

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

**Substantive Hearing
Monday, 22 August 2022**

**Thursday 1 September 2022
Monday 28 November – Friday 2 December 2022
Friday 16 December – Tuesday 20 December 2022
Thursday 5 January 2023**

Hybrid Hearing

Name of registrant: George Marius Vlasceanu

NMC PIN: 16D0509C

Part(s) of the register: Registered Nurse – Sub Part 1
Adult Nursing – April 2016

Relevant Location: Dundee

Type of case: Misconduct

Panel members: Christina McKenzie (Chair, Registrant member)
Anne Phillimore (Lay member)
Michael Duque (Registrant member)

Legal Assessor: John Moir (22 August 2022 – 1 September 2022)
John Donnelly (28 November 2022 – 2 December 2022)
John Moir (16 December – 20 December 2022
and 5 January 2023)

Hearings Coordinator: Xenia Menzl
(22 August 2022 – 1 September 2022)
Anya Sharma
(28 November 2022 – 20 December 2022)
Ruth Bass (5 January 2023)

Nursing and Midwifery Council: Represented by Yusuf Segovia, Case Presenter
(22 August 2022 – 1 September 2022)

Represented by Michael Smalley, Case
Presenter (28 November 2022 – 20 December
2022 and 5 January 2023)

Mr Vlasceanu:

Not present and not represented in absence

Facts proved:

Charges 1a, 1b, 2a, 2b, 2d, 3a, 3b, 4a, 4b, 4c,
4d, 5c, 6a, 6b, 6c, 7a, 7b, 7c, 7d, 10a and 10b
and 14

Facts not proved:

Charges 2c, 5a, 5b, 8, 9, 11, 12 and 13

Fitness to practise:

Impaired

Sanction:

Strike off order

Interim order:

Interim suspension order (18 months)

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Mr Vlasceanu was not in attendance and that the Notice of Hearing letter had been sent to Mr Vlasceanu's registered address by email and by recorded delivery and by first class post on 20 July 2022.

On 4 August 2022 Mr Vlasceanu was informed that the venue of the hearing has been changed from London to Edinburgh.

Mr Segovia, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the allegation, the time, dates and venue of the hearing and, amongst other things, information about Mr Vlasceanu's right to attend, be represented and call evidence, as well as the panel's power to proceed in his absence.

In the light of all of the information available, the panel was satisfied that Mr Vlasceanu has been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Mr Vlasceanu

The panel next considered whether it should proceed in the absence of Mr Vlasceanu. It had regard to Rule 21 and heard the submissions of Mr Segovia who invited the panel to continue in the absence of Mr Vlasceanu. He submitted that Mr Vlasceanu had voluntarily absented himself.

Mr Segovia referred the panel to a telephone note, dated 18 August 2022, recording a conversation between the NMC Case Officer and Mr Vlasceanu. The telephone note indicates that this was a call back from Mr Vlasceanu where the NMC Case Officer asked about various emails and Mr Vlasceanu confirming that he had received them. Further, Mr Vlasceanu confirmed to the NMC Case Officer that he is not intending to attend the hearing, nor does he want to ask for an adjournment.

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised '*with the utmost care and caution*' as referred to in the case of *R v Jones (Anthony William)* (No.2) [2002] UKHL 5.

The panel has decided to proceed in the absence of Mr Vlasceanu. In reaching this decision, the panel has considered the submissions of Mr Segovia and the advice of the legal assessor. It has had particular regard to the factors set out in the decision of *R v Jones* and *General Medical Council v Adeogba* [2016] EWCA Civ 162 and had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Mr Vlasceanu;
- Mr Vlasceanu has informed the NMC that he has received the Notice of Hearing and confirmed he is content for the hearing to proceed in his absence;
- There is no reason to suppose that adjourning would secure his attendance at some future date;
- One witness is to attend today to give live evidence, others are due to attend;
- Not proceeding may inconvenience the witnesses, their employer(s) and, for those involved in clinical practice, the clients who need their professional services;

- The charges relate to events that occurred between 2016 and 2020;
- Further delay may have an adverse effect on the ability of witnesses accurately to recall events; and
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Mr Vlasceanu in proceeding in his absence. Although the evidence upon which the NMC relies will have been sent to him at his registered address. He has made no response to the allegations. He will not be able to challenge the evidence relied upon by the NMC in person and will not be able to give evidence on his own behalf. However, in the panel's judgement, this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies.

