

NURSING & MIDWIFERY COUNCIL

Meeting of the
CONDUCT AND COMPETENCE COMMITTEE
SUBSTANTIVE HEARING

held at

MWB Euston Fitzrovia
85 Tottenham Court Road
London, W1T 4TQ

Monday, 18 April 2011

PRESENT:

MR MAURICE COHEN
(In the Chair)

MS SUSAN GILHESPIE
MS JOY DUXBURY

MS KAREN ALDRED: Legal Assessor
MR DAN HILLS: Council's Officer
MS ELIZABETH WHEELER: Case Presenter
MS AUDREY SHIRLEY: Stenographer

Case of: **MS JUMOKE OLAYINKA IGE**

PIN 05K0037E
Registered Nurse – (Sub Part 1)
Mental Health – April 2006

Case reference: 23525

The Registrant was present and was represented by Ms Uyiosasere Obaskei,
instructed by of Grazing Hill Law Partners

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(9.45 am)

THE CHAIR: Good morning, please sit down. This is the meeting of the Panel of the Conduct and Competence Committee. We will firstly all identify who we are. My name is Maurice Cohen, I am the lay Chair of the Panel. On my left?

MS GILHESPIE: I am Susan Gilhespie, and I am a lay member of the Panel.

THE CHAIR: On my right?

MS DUXBURY: I am Jo Duxbury and I am a mental health registrant.

THE LEGAL ASSESSOR: Good morning my name is Karen Aldred and I am the independent Legal Assessor here to advise the Panel on points of law and process.

THE COUNCIL'S OFFICER: My name is Dan Hills, I am the Council's Officer.

THE REGISTRANT: I am Jumoke Ige.

THE CASE PRESENTER: Elizabeth Wheeler, Counsel for the NMC.

THE STENOGRAPHER: I am Audrey Shirley, I am the stenographer today.

MS OBASEKI: I am Uyiosasere Obaseki I am representing Ms Ige.

THE CHAIR: Could you confirm that you are Jumoke Olayinka Ige?

THE REGISTRANT: Yes.

THE CHAIR: And that your PIN number is 05K0037E?

THE REGISTRANT: Yes.

THE CHAIR: You are represented today by Ms Obaseki. Sorry, you are going to have to remind me of your firm of solicitors please, for the record.

MS OBASEKI: It is Ms Obaseki, from Grazing Hill Law Partners.

THE CHAIR: Thank you. Will the Council's Officer now please read out the charge?

THE COUNCIL'S OFFICER: Yes, sir:

“That you, whilst a Registered Nurse, on 16 May 2007 appeared before Harrow Crown Court and were convicted of one count of obtaining a money transfer by deception and one count of furnishings false information relating to accounts. For which offences you were sentenced on 28 June 2007, to 9 months' imprisonment suspended for 2 years, concurrent on both counts. And that, in light of the above, your fitness to practise is impaired by reason of your conviction.”

THE CHAIR: Do you have any objection to the charge on a point of law?

THE REGISTRANT: No.

MS OBASEKI: No.

THE CHAIR: Thank you. There is only one head of charge, do you admit the charge in its entirety?

MS OBASEKI: Yes.

THE REGISTRANT: *(The Registrant nodded)*.

THE CHAIR: Thank you. Will the NMC Case Presenter please set out the Council's case?

Opening Statement by THE CASE PRESENTER

THE CASE PRESENTER: Thank you, sir, I understand that the Registrant does not admit impairment for the record, so the admission was in relation to the existence of that conviction.

THE CHAIR: I appreciate that, thank you.

THE CASE PRESENTER: Sir, in addition to the Registrant's own admission I also hand you up a copy of the Certificate of Conviction in relation to this case and perhaps that could be Exhibit 1, sir. *(Same handed to the Panel)*.

Sir, I will be brief with the background because I intend to hand you up a transcript of the Crown Court sentencing which provides as much detail as the NMC has.

The Registrant met her husband, Mr Ogunde, in the mid-1990s and subsequently married him and her maiden name was Ige, that is why you will see there are two names both Ogunde and Ige throughout the papers. Between 11 November 2003 and 30 April 2004, the Registrant obtained money from the Halifax to the sum of £144,400, so £144,000 and a bit by saying that she was the owner of Ige Healthcare when applying for a mortgage for a property at 54 Howe Dell. She furnished false accounts to Halifax in relation to Ige Healthcare for the years 2001, 2002 and 2003. These were false in the sense that she represented that she was the owner of Ige Healthcare and the accounts showed inflated profit which were not true. It is probably relevant, sir, that her husband is involved, this is a mortgage fraud, if I can sum it up that way.

THE CHAIR: Yes.

THE CASE PRESENTER: Her husband was involved not only in this mortgage fraud but a number of other issues around it. They both attended court and, on 14 May 2007, I understand that they both appeared before the Crown Court. Her husband pleaded

1 guilty but Ms Ogunde pleaded not guilty. I understand that the defence was effectively
2 that she signed the papers without reading them. Sir, notwithstanding that, the jury
3 found her guilty on both counts and she was sentenced on 28 June 2007.

4 At the time of that sentencing – and, as I say, I will hand up the transcript –
5 the mitigation offered on her behalf was largely to do with her personal life:

6 I understand she was heavily pregnant at the time of the sentencing; cared for five to
7 six children; and was also sending money back home. Sir, this is probably
8 an appropriate time for me to hand up the transcript of that sentencing hearing, so
9 I hand that up to you. (*Same handed to the Panel*).

10 THE CHAIR: Thank you.

11 THE CASE PRESENTER: You will see it is a lengthy bundle. The good news is I am going
12 to encourage you to not read all of it.

13 Ms Ogunde and her husband were sentenced together and Ms Ogunde's
14 husband's crimes were significantly more serious and wide-ranging than those of Ms
15 Ogunde. I can safely say that of the 80-odd pages in that bundle about 60 are not
16 relevant, I include them to provide background. Where I am going to invite you to read
17 particularly is from page 55 onwards, which is the mitigation offered on Mrs Ogunde's
18 behalf. And also particularly, sir, page 81 onwards. The reason I say that is relevant is
19 that those are the judge's sentencing remarks.

20 Sir, before I get on to my submissions, there is still a bit more background to
21 go. I would also like to read the witness statement of Tony Cheng and hand up two
22 exhibits in relation to that.

23 THE LEGAL ASSESSOR: And they will be 3 and 4, this one being Exhibit 2.

24 THE CASE PRESENTER: Thank you very much, madam. I also have a copy of that
25 statement to hand to you before I read it.

26 THE CHAIR: Mr Cheng is not here to give evidence?

27 THE CASE PRESENTER: No, sir, the Registrant has been notified about this by the case
28 management form and no objection was raised to this course.

29 Sir, the statement does not go to the conviction itself, Mr Cheng is involved
30 in the employment of Ms Ogunde. Sir, the statement says:

31 "I, Tony Cheng, will say as follows:

32 1. I make this statement in connection with proceedings being
33 brought before the Investigating Committee and Conduct and
34 Competence Committee of the Nursing and Midwifery Council

(NMC) in relation to Jumoke Ogunde (née Ige).

2. I am employed by Hertfordshire Partnership NHS Foundation Trust ('the Trust') in the role of Ward Manager. I am based at Elizabeth Court, Stevenage.

3. On 6 November 2006 Ms Ogunde started working for the Trust as a Band 5 staff nurse. She is based at Elizabeth and Victoria Court, Stevenage. I produce the generic Band 5 staff nurse job description, and person specification, as exhibit TC/1."

Sir, I will not hand that up to you as it does not seem relevant today, there are two exhibits that will follow however.

"I also produce the new starter information form that Ms Ogunde signed on 14 November 2006 as exhibit TC/2."

Again, sir, I will not be putting that before you:

"4. In November 2007 I received a letter from Ms Ogunde. In the letter she claimed that she had told her lawyer to inform the NMC and the Trust's HR Department of what had happened. This was the first time I had heard about the conviction.

5. Ms Ogunde claims that the background to her conviction was that her husband's brother had had problems with the police.

The Police came looking for the brother at her house, because he told them that he lived there. The brother was not at the address but the police found some documents in regards to her mortgage statement, and wanted to know how she bought her property.

She told them that she could not tell them much because it was her estate agency that had applied for the mortgage. To her surprise, it turned out that the estate agent had applied through Halifax and told them that she was self-employed. The estate agent apparently found this out through the police. She was found guilty because she signed for the documents without reading or going through them, which she states was a big mistake. As she had never been to court and did not have a criminal record, the court apparently handed her a suspended sentence and told her to pay a fine.

6. Ms Ogunde stated that she mentioned the above on her

1 application form when applying for the job at the Trust. This is
2 possible, even though I was not aware of it. The reason is that
3 the section in question on the application form is not available to
4 me when I recruit staff, as it might be prejudicial. I produce
5 Ms Ogunde's letter dated 12 November 2007 as Exhibit TC/[1]."

6 I will finish reading the statement, sir, and hand that up to you:

7 "7. Shortly afterwards I called a meeting with Ms Ogunde.
8 Adrian Loo, modern matron, was also in attendance. The
9 meeting was held to discuss actions needed to monitor her
10 performance. We decided that there was no need for her
11 performance to be monitored, as the conviction had nothing to do
12 with her fitness to practise as a nurse.

13 8. In April 2009 Ms Ogunde asked me to write a reference for
14 her to be sent to the NMC's Registration Department, in order
15 for her to renew her registration. In my letter, I explained that
16 I was satisfied with her professional performance and had no
17 concerns with her NMC registration. I produce my letter dated
18 13 April 2009 as exhibit TC/4.

19 9. Ms Ogunde is still working as a Band 5 staff nurse, based at
20 Elizabeth and Victoria Court, Stevenage. I am still satisfied with
21 her professional performance and have no concerns with her
22 NMC registration.

