

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

**Substantive Order Review Hearing  
Friday 5 January 2024**

Virtual Hearing

**Name of Registrant:** Mercy Abormegah-Adonu

**NMC PIN:** 20L0252E

**Part(s) of the register:** Nursing - Sub part 1  
RNA: Registered Nurse (26 January 2021)

**Relevant Location:** London

**Type of case:** Conviction

**Panel members:** Elliott Kenton (Chair, Lay member)  
Michael Duque (Registrant member)  
Mark Gower (Lay member)

**Legal Assessor:** Ben Stephenson

**Hearings Coordinator:** Taymika Brandy

**Nursing and Midwifery Council:** Represented by Lucy Chapman, Case  
Presenter

**Mrs Abormegah-Adonu:** Present and represented by Priya Khanna,  
Counsel instructed on behalf of the Royal  
College of Nursing (RCN)

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

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (6 months) to come into  
effect on 5 February 2024 in accordance with  
Article 30 (1)**

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

At the outset of the hearing, Ms Chapman on behalf of the Nursing and Midwifery Council (NMC), made an application for parts of this hearing to be heard in private as there may be reference to [PRIVATE]. The application was made pursuant to Rule 19 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Ms Khanna, on your behalf, indicated that she supported this 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, third party or by the public interest.

Having heard that there will be reference to your [PRIVATE], the panel determined to hold parts of the hearing in private, to uphold your right to privacy.

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

The panel decided to impose a suspension order for a period of 6 months.

This order will come into effect at the end of 5 February 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 12 months by a Fitness to Practise Committee panel on 6 January 2023.

The current order is due to expire at the end of 5 February 2024.

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

The charge found proved in accordance with Rule 31 (2) and (3), which resulted in the imposition of the substantive order was:

*That you a registered nurse, on 20 June 2022 at Central Criminal Court, were convicted of:*

*1. Caused death by dangerous driving on 26/06/2021 contrary to the Road Traffic Act 1988 s. 1*

*And, in the light of the above your fitness to practise is impaired by reason of your Conviction*

The original panel determined the following with regard to impairment:

*'The panel is satisfied that Mrs Abormegah-Adonu's actions are a serious departure from the standards expected of a registered nurse. Mrs Abormegah-Adonu has been convicted of a serious offence and the panel determined that her actions and behaviour have brought the profession into disrepute and are likely to erode the trust and confidence of the public in the nursing profession. The public has the right to expect high standards of registered professionals and Mrs Abormegah-Adonu's conviction has breached a fundamental tenet of the nursing profession.*

*The panel noted Mrs Abormegah-Adonu has displayed some insight into her actions and the impact that this offence has caused. It took into account that Mrs Abormegah-Adonu pleaded guilty to the charges. The sentencing Judge stated that Mrs Abormegah-Adonu was very remorseful and had also written to the victim's family which the Judge took into consideration when passing a sentence. Furthermore, it noted that when the collision occurred, Mrs Abormegah-Adonu stopped and called emergency services and was reported as being distressed when she heard the victim had died at the scene.*

*The panel noted that Mrs Abormegah-Adonu's conviction, although at the highest end of the spectrum of seriousness, was not related to her clinical practice and occurred in her private life. The panel carefully considered whether public protection was engaged in this case. The panel noted there are no reported*

*clinical concerns relative to Mrs Abormegah-Adonu's clinical practice. Further the panel took into account that the sentencing Judge's remarks made positive reference to Mrs Abormegah-Adonu's qualities as a nurse. Therefore, the panel was not satisfied that there is any continuing risk to the public arising from Mrs Abormegah-Adonu's actions. The panel determined that the issue of public protection is not engaged in this case.*

*The panel was referred to the case of Yeong v General Medical Council [2009] EWHC 1923 (Admin) and the following extract from that case:-*

*'There will be occasions where Impairment of Fitness to Practise must be found as a matter of public policy, to uphold public confidence in the profession, where to make no such finding would have an adverse impact on public confidence in the profession and (for the purposes of this case) the NMC.'*

