

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

**Substantive Order Review Meeting  
Wednesday, 20 December 2023**

Virtual Meeting

**Name of Registrant:** Ragiv Kamal Kumar Jugdharree

**NMC PIN:** 90J1843E

**Part(s) of the register:** Registered Nurse – Sub Part 1  
Mental Health Nursing – 27 September 1993

**Relevant Location:** Kent

**Type of case:** Misconduct

**Panel members:** Scott Handley (Chair, Lay member)  
Janine Ellul (Registrant member)  
June Robertson (Lay member)

**Legal Assessor:** Trevor Jones

**Hearings Coordinator:** Christine Iraguha

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

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (6 months) to come into effect  
namely at the end of 2 February 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 Jugdharree's registered email address by secure email on 17 November 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 18 December 2023 and inviting Mr Jugdharree to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

In the light of all the information available, the panel was satisfied that Mr Jugdharree 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 extend the current suspension order for a further period of 6 months. This order will come into effect at the end of 2 February 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 5 January 2023.

The current order is due to expire at the end of 2 February 2024.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

The charges found proved by way of admission which resulted in the imposition of the substantive order were as follows:

*'That you, a nurse and the registered manager at Garlinge Lodge Residential Home ("the Home"):*

1. *Failed to preserve patient safety in that you failed to ensure:*

- a. fire equipment was checked every six months;*
- b. fire doors were functional and/or in place;*
- c. fire and/or smoke alarms were in all rooms;*
- d. the lift was serviced every six months;*
- e. PRN protocols were in place for resident medication;*
- f. An up to date legionella risk assessment was completed by a competent person;*
- g. records of accidents, incidents and risk assessments were maintained;*
- h. staff training and/or supervision was up to date;*
- i. training records were maintained;*
- j. safe staffing levels were maintained;*

2. *On 6 - 7 May 2019 failed to ensure Resident A received emergency medical attention for an 8 hour period when they presented with stroke symptoms;*

3. *Provided inaccurate information to the CQC inspector during the inspection on 11-17 June 2019 in relation to:*

- a. the frequency of fire safety checks;*
- b. the frequency of lift service checks;*
- c. staff rotas which indicated staff were working when they were not;*

4. *Your actions in charge 3 above were dishonest, in that you intended to stall and/or disrupt the CQC investigation;*

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

The original panel determined the following with regard to impairment:

*'The panel determined that patients were put at risk of harm as a result of Mr Jugdharree's misconduct. It also found that Mr Jugdharree's misconduct breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. Further, the panel was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to dishonesty extremely serious.*

*The panel was satisfied that the misconduct in this case is capable of remediation. Therefore, the panel carefully considered the evidence before it in determining whether or not Mr Jugdharree has remedied his practice.*

*The panel acknowledged that Mr Jugdharree admitted to the charges at an early stage and has demonstrated some insight. However, it was of the view that there was nothing before it to indicate that Mr Jugdharree has reflected upon or is able to articulate the severity of his misconduct and the risk his failings posed to residents.*

*Further, there was nothing before the panel to suggest that Mr Jugdharree has reflected upon or begun to address the concerns around his honesty and integrity. Mr Jugdharree has admitted that he deliberately misled the CQC and the panel considered that until he is able to provide satisfactory assurances that he will not act dishonestly again, he remains a risk to the public.*

*The panel is of the view that there is a risk of repetition based on Mr Jugdharree's incomplete insight and lack of remediation. The panel therefore decided that a finding of impairment is 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 also required given the range and number of issues, and in particular, the concerns around Mr Jugdharree's honesty and integrity. 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 Jugdharree's fitness to practise is currently impaired.'*

The original panel determined the following with regard to sanction:

*'The panel next considered whether placing conditions of practice on Mr Jugdharree'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 took into account the SG, in particular:*

- Potential and willingness to respond positively to retraining;*
- Conditions can be created that can be monitored and assessed.*

*The panel is of the view that there are no practical or workable conditions that could be formulated to address the concerns around Mr Jugdharree's honesty and integrity. Further, the panel decided that a conditions of practice order would not be proportionate, given the seriousness of Mr Jugdharree's misconduct, and would not satisfy the public interest in this case.*

*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:*

- No evidence of harmful deep-seated personality or attitudinal problems;*

*The panel seriously considered whether a striking-off order would be proportionate given the seriousness of the misconduct in this case. However,*