23 10. I have no recollection of any further involvement in this
24 matter. 11. I confirm that I would be prepared to give evidence
25 before a hearing of the Conduct and Competence Committee if
26 required. This statement, consisting of 2 pages, is true to the best
27 of my knowledge and belief."

28 Sir, that is signed and dated 5/4/2010.

29 The two exhibits that he was talking about TC/4 and TC/5, if I could just
30 hand a copy up to you sir. If I hand up TC3, first and that can be labelled Exhibit 4.
31 (*Same handed to the Panel*). I also hand up a copy of the letter that he wrote to the
32 NMC and that will be Exhibit 5.

33 Sir, that is all the evidence I propose to put before you in relation to
34 impairment. I do not know whether Ms Ogunde intends to give any evidence or put

1 any before you, but if she does, sir, I would invite the Panel to have that evidence and
2 then submissions in the normal manner.

3 THE CHAIR: Thank you. Ms Obaseki, this is your opportunity and the Registrant's
4 opportunity to respond to the information the Case Presenter has put before us. Would
5 you like to call the Registrant at this stage.

6 MS OBASEKI: Sir, I am instructed that the Registrant does not wish to give any evidence.
7 However, we have prepared a very brief statement that we would like to hand up by
8 way of evidence.

9 THE CASE PRESENTER: Just in relation to this statement, obviously the position is that
10 normally if evidence is being given then it would be given under oath or the appropriate
11 weight would have to be given to it. I have read the statement, as they were kind
12 enough to give it to me in advance, but it is evidence, sir, rather than necessarily simply
13 submissions and I simply raise that as a matter of caution.

14 THE CHAIR: Legal Assessor, would you like to advise on this point?

15 THE LEGAL ASSESSOR: Yes, sir. The best evidence you can have is live testimony of
16 a witness who you have been able to question and probe. Sir, a statement or any
17 document is, as a starting point, just evidence that someone has written something, it is
18 not evidence of the truth of the content and from that you work up from that premise,
19 whether it be a medical record or whether it is a sworn statement, sir. I have not
20 actually seen this myself, so I do not know if it is a sworn statement prepared in
21 anticipation of being submitted for these proceedings. Sir, it is unsigned, undated and
22 there is not a signature on both pages so it is a written statement, sir, and it is not
23 a sworn statement. I do not know whether the Registrant's representative is going to be
24 able to take any questions on this from the Panel via herself but, sir, it is information
25 that you will not be able to question and probe the Registrant about personally, so you
26 might give it less weight.

27 THE CHAIR: Thank you.

28 MS OBASEKI: Sir, Ms Ige is saying that she will give oral evidence. She did not
29 particularly wish to, because she felt that she had notified the NMC of the allegations
30 and the conviction against her, but she is willing to do so now.

31 THE LEGAL ASSESSOR: May I just for the Registrant's representative's information,
32 whilst the Registrant may have given information to the NMC, this Panel, of course,
33 has not seen anything other than what is produced to it today and by hearing from the
34 Registrant in person they can, of course, also decide upon her demeanour and ask

questions that will go beyond that.

MS OBASEKI: That's understood.

THE CHAIR: Can I just ask a question? Would it be appropriate for the Registrant to read out her statement and then take it from there?

THE CASE PRESENTER: Sir, I have no objection to that course of action if the Registrant would prefer to do that.

THE LEGAL ASSESSOR: Sir, if she is going to give evidence then she does have to take an oath.

THE CHAIR: Yes, of course.

THE CASE PRESENTER: Sir, that will be Exhibit 6.

THE COUNCIL'S OFFICER: Sir, would you like the Registrant sworn now?

THE CHAIR: Yes, if she could come to the witness stand.

MS JUMOKE OLAYINKA IGE, Sworn

Examined by MS OBASEKI

Q. Could you give us your full name and address, please?

A. My full name is Jumoke Ige and my address is number 24 Handley Grove, London, NW2 1TB.

THE CHAIR: Could I ask you to speak up for the Panel, please, also there is a microphone in front of you, if you could point it towards you, please.

THE REGISTRANT: My name is Jumoke Ige and my full address is 24 Handley Grove, London, NW2 1TB.

THE CHAIR: That is much better, thank you, if you keep it at that level for everyone, please.

MS OBASEKI: I feel the Panel has got a great deal of information, but I think it may be helpful for the Panel to know when you came into this profession —

THE CHAIR: Ms Obaseki, it was my understanding, I may be wrong, but I think it probably advantageous to get this statement on the court record. Legal Assessor that was my understanding.

THE LEGAL ASSESSOR: This is Exhibit 6 and the Registrant was going to read it out.

THE CHAIR: If she reads it out it will then go on to the record.

MS OBASEKI: Oh right, okay. (*To the witness*): Would you like to read your statement then.

A. Yes:

1 “In 2004, I went to a broker to purchase my property. The
2 broker had all of my details but it is clear that he placed me as
3 self-employed to obtain the mortgage.

4 At the time I was in Hertfordshire University, and I wanted my
5 family to be living with my rather than the long travel that was
6 effecting (*sic*) our family life. I had five children and one very
7 young child at that time born in 2001. Getting her to nursery and
8 also looking after the needs of the others was causing me to be
9 late for lectures and causing a real strain on the family. I know
10 that it was wrong.

11 Shortly after the purchase I informed Halifax building society
12 that I was in fact working and they accepted this and changed the
13 details on their systems.

14 In 2007 my husbands (*sic*) brother was arrested for an unrelated
15 issue and the police went through all of our details. They found
16 that the property had been purchased using in correct (*sic*)
17 information. I was charged and given a suspended sentence for
18 obtaining a money transfer by deception and furnishings false
19 information relating to accounts. Halifax were represented and
20 in court and clearly stated that they had the details of my
21 working they also made it clear that the (*sic*) and that they were
22 informed soon after the purchase. They also made it clear that
23 they had no intention of bringing any charges or taking the
24 property. The decision had been that of the CPS to prosecute.
25 None the less (*sic*) I was found guilty. I was also given a charge
26 of £18,000 to pay. This has been paid.

27 I have had no problems in paying my mortgage and continue to
28 hold the property.

29 My youngest child was born during this period. I was under
30 a great deal of stress and problems with coping with the
31 children’s needs and being pregnant. I blame myself for the fact
32 that my son was born with Downs Syndrome.

33 I immediately informed the NMC of my conviction and my
34 employers. I have also furnished the NMC with Testimony from

her (*sic*) current employer who has confirmed that I have never had any difficulties or problems with my role.

My employers decided that although I had no problems with my role I should be closely supervised for a period as the charge was to do with money. This was done.

I strongly believe in the care of others and came in to this role after being qualified as a Computer programmer. Although this was a well-paid role I could not ignore my calling for the care of others. I completely retrained to fulfil this calling and love every bit of it. I have never had any conviction for anything other than the above, not even a traffic offence and I continue to have no conviction or accusation of any type of offence.

I believe I am diligent, professional and completely devoted to my role and have and will continue to work hard to ensure the high standards required of me.

I have been in the role of Acting Manager but since this charge and informing the NMC I have not been able to go for any permanent role as Manager because this has continued to hang over me for the last five years. I know that I did wrong and have to be punished for this and that I will always have this as a conviction on my records.

Although the sentence was for 9 months suspended, I believe I have paid for this lack of judgment in 2004 in many ways. That of the sentence; the financial penalty; and having at present hanging over me for the last five years in my work and not being able to progress in my career.

[I] believe that I have been open and frank with the NMC of the conviction and ask that consideration be made of the fact that:

- I notified my employers and the NMC immediately.
- that this was a matter in my personal life and a misconstrued attempt to do the best for my family; particularly my young child at the timeline line that I have had a conviction and a financial penalty.

- that I have been supervised closer for a significant period by my employers
- that as this matter has been hanging over me for the last five year, I have not been able to progress in my career and have suffered a great deal of anxiety waiting the conclusion of this matter with the NMC.”

MS OBASEKI: I do not think I need to ask any other questions, unless the Panel would like to ask anything.

THE LEGAL ASSESSOR: Before that, the NMC do have a right to question.

Cross-examined by THE CASE PRESENTER

Q. Ms Ogunde, I just want to check what you are saying here. You pleaded not guilty at the trial, did you not?

A. Yes.

Q. And you told your employer it was just a mistake, did you not?

A. No, I told them exactly what happened and everything, that I bought the property because I told my employer what it was relating to, because —

Q. You told your employer, according to Tony Cheng, that you signed the documents without reading them. Is that correct?

A. Yes, I did sign the document without reading it because I trusted the estate agent.

Q. And is that what you told the criminal trial?

A. That was exactly what I told them.

Q. And that is what you told your employer?

A. That is what I told my employer.

Q. Even after you had been convicted?

A. No, after being convicted I told them I was on suspended sentence for nine months but he asked me exactly what happened because he wanted to know what was the crime all about.

Q. Ms Ogunde, I want to go through this step by step to get this straight. So, in May 2007 you were convicted of these offences ...

A. Yes.

Q. ... were you not?

1 A. Yes.

2 Q. And in June 2007 you were sentenced for them, were you not?

3 A. Yes.

4 Q. And you attended that sentencing hearing, did you not?

5 A. Yes, I did.

6 Q. So you heard what the judge said in relation to the offences, did you not?

7 A. Yes.

8 Q. And then in November 2007, you write a letter to “Dear Sir/Madam”, that you can see,
9 to Christine Halloran, Gerald Breen and Adrian Loo. That is our Exhibit 4.

10 A. Okay.

11 Q. Do you remember that letter or do you need to see a copy of it?

12 A. Yes, I remember that letter.

13 THE CASE PRESENTER: Sir, I have a spare copy here, I am just going to hand it up to the
14 witness, if that is okay. It is everyone else’s Exhibit 4. (*Same handed to the witness*).