*The panel bore in mind that the overarching objectives of the NMC are to protect, promote and maintain the health, safety and well-being of the public and patients, and to uphold/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 took into account that Mrs Abormegah-Adonu's conduct engages the public interest because of the serious offence which resulted in a conviction. The panel considered that the average well informed member of the public would expect a finding of impairment on public interest grounds in the circumstances of this case.*

*Having regard to all of the above, the panel was satisfied that Mrs Abormegah-Adonu's fitness to practise is currently impaired on public interest grounds.'*

The original panel determined the following with regard to sanction:

*'The panel next considered whether placing conditions of practice on Mrs Abormegah-Adonu's registration would be a sufficient and appropriate response. The panel is of the view that there are no practical or workable conditions that could be formulated, given that the nature of the charge in this case does not relate to Mrs Abormegah-Adonu's clinical practice. Therefore, the panel concluded that the placing of conditions on Mrs Abormegah-Adonu's registration would not be appropriate 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:*

- A single instance... but where a lesser sanction is not sufficient;*
- No evidence of harmful deep-seated personality or attitudinal problems;*
- No evidence of repetition of behaviour since the incident;*
- The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*

*The panel also had regard to the case of CHRE v General Dental Council and Fleischmann [2005] EWCH 87 (Admin). This case dealt with appropriate sanction in a case of criminal conviction and articulated the following considerations:*

*'...where a practitioner has been convicted of a serious criminal offence or offences he should not be permitted to resume his practice until he has satisfactorily completed his sentence. Only circumstances which plainly justify a different course should permit otherwise. Such circumstances could arise in connection with a period of disqualification from driving or time allowed by the court for the payment of a fine.'*

*The panel did go on to consider whether a striking-off order would be proportionate but, taking account of all the information before it, the panel concluded that it would be disproportionate. Whilst the panel acknowledges that*

*a suspension may have a punitive effect, it would be unduly punitive in Mrs Abormegah-Adonu's case to impose a striking-off order.*

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

*The panel noted the hardship such an order will inevitably cause Mrs Abormegah-Adonu. However, this is outweighed by the public interest in this case.*

*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 the maximum period of 12 months was appropriate 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 and your bundle. It has taken account of the submissions made by Ms Chapman and Ms Khanna and heard evidence from you.

Ms Chapman outlined the background to this case and reminded the panel that a finding of impairment at the substantive hearing was made solely on the grounds of public interest.

With reference to the case of *Abrahaem v General Medical Council* [2004] EWHC 279 (Admin), Ms Chapman submitted that it is for you to demonstrate your insight of your conviction and that you have sufficiently addressed the previous finding of impairment.

Ms Chapman referred the panel to the list of recommendations of the previous panel that would assist any future panel, which are:

- *Mrs Abormegah-Adonu's engagement at a review hearing,*
- *A reflective piece demonstrating Mrs Abormegah-Adonu's insight into the detrimental effects of her behaviour on public confidence in the nursing profession and on the standards expected of registered nurses,*
- *Any evidence explaining what Mrs Abormegah-Adonu has done to keep her nursing practice up to date.*

Regarding these recommendations, Ms Chapman submitted that you have attended this review hearing and have remained engaged with the NMC. Further, you have provided a bundle of documentation which includes your reflections, testimonials and evidence of your efforts to maintain your clinical skills.

Ms Chapman referred to a testimonial from Ms 1, a Prison Officer. She submitted that the testimonial details the circumstances at the time and throughout your custodial sentence, at the time of your release and also provides evidence of your remorse.

Ms Chapman acknowledged that from these documents [PRIVATE]. She submitted that you have made positive steps which ought to be acknowledged finding a job as a Healthcare Assistant (HCA), a role that you have been in since December 2023. Further, she submitted that you are currently [PRIVATE].

