

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

**Substantive Order Review Meeting**

**13 January 2023**

Virtual Meeting

**Name of registrant:** Raissa Labeja

**NMC PIN:** 97A00300

**Part(s) of the register:** Registered Nurse – Sub Part 1  
RN1: Adult Nursing – January 1997

**Relevant Location:** London

**Type of case:** Misconduct

**Panel members:** Peter Wrench (Chair, Lay member)  
Terry Shipperley (Registrant member)  
Jane Jones (Registrant member)

**Legal Assessor:** Robin Hay

**Hearings Coordinator:** Parys Lanlehin-Dobson

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

**Outcome:** **Suspension order (12 months) to come into effect on the expiry of the current order in accordance with Article 30 (1)**

## **Decision and reasons on service of Notice of Meeting**

The panel noted at the start of this meeting that Mrs Labeja was not in attendance and that the Notice of Meeting had been sent to Mrs Labeja's email address, on which she had previously been contacted, on 30 November 2022. The panel noted that there was no current email address recorded on the WISER extract. However, the panel acknowledged that no notification had been received by the NMC stating that the email was undeliverable, and the email address had previously been used by Mrs Labeja's representative.

The panel took into account that the Notice provided details of the substantive order being reviewed and that the NMC proposed that this review would take place by way of a meeting. The panel noted that if Mrs Labeja did not request a hearing, then a meeting would go ahead on or after 9 January 2023.

The Notice of Meeting letter was also sent to Mrs Labeja's representative at the Royal College of Nursing (RCN) on 30 November 2022.

The panel also noted that an attempt was made to call Mrs Labeja on 12 January 2023, by the NMC, on two separate numbers and neither of the calls went through. On the same date the NMC called Mrs Labeja's representative at the RCN, who confirmed Mrs Labeja's email address was the same one they had used to contact her. The telephone note goes on to say:

*[RCN representative] [PRIVATE].*

*When asked why she is no longer representing the registrant, [RCN representative] said she cannot disclose that and is not at liberty to.'*

The panel accepted the advice of the legal assessor. He reminded the panel that the onus is upon Mrs Labeja to keep her contact details up to date.

In the light of all of the information available, the panel was satisfied that Mrs Labeja been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the Nursing and Midwifery Council (Fitness to Practise) Rules 2004 (as amended) (the Rules).

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

The panel decided to extend the current suspension order for twelve months. This extension will come into effect at the end of 20 August 2022 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the third review of a substantive suspension order originally imposed for a period of six months by a Fitness to Practise Committee panel on 22 July 2021. The order was first reviewed on 12 January 2022 and then on 13 July 2022. The order was extended for six months on both occasions.

The order is currently due to expire at the end of 20 February 2023.

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

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

*'That you, a registered nurse, working at Croydon University Hospital, on 24 September 2013;*

1. [...]
2. *Did not assess / take Patient A's observations prior to her transfer to Purley Ward. [Found proved but did not amount to misconduct]*
3. *Did not assess / take Patient A's observations when concerns about her condition were brought to your attention by Person A, during the transfer to Purley Ward. [Proved]*

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

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

*'The panel considered whether Mrs Labeja's fitness to practise remains impaired. The only information from Mrs Labeja in front of the panel today was contained in the email from her representative on 6 January 2022 which stated:*

*'My client will not be attending the review hearing and nor will the RCN on her behalf. [PRIVATE]. It is not clear when she will recover, I'm afraid. I am not instructed to make any further comments or submissions at this stage. No disrespect is intended by this brief response to your letter.'*

*The panel considered that there has been no material change in circumstances since the substantive hearing in July 2021. In light of the lack of evidence of Mrs Labeja taking steps to strengthen her practice, developing her insight, or undertaking training or keeping her knowledge up to date, the panel determined there remains a risk of repetition and a risk of harm to the public. The panel noted that Mrs Labeja has not yet provided evidence that she had followed the recommendations of the last panel. As a result, Mrs Labeja has not evidenced that she has developed any insight for her failings.*

*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. As Mrs Labeja has not yet addressed the serious concerns identified by the substantive hearing panel, this panel determined that, in these particular circumstances, a finding of continuing impairment on public protection grounds is required.*

*Further, the panel was of the view that members of the public would expect a registered nurse to take steps to improve their practice and understand the impact of their previous*