15 A. Thank you.

16 Q. In that letter you say, about two-thirds of the way down, it was a big mistake on your
17 part, do you not?

18 A. Yes, it was a big —

19 Q. So you were saying it was simply a mistake to sign these documents?

20 A. No, there was a lot, because I had my baby — after the conviction, a month after, I had
21 my baby with Down’s Syndrome, so there was a lot going on. So I made it upon
22 myself to inform everybody.

23 THE LEGAL ASSESSOR: Could I just stop you there? You do not have to give any
24 evidence relating to your personal life, including your medical condition or anything to
25 do with your children, in public. If you wish to give any personal details in private then
26 Rule 19(3) does give you the opportunity.

27 THE REGISTRANT: Okay.

28 THE CASE PRESENTER: Okay, I want to *not* talk about your personal life, so we will set
29 that aside. I have already mentioned you were at the sentencing hearing, so you
30 remember your lawyer talked about it and I have directed the Panel to those pages. But
31 what happened was, in 2007 when you wrote to your employer —

32 A. My lawyer wrote to my employer on behalf of me because I was at home.

33 Q. Right, I thought —

34 A. I was on maternity —

- 1 Q. But look at Exhibit 4 in front of you. Did you write that or did your lawyer?
- 2 A. No, my lawyer to the HR, I told my lawyer to write to you —
- 3 Q. Okay, I want to just look at this letter specifically, and I want you to listen to my
- 4 question carefully.
- 5 A. Yes.
- 6 Q. Like I say, we will look at some more of the details but we are going to go through it
- 7 step by step. This letter in front of you, who wrote that? It has got your name at the
- 8 bottom of it.
- 9 A. I explained what happened to my manager and my manager wrote this. So I wrote this.
- 10 Q. You wrote this?
- 11 A. I explained — I explained what actually — because they wrote — what happened was that
- 12 I work for Hertfordshire and we have this sub, which is Elizabeth Court, but the main
- 13 employer is Hertfordshire so I wrote —
- 14 Q. Ms Ogunde, I am going to interrupt you to say that I just want a yes or no answer to
- 15 this question ...
- 16 A. Oh sorry.
- 17 Q. ... of effectively who wrote this letter? Did you write this letter? We will get on to the
- 18 purpose in a minute.
- 19 A. Yes, yes, yes.
- 20 Q. Did you write this letter?
- 21 A. Yes.
- 22 Q. So the space at the bottom is for you to sign your name?
- 23 A. Yes.
- 24 Q. And you wrote the substance of the letter?
- 25 A. Yes.
- 26 Q. The bit in the middle.
- 27 A. Uh-huh.
- 28 Q. And you wrote that to your employer?
- 29 A. Yes.
- 30 Q. In November 2007?
- 31 A. Yes.
- 32 Q. And you wrote it to explain the background the conviction?
- 33 A. Yes.
- 34 Q. Okay. And what you tell your employer is that you signed the documents without

1 reading them and it was a big mistake on your part. Is that correct? In that letter you
2 can read that line, it is about two-thirds of the way down. It is *here (indicated)*.

3 A. Yes, what I am trying to explain to you is that there is two letters, there is one that was
4 written to HR, and this was the one that was written to my personal manager at work.
5 They had this sentence and what I was convicted on the HR Department, because
6 I wrote to the HR.

7 Q. Okay, but I am talking about *this* letter at the moment.

8 A. Yes, I wrote this one, this is my own personal manager but I wrote – my lawyer wrote
9 to the HR Department. So *this* was the one I wrote to my personal manager.

10 Q. Sure, but I want to say we do not have the HR letter, I have not seen it, this is why we
11 are focusing on *this* letter that *you* wrote ...

12 A. Okay.

13 Q. ... because, again, if you write it it is better than if your lawyer writes it. That is the
14 important thing. So you write this letter?

15 A. That is right, yes.

16 Q. It is your own words?

17 A. Yes.

18 Q. And you're going to be signing it at the bottom because there is a space there for it. Is
19 that correct?

20 A. Okay.

21 Q. Okay? And at that time, November 2007, you are saying it was just a big mistake.

22 A. Yes, it is – what I am saying is this is a part of another letter. This letter has two
23 sections to it. This was the copy sent to my manager and there was another letter which
24 was written to the HR by my lawyer at that time.

25 Q. Okay.

26 A. Because I was not - because I gave them the instruction. They wrote one to you,
27 because if you look at the letter you first received in 2007, it was written by Joseph
28 Hill —

29 Q. Ms Ogunde, I am going to get on to that in a minute.

30 A. Yes.

31 Q. But at the moment all I have got is this letter in relation to your employer.

32 A. Oh, okay.

33 Q. Okay?

34 A. Yes.

- 1 Q. And that is the letter that Tony Cheng produces.
- 2 A. Yes.
- 3 Q. But my point is - and I just want, again, for you to say yes or no ...
- 4 A. Okay.
- 5 Q. ... no long explanations.
- 6 A. Okay.
- 7 Q. In this letter do you agree, in November 2007, you were saying it was just a big
- 8 mistake?
- 9 A. Yes, I agree.
- 10 Q. You say that signing those documents was not dishonest, it was not fraudulent, it was
- 11 simply a big mistake. Is that correct?
- 12 A. Yes, when I was —
- 13 Q. Because that is what you say in this letter, is it not?
- 14 A. Yes, when I was signing, yes.
- 15 Q. Okay. At Court as well you pleaded not guilty, did you not?
- 16 A. *(The Registrant nodded)*.
- 17 Q. And were you saying at that point it was just a big mistake?
- 18 A. I was not saying it was a big mistake. I accepted my fault because I signed for that
- 19 letter. I should have read it, so, that is what I was saying that a big —
- 20 Q. Well, you did not accept your fault, did you Ms Ogunde ...
- 21 A. I did accept my —
- 22 Q. ... because you pleaded not guilty.
- 23 A. I did accept my fault. I pleaded not guilty, because the estate agent promised – because
- 24 I went back to the estate agent and he promised to come to the court and he never
- 25 turned up.
- 26 Q. Yes, but Ms Ogunde the point is you turned up to Court and you pleaded not guilty
- 27 because you had seen the allegations against you, had you not?
- 28 A. Yes.
- 29 Q. So you did not accept the allegations against you, did you?
- 30 A. I accepted it at the end of the day because the way I was seeing it was – I was looking
- 31 at it from my own point of view —
- 32 Q. Ms Ogunde, you did not accept it at the end the day you were found guilty by a jury,
- 33 were you not?
- 34 A. I accepted it when I was sitting there, because my understanding at that particular time

1 was that the estate agent should come and explain his own part what he did, and he
2 never turned up. So when I was in the Court and by the time they broke it down and
3 they told me my fault I accepted but it was too late then to reverse it.

4 Q. You sat in the sentencing hearing, did you not?

5 A. I did.

6 Q. So you heard what the judge said?

7 A. I have never been to a Court, I was going through a lot, I was heavily pregnant, so 99
8 per cent of the time I was not really – I was not my normal self.

9 Q. Of course, but at close to the end the day, the sentencing hearing was a long time and
10 a lot of it did not apply to you, I accept that, but you came back into the room, and you
11 were asked to stand and then allowed to sit down because you were pregnant. Do you
12 remember that bit?

13 A. Yes, and I was bleeding so there was a lot that happened there, so ...

14 Q. And do you remember what happened in relation to your husband who did plead
15 guilty?

16 A. He was not in court because they had separate – there was two different —

17 Q. Well he was allowed a discount on his sentence. Are you familiar with that, that if you
18 plead guilty earlier you get some of your sentence off?

19 A. It was totally different because my state of mind at that time, I cannot really explain to
20 you what I was going through.

21 Q. My —

22 A. I knew that mortgage – I knew – all I knew was I went to an estate agent to purchase
23 a property, I never knew what was written until the first day the police showed me in
24 the courtroom, because I went to police to do the – sorry, at the police station, because
25 this thing started 2004.

26 Q. I think the point I am getting to is this, Ms Ogunde, you pleaded not guilty at your trial,
27 did you not?

28 A. Yes.

29 Q. And you were found guilty the guilty by a jury, were you not?

30 A. Yes.

31 Q. You cannot have accepted your guilt because otherwise the judge at sentencing would
32 have had to take that into account and he would have mentioned it. And we have
33 a transcript here which you should have seen recently because the NMC would have
34 sent it to you, and in that he does not mention you accepting your guilt. He does not

1 accept you mentioning any of the guilt or the bad feeling, the bad will behind these
2 actions. Do you agree that he does not mention that?

3 A. Sorry, I do not understand what you meant?

4 Q. Okay, the judge, when he is talking about the sentencing, has to take a lot of things into
5 account.

6 A. (*The Registrant nodded*).

7 Q. He took your children into account, do you remember that?

8 A. Yes.

9 Q. And he took the fact that you were pregnant in account, do you remember that?

10 A. Yes.

11 Q. And the fact that you were influenced by your husband into account, do you remember
12 that?

13 A. Influenced by my husband, yes.

14 Q. Yes. So you remember all of those at the sentencing?

15 A. Yes.

16 Q. Nowhere, when he is sentencing, does he says words to the effect of, "And she's
17 pleaded guilty so I am going to take that into account". Nowhere does he say, "She has
18 accepted what she did was wrong and bad and deceptive". Do you accept that he never
19 said that?

20 A. Yes, because it was my representative that speak, I was just told to say my own
21 sentence, like I have a lawyer, so ...

22 Q. And when you write to the Trust, even if there is another letter, but when you write in
23 your own words, not your lawyer's words but *your* words, you still say in November
24 2007, it was a big mistake, do you not?

