

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

**Substantive Order Review Hearing  
Wednesday, 1 November 2023**

Virtual Hearing

**Name of Registrant:** Eric Obodai-Sodjah

**NMC PIN** 03L09120

**Part(s) of the register:** Registered Nurse – Sub Part 1  
Mental Health Nursing – December 2003

**Relevant Location:** Barking and Dagenham

**Type of case:** Misconduct

**Panel members:** Tanveer Rakhim (Chair, Lay member)  
Jim Blair (Registrant member)  
Margaret Wolff (Lay member)

**Legal Assessor:** Breige Gilmore

**Hearings Coordinator:** Sharmilla Nanan

**Nursing and Midwifery Council:** Represented by Rowena Wisniewska, Case Presenter

**Mr Obodai-Sodjah:** Present and not represented at the hearing

**Order being reviewed:** Suspension order (6 months)

**Fitness to practise:** Impaired

**Outcome:** **Conditions of practice order (9 months) to come into effect at the end of 20 December 2023 in accordance with Article 30 (1)**

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

The panel decided to replace the current suspension order with a conditions of practice order. The conditions of practice order will be for a period of 9 months.

This order will come into effect at the end of 20 December 2023 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a substantive suspension order originally imposed for a period of three months by a Fitness to Practise Committee panel on 23 August 2022. The order was reviewed on 16 December 2022 and the suspension order was further extended for six months. On 11 May 2023, the suspension order was reviewed and extended for six months.

The current order is due to expire at the end of 20 December 2023.

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 registered nurse:*

1. *On 7 September 2017*

- a) *gave Patient A a lift in your car from Tesco to her home; [PROVED BY ADMISSION]*
- b) *obtained Patient A's telephone number; [PROVED BY ADMISSION]*
- c) *visited Patient A in her home. [PROVED BY ADMISSION]*

2. *On 9 September 2017*

- a) *visited Patient A in her home from approximately 2pm or 3pm until approximately 5pm; [PROVED BY ADMISSION]*
- b) *went to a Nando's restaurant with Patient A; [PROVED BY ADMISSION]*

c) *Went with Patient A to her home at approximately 7pm and stayed there overnight until approximately 8.30am on 10 September 2017. [PROVED]*

3. ...

4. *Failed to inform your line manager of your social interaction with Patient A set out in charges 1a) to 2c) above in a timely manner or at all. [PROVED BY ADMISSION]*

*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 your fitness to practise remains impaired.*

*The panel noted that you had made some progress since the last review hearing. It took account of your reflective statement dated 11 May 2023 and was of the view that although you are developing insight into your failings, the level of your insight remains limited and insufficient. The panel concluded that you have failed to demonstrate sufficient insight into the impact of your conduct on Patient A, your colleagues and the nursing profession and you show limited understanding on the importance of professional boundaries.*

*The panel considered your training certificate dated 2 May 2023 and was of the view that you had failed to comply with the recommendation of the previous panel to provide a certificate of completion of training on professional boundaries. It noted that you have not provided the certificates of the training courses that you claimed to have undertaken between February and March 2023. The panel took account of the testimonials from your previous colleagues dated 10 May 2023. The panel concluded that you had failed to comply meaningfully with the recommendation of the previous*

*panel to provide a testimonial from your current employer. The panel decided that you have not remediated your failings nor strengthened your nursing practice.*

*The panel therefore determined that there remains a real risk of repetition and that a finding of continuing impairment was 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 you have not taken sufficient steps required to strengthen your nursing practice, would be very concerned if you were permitted to practise as a registered nurse without restrictions. 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 your fitness to practise remains impaired on public protection and public interest grounds.'*

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

*'The panel next considered whether a conditions of practice on your registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. It noted that that the concerns relate to attitudinal issues which are difficult to address with conditions of practice and that you are not currently working in a permanent clinical role. 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 was not able to formulate conditions of practice that would adequately address the concerns relating to your misconduct.*

*The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow you further time to continue to reflect on your previous failings. The panel concluded that a further suspension order for a period of six months would be the appropriate and proportionate response and would afford you adequate time to further develop your insight especially in relation to professional boundaries and take steps to strengthen your practice. It would also give you an opportunity to obtain the relevant references from your current employers.*

*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. It considered this to be the most appropriate and proportionate sanction available.*

*The panel did consider at this time a striking-off order, however it decided that due to your developing insight, it would be disproportionate at this stage. However, this sanction may be considered by a future reviewing panel if your fitness to practise remains impaired in the future.*

*This suspension order will take effect upon the expiry of the current suspension order, namely the end of 20 June 2023 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:*

- *A reflective statement utilising a reflective model such as the Gibbs model, that demonstrates insight into the impact of your misconduct on Patient A, your colleagues, and the wider nursing profession;*
- *Completion of a course specifically on professional boundaries including certificate;*
- *Evidence of any training for professional development including certificates; and*
- *References or testimonials from a supervisor who is supervising you and, if appropriate, colleagues, from paid or voluntary work, who should be aware of this panel's findings. These should be submitted at least seven days before the next review hearing. (This should be dated and signed by the individual providing it and if applicable include their NMC personal identification number).'*

### **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 Ms Wisniewska on behalf of the NMC. She provided the panel with the background of the case and referred to the relevant pages in the NMC bundle.