*practice. It was of the view that members of the public would expect to see evidence of Mrs Labeja's reflection and her having taken active steps to address the misconduct issues that were identified. For these reasons, the panel determined that a finding of continuing impairment on public interest grounds is also required."*

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

*'The panel first considered whether to take no action and allow the current order to lapse upon its expiry but concluded that this would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to take no further action.*

*It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Mrs Labeja's practice would not be appropriate in the circumstances.*

*The SG states that a caution order may be appropriate where 'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.' The panel considered that Mrs Labeja's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.*

*The panel next considered whether a conditions of practice on Mrs Labeja's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable, and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel determined that, due to Mrs Labeja's lack of demonstrated insight, it was not able to formulate conditions of practice that would adequately address the misconduct concerns.*

*The panel next considered imposing a further suspension order. The panel noted that Mrs Labeja's representative had told the NMC that she is unwell at present and that it is not clear when she will recover. It was of the view that the brief information provided by her representative was of limited assistance today. The panel was also of the view that it did not have sight of any evidence from Mrs Labeja that would suggest that she has taken any steps to address any of the concerns relating to her misconduct, whether she has insight and kept up to date with her knowledge.*

*The panel considered whether a higher sanction was required, namely a striking-off order. [PRIVATE]*

*The panel concluded that a further 6 months suspension order would be the appropriate and proportionate response and would afford Mrs Labeja time to develop her insight and provide evidence that she has taken steps to strengthen her practice. It considered that a further period of suspension from practice would allow Mrs Labeja the opportunity to reflect further on her misconduct, and provide evidence of any steps taken to strengthen her practice; by providing a future panel with information about how she would address a situation if similar events were to recur, an understanding of her failings, and the impact it has had on the patient and her family, colleagues and the nursing profession.*

*The panel determined therefore that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. This suspension order will take effect upon the expiry of the current suspension order, namely the end of 22 February 2022 in accordance with Article 30(1). Before the end of the period of suspension from practice, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.*

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

- A comprehensive reflective piece, following a recognised model, which covers the following issues:*
  - Your personal responsibility for what went wrong, why it went*
  - wrong, and how you will avoid any repetition of your failings;*

- *The impact your actions had on Patient A, her family, your*
- *colleagues and the reputation of the nursing profession.*
- *Evidence of personal and professional development which reduces the risk of a similar event happening again.'*

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

The panel has considered carefully whether Mrs Labeja's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as a registrant's suitability to remain on the register without restriction. In considering this case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

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

In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether Mrs Labeja's fitness to practise remains impaired.

The panel noted that Mrs Labeja had not complied with the suggestions made by the last reviewing panel. Further, there was no evidence before the panel demonstrating Mrs Labeja's insight and/or remediation. The panel noted that it was apparent that Mrs Labeja had disengaged from these proceedings. [PRIVATE] In the light of the lack of any new evidence the panel determined that Mrs Labeja remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that Mrs Labeja's fitness to practise remains impaired.

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

Having found Mrs Labeja's fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the 'NMC's Sanctions Guidance' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

The panel first considered whether to take no action and allow the current order to lapse upon its expiry but concluded that this would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Mrs Labeja's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where 'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.' The panel considered that Mrs Labeja's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice order on Mrs Labeja's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable, and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel determined that, due to Mrs Labeja's lack of demonstrated insight and her current disengagement from these proceedings, it was not able to formulate conditions of practice that would adequately address the misconduct concerns.



[PRIVATE] The panel considered there was no evidence from Mrs Labeja that would suggest that she has taken any steps to address any of the concerns relating to her misconduct, whether she has insight and kept up to date with her knowledge.

The panel considered whether a higher sanction was required, namely a striking-off order. It acknowledged that Mrs Labeja has now been suspended for 18 months. However, the panel considered that a striking-off order would be disproportionate at this stage [PRIVATE].

The panel concluded that a 12 months suspension order would be the appropriate and proportionate response and would afford Mrs Labeja one more chance to reengage with the regulatory proceedings. It considered that a further period of suspension from practice would also allow Mrs Labeja the opportunity to reflect further on her misconduct and demonstrate an understanding of her failings, and the impact it has had on the patient and her family, colleagues and the nursing profession.

The panel determined that the 12 months period would also allow the NMC time to make further efforts to contact Mrs Labeja, by any means available including by writing to her registered home address.

The panel determined therefore that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest.

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

At any future review the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

This will be confirmed to Mrs Labeja in writing.

That concludes this determination.