25 A. Maybe my use of word "big mistake", yes.

26 Q. Then you have read out a statement today, have you not?

27 A. Yes.

28 Q. You have just read it out, that is the one in front of you, Exhibit 6. And, again, you say
29 effectively it was not your fault, that it was the CPS who decided to prosecute, did you
30 not?

31 A. It is my fault because I am paying for it, the other way, because what I am trying to say
32 this has come and it has put a big hole in my life, I have been found guilty of this
33 offence, you understand? I am not blaming anybody for my mistake, it is my
34 responsibility to take it and this is what I am writing in here.

1 Q. And do you remember you —

2 A. Because what I am trying to establish is that it is my fault in the first place I signed that,
3 it is my fault in the first place that I am found guilty, it is my fault that I did not say
4 I was guilty and things like that. And it is my fault everything that happens because I
5 am paying for it.

6 Q. So what you are saying is it is your fault for signing papers without reading them ...

7 A. It is my fault.

8 Q. ... and it is your fault because you are taking the punishment for that?

9 A. Yes, because nobody —

10 Q. But you are not saying that what you did was deceptive or false?

11 A. I said it is wrong. If I did — I said it is wrong because if I did not accept it is wrong that
12 is why I cannot move on in my career, that is why I cannot do much. That is why I am
13 at standstill, that is why I cannot apply for another job.

14 Q. I want to move on just on to the matter of informing the NMC and your employers.
15 You say twice in your statement, that you have read today, firstly under the heading of
16 informing the NMC:

17 "I immediately informed the NMC of my conviction and my
18 employers".

19 You informed both of us is what you are saying. And also in the bullet points at the
20 end:

21 "I notified my employers and the NMC immediately."

22 You agree with those statements?

23 A. Yes.

24 Q. And you were sentenced in June 2007. Is that correct?

25 A. Yes.

26 Q. But you only got this letter, Exhibit 4 is dated November 2007.

27 A. Yes.

28 Q. And that came, you say you sent it with another letter from HR?

29 A. Yes.

30 Q. So that is a good four or five months later, is it not?

31 A. Yes.

32 Q. It is not exactly "immediately" is it?

33 A. I told you I had a Caesarean, my baby was very sick, I was by myself. Because I was
34 sentenced in June, I had the baby in July, and I have been in and out of hospital because

1 of his condition, so that is why it took a bit.

2 Q. You also say that you informed the NMC immediately, did you not?

3 A. Yes, because I informed the lawyer that represented me to please inform NMC and
4 inform my employer.

5 Q. Did you follow that up with the lawyer?

6 A. I did call them up.

7 Q. And did they say they had done it?

8 A. Yes, that is what they told me.

9 Q. Okay. Are you aware that the NMC only found out about this on 7 November 2008?

10 A. I do not know how come, because the lawyer was supposed to have done it, because
11 I made it a point of duty to write the letters at the same time, 2007.

12 Q. I am going to hand you a letter which the Panel has not seen yet, they might need to see
13 it in due course. Do you recognise that letter? (*Same handed to the witness*).

14 A. Yes, they send me a copy.

15 Q. Okay, that is —

16 A. That was before, because I phoned them to find out what was happening because I told
17 my lawyer immediately to inform the NMC.

18 Q. And that was a letter dated 7 November 2008, was it not?

19 A. I do not know, because I —

20 Q. Okay, I will hand it up to you again because it is unfair ...

21 A. No, no, what I am saying is that I phoned them ...

22 Q. ... because I am asking you questions without the letter in front of you.

23 A. ... and I believed that they had informed the NMC.

24 Q. But that is a letter dated November 2008, is it not?

25 A. Okay.

26 Q. And in that letter it says:

27 "Please find enclosed a copy letter sent to the NMC Fitness to
28 Practise as requested."

29 – does it not?

30 A. Yes.

31 Q. Were you surprised to receive that letter?

32 A. No, because I keep – to be honest I keep calling them and chasing them up, because
33 I had a lot going in and I left it to my lawyers to inform NMC and inform my employer
34 and I keep calling them to find out it is done.

1 Q. It took —

2 A. What happened was, I think, if you have that letter that said they informed, maybe they
3 will write you again when I did do a follow up, because I called them to find out maybe
4 they had informed NMC and at that time they told me they informed NMC. So that
5 might be a follow-up letter, because that might not be the first letter they wrote.

6 Q. Ms Ogunde, I do not want to give evidence but this is the first letter in my bundle. Are
7 you surprised that the very first letter the NMC has is 18 months or so after your
8 conviction?

9 A. Eighteen months.

10 Q. You were convicted in May 2007, this letter is dated November 2008.

11 A. It is very hard for me, I have to find that, I find it from the --

12 Q. That is not immediately informing the NMC of your conviction, is it?

13 A. I did tell my lawyers to inform them.

14 THE CASE PRESENTER: Sir, I have no further questions for this Registrant.

15 THE CHAIR: Do you have any re-examination, Ms Obaseki?

16
17 **Re-examined by MS OBASEKI**
18

19 Q. I only have a few questions for you. I think you have made it very, very clear that you
20 have informed your solicitor to inform your employers. Do you know when you asked
21 them to do that?

22 A. It was in 2007.

23 Q. When in 2007?

24 A. I think after I had the baby sometimes, I cannot really remember the exact date. But
25 I called him and I told him to inform the NMC and inform my employer at the same
26 time because I was not in a position to write them and they told me they were going to
27 do it.

28 Q. Okay. Quite clearly the system in this country is very much about pleading guilty as
29 early as possible. The evidence you have just given, you have said, "I did not feel
30 I was guilty when I was signing it". You only said it once. What do you mean by that?

31 A. I believe that I did not feel guilty when I was signing it because I believe the estate
32 agent knew what they were doing. I needed a property and I went to them and he just
33 told me, "Okay, I have found a property", and he said I should not worry, there is a
34 procedure. Then he went ahead and do because of my very busy work life. So when

1 I sign – I just signed the document in normal, okay, that is it, we are going to put it
2 through to Halifax and see, and I just signed the document. I never knew what I have
3 signed until the first time I saw it at the police station, that is when I knew the details.

4 Q. At the police station it was how many years after this?

5 A. In it was, I think, 2006 or seven, I cannot remember. It was about – they were doing
6 their investigation. I did not see the document until 2006 or two thousand – before
7 I went – it was a few months before I went to court because I kept going back to the
8 police station.

9 Q. Okay. Did you understand clearly what the police, and what the allegation was against
10 you? Did you understand the significance of the information that the police were using
11 against you?

12 A. Not really, because I have never been to a police station, I did not understand. But the
13 first time I understood what they were talking was when I was in the courtroom and
14 they were breaking it down into easy way to understand, because they said it is a false
15 account. And the Halifax came in there, too, during the court proceedings which was
16 very confusing for me.

17 Q. And Halifax was your mortgage company?

18 A. Yes.

19 Q. Did you at any time inform the Halifax that you were employed and not self-employed?

20 A. Yes, that was after the – when the – I realised what was happening. So Halifax said
21 they do not have any charges against me, and they attend the court if the need be, and
22 they came to the court.

23 MS OBASEKI: Okay, thank you. I do not have anything further.

24 THE LEGAL ASSESSOR: Sir, may I, just before the Panel take the opportunity of asking
25 the Registrant any questions, make what I hope you consider to be helpful suggestions.
26 Sir, this is a three-stage process where initially you make a finding of fact. This, of
27 course, being a conviction case, you have before you sufficient evidence to support that
28 conviction, although you have not yet made a pronouncement to that effect.

29 THE CHAIR: Yes.

30 THE LEGAL ASSESSOR: Sir, the questions that the NMC's Case Presenter has been
31 putting to the Registrant and, indeed, the Registrant's own representative, go mostly to
32 the second stage of the process which is, of course, whether there is misconduct and
33 impairment. And in that regard, although you cannot go behind the conviction because,
34 although there was a not guilty plea at the court, of course there is a conviction and that

1 is tantamount evidence and you cannot go beyond it. The Registrant is being asked
2 questions as to their state of mind at the time and now.

3 Sir, you have not yet been given an opportunity by either party to read the
4 documentation and I just wonder whether it might be a good idea if, given that you are
5 considering questions that go to misconduct and impairment, you wish to read that
6 documentation before framing your questions?

7 THE CHAIR: I think that would be advisable. The only thing I would ask, in relation to the
8 findings of fact, should we make a finding of fact for the record or is that —

9 THE LEGAL ASSESSOR: You should, sir, yes.

10 THE CHAIR: At what stage?

11 THE LEGAL ASSESSOR: Well, sir, actually there should have been a pause when the
12 conviction was put up, but the Case Presenter was so eager ...

13 THE CASE PRESENTER: I do apologise, sir.

14 THE LEGAL ASSESSOR: ... to get all the evidence in front of you, but that should be
15 pronounced because there has, of course, also been an admission.

16 THE CHAIR: Should we do that now?

17 THE LEGAL ASSESSOR: Yes.

18 THE CHAIR: Yes, we make a finding of fact that the conviction stands. We have a notice of
19 conviction. It has not been disputed by the Registrant or her representative, so we
20 accept that the facts are proven.

21 We will now rise to consider the documentation and evidence that has been
22 put before us, before asking our own questions.

23 THE LEGAL ASSESSOR: Sir, the Registrant is under oath, and she remains under oath
24 while you are out of the room, which means that she cannot talk to anybody including
25 her own representative.

26 THE CHAIR: You understand that?

27 THE REGISTRANT: *(The Registrant nodded)*.

28 THE CASE PRESENTER: Sir, can I also just interject there and just remind the Panel that a
29 huge amount of the transcript in front of you is irrelevant: I would encourage you to
30 read it simply from page 55 onwards. Having read it – and I hope that Registrant's
31 representative will agree – there is nothing relevant in the earlier stages.