Ms Chapman submitted that at the time of the substantive meeting, the panel noted your remorse and your guilty plea to the offence, and it took this into account as a mitigating feature. She invited the panel to take into account that notwithstanding your serious conviction and custodial sentence, you have complied with probation successfully to date.

Ms Chapman submitted that it is a matter for the panel as to whether a finding of current impairment remains justified on public interest grounds, where you are yet to complete your sentence or if it finds that you are no longer impaired in advance of you successfully completing your license period which is not due to expire until 7 February 2024.

Ms Chapman invited the panel to take into account the case of *CHRE v GDC and Fleischmann* [2005] EWHC 87 (QB) [para 54] which states:

*'[...] where a practitioner has been convicted of a serious criminal offence or offences he should not be permitted to resume his practice until he has satisfactorily completed his sentence. Only circumstances which plainly justify a different course should permit otherwise. Such circumstances could arise in connection with a period of disqualification from driving or time allowed by the court for the payment of a fine.'*

Ms Chapman submitted that the panel may find that a finding of current impairment is still necessary as you are yet to complete your sentence, and in such circumstances, it may impose a shorter period of suspension to cover the expected remainder of your sentence. She submitted that a shorter period of suspension would make the order proportionate and not overly punitive. Further, Ms Chapman acknowledged that whilst the suspension order prevents you from practicing as a registered nurse, in the circumstances of this case the panel may find that fairness to you is outweighed by the public interest in making an order.

The panel had regard to your oral evidence under affirmation.



You told the panel that you have learnt from your mistake and that you wish Person A had not died as a result of your offence. You explained that you understand the impact that your actions have had on the nursing profession and the public confidence in nurses and the NMC as the regulator.

You explained that whilst writing your reflective piece, you bore the recommendations of the previous panel in mind and that you initially began preparing this document after your release in or around March 2023. You stated that you finalised your reflective piece in November 2023.

You told the panel that when you were in prison you were reflecting on what happened and upon your release you began reflecting on the impact of the circumstances on your profession. You were taken to your training record and certificates of completed training by Ms Khanna. You explained that you were working as a registered nurse when you completed this training.

Regarding your sentence expiry date, you explained that although your licence expiry date is 7 February 2024, your 'top up supervision end date' is 9 May 2024. Ms Khanna on your behalf explained that this ongoing supervision past your licence expiry is a statutory requirement for shorter custodial sentences. You informed the panel that the end of your sentence was the end date of top up supervision in May 2024.

In relation to the testimonial provided by Ms 1, you explained that during your time in prison, she supported you and that you had weekly meetings with her to discuss the nature of your offence, your regret and remorse. You explained that you do not seek to go behind the sentencing remarks made by the Judge and that you accept driving at speed and that you were on the wrong side of the road. You also accept that the way you were turning your car at the time of the incident carried a significant risk of danger.

You told the panel that at the time of the incident, your nursing instincts kicked in and you called the ambulance and offered assistance, as nurses are meant to save lives and not take lives. You explained that you understood the impact on the victim and their family. You explained that you have subsequently complied with everything you were

supposed to do and if you could turn the clock back, this incident would not have happened.

You informed the panel that at the time of the incident, [PRIVATE]. You said that you did not realise you were speeding, and you were focusing on getting to the wake. You stated that with hindsight, you understand [PRIVATE], you need to put the profession and the public first and seek support if you need it.

You told the panel that your prison sentence has affected your ability to obtain employment. However, you also understand that the incident has not only affected you, but the family of the victim.

[PRIVATE].

You told the panel that you first qualified as a nurse in December 2020 and that you had previously been an HCA and a Cleaning Manager. You stated that you initially completed a degree in early childhood as you enjoy caring for people and children, however after graduating and spending some time as a child minder, you went back to University to start your nursing degree. During this time, you were working as an HCA. You explained that at the time of the incident you were a newly qualified nurse, working at the Royal Marsden NHS Foundation Trust Hospital as a Haematology nurse. You notified your employer about the incident the following day and your employment was subsequently terminated in August 2022 when you were sentenced.