Ms Wisniewska submitted that at the last review hearing the panel determined that you had developing insight into your failings but that the level of your insight was limited and insufficient. She noted that you had failed to provide to the previous panel a certificate for

training in relation to a course of professional boundaries and that you did not provide the certificates for training which you had claimed to have completed in February and March 2023.

Ms Wisniewska noted that aside from the reflective statement you have not provided any of the information which the last reviewing panel stated that today's reviewing panel would be assisted by. She noted that you have made some positive progress in relation to developing your insight but that you have not provided any references or testimonials as requested by the previous panel.

Ms Wisniewska submitted that your nursing practice remains impaired and that you have not fully developed your insight and you have not provided evidence of completing a course for professional boundaries. She submitted that you have demonstrated limited progress in relation to your reflection, remediation and training. She submitted that a further suspension order for a period of six months was both necessary and proportionate in the circumstances.

The panel also had regard to your oral submissions and your written reflective statement.

In your oral submissions you stated that you recognise that you were asked to provide training and provide the corresponding certificates. You accepted that it was important to provide this information to the panel. You stated that you have not worked as a nurse for nearly a year. You asked the panel to consider imposing a conditions of practice order so that you can secure employment and achieve the requests for training made by the previous panels.

[PRIVATE]. You noted that the substantive suspension order has been continually extended at the review hearings. [PRIVATE].

You stated that you have completed online training in relation to professional boundaries and that you are working to provide the certificate and professional references as requested by the previous panel. You said that you were not able to financially afford to pay for the certification at the time you completed the course online. You said that as you are not working this has impacted on your ability to provide the certificates requested.

You told the panel that you have been a registered nurse since 2004 and you have not been subject to allegations of this nature since. You told the panel that you have reflected on your failings and that you accept that it is your responsibility to maintain and uphold the proper standards of the profession. You accepted that you should not put the profession in disrepute. You asked the panel to make a decision which is proportionate to your personal circumstances.

You told the panel that you have been reading journals to keep up to date with your nursing practice but that you were unable to show evidence to demonstrate this.

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 noted that the last reviewing panel found that you had developing insight into your failings but that the level of your insight was limited and insufficient. Today's panel found that your insight is still developing and evolving. It considered the reflective statement that you provided at today's hearing has demonstrated regret and remorse. The panel was of the view that your reflective statement was genuine.

In its consideration of whether you have taken steps to strengthen your nursing practice, the panel took into account that you have not provided any evidence of the courses that you have attended. In particular, it noted that it had no certificates or email correspondence to confirm that you have completed a course in relation to professional boundaries. It bore in mind your oral submissions that you have not been able to provide this information as you have been suspended and not been able to work as a registered nurse. The panel also took into consideration that you have not provided any references or testimonials regarding your current working practices for the same reason.



The last reviewing panel determined that there remains a real risk of repetition. Today's panel has received your updated reflective statement but aside from this, the panel has received no new information. In light of this, this panel determined that there remains a real risk of repetition but in relation to the matters found proved it is a low risk. 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, the period of substantive suspension was sufficient to mark the gravity of your misconduct and to uphold standards and that a finding of continuing impairment on public interest grounds is no longer required.

For these reasons, the panel finds that your fitness to practise remains impaired on public protection grounds alone.

### **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. 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 your 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 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 considered substituting the current suspension order with a conditions of practice order. Despite the seriousness of your misconduct, there has been evidence produced to show that your insight is developing, and you have demonstrated genuine remorse. You have also stated that you wish to return to nursing.

The panel was satisfied that it would be possible to formulate practicable and workable conditions that, if complied with, may lead to your unrestricted return to practice and would serve to protect the public and the reputation of the profession in the meantime.

The panel decided that the public would be suitably protected as would the reputation of the profession by the implementation of the following conditions of practice:

'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 will send your case officer evidence that you have successfully completed a course on professional boundaries seven days before the next review hearing.
2. You must provide a written reflective statement on your learning in relation to the course on professional boundaries and how you will apply this to your nursing practice. This should be submitted seven days before the next review hearing.
3. You must keep the NMC informed about anywhere you are working by:

- a) Telling your case officer within seven days of accepting or leaving any employment.
  - b) Giving your case officer your employer's contact details.
4. You must keep the NMC informed about anywhere you are studying by:
- a) Telling your case officer within seven days of accepting any course of study.
  - b) Giving your case officer the name and contact details of the organisation offering that course of study.
5. You must immediately give a copy of these conditions to:
- a) Any organisation or person you work for.
  - b) Any agency you apply to or are registered with for work.
  - c) Any employers you apply to for work (at the time of application).
  - d) Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.
  - e) Any current or prospective patients or clients you intend to see or care for on a private basis when you are working in a self-employed capacity
6. You must tell your case officer, within seven days of your becoming aware of:
- a) Any clinical incident you are involved in.
  - b) Any investigation started against you.
  - c) Any disciplinary proceedings taken against you.
7. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:

- a) Any current or future employer.
- b) Any educational establishment.
- c) Any other person(s) involved in your retraining and/or supervision required by these conditions

The period of this order is for a period of 9 months.

This conditions of practice order will take effect upon the expiry of the current suspension order, namely the end of 20 December 2023 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well you have complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

Any future panel reviewing this case would be assisted by:

- References or testimonials from a manager and, if appropriate, colleagues, from paid or voluntary work, who should be aware of this panel's findings. These should be submitted at least seven days before the next review hearing. (This should be dated and signed by the individual providing it and if applicable include their NMC personal identification number).

This will be confirmed to you in writing.

That concludes this determination.