32 MS OBASEKI: Yes.

33 THE CHAIR: Thank you.

(Adjourned 10.31 am to 11.10 am)

THE CHAIR: The Panel are now going to ask our questions. Firstly, Ms Gilhespie.

Questioned by THE PANEL

MS GILHESPIE: Hello.

A. Hello.

Q. Just really one question from me, just to clarify. When you applied for the mortgage, were you still married?

A. Yes.

Q. And when you applied, did you apply in your own name only?

A. Yes.

Q. Not in joint names?

A. No.

Q. No, right. And can you remember at the time what kind of documents you might have been asked to provide?

A. He asked for my driving licence, a photocopy —

THE CASE PRESENTER: Madam, I am going to stop there, only because, as the Legal Assessor warned you earlier, it is important not to go behind the facts of the conviction and the fact is this Registrant has been convicted on the two counts set out. I raise that as a warning. I understand that the Panel may have other reasons for their questions.

MS GILHESPIE: Okay, that is it then, thank you.

THE CHAIR: Thank you. Ms Duxbury, do you have any questions?

MS DUXBURY: Hi, good morning. I just really wanted to ask you or delve a little bit more into the way that you have reported things as they have gone along to people like your employers and such like. Can I just clarify one thing first of all, am I right in thinking that you were a student nurse at the time of the events?

A. Yes, when I – yes, I was working and I was a student nurse.

Q. Okay. During that time, when you are a student nurse, at universities there is a requirement to complete something called a statement of good character each year. Students normally do it when they re-enrol and such like.

A. Yes.

Q. I am just wondering did you raise it at any point with the university what was

1 | happening?

2 | A. I had been in the university before the conviction, I had gained admission to the
3 | university. It happened after.

4 | Q. Oh okay, so you had already registered and qualified —

5 | A. Yes – no, it was during my – because I entered the university, I think, 2003 or
6 | something, so it happened in 2005 or four. That was after I gain admitted to the
7 | university.

8 | Q. But you were actually a student on the course, were you not?

9 | A. Yes.

10 | Q. Yes, so it is still the question, as a student nurse on the course, going through this
11 | difficult time, did you raise it with the university that this case had come up?

12 | A. No, I did not raise it with the university.

13 | Q. Was there any reason for that?

14 | A. Because at that time they was telling me that they were making inquiries and things like
15 | that, getting documents and they did not tell me to come to the police station until 2006
16 | or something, it was about a year after, but they said they were investigating. So,
17 | I thought there was no reason to raise it with the university at that time.

18 | Q. Do you recall at any point having to sign anything at the university on an annual basis
19 | that there were no cases pending against you or any investigations ongoing whilst you
20 | were a student nurse?

21 | A. No, it was the first time I entered the university that I signed documents like that,
22 | but —

23 | Q. Not subsequently?

24 | A. No, no, not subsequently.

25 | Q. Thank you. Just with regard to, you have mentioned that you informed your lawyer to
26 | raise the difficulties you were having with the NMC. It has already been raised but it
27 | seemed a long time since the NMC got to hear about the situation, 18 months down the
28 | line. Did you chase your solicitor up or ...?

29 | A. I did chase them up because the first time was 2007. I told them to write to my
30 | employer, to write to NMC regarding because of my situation, I was not in a position to
31 | do much. And they said they were going to go and write it. But what happened was
32 | that sometimes in December – it was just a follow-up to find out because I was
33 | supposed to go back to work, and I wanted to find out, maybe they have written and
34 | was the course – can I come back to work or not? So that is why I called my manager

1 and find out if they received the letter. Then I called NMC. NMC said they had not
2 received that letter at that time, on the phone call, because I was not too sure what to
3 do. So I called my lawyer again, had they written the letter, so I think they wrote the
4 second – they wrote in 2007, the second time.

5 Q. Just so I get the dates clear in my mind, just remind me when it was that you were
6 going back to work, subsequent to this conviction?

7 A. I was supposed to go back to work in – I had three months – I was supposed to go back
8 sometimes in January 2009 or something, because I was on maternity leave.

9 Q. So up until that point, would you say that your employers knew anything about this?

10 A. Yes, because I had – because to my understanding I gave the instruction to the lawyer
11 to write them personally because I told my lawyer to write my employer, I gave them
12 the address to write NMC what is happening and what I have been convicted, because
13 due to my personal life there was a lot I could not do at that time. So I left the
14 responsibility to my understanding they said it was okay, that they were going to get in
15 touch with NMC and my – because I was – I was not too sure maybe I could go back to
16 work or not, so that is why I said they should write to my employer.

17 Q. You have mentioned in one of the pieces of evidence that have been put forward that
18 you were under some sort of supervision whilst you were back with your employer.
19 Can you just explain that to me, please?

20 A. No, what happened was that the HR Department is different from, like – I work with,
21 like, in a different department, they are all Hertfordshire but we have sub branch, like
22 Lister Hospital. So what happened was the HR have a document, so they got in touch
23 with my manager so my manager asked me what actually happened and I explained to
24 him what happened, that it has to do with my mortgage account and things like that. So
25 he said because it has got to do with accounts that I am coming back to work, I have to
26 work under supervision, especially when they want to do things like petty cash and
27 things like that. So that they need to supervise me to get me back into – and I have
28 been on maternity leave for quite a while and because of whatever was going on, so
29 that is why he said I had to work under supervision for a while.

30 Q. Okay. So it was HR that informed your manager?

31 A. Yes, because HR – that is the main office. So I have to inform the main office. So it is
32 the main office that inform – because I was not at work and it is the main office that has
33 my record and everything, so that is why I have to inform the main office and the main
34 office will inform my manager. So then the main office told my manager to find out

1 exactly what is going on and what to do. So he called me and he told me then

2 I explained to him what happened.

3 MS DUXBURY: That is all the questions I have for the moment, thank you.

4 THE REGISTRANT: Okay.

5 THE CHAIR: I have got some questions. Firstly, I would just like to come back to the dates.

6 THE LEGAL ASSESSOR: Chairman, would you please put your microphone on.

7 THE CHAIR: Sorry, am I not on?

8 THE LEGAL ASSESSOR: You are not on.

9 THE CHAIR: Thank you. (*To the witness*): The date you just gave for going back to work,
10 can you just confirm that that is right? The conviction was in 2007 and you were
11 pregnant at that point?

12 A. Yes.

13 Q. 2007?

14 A. Yes.

15 Q. So, when was it that you went back – you mentioned having three months' maternity
16 leave?

17 A. Yes, I think I went – I cannot really remember the exact date, because I had three – then
18 I had some annual leaves (*sic*) so it took a bit of while because I was only entitled to,
19 I think, three months. Then I took some un – I think three months with my – I went
20 back towards the December or January 2008. I am not too sure exact date, but I did not
21 go back to work immediately after the conviction.

22 Q. Yes, because before you were talking about 2009, you were saying December/January
23 2008. Do you mean December 2007/January 2008?

24 A. I had the baby —

25 Q. The conviction ...

26 A. Was 2007.

27 Q. ... was 2007.

28 A. Yes, and I had the baby in 2007, because the condition I think was June and I had the
29 baby in July, so I was off a couple of months before I went back, but I am not too sure
30 exact date.

31 Q. In relation to the property, can you just tell me, what estate agency were you dealing
32 with?

33 A. It was called – is it Foxtons? F-O-T-O-N-X (*sic*) it was very close to my house in
34 Cricklewood.

1 THE LEGAL ASSESSOR: Sir, I just question, that will of course appear in the transcript.

2 I just wondered whether it was relevant to the Registrant's actions?

3 THE CHAIR: The Registrant was indicating that she signed documents given to her by the
4 estate agent and I wanted to find out what estate agent we were talking about. (*To the*
5 *witness*): Can you tell me, have you ever run a business called Ige Healthcare?

6 A. No.

7 Q. There is reference in the evidence to three years of accounts being submitted for Ige
8 Healthcare. Did you instruct anyone to produce those accounts?

9 A. No.

10 THE CASE PRESENTER: Sir, again, I just raise that issue of caution in relation to the
11 direction these questions may be going.

12 THE CHAIR: Thank you.

13 MS OBASEKI: However the information may be relevant to adducing the state of mind at
14 the time.

15 THE CASE PRESENTER: Sir, the state of mind at the time is the Registrant has been
16 convicted of dishonesty offences in short. My questions were directed to post those
17 events.

18 THE CHAIR: I have no further questions.

19 MS DUXBURY: I just have another question based on something that was asked earlier.

20 You mentioned in your statement earlier that you read out, I think you said:

21 "My employers decided that although I had no problems with my
22 role I should be closely supervised for a period as the charge was
23 to do with money. This was done."

24 Are you still under supervision by your employers?

25 A. No. I am not.

26 Q. Was there any meeting that made that decision or how have they informed you of that?

27 A. No what happened was that when I – they knew what the conviction was all about, so
28 that is why they were saying that I should be under supervision just to bring me back to
29 work and things like that. And that was for a short period. And since they did not have
30 any concerns or anything, so that was why it was – I am not under any supervision.

31 Q. So you mentioned about your managing petty cash and managing money and do you
32 feel you are functioning in the full role of the qualified Registrant in your employer's
33 eyes?

34 A. Yes, and they make me Acting Deputy Manager recently.

1 Q. Okay.

2 A. Which was supposed to be permanent but, because of what I am going through, I told
3 them that they should just leave it. So, I am functioning the way I am supposed to
4 function at work.

5 MS DUXBURY: Thank you.

6 THE CHAIR: One more question from the Panel.

7 MS GILHESPIE: Sorry, this is just again clarification, and I am sorry, I know all these
8 things happened a long time ago and trying to remember dates must be really difficult,
9 but it really helps us.