Regarding your future intentions in the nursing profession, you explained that you would like to return to nursing, as you enjoy caring for people. You explained that you pleaded guilty as a result of your conduct and the way you had driven on the date of the incident. You informed the panel that you wrote a letter to the family to apologise for what has happened.

In response to Ms Chapman's questions, you explained that you have learnt a lot from the incident and what happened and moving forward you will be more alert and vigilant

in the future. [PRIVATE]. You said that in the future, you will ask for help or not do anything to put yourself or the general public in danger.

You explained that you accept the Judge's remarks, and [PRIVATE].

You confirmed that your sentence end date is conditional to your compliance with the conditions of your licence. You stated that have complied with requirements, you have admitted to your actions and gained insight into your actions, and you believe you will be accepted in the community.

In response to panel questions, you stated that on the day of the incident, [PRIVATE]. With hindsight, you believe that the way you were feeling impacted on your driving.

You told the panel that you are enjoying your role as an HCA as you are easing yourself back into the profession and that you are looking forward to eventually returning to nursing practice. You explained that you are coping well and receiving support from the Matron, the ward sisters and all the staff at your current workplace. [PRIVATE] you do feel that you are able to practise safely and effectively as registered nurse.

The panel invited both parties to make any further submissions following the conclusion of your oral evidence.

Ms Chapman submitted that in light of your oral evidence, your insight is developing at best. She submitted that you accept that a member of the public would be concerned to learn of the circumstances surrounding your conviction and your actions. In all the circumstances, Ms Chapman invited the panel to find that your fitness to practise is currently impaired. She submitted that you should not be permitted to practise unrestricted whilst subject to an ongoing criminal sentence for a serious offence where a member of the public was tragically killed. She submitted that having regard to your oral evidence and supporting information provided is not sufficient to address the high public interest identified in this case.

Ms Chapman submitted that the appropriate and proportionate order in this case is a suspension order and invited the panel to impose a further period of suspension to cover the remainder of your sentence.

Ms Khanna accepted that it is a fact that a well-informed member of the public would be shocked to learn of your actions on the date of incident, however she submitted that this is not relevant to your insight and accepted that the level of shock may not dissipate. She submitted that you have complied with all of the recommendations of the previous panel and invited the panel to consider what level of insight the information provided demonstrated and if you need to further develop your insight in light of your actions to date. Notwithstanding this, Ms Khanna submitted that you have demonstrated evidence of full insight and remediation. She submitted that your acceptance is evidence of direct insight. Ms Khanna submitted that you have also demonstrated your insight in acknowledging that your sentence is not fully served until May 2024. She submitted that you have fully complied with the conditions of your licence conditions.

Ms Khanna submitted that you pleaded guilty at the first available opportunity, not to reduce your term of imprisonment, but because you accepted that you were responsible for Person A's death. She submitted that if the panel did find that your fitness to practise remains impaired, it is a matter for the panel to set out clearly what would satisfy a future panel.

Referring to the case of *Fleischmann*, Ms Khanna submitted that the case set down a general principle and also gave a non-exhaustive list of circumstances where it is appropriate to depart from this principle. She also referred the panel to the NMC Guidance titled 'Considering sanctions for serious cases' Ref: SAN-2, specifically the section titled 'What about criminal sentences that haven't yet been fully served?'

Ms Khanna invited the panel to have regard to the Judge's sentencing remarks, which noted your genuine remorse and also the previous panel's decision that also acknowledged this. She reminded the panel that this is not a case that identifies public protection risks.

Ms Khanna submitted you have engaged fully with your regulator to ensure that this does not happen again and after a very long period of trying and failing to secure employment, you have obtained a position as an HCA and that is to your credit. She submitted that you intend to return to the nursing profession and invited the panel to take into your account your [PRIVATE] at the time of the incident.

