had provided evidence of completion, or progress towards completing, a Return to Practice course, Mr Agarwala submitted that no such evidence has been received by the NMC.

When questioned by the panel regarding the status of Mrs Nzekwe's registration fee and last revalidation, Mr Agarwala informed the panel that her last registration fee was paid up to July 2013 and that her last revalidation was in 2012.

When queried by the panel why Mrs Nzekwe did not complete the Return to Practice course no explanation could be provided by Mr Agarwala as the NMC did not have any information from Mrs Nzekwe regarding this matter.

In response to a question from the panel regarding Mrs Nzekwe's previous conduct in previous hearings, Mr Argwala informed the panel that the shortcomings which may have arisen regarding Mrs Nzekwe's conduct in previous hearings would have been taken into account at that time, by the previous panel on that day, and would have been included in their determination. He therefore submitted there is no need for it to be taken into consideration today.

When questioned by the panel regarding the last dated reflective piece provided by Mrs Nzekwe, Mr Agarwala informed the panel that the last reflection piece provided was dated 14 March 2023.

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 Nzekwe's fitness to practise remains impaired.

The panel had regard to the relevant guidance reference REV-3h last updated 24 April 2023.

The panel first considered whether there had been compliance with the conditions. The panel determined that Mrs Nzekwe has not complied with the current conditions as she is not currently undertaking a Return to Practice course. Further the panel was mindful that Mrs Nzekwe may be in breach of condition 2 as she may not have informed the NMC within 14 days of accepting any course of study connected with nursing or midwifery. The panel noted that Mrs Nzekwe informed the previous panel on 17 March 2023, that she had received an offer from Canterbury Christ Church University to start her return to practice course. She informed the previous panel that the orientation to this course started 28 March 2023 with the formal course starting end of April 2023. Further the panel took into account that Mrs Nzekwe informed the NMC that she had commenced her return to Nursing course at Canterbury Christ Church University on 18 August 2023. The panel therefore borne in mind that there may be a potential breach of condition 2, but that it is unclear from the papers before the panel today. The panel was also mindful that no information was provided regarding why Mrs Nzekwe did not complete the Return to Practice course, she simply stated in her telephone call to the NMC Case officer on the 20 February 2024 that:

'She'd started her return to practice course, but didn't complete it'.

The panel considered whether Mrs Nzekwe has demonstrated insight. The panel concluded that no information has been provided to the panel today, since last hearing, to demonstrate a development of insight. The panel took into account the previous panel on the 17 March 2023 had sight of a reflective piece dated 14 March 2023. The panel noted that the only information before them today regarding Mrs Nzekwe's insight into facts found proved is the following:

Mrs Nzekwes email to the NMC dated 20 February 2024:

'I have stood trial now for 11years and it's time for me to move on as I no longer have the zeal to continue'

The communication log regarding the telephone call from the NMC case officer to Mrs Nzekwe dated 20 February 2024:

'JN said that she thinks it's been too long to return to nursing and that at the moment she's caring for people and loving it.'

The panel considered whether Mrs Nzekwe had taken effective steps to maintain her nursing skills and knowledge. The panel concluded that Mrs Nzekwe may have started a Return to Practice course but she did not complete said course. Further there is nothing before the panel today, since the last review, to evidence any effective steps undertaken to maintain her nursing skills and knowledge.

The panel then considered whether Mrs Nzekwe has a record of safe practice without any further incident. The panel determined that there was no evidence of record of safe practice, before the panel today, and that Mrs Nzekwe has not practised as a Registered Nurse in the last 12 years.

Lastly the panel considered whether Mrs Nzekwe is safe to practice unrestricted or whether she is still a risk to public. The panel determined that there is no information before the panel today to mitigate or change the risk Mrs Nzekwe poses to the public. The panel took into account that the administration and management medication, and IV drug

calculation failings have not been remediated nor addressed over the last 12 years. There is nothing before the panel today to evidence Mrs Nzekwe's safe practice.

In light of this, this panel determined that Mrs Nzekwe is liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the ground of public protection as there has been no remediation nor sufficient insight.

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 Nzekwe's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Nzekwe'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 had regard to previous findings on impairment in coming to this decision. It bore in mind that its primary purpose is to protect the public and maintain public confidence in the nursing profession and the NMC as its regulator.

The panel took into consideration that Mrs Nzekwe has made it clear that she is no longer seeking to continue to practice in the nursing profession.

The panel made specific reference to the following extract from the account of the successful telephone call from the NMC case officer to Mrs Nzekwe on 20 February 2024:

'JN said that she thinks it's been too long to return to nursing and that at the moment she's caring for people, and loving it. JN said that she thought about the

NMC case and it's been so stressful but that she loves her job now and doesn't want to continue in the NMC process.

JN confirmed that she wants the panel to allow her order to lapse and be removed from the register. JN said she'd started her return to practice course but didn't complete it. She said that she was doing well but that she enjoys her current role now. She said that she's worked for the NHS for 23 years and she's had recent compliment about her care and how friendly and positive she is from the director of the hospital. JN said that she's happy now to not continue with us and get her life back.'

Further the panel made specific reference to the following extract of the email from Mrs Nzekwe to the NMC dated 20 February 2024:

'I have stood trial now for 11years and it's time for me to move on as I no longer have the zeal to continue. I am content and happy to serve as a HCA with NHS which I now qualify for.

Thanks for your understanding.'

The panel noted that Mrs Nzekwe has not paid her registration fee since July 2012 and that she has not revalidated since 2012. The panel determined that the public is suitably protected in allowing the current order to lapse as Mrs Nzekwe will consequently fall off register and therefore will not be able to practice. Further the panel has made a finding of impairment which will be viewed by the NMC Registrar if Mrs Nzekwe ever seeks to rejoin the register. The panel determined that allowing the order to lapse (as per the NMC guidance document REV-3h) is the proportionate sanction to sufficiently protect the public and uphold professional standards.

The panel determined that a caution order would not sufficiently protect the public due to the failings in Mrs Nzekwe's practice. The panel concluded that a conditions of practice order would not be able to be formulated or workable given Mrs Nzekwe's evidenced expression to not continue in nursing profession. Further the panel considered a suspension order would be disproportionate and not appropriate given the circumstances.

Lastly the panel concluded that a strike off order would not be proportionate as, while Mrs Nzekwe's fitness to practice remains impaired after 12 years, there is a lower sanction which would protect the public and maintain professional standards, namely allowing the order to lapse.

The substantive conditions of practice order will be allowed to lapse at the end of the current period of imposition, namely the end of 31 March 2024 in accordance with Article 30(1).

This will be confirmed to Mrs Nzekwe in writing.

That concludes this determination.