Furthermore, the limited disadvantage is the consequence of Mr Vlasceanu's decision to absent himself from the hearing, waive his right to attend, and/or be represented, and to not provide evidence or make submissions on his own behalf.

In these circumstances, the panel has decided that it is fair, appropriate and proportionate to proceed in the absence of Mr Vlasceanu. The panel will draw no adverse inference from Mr Vlasceanu's absence in its findings of fact.

Details of charge

That you, a registered nurse at Bughties Nursing Home:

1. On or around 27 September 2016:
 - a. Grabbed Resident A;
 - b. Pulled and/or pushed Resident A;

2. On 12 October 2016, used unsafe manual handling techniques and/or force to move Resident B to the car by:
 - a. Holding their shoulders;
 - b. Shouting at Resident B;
 - c. Throwing Resident B in the front seat of the car;
 - d. Not using a wheelchair when a wheelchair was clinically appropriate;

3. On 12 October 2016:
 - a. drove without valid insurance when taking Resident B to a funeral;
 - b. shouted at Colleague 2 about Resident B;

4. Abused and/or maltreated patients in that you:
 - a. On an unknown date, laughed at Resident C when they were suffering pain and/or crying;
 - b. On one or more occasions, laughed about residents' illnesses;
 - c. On one or more occasions were heavy handed and/or rushed residents;
 - d. On one or more occasions, were aggressive towards residents;

5. On one or more occasions administered medication to residents without appropriate care and consideration, in that you:
 - a. threw medication in residents' mouths;
 - b. did not provide water;
 - c. did not communicate with the resident prior to administration;

6. Failed to treat colleagues with dignity and/or respect in that you:
 - a. On one or more occasions intimidated colleagues;
 - b. On one or more occasions were abrupt and/or rude to colleagues;
 - c. Between 26 July 2017 and 25 November 2017 sent Colleague 2 threatening messages on Facebook;

7. On 12 January 2016 on Colleague 3's first day at the Home:
 - a. touched Colleague 3's hand;
 - b. Stood close to Colleague 3;
 - c. Asked Colleague 3 to sit next to you on the staircase;
 - d. Commented that Colleague 3 was not wearing a wedding ring;

8. On one or more occasions:
 - a. Cuddled Colleague 4 from behind;
 - b. made comments in relation to colleagues' breasts and/or bottoms;
 - c. invaded colleagues' personal space;

9. On one or more occasions
 - a. Grabbed Colleague 5 by the waist;
 - b. Pulled Colleague 5 towards you and tried to kiss their neck;
 - c. Grabbed Colleague 5's bottom;
 - d. Put your foot between Colleague 5's legs and touched their groin;
 - e. Told Colleague 5 you liked their legs and/or bottom;
 - f. Told Colleague 5 they look sexy and/or beautiful;

10. Your actions in any or all of charges 7, 8 and 9 were sexually motivated;

11. Between 21 December 2015 and 13 April 2016 practised as a nurse when not registered with the NMC;

12. On 13 June 2020, acted to the detriment of your profession's reputation by updating your address to "Bastards Cunts No 999 Minesota USA" on the NMC register;

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

Decision and reasons on application to admit the hearsay evidence of Witness 1

The panel heard an application made by Mr Segovia under Rule 31 to allow the written statement and supplementary statement of Witness 1 into evidence. He informed the panel that Mr Vlasceanu was informed that the NMC will make an application to admit hearsay evidence for Witness 1. Mr Segovia submitted that Witness 1's evidence is relevant as it establishes that there is a date from which Mr Vlasceanu has been accepted to the NMC register. Mr Segovia submitted that it was not the sole and decisive evidence in establishing charge 11, it was straightforward evidence solely to establish the date at which Mr Vlasceanu had been accepted onto the NMC register. Mr Segovia submitted that Witness 1 was a NMC staff member and available if the panel wished to hear from them. Witness 1 solely confirms the registration of Mr Vlasceanu, which is uncontroversial evidence.

The panel heard and accepted the Legal Assessor's advice who referred the panel to the case of *Thorneycroft v NMC* [2014] EWHC 1565 (Admin).

The panel gave the application in regard to Witness 1 serious consideration. The panel noted that Witness 1's statement had been prepared in anticipation of being used in these proceedings and contained the paragraph, '*This statement ... is true to the best of my information, knowledge and belief*' and signed by them.