*it determined that the misconduct in Mr Jugdharree's case was not fundamentally incompatible with remaining on the register. The panel bore in mind that Mr Jugdharree made early admissions to all of the charges and has demonstrated some insight. Without this mitigation the panel would have been minded to remove him from the register permanently. Balancing all of these factors, however, the panel 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 was appropriate in this case to mark the seriousness of the misconduct.*

*At the end of the period of suspension, another panel will review the order. At the review hearing the panel may allow the suspension order to lapse upon expiry or, with effect from the date it is due to expire, it may extend the suspension order; it may replace the suspension order with a conditions of practice order or it may make any order that it could have made at this hearing, including a striking-off order.*

*Any future panel reviewing this case would be assisted by:*

- *Mr Jugdharree's attendance at any future hearing;*
- *A reflective statement from Mr Jugdharree addressing the regulatory concerns, in particular his dishonesty and the impact of his actions on the safety of residents and the wider nursing profession.*
- *Up-to-date character references from a current employer;*
- *Evidence of any relevant and up-to-date training.'*

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

The panel has considered carefully whether Mr Jugdharree'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 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 the documentation before it, including the NMC bundle, Mr Jugdharree's email on 11 December 2023 to the NMC which provided a testimonial from his employer and his reflective statement.

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 Jugdharree's fitness to practise remains impaired.

The panel noted that the original panel found that Mr Jugdharree had some insight. This panel had sight of his reflective statement and was of the view that Mr Jugdharree's insight was insufficient. Mr Jugdharree was the registered manager of the Home and had failed in his responsibility of preserving the safety of residents in his care for a sustained period. In his reflective statement, he states, *'I understand the gravity of the situation and assure you that I have taken concrete steps to address the issues that led to the suspension.'* The panel was of the view that this did not provide any detail about the steps Mr Jugdharree had taken to show the impact of his misconduct on the patients in his care at the time, nor the impact on the profession as a whole, nor address the concerns around his honesty and integrity. His reflective statement also states that he has remained up to date with all relevant training requirements necessary for his current job, but no evidence has been provided to demonstrate this.

In its consideration of whether Mr Jugdharree has taken steps to strengthen his practice. The panel noted that since 1 September 2020, Mr Jugdharree has worked as a support worker. His manager has provided a testimonial stating that there are no concerns with his practice and that he has been open and honest about the NMC proceedings.

However, the panel determined that, Mr Jugdharree has not demonstrated an understanding of how his actions put the patients at a risk of harm. He has failed to demonstrate an understanding of why what he did was wrong and how this impacted negatively on the reputation of the nursing profession and the NMC. He has not explained how he would handle the situation differently in the future.

The panel determined that there was no material change in the circumstances of this case since the last hearing and in the level of risk previously identified. In the absence of any evidence of remediation and insufficient insight from Mr Jugdharree, the panel is of the view that he remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of 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, the NMC as regulator, 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 Mr Jugdharree's fitness to practise remains impaired.

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

Having found Mr Jugdharree 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 Mr Jugdharree'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 Jugdharree'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 on Mr Jugdharree'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 meeting 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 Mr Jugdharree misconduct, in particular, the dishonesty.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mr Jugdharree further time to fully reflect on his previous dishonesty. It considered that he needs to gain 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. More time will also enable him to fully engage with the recommendations made by the previous panel. The panel concluded that a further six months of the suspension order would be the appropriate and proportionate response and would afford Mr Jugdharree adequate time to further develop his insight and take steps to strengthen their practice. It would also give Mr Jugdharree an opportunity to approach past and current health professionals to attest to his honesty and integrity in his workplace assignments since the substantive hearing.

The panel considered whether a striking-off order would be proportionate given the seriousness of the misconduct in this case and in light of the findings of the previous panel. However, it determined that the misconduct in Mr Jugdharree's case was not fundamentally incompatible with remaining on the register. Although dishonesty is difficult to remediate it is not impossible, he has been given another opportunity to show developed insight into the regulatory concerns and the panel encourage his attendance at the next review hearing.

The panel determined therefore 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 to impose a suspension order for the period of six months which would provide Mr Jugdharree with an opportunity to engage with the NMC and to provide evidence of developed insight into the concerns. 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 2 February 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:

- Mr Jugdharree's attendance at any future hearing.
- A reflective statement from Mr Jugdharree addressing the regulatory concerns, in particular his dishonesty and the impact of his actions on the safety of residents and the wider nursing profession.
- Up-to-date character references from a current employer.
- Documentary evidence of any relevant and up-to-date training.

This will be confirmed to Mr Jugdharree in writing.

That concludes this determination.