10 A. Okay.

11 Q. It is just going back to how your manager – is that Mr Cheng?

12 A. Yes.

13 Q. Was he the manager then?

14 A. Yes.

15 Q. How your manager got to hear about your conviction, because I think, if I am right, you
16 said that HR knew about it?

17 A. Yes.

18 Q. And they asked you to tell him?

19 A. No, what happened —

20 Q. Is that right, no?

21 A. No, what happened is that I wrote the HR.

22 Q. Right.

23 A. I told my lawyer to write the HR.

24 Q. Right.

25 A. So inform them what happened. HR is just like the head office.

26 Q. Yes, I do appreciate that.

27 A. So they have to inform my direct manager. So my manager called me because I said –
28 and find out what has happened, and I explained to him what has happened, because the
29 HR wrote them regarding the letter and what they have received. So, I think they send
30 him a copy. So he asked me what exactly happened because what was – there was
31 furnishing false information and --

32 Q. That is fine, I understand now. It was just trying to reconcile what was in his witness
33 statement and what you said and I think I understand that now, that has been really
34 helpful, thank you.

1 A. Okay.

2 THE CHAIR: Ms Wheeler, do you have any questions arising from the Panel's questions?

3 THE CASE PRESENTER: No, sir.

4 THE CHAIR: Ms Obaseki, do you have any questions arising?

5 MS OBASEKI: No, sir.

6 THE CHAIR: Ms Wheeler, are there any final arguments you want to make to the Panel —

7 THE LEGAL ASSESSOR: Sir, would you like to release the witness before undertaking the
8 final submissions?

9 THE CHAIR: Yes, thank you. If you would like to go and sit back beside your
10 representative.

11
12 *(The Registrant resumed her seat)*
13

14 THE CHAIR: Ms Wheeler, are there any final arguments you want to make to the Panel
15 before we withdraw to make our decision on the allegation of misconduct?
16

17 **Submissions by THE CASE PRESENTER**
18

19 THE CASE PRESENTER: Sir, this is not a case where you need to find misconduct, because
20 this is a conviction case. You therefore simply consider the issue of does the
21 conviction mean that the Registrant's fitness to practise is impaired? It is somewhat
22 different, therefore. However, sir, I do have some comments to make about
23 impairment.

24 The primary purpose of this Committee, sir, is public protection and to
25 uphold the public interest in both the regulatory system and nurses as a whole. Sir,
26 I would ask you to keep that in mind because notwithstanding that these are clearly not
27 clinical incidents – a patient was not harmed, a patient was not nearly harmed in these
28 incidents – I would still submit that there is a very clear public interest to keep in mind
29 when you are considering the issue of impairment.

30 Sir, in relation to the parts of the Code that you may find relevant, I am using
31 the old Code as these events took place before May 2008. I would invite you to
32 consider, therefore, 1.2, that:

33 "As a [Registrant] you [should] ... act in such a way that justifies
34 the trust and confidence the public have in you [and]

uphold and enhance the good reputation of the professions.”

Also 1.5:

“You must [obey] ... the laws of the country in which you are practising.”

And 7.1:

“You must behave in a way that upholds the reputation of the professions.”

Sir, I, particularly in terms of the evidence, direct you firstly to the judge’s sentencing remarks, which you can find at page 81 and 82, and to choose some of the select phrases he describes it as:

“A fraud carefully planned and sophisticated ... that [she] pretended she was the owner of Ige Healthcare ... Supplied accounts that were carefully planned and which purported to show an increasing profit for you as owner of that company ... All the accounts were completely bogus.”

He said that:

“These actions are so serious that only a custodial sentence is justified.”

Finally, sir:

“This was a deliberate, carefully planned, brazen mortgage fraud and were it not for the exceptional circumstances ... [it] would clearly justify an immediate prison sentence.”

Sir, those exceptional circumstances, as the Panel has read, were set out in mitigation by Ms Ogunde’s lawyer at the time and particularly focused on her childcare and pregnancy at the time.

Sir, I would submit these are very different allegations you have to decide today, with very different consequences.

Sir, the Registrant has given evidence, and I would submit that what you see from her giving evidence is twofold. Firstly, a continued unwillingness to accept the gravity of the crimes of which she has been convicted. She pleaded not guilty at the time, she has sought to minimise it to her employer and, again, still today is effectively running the, “It was a mistake, I did not mean to, there was no bad intention.” Sir, if you look at the crimes for which she has been convicted these are crimes of dishonesty: there is not a crime of signing documents when you did not read them, or doing things

1 by mistake on average. These are crimes where it requires, in the first count,
2 a deception, in which case a deliberate deception, sir, and also furnishing false
3 information relating to accounts. These are not crimes of strict liability where it is
4 a no-fault issue, on this one the prosecution would have had to prove the Registrant's
5 state of mind and, effectively, as I said earlier in an objection, that state of mind was
6 dishonesty.

7 The second issue you see, sir, is the Registrant's habit of blaming others.
8 She blames her brother, or sorry her husband's brother – I cannot remember. Again it
9 is set out in her letter to Tony Cheng. She also blames the estate agent. And, finally,
10 when it comes to notification, and the 18-month, or a little under that to be fair, delay
11 between being convicted and notifying the NMC, she blames her lawyer. Sir, I would
12 submit this is a case where there is a distinction lack of insight on the part of the
13 Registrant as to the gravity of these convictions, and the very real implications they
14 could have for someone maintaining unrestricted registration.

15 Sir, this is not a case, as I said at the beginning, where we are concerned with
16 the Registrant's clinical practice; we have no evidence in relation to that, it has to be
17 assumed she is a perfectly good clinical practitioner, therefore. Sir, this is a case,
18 I would submit, which is about maintaining trust and confidence in the profession and
19 upholding and declaring proper standards of action and proper standards of what should
20 be done. I, therefore, invite the Panel to find that the Registrant is currently impaired
21 on that basis, that public interest basis.

22 Sir, unless I can be of any further assistance, those are my submissions

23 THE CHAIR: Thank you. Ms Obaseki, would you like to make your arguments to the Panel
24 concerning the Registrant's fitness to practise being impaired?

25
26 **Submissions by MS OBASEKI**

27
28 MS OBASEKI: Sir, yes. My colleague has made a number of points and, in particular, play
29 on the fact that this is a conviction that our client was found guilty of. I believe that she
30 has given evidence today to show that at the time she really did not understand, nor had
31 any knowledge, of what had actually taken place. She clearly stated in her statement to
32 the Panel that she only really knew what the allegations were when she was taken to the
33 police station, which was a year *after* the police had started their investigation and, in
34 fact, had, by that time, informed the Halifax that she was, indeed, in full-time work,

1 rather than any other self-employment.

2 Sir, I feel that this is a situation where the Registrant, from the transcript, it is
3 clear that the judge felt that she had been influenced by her husband. She had little
4 knowledge of how to apply for a mortgage – this was the first application for
5 a mortgage that she had ever made – and was unaware of what actually needed to be
6 put before a mortgage company. Having said this, she has said clearly that she did sign
7 the papers. Although my colleague has said that it was a black and white case, she was
8 found guilty, she is trying to diminish her responsibility, I do not believe, sir, that it is
9 as clear-cut as that. She is trying to explain how she felt and what she was doing at that
10 time. Being found guilty does not necessarily explain the circumstances of events at
11 that time for her. Although she has accepted responsibility, as she is saying because
12 she did obviously sign the documents, it was her lack of understanding.

13 I would point to the transcript at page 56 point C to E; page 58 at point D;
14 page 60 at point F and 61 at point E.

15 THE LEGAL ASSESSOR: Would you please repeat that?

16 MS OBASEKI: Page 56, point C to E; page 58 at point D; page 60 at letter F; and page 61 at
17 point E.

18 THE LEGAL ASSESSOR: Thank you.

19 MS OBASEKI: The transcript, sir, I know is a large bundle, and there are many aspects of
20 the transcript that do not actually relate to Ms Ige but those points clearly state what the
21 court found about her, to be a hardworking woman, dedicated to her family, somebody
22 who had learnt a very, very harsh lesson and that she was somebody or is somebody
23 with good character, previous good character and no convictions at all other than this
24 one event.

25 My colleague states that she has blamed others. I think the Panel quite
26 clearly can hear that she is not saying that she is blaming others, she is accepting
27 responsibility, she is trying to explain the circumstances and it is very difficult to do
28 that when you have already been convicted for something. It does not mitigate or fully
29 explain all of the circumstances and history round the event.

30 With regards to notification, my colleague states that she has one letter
31 which was some 18 months after the event. At the time, the Registrant clearly had just
32 had a child, a child with a disability. She notified her solicitors to inform, because she
33 could not cope with everything that was happening at the time, and she chased that
34 matter up. Quite clearly her HR Department had the information, her manager had

1 contacted her for further details and she chased that up before she returned to work.
2 Whether this letter was a letter that was a second letter or was a first one going missing,
3 we do not have those details or that information.

4 I do not think, sir, this is a case of a Registrant who has not understood the
5 conviction, who has not taken responsibility. This is a case of somebody trying to
6 explain her circumstances, and in light of her previous good character I would ask the
7 Panel to consider the fact that she was not impaired at the time, had realised her
8 wrongdoings and that this does not lead to impairment currently. Indeed, her
9 employers have had close supervision and have seen fit to release the need for that
10 close supervision and have, in fact, promoted her in her role. And although she was
11 expected to go for a permanent role declined that invitation almost to ensure that these
12 matters were settled.

13 Sir, unless I can assist you further.

14 THE CHAIR: Thank you.

15 THE CASE PRESENTER: Sir, I wonder if I might make one very brief comment? It is only
16 because Ms Ogunde's representative took you to pages of mitigation but then stated
17 these are what the court found out about her. I simply raise that because they are her
18 defence lawyer's perfectly fine mitigation but they are not the Court's findings, those
19 are found from page 80-ish onwards. I only make that comment, I am sure it was a slip
20 of the tongue.