Ms Khanna invited the panel to find that your fitness to practise is no longer impaired and therefore revoke the current order. She submitted that you have shown full insight. Further, she submitted that the public confidence in the profession is served by a decision that recognises that the NMC does not punish registrants indefinitely.

The panel heard and accepted the advice of the legal assessor which included reference to the cases of: *Bolton v Law Society* [1994] 1 WLR and *Fleischmann*. He also referred the panel to recent, relevant NMC Guidance.

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 the bundle you provided which included evidence of training undertaken, reflective statements, testimonials and your release date notification. The panel considered that the documentation within the bundle, particularly your reflective pieces do not fully demonstrate your insight into the gravity of your actions that led to your conviction. The panel noted that you have fully engaged with this process and complied with the recommendations of the previous panel. Further, it noted that the testimonials provided from Ms 1, and your Probation Officer Ms 2, evidencing remorse for your actions. The panel acknowledged that you had wished Person A was still alive and that the incident had not occurred and also acknowledged the counselling you have undertaken. The panel was of the view that during your oral evidence, you had demonstrated insufficient insight in relation to the impact of your actions on Person A's family.

The panel was of the view that your insight was largely focused on the impact upon you and your family rather than on Person A, their family and the nursing profession. Accordingly, the panel determined that though you have demonstrated some developing insight into your conviction your insight is not yet sufficient to mitigate against the public interest concerns previously identified.

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 was of the view that a reasonable and well-informed member of the public would be concerned if you were permitted to return to practice unrestricted at this stage, given that you have not fully served your sentence and that your insight into your conviction is not yet fully developed. The panel determined that, in this case, a finding of continuing impairment on public interest grounds remains necessary.

For these reasons, the panel finds that your fitness to practise remains impaired.

### **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 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. It also took into account the NMC Guidance entitled 'Considering sanctions for serious cases' Ref: SAN-2 (Last Updated 11 December 2023) and the relevant case of *Fleischmann*.

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 interest 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 the facts behind your conviction 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 it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice order on your 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 hearing and concluded that a conditions of practice order would not adequately satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to your conviction.

The panel considered the imposition of a further period of suspension. The panel also had regard to the case of *Fleischmann*, particularly the following principle:

*'...where a practitioner has been convicted of a serious criminal offence or offences he should not be permitted to resume his practice until he has satisfactorily completed his sentence. Only circumstances which plainly justify a different course should permit otherwise. Such circumstances could arise in connection with a period of disqualification from driving or time allowed by the court for the payment of a fine. The rationale for the principle is not that it can serve to punish the practitioner whilst serving his sentence but that good standing in the profession must be earned if the good reputation of the profession is to be maintained'*

The panel noted your acceptance that you have not yet served your full sentence and that your supervision does not conclude until May 2024, which is when you considered your sentence ended. The panel concluded for all the reasons above that your serious conviction did not justify a departure from the principle in *Fleischmann* at this time.

Further, noting its earlier findings regarding your developing insight, the panel was of the view that a further suspension order would allow you further time to fully reflect on your previous failings/conviction. The panel concluded that a further suspension order would be the appropriate and proportionate response and would afford you adequate time to further develop your insight, continue to engage with the process and continue working in your new role as an HCA and to complete your counselling programme.

The panel determined therefore that a suspension order is the appropriate and proportionate sanction in this case, which would continue to satisfy the wider public interest. Accordingly, the panel imposed a suspension order for the period of six months.

Whilst the panel acknowledges that a suspension may have a punitive effect and the hardship that such an order will inevitably cause you, the panel found that this was outweighed by the public interest in this case.

The panel did go on to consider a striking-off order, but it concluded that this was disproportionate in the circumstances of this case.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 5 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:

- [PRIVATE];
- Testimonials from your current employer;
- A further reflective piece focusing on the impact on Person A's family; and
- Evidence of any further training undertaken.



That concludes this determination.

This will be confirmed to you in writing.