The panel considered whether Mr Vlasceanu would be disadvantaged by the change in the NMC's position of moving from reliance upon the live testimony of Witness 1 to that of a written statement.

The panel considered that as Mr Vlasceanu had been provided with a copy of Witness 1's statement and, as the panel had already determined that Mr Vlasceanu had chosen voluntarily to absent himself from these proceedings, he would not be in a position to cross-examine this witness in any case. There was also public interest in the issues being explored fully which supported the admission of this evidence into the proceedings. The

panel noted that Witness 1 was solely a witness of fact, and a member of NMC staff, who would be able to confirm the date of Mr Vlasceanu's acceptance to the NMC register. It noted that Witness 1's evidence is restricted to the NMC records, of which the panel has a copy. The panel considered that the unfairness in this regard worked both ways in that the NMC was deprived, as was the panel, from reliance upon the live evidence of Witness 1 and the opportunity of questioning and probing that testimony. There was also public interest in the issues being explored fully which supported the admission of this evidence into the proceedings.

In these circumstances, the panel accepted that the proposed hearsay evidence was relevant and that accepting that hearsay evidence would not cause unfairness to Mr Vlasceanu.

Decision and reasons on application to admit the hearsay evidence of Witness 2

The panel heard an application made by Mr Segovia under Rule 31 to allow the written statement and supplementary statement of Witness 2 into evidence. He informed the panel that Mr Vlasceanu was informed that the NMC will make an application to admit hearsay evidence for Witness 2. Mr Segovia submitted that Witness 2's evidence is relevant to charge 12. Mr Segovia submitted that it was the sole and decisive evidence in establishing charge 12, contains a copy of the screenshot taken from the register and Witness 2 establishes that this address appears to show Mr Vlasceanu's updated address on the register. Mr Segovia submitted that Witness 2 was a NMC staff member and available if the panel wished to hear from them. Witness 2 states slightly more than just confirming the entry on the register, nevertheless, he submitted that it would still be fair to admit their statement as hearsay evidence.

The panel heard and accepted the Legal Assessor's advice who referred the panel to the case of *Thorneycroft*.

The panel gave the application in regard to Witness 2 serious consideration. The panel noted that Witness 2's statement had been prepared in anticipation of being used in these proceedings and contained the paragraph, '*This statement ... is true to the best of my information, knowledge and belief*' and signed by them.

The panel considered whether Mr Vlasceanu would be disadvantaged by the change in the NMC's position of moving from reliance upon the live testimony of Witness 1 to that of a written statement.

The panel considered that as Mr Vlasceanu had been provided with a copy of Witness 2's statement and, as the panel had already determined that Mr Vlasceanu had chosen voluntarily to absent himself from these proceedings, he would not be in a position to cross-examine this witness in any case. There was also public interest in the issues being explored fully which supported the admission of this evidence into the proceedings. The panel noted that Witness 2 was solely a witness of fact, a member of NMC staff, who would be able to confirm the entry relating to Mr Vlasceanu's address entry on the register. Witness 2 can confirm the contents of updates to Mr Vlasceanu's NMC account on 13 June 2020 and on 8 August 2020. They could also confirm subsequent change to his address on the register and the process that indicates that changes to this information can only be done by someone who has access to Mr Vlasceanu's personal NMC online account and password. It noted that Witness 2's evidence is a statement of fact, restricted to the NMC records, of which the panel has a copy. The panel noted that Witness 2's evidence was not the sole and decisive evidence with regard to charge 12, however, it was of the view that Witness 2 would not be able to expand their written statement much further.

The panel considered that the unfairness in this regard worked both ways in that the NMC was deprived, as was the panel, from reliance upon the live evidence of Witness 2 and the opportunity of questioning and probing that testimony. There was also public interest in the issues being explored fully which supported the admission of this evidence into the proceedings.

In these circumstances, the panel accepted that the proposed hearsay evidence was relevant and that accepting that hearsay evidence would not cause unfairness to Mr Vlasceanu.

Decision and reasons on application to admit the hearsay evidence of Colleague 2

Mr Segovia made an application under Rule 31 to allow the written statement of Colleague 2 into evidence. Colleague 2 was not present at this hearing and, whilst the NMC had made sufficient efforts to ensure that this witness was present, they were unable to attend today due to a health condition. Mr Segovia referred the panel to a bundle which laid out communication between Colleague 2 and the NMC Case Officer. Colleague 2 had also sent photographic evidence of their health condition and stated that they are currently taking strong pain medication. Mr Segovia acknowledged that there was no doctors note confirming Colleague 2's health condition.