21 THE CHAIR: Thank you. The Panel will withdraw to consider whether fitness to practise is
22 impaired —

23 THE LEGAL ASSESSOR: Sir, after receiving my advice, I hope.

24 THE CHAIR: Yes.

25 THE LEGAL ASSESSOR: Thank you.

26 THE CHAIR: Of course, it goes without saying.

27
28 **Advice by THE LEGAL ASSESSOR**
29

30 THE LEGAL ASSESSOR: Sir, at this stage, it is a matter for the Panel's professional
31 judgment. There is no burden upon the NMC. And, as you have been correctly
32 directed by the NMC's representative, you are looking today straight at the issue of
33 impairment, a conviction having been deemed misconduct.

34 Sir, at this stage, you are setting aside all information that you have had in

1 relation to the Registrant's personal situation, those matters go more properly to the
2 issue of sanction.

3 Sir, the evidence that you have before you in relation to impairment is the
4 evidence of the conviction and the evidence from Mr Cheng that, in his opinion, the
5 Registrant's current practice is reaching a standard which he feels appropriate.
6 However, sir, of course, this is not a case where her professional conduct as a nurse is
7 actually in question.

8 Sir, you do not have before you any other evidence; you have no references,
9 and you must not speculate on what you have not got.

10 Sir, you do not have any evidence in front of you, for instance, as to when
11 the Halifax was informed, although you have, of course, had the opportunity to
12 question the Registrant. You have very little actually in the way of documentary
13 evidence.

14 Sir, the relevant Code, if you wish to refer to it, is the November 2004
15 edition, the NMC Code of Professional Conduct, Standards For Conduct Performance
16 and Ethics. And, sir, that is the Code that was in force not at the time of the events that
17 led to the conviction but at the date of the conviction. That conviction, of course, took
18 place before the current Code.

19 Sir, the issues you are considering are whether it was conduct unworthy of
20 a nurse and, in particular, in relation to impairment, whether the Registrant's ability to
21 practise without some restriction is appropriate today. And, sir, it is fitness to practise
22 today that you are considering. There are three bases on which you can make a finding.
23 You have been asked by the NMC to make a finding purely on the public interest basis,
24 because there is, as has rightly been drawn to your attention, no practice issues in
25 question.

26 Sir, I do not believe there are any further matters that I wish to direct you on
27 at this point but, of course, if I am invited to retire with the Panel then I do so
28 independent of the Panel and I take no part in the Panel's decision-making process.
29 And if, during that deliberation, I give think further or different advice to the Panel,
30 then the Panel must reconvene for me to give that advice in public, and you must invite
31 the parties to comment upon that advice, just as you will now invite the parties to
32 comment upon the advice I have given you.

33 THE CHAIR: Thank you. Do either of you have any comments that you would like to make
34 following the Legal Assessor's comments?

THE CASE PRESENTER: No, sir.

MS OBASEKI: No, thank you.

THE CHAIR: Thank you. We will now withdraw to consider whether fitness to practise is impaired. Ms Aldred, if you would be kind enough to accompany us.

THE LEGAL ASSESSOR: Thank you.

(The Panel went into camera 11.43 am and the hearing continued at 12.35 pm)

DECISION

THE CHAIR: I will now read out the Panel's findings on impairment.

The reason for the finding on impairment: The Panel having accepted the evidence that the Registrant had received the suspended custodial sentence considered whether this was evidence of impairment. Impairment has to be assessed as of today.

The Panel received the parties' representations and heard from the Registrant in person. It also accepted the advice of the Legal Assessor.

The Panel was directed to the following paragraphs of the NMC Code of Professional Conduct (November 2004 edition) and, in particular, the following paragraphs 1.2:

"As a Registered Nurse you must [amongst other things] ... act in such a way that justifies the trust and confidence that the public have in you;

Uphold and enhance the good reputation of the professions."

1.5:

"You must adhere to the laws of the country in which you are practising."

7.1:

"You must behave in a way that up holds the reputation of the professions. Behaviour that compromises this reputation may call your registration into question, even if it is not directly connected to your professional practice."

The Panel considered that the Registrant's actions which led to her conviction for an offence involving deception and dishonesty had been in breach of these provisions.

The Registrant in her evidence stated that her actions in signing the mortgage

1 documentation was a mistake. However, she acknowledged that she was at fault in not
2 reading this documentation.

3 The Panel was directed to the judge's statement in his sentencing remarks,
4 and, in particular, the following:

5 "These offences for which you were found guilty by the jury
6 were again carefully planned, sophisticated -- and this was as
7 a transaction a carefully planned and sophisticated mortgage
8 fraud. You obtained that mortgage by pretending that you were
9 the owner of Ejay (*sic*) Healthcare and you supplied accounts
10 which were carefully planned and which purported to show
11 an increasing profit for you as the owner of that company. All of
12 the accounts were utterly bogus ... that this was a deliberate,
13 carefully planned, brazen mortgage fraud and were it not for the
14 exceptional circumstances which I have just been through, would
15 clearly justify ... an immediate prison sentence."

16 The Panel noted that the Registrant had entered a "not guilty" plea during the
17 proceedings at Harrow Crown Court.

18 The Panel also noted, from the statement of Mr Cheng, the Registrant's line
19 manager, prepared in April 2010, that the Registrant was still employed and that her
20 employers had no concerns at that time about her clinical practice.

21 The Panel heard from the Registrant that her employers had initially placed
22 her under supervision in relation to money management elements of her practice and
23 that this had now been removed.

24 However, this is a conviction involving deception and there is no evidence
25 before the Panel that the Registrant has fully accepted her role in this, or that she has
26 gained full insight into her actions and the gravity of her offences. The Panel accepted
27 that the Registrant had taken the opportunity at all stages of the process, including at
28 today's hearing, to ascribe blame and intent to others.

29 The Panel, therefore, came to the conclusion that the Registrant's fitness to
30 practise was, and remains today, impaired.

31 We shall now have to decide what sanction, if any, we need to apply. We
32 shall take into account the advice set out in the NMC Indicative Sanctions Guidance.
33 This guidance has been produced to help us decide on the appropriate and proportionate
34 sanction in any case.

1 First, I am going to ask the Case Presenter, do you have any information or
2 argument that might be relevant to this decision?

3
4 **Submissions by THE CASE PRESENTER**

5
6 THE CASE PRESENTER: Thank you, sir, I will keep my comments at this stage very brief,
7 I would encourage the Panel to keep in mind the Indicative Sanctions Guidance and to
8 take a proportionate approach to sanction as the purpose of sanction is not to punish the
9 practitioner but, however, it may still have a punitive effect.

10 Sir, in terms of the mitigating circumstances of this case, the Panel may feel
11 it relevant that the Registrant did self-refer and that is something that the NMC can
12 make no further comment on; it was due to the Registrant that the NMC was aware of
13 this case.

14 However, sir, in terms of the aggravating factors, the Panel may well
15 consider that given that these related to a fraud in relation to a healthcare business, that
16 the Registrant's particular position as a nurse may be deeply relevant in relation to that.

17 In addition, sir, you have already mentioned in your decision in on
18 impairment the Registrant's failure to take into full account the full implications of
19 what this convictions means, and have commented on her lack of insight and her
20 propensity to blame others for what has happened.

21 Sir, I would invite you to take that into account as well as even though, as I
22 have said before, it was the Registrant who referred this case to the NMC, the very
23 significant delay, as it appears in our papers, between the offences and that happening.

24 Sir, what sanction to impose, if any, is entirely a matter for the Panel and
25 I do not propose to invite you to make any particular sanction, I simply direct you again
26 to the Indicative Sanctions Guidance and invite you to take the approach I outlined
27 before.

28 Sir, unless I can be of further assistance those are my submissions

29 THE CHAIR: Thank you, we are obliged. You have a copy of the Indicative Sanctions
30 Guidance. Do you have any information about mitigating circumstances or any points
31 that you would like to make about what the appropriate sanctions might be?

32
33 **Submissions by MS OBASEKI**

1 MS OBASEKI: Sir, my colleague is correct in saying that she did self-refer and although
2 there appears to be on the papers some delay, Ms Ige states that she did inform her
3 solicitors to notify as soon as practicable.

4 There has been a further delay from the incident to date amounting to some
5 five years in total since this matter went to the Court for conviction. Since this time our
6 client has not been able to go for the roles that she would like to go for. Her employers
7 have found her fit in her profession to promote her and, further, that there has been
8 a financial penalty to our client which obviously has affected her family and family life.

9 We would suggest that, given the circumstances and given the penalties that
10 she has already suffered, that the Panel take no further action today. However, this is
11 obviously left to the Panel to decide.

12 THE CHAIR: Thank you. Ms Aldred, do you have any advice to give to us at this stage?
13

14 **Advice by THE LEGAL ASSESSOR**
15

16 THE LEGAL ASSESSOR: Yes, thank you, sir. At this stage of the proceedings, the relevant
17 section of the 2001 Nursing and Midwifery Order is article 29 and this being
18 a conviction case you have the full range of options, through from taking no further
19 action to removing the Registrant's name from the register.

20 Sir, it is a matter for the Panel's professional judgment and at this stage you
21 may take into account all evidence that you have heard, including issues of personal
22 mitigation and personal circumstances of the Registrant.

23 You are here, of course, balancing the Registrant's interest with those of the
24 public interest in the reputation of the professions.

25 Sir, I would emphasise that you have a different function today from Harrow
26 Crown Court, yours is not to punish, however, you can accept that any sanction you
27 impose might have a punitive impact.

28 Sir, you have been invited to consider the Indicative Sanctions Guidance.
29 I would just emphasise that those are persuasive in nature only and it is a matter for
30 your professional judgment.

31 You must, when considering which sanction to impose, start at the bottom of
32 the scale and work progressively upwards until you find one which is both
33 proportionate and appropriate in all the circumstances and I would there, sir, emphasise
34 the fact that any sanction you impose must not only be workable but it must also go to

1 the heart of the nature of the allegations that you are dealing with.

2 Sir, I do not think I want to add anything to that standard advice because
3 there were no matters arising from the parties' representations that I wish to cover.

4 Sir, if I give any further or different advice I would remind you that you do
5 have to invite the parties to comment upon that.

6 THE CHAIR: Thank you. The Panel will withdraw to consider and —

7 THE LEGAL ASSESSOR: Sir, do the parties have any comments on the advice I have given
8 at the moment?

9 THE CASE PRESENTER: No comment, sir.

10 MS OBASEKI: No.

11 THE CHAIR: The Panel will now withdraw and consider its decision.

12 THE LEGAL ASSESSOR: Are you going to give an indication whether the Panel will be
13 taking lunch during this recess?

14 THE CHAIR: The Panel will be having lunch during the recess, but when we come back we
15 will have made our finding on sanction I anticipate.

16 THE LEGAL ASSESSOR: Are you able to give an indication of a not before time?

17 THE CHAIR: I think we would be safe saying one hour from now.

18
19 *(The Panel went into camera at 12.49 pm and the hearing resumed at 2.25 pm)*

20
21 **DECISION**

22
23 THE CHAIR: The Panel has considered your case very carefully and has decided to make
24 a striking off order. Your record in the NMC register will show that your name has
25 been removed.

26 Our reasons for this decision are as follows. The Panel again received the
27 parties' submissions and accepted the advice of the Legal Assessor.

28 The Panel had no further documentary or testimonial evidence placed before
29 it at this stage in the proceedings.

30 The Panel has been told by the Registrant that she is still in employment.

31 The Panel noted that it should not impose a sanction that would amount to
32 a punishment however it acknowledged that sanction might have a punitive impact.

33 The Registrant's representative put forward in mitigation the amount of time
34 that had elapsed since these matters came to light and the impact that the suspended

1 sentence had upon the Registrant including her inability to progress her professional
2 career by way of promotion.

3 The Panel noted that this matter had been brought to the NMC's attention by
4 the Registrant, albeit at some later stage.

5 The Panel had before it evidence that the Registrant had a number of
6 dependent children. The Panel also noted that at the time the mortgage fraud came to
7 light the Registrant was a student nurse and had subsequently qualified.

8 The Panel also noted that, as far as it knew, there were no subsequent or
9 previous matters professional or personal that would bring the Registrant's practice or
10 the profession's reputation into question.

11 No further action: Given the gravity of the offences which the Registrant had
12 been found guilty of, the Panel came to the conclusion that it was totally inappropriate
13 in such circumstances for it to take no further action.

14 Caution order: the Panel then considered the factors identified under the
15 heading of caution order in the Indicative Sanctions Guidance issued by the NMC, with
16 a view to assessing whether there was sufficient evidence that would support the
17 imposition of this level of the sanction. The Panel was able to identify the following
18 mitigating factors. There had been no repetition of the behaviour and the offences did
19 not involve the Registrant's professional conduct and, therefore, no patients were put at
20 risk of harm.

21 The Panel was also able to identify the following aggravating factors. There
22 was no current information from the Registrant's current employer and no testimonials
23 or references from friends, family or professional colleagues. There had been no early
24 admission of guilt or apology for her behaviour. There had been little or no insight into
25 the impact of her conduct. The Panel noted that there were no appropriate
26 rehabilitative steps that the Registrant could take to address her dishonest behaviour.
27 The Panel therefore came to the conclusion that this level of sanction was not
28 proportionate in all the circumstances of the case, moreover, it would not be sufficient
29 to maintain the reputation of the professions.

30 Conditions of practice order: this being a dishonesty conviction, the Panel
31 came to the conclusion that a conditions of practice order was neither practicable nor
32 workable as a sanction as it would not address or redress the Registrant's dishonest
33 behaviour.

34 Suspension order: the Panel, in considering whether to impose a suspension

1 order had to decide whether the Registrant's actions were fundamentally incompatible
2 with remaining on the register. The NMC had relied solely upon the reputational
3 damage that this Registrant's actions had upon the profession. It was stated that the
4 public interest was damaged by her dishonest behaviour. The Registrant had
5 perpetrated a deliberate and very serious mortgage fraud and one which would have
6 warranted a custodial sentence, save for the exceptional personal circumstances at the
7 time of sentencing. The Panel have particular concerns about the Registrant's lack of
8 remorse or insight into her actions and the Panel considers that this impacts
9 significantly on her reputation and on that of the professions. Moreover, the Registrant
10 has continually attributed blame to others for her own fraudulent actions which
11 included holding herself out as running a self-employed business, and relying upon
12 fabricated accounts for that fraudulent business which was in an allied field of practice.
13 The Panel was particularly concerned that the Registrant was still of the view that it
14 was unfortunate that the CPS had made a decision to prosecute as she maintained the
15 Halifax had not decided to take matters further.

16 The Panel was told by the Registrant that she was at fault: at fault for not
17 reading the documents; at fault for not pleading guilty. The Registrant is still
18 maintaining that her actions were limited to signing documentation and is clearly
19 trivialising and minimising her actions. This is at variance with the statements made by
20 the judge which showed that this was a sophisticated and well-planned fraud.

21 The Panel consider that the Registrant has demonstrated an alarming lack of
22 insight and remorse in this case. The Panel, therefore, came to the conclusion that the
23 Registrant's actions were fundamentally at variance with remaining on the register.

24 Striking off order: the Panel therefore came to the view that making
25 a striking off order was both proportionate and appropriate in all the circumstances of
26 this case and is the only level of sanction which would uphold the standing and status
27 of the professions. The Panel therefore imposes this order on public interest grounds.

28 We now need to consider whether to make an interim order. We need to do
29 this because this order cannot take effect until the end of the appeal period or, if
30 an appeal is made, until the conclusion of the appeal proceedings.

31 To make an interim order the Panel must be satisfied that an order is
32 necessary to protect members of the public or that an order is otherwise in the public
33 interest or in the Registrant's own interest.

34 Can we hear, first, whether the Case Presenter has any arguments on this

1 issue?

2
3 **Submissions by THE CASE PRESENTER**
4

5 THE CASE PRESENTER: Thank you, sir. This is an application for an 18-month interim
6 suspension order on the grounds that it is in the public interest. Sir, that is the only
7 ground on which I invite this order.

8 The reason I invite an 18-month order is to cover not only the 28 days up
9 until the appeal period but, in case any appeal is made, to cover any extra period
10 thereafter.

11 The reasons on which I invite an order for public interest are the same as
12 those set out in your reason of sanction and, sir, where the sanction is striking off
13 I would submit it is appropriate for the Panel to impose an interim suspension order in
14 the meantime.

15 Unless I can be of any further assistance, sir, those are my submissions

16 THE CHAIR: Thank you. Ms Obaseki, would you like to make submissions in relation to
17 an interim order?
18

19 **Submissions by MS OBASEKI**
20

21 MS OBASEKI: As correctly stated there has been no incident following this one incident.

22 The Registrant is a mother of six children who are quite dependent upon her and this
23 will obviously have a great financial impact on her if she is unable to work until the
24 appeal process is concluded.

25 THE CHAIR: Thank you. Ms Aldred, would you like to give the Panel advice?
26

27 **Advice by THE LEGAL ASSESSOR**
28

29 THE LEGAL ASSESSOR: Yes, sir, the appropriate section is article 31 of the 2001 Order
30 and, sir, as the Panel will no doubt know, there is lengthy agreed guidance in relation to
31 the matters which should be taken into consideration when imposing an interim
32 suspension order. Sir, I will not rehearse those at length but there are three grounds on
33 which you can impose an order, public protection, public interest and the Registrant's
34 own interest. You have already heard from the NMC that they are applying on the sole

1 ground of public interest.

2 Sir, you are taking into account all the issues which you have already
3 effectively considered in making your substantive order and that will include, of
4 course, the Registrant's personal circumstances, including financial hardship, although
5 you have heard from the Registrant's representative that an interim suspension order
6 would have an immediate impact on her family and situation.

7 Sir, I have nothing further that I wish to add at this time.

8 THE CHAIR: Thank you. The Panel will withdraw to consider and make its decision.

9
10 *(The Panel went into camera at 2.36 pm and the hearing continued at 2.51 pm)*

11
12 **DECISION**

13
14 THE CHAIR: The Panel has considered your case very carefully. It has decided that it is
15 necessary to make an interim suspension order. The period of this order is 18 months
16 but, if at the end of the appeal period of 28 days you have not lodged an appeal, the
17 interim order will lapse and will be replaced by the striking off order. On the other
18 hand, if you do lodge an appeal the interim order will continue to run.

19 The reasons for this decision are that the Panel considered this matter very
20 seriously in reaching its decision that it was proportionate and appropriate to impose
21 a striking off order and took into account the impact, personal and financial that
22 an interim order would have on the Registrant. It came to the decision that it would
23 make an interim suspension order on public interest grounds as the same reason it gave
24 for making the substantive order. This order is for a period of 18 months to cover any
25 appeal period.

26 Your record in the NMC register will show that you are the subject of
27 an interim suspension order and anyone who inquires about your registration will be
28 told about the order. If this interim order continues to run because you have lodged
29 an appeal then it must be reviewed before the end of six months and every three months
30 after that.

31 The Panel's decisions today will be confirmed in writing. Thank you for
32 attending.

33
34 *(The hearing was adjourned at 2.55 pm)*