Mr Segovia further informed the panel that Mr Vlasceanu was only told today that this application was going to be made by the NMC. He was not able to tell the panel why this had not been done earlier, when it became apparent that Colleague 2 was not able to attend the hearing.

Nevertheless, Mr Segovia, submitted that Colleague 2's evidence was important and relevant and parts of it primarily relate to the incident referred to in charge 2. He accepted that the burden was on the NMC to prove its case to the appropriate standard. He noted that Mr Vlasceanu had voluntarily absented himself and was therefore not able to challenge Colleague 2's evidence in any way.

Further, Mr Segovia submitted that Colleague 2's written statement was not the only evidence, but that there was a further, earlier handwritten statement and a statement by Colleague 2 at the local investigation. Mr Segovia acknowledge that Colleague 2's evidence was important, however, he submitted that there was further evidence

supporting Colleague 2's statement and that the panel would be able to attach the relevant weight to it.

Mr Segovia submitted that there was a reason why Colleague 2 was not in attendance, however, he submitted that it was a matter for the panel to judge if the reasons given by Colleague 2 were satisfactory.

Mr Segovia then moved on and submitted that the main focus of Colleague 2's statement also related to charge 6c) and 3b). He acknowledged that Colleague 2's evidence was the sole and decisive evidence with regard to these charges, plus a telephone note from an unknown individual colleague. He acknowledged that this was a very serious incident regarding Mr Vlasceanu's behaviour towards a particular resident. Further the statement also touches on charge 3b (as direct evidence), 6a and 6b and 6c. Mr Segovia submitted that it would be fair to admit Colleague 2's statement into evidence, despite it being sole and decisive.

Upon questions by the panel Mr Segovia clarified that the pictures sent regarding the health issue did not have any identification on them. Further, Mr Segovia informed the panel that the NMC case officer has not enquired as of yet whether Colleague 2 would be available at a later date. Additionally, Colleague 2 provided the NMC with a hospital discharge letter, however, it was pixelated and not readable. Mr Segovia stated that the NMC will try to get a clearer copy.

The panel heard and accepted the legal assessor's advice who referred the panel to the case of *Thorneycroft*. He advised the panel that this application was of a different character to the applications in relation to Witness 1 and Witness 2. The application in relation to Colleague 2 was in relation to evidence which is contested by Mr Vlasceanu.

The panel was of the view that Colleague 2's evidence was sole and decisive in parts and that in relation to fairness to both parties the panel needed to be able to explore their evidence by questioning. The panel was concerned on a number of levels. It was of the

view that Mr Vlasceanu was given very short notice of this application to admit hearsay evidence with only an hour window to respond. It concluded that this was particularly unreasonable as the NMC had no information on his current employment status nor his current country of residence.

Further, the panel was of the view that Colleague 2 was a key witness to a serious charge. Supplementary evidence provided in the bundles in respect of these matters also derived from Colleague 2 originally, making them the sole source of information on some aspects of their evidence. The panel was of the view that it was extremely important that it was afforded the opportunity to ask this witness about a number of issues relating to their statement.

Additionally, the panel was concerned that Colleague 2 had not been approached to determine whether it was possible for them to give evidence later during the schedule of this hearing.

The panel determined that it was in the interest of fairness that the application to admit Colleague 2's statement into evidence as hearsay was refused.

Further, the panel directed the NMC, under Rule 22 (5) which states:

'The Committee may of its own motion require a person to attend the hearing to give evidence, or to produce relevant documents.'

The panel was sympathetic regarding Colleague 2's health issues, however, it directed that the NMC ensured that Colleague 2 was asked to attend either in person or virtually at a future date while the hearing is scheduled.

Panel's Request for a Person to Attend the Hearing or to Produce Relevant Documents under Article 22 (5)

The panel had heard conflicting evidence in respect of whether Mr Vlasceanu was practising as a staff nurse or a healthcare assistant when he joined the team at Bughties Nursing Home (the Home) and whilst waiting for his NMC PIN. After hearing this contradicting evidence from Witness 3 and Colleague 1 as to the employment status of Mr Vlasceanu the panel requested that the NMC either attempt to contact and have Person 1, who was the Operational Manager for the Home at the time, attend the hearing, or to produce relevant documents, such as Mr Vlasceanu's employment records.

The panel heard from Mr Segovia that Person 1 has not been part of the NMC investigation and that it might be difficult for the NMC to get into contact with them. He advised the panel that the NMC might be in possession of further documentation that might assist the panel in the way requested.

The panel heard and accepted the legal assessor's advice.

The panel was of the view that this evidence could assist it in establishing Charge 11 and charge 4a. It considered that Person 1, who was the person responsible for recruiting non-UK staff to the homes, would have been involved in Mr Vlasceanu's initial move to Orchard House and then his subsequent transfer to the Home and should be aware of Mr Vlasceanu's employment status at that point and whether he was performing a healthcare support role while awaiting his PIN from the NMC.

Alternatively, the panel would be content with further documentation demonstrating Mr Vlasceanu's employment status and actual duties at the time he moved to the Home.

The Panel was of the view that this evidence could assist it regarding a serious charge. It determined that it was fair and proportionate to receive such evidence which would assist the panel in clarifying Mr Vlasceanu's employment status and the role he was undertaking.

The panel therefore determined to continue its consideration under Rule 22 (5) in relation to Person 1 until the further documentary evidence, mentioned by Mr Segovia, could be considered.

Decision and Reasons on Admissibility of Evidence

After the panel's request Mr Segovia produced further evidence clarifying Mr Vlasceanu's employment status when he moved to the Home. He reminded the panel that it had some general concerns regarding the evidence demonstrating the starting dates as a registered nurse and potentially requested calling a new witness.

Mr Segovia submitted that this further evidence was produced with regards to charge 11 and to clarify Mr Vlasceanu's employment status at the time in question. He informed the panel that this documentation, which consisted of a Disclosure Scotland document and several telephone notes and emails between the NMC and management staff at the Orchard Home and Bughties Care Home, as Mr Vlasceanu had been employed at both.

Mr Segovia referred the panel to the additional evidence. He submitted that the new evidence suggested, on the face of it, that Mr Vlasceanu started working as a registered nurse from 1 September 2015 at Orchard House, some three months earlier than charged. However, Mr Segovia submitted that this in itself is not as relevant and does not add to the seriousness of the charge. He submitted that the key issue was not the place of employment but that Mr Vlasceanu was working as a registered nurse when he had not yet received an NMC PIN. Mr Segovia submitted that it was irrelevant where the mischief occurred but that it was in itself serious to work as a nurse when not registered. He informed the panel that the NMC was not intending to amend the charge to reflect the dates, as it would not add to the seriousness of the charge.

Further, Mr Segovia informed the panel that Mr Vlasceanu was already in possession of this evidence as it was sent to him with the Case Examiner's investigation report.

Mr Segovia submitted that it was fair and relevant to admit this further evidence and invited the panel to find that that the evidence in question was admissible.

The panel heard and accepted the legal assessor's advice.

The panel determined that it was fair and relevant to admit this further evidence in relation to Mr Vlasceanu's employment status at the time in question. Mr Vlasceanu had seen this documentation before. Therefore, the panel determined that the material contained within these documents is relevant and that it would be fair to admit it in evidence.

Panel's Request for Person 1 to Attend the Hearing under Article 22 (5)

The panel received the additional papers tendered by the NMC and admitted these into evidence. The panel was of the view that this documentation also contained conflicting information. The Disclosure Scotland report states that Mr Vlasceanu was employed as a staff nurse at Orchard House from 1 September 2015 and then again as a staff nurse from December 2015 at the Home. However, in a telephone note to the Orchard House Home Manager it states:

'[The Home Manager] advised that the registrant started employment with Orchard House in September 2015 when he arrived from Romania. The registrant was employed as a Care Assistant as although he was a qualified nurse in Romania, he had not received his NMC PIN.'

The panel further noted that it had heard conflicting oral evidence from Witness 3 and Colleague 1 indicating that Mr Vlasceanu worked and practised as a staff nurse and as a healthcare assistant at the Home. The panel therefore determined that the additional documentation received was not sufficient to clarify whether Mr Vlasceanu had been practising as a nurse or as a healthcare assistant at the dates specified within Charge 11.

The panel heard and accepted the legal assessor's advice.

In the absence of any paper documentation to show exactly when Mr Vlasceanu stopped working as a healthcare assistant and started practising as a staff nurse, the panel was of the view that it would be helpful to hear from Person 1, who was the operational manager for both homes at the time of Mr Vlasceanu's employment. The panel noted from the information before it that Person 1 was responsible for conducting the interviews with the Romanian nurses and their recruitment, they were the operational manager responsible for the Romanian nurses' transfer to the UK and the transfer of Mr Vlasceanu to the Home. The panel was of the view that in the circumstances Person 1 could be able to clarify Mr Vlasceanu's status and how he practised when he commenced employment at the home. In addition, the panel noted that the company which owned the respective Homes which Mr Vlasceanu worked at had not been directly approached to produce further evidence, from staff records, a personal file, payroll documentation or similar, to assist the panel regarding charge 11. The panel recognised that the ownership of the Home has changed hands since the events and as the individual Homes no longer appear to hold any employment records for Mr Vlasceanu it would be worth approaching the company Headquarters to establish what has happened to the personnel records.

The panel considered that charge 11 was a serious charge and if found proved could have serious consequences for Mr Vlasceanu. It determined that it was fair and proportionate to seek further evidence clarifying Mr Vlasceanu's employment and practising status. The panel therefore directed the NMC under Rule 22 (5) to attempt to call Person 1 to the hearing as a witness and seek further documentation regarding Mr Vlasceanu's employment and practising status from the company which owned the respective Homes at the relevant time.

Application to Adjourn under Rule 32

Mr Segovia made an application to adjourn the hearing. He submitted that there was no further evidence to be presented to or considered by the panel until the already listed resuming dates, 28 November to 2 December 2022. He submitted that the NMC in the

meantime will be dealing with the directions made by the panel and endeavour to secure the remaining witnesses, Colleague 2 and Colleague 4.

The panel heard and accepted the legal assessor's advice.

The panel determined that it would be fair and appropriate to adjourn the hearing to a later date. The panel noted that there was no evidence for them to consider for the remaining one and a half days at the current listing. It noted that the hearing was listed to resume on 28 November and considered that the NMC could use the time until that date to talk to the remaining witnesses and gather further evidence.

The panel considered the need for an interim order, however, had heard from Mr Segovia that such an order was already in place and would be processed by the NMC as appropriate. The panel was therefore of the view that there was no need to create an additional interim order.

Decision and reasons on proceeding in the absence of Mr Vlasceanu on Monday 28 November 2022

Mr Smalley reminded the panel that when the substantive hearing began in August 2022, it determined that Mr Vlasceanu had voluntarily absented himself from these proceedings. The panel proceeded in Mr Vlasceanu's absence on that occasion.

Mr Smalley submitted that he can confirm that between the adjourned date on 1 September 2022 and today's date (28 November 2022) that there has been no further communication from Mr Vlasceanu. Mr Vlasceanu was informed of the outcome of the adjourned hearing by email on 2 September 2022.

Mr Smalley informed the panel that the NMC case officer for this case has sent several emails to Mr Vlasceanu, an email detailing the application to amend the charge on 24 August 2022 and an email on 2 September 2022 inviting Mr Vlasceanu to respond to

those amendments by 11 November 2022 and confirming the resuming hearing dates of week commencing 28 November 2022. A further email was sent on 3 November 2022 inviting a further response to the proposed charge amendments and attached copies of the hearing transcripts to date. On 25 November 2022, an email was sent asking for any comment in relation to the proposed amendments and whether Mr Vlasceanu will be attending the virtual hearing resuming 28 November 2022, and if he does not attend if he is content for the hearing to resume in his absence.

Mr Smalley submitted that he has received confirmation from the NMC case officer that there has been no response from Mr Vlasceanu to the emails sent and in these circumstances invited the panel to proceed in Mr Vlasceanu absence, given that he has voluntarily absented himself. He submitted that adjourning these proceedings would not secure Mr Vlasceanu attendance at a future date.

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

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised '*with the utmost care and caution*' as referred to in the case of *R v Jones (Anthony William)* (No.2) [2002] UKHL 5.

The panel has decided to proceed in the absence of Mr Vlasceanu. In reaching this decision, the panel has considered the submissions of Mr Smalley, and the advice of the legal assessor. It has had particular regard to the factors set out in the decision of *R v Jones* and *General Medical Council v Adeogba* [2016] EWCA Civ 162 and had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Mr Vlasceanu;
- Mr Vlasceanu was informed of the resuming hearing dates and he has made no contact with the NMC;

- There is no reason to suppose that adjourning would secure his attendance at some future date;
- One witness is to attend today to give live evidence, others are due to attend;
- Not proceeding may inconvenience the witnesses, their employer(s) and, for those involved in clinical practice, the clients who need their professional services;
- The charges relate to events that occurred between 2016 and 2020;
- Further delay may have an adverse effect on the ability of witnesses accurately to recall events; and
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Mr Vlasceanu in proceeding in his absence. Although the evidence upon which the NMC relies will have been sent to him at his registered address. He has made no response to the allegations. He will not be able to challenge the evidence relied upon by the NMC in person and will not be able to give evidence on his own behalf. However, in the panel's judgement, this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies.

Furthermore, the limited disadvantage is the consequence of Mr Vlasceanu's decision to absent himself from the hearing, waive his right to attend, and/or be represented, and to not provide evidence or make submissions on his own behalf.

In these circumstances, the panel has decided that it is fair, appropriate and proportionate to proceed in the absence of Mr Vlasceanu. The panel will draw no adverse inference from Mr Vlasceanu's absence in its findings of fact.

Decision and reasons on application to amend the charge

On 30 August 2022, the panel heard an application made by Mr Segovia, on behalf of the NMC, to amend the wording of charge 10.

Mr Segovia submitted that the charge as it is currently simply alleges a sexual motivation and does not go far enough according to the relevant caselaw. He submitted that where there is a sexual motivation charge, it should essentially say whether or not that motivation for the alleged conduct was about seeking sexual gratification or about the desire for some sort of future sexual relationship. Mr Segovia submitted that this element in charge 10 needs to be amended to make a proper allegation of sexual motivation.

Mr Segovia referred the panel to the proposed amended charges document. He submitted that charges 10(a), 11(a) and 12(a) now are proposed to say specifically what the motivation is and that is as the charge amendment proposal is, that the motivation was seeking sexual gratification. He submitted that this tidies up the lack of a clear indication of what the motive was in the original 10, and that is why 10(a), 11(a) and 12(a) are sought as part of the amendments to Charge 10.

Mr Segovia informed the panel that Mr Vlasceanu was sent an email on 24 August 2022 with the original charge sheet and the proposed new charge sheet attached. The email informed Mr Vlasceanu that that proposed amendment would be requested by the NMC at any point from 11.00 am on 26 August 2022. Mr Vlasceanu was asked via email if he wanted to respond to the proposed amendment and the new charges or, if he had any questions, to contact the NMC Case Coordinator. Mr Segovia submitted that as of the morning on 30 August 2022, there has been no response from Mr Vlasceanu to the email that was sent to him.

It was submitted by Mr Segovia that the proposed amendments of Charge 10 to the Charges 10(a) and (b), 11(a) and (b) and 12(a) and (b) would provide clarity and more accurately reflect the evidence.

“That you, a registered nurse:

10. **a. Your ~~conduct~~ actions in any or all of charges 7, 8 and 9 were ~~was~~ sexually motivated; ~~in that you were seeking sexual gratification, or~~**
b. Your conduct in charge 7 above was unwanted and had the purpose or effect of
i. violating Colleague 3’s dignity, or
ii. creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague 3.

11. **a. Your conduct in charge 8 above was sexually motivated in that you were seeking sexual gratification, or**
b. Your conduct in charge 8 above was unwanted and had the purpose or effect of;
i. violating Colleague 4’s dignity, or
ii. creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague 4.

12. **a. Your conduct in charge 9 above was sexually motivated in that you were seeking sexual gratification, or**
b. Your conduct in charge 8 above was unwanted and had the purpose or effect of;
i. violating Colleague 5’s dignity, or
ii. creating an intimidating, hostile, degrading, humiliating, or offensive environment for Colleague 5.

11.13. Between 21 December 2015 and 13 April 2016 practised as a nurse when not registered with the NMC;

12. 14. On 13 June 2020, acted to the detriment of your profession's reputation by updating your address to "Bastards Cunts No 999 Minesota USA" on the NMC register;

The panel accepted the advice of the legal assessor and had regard to Rule 28 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel was of the view that the proposed amendments are clearer, more focused and fairer to both Mr Vlasceanu and the NMC. The panel was however concerned that Mr Vlasceanu only had 48 hours' notice as he was given the deadline of 11 am on 26 August 2022, and that may have put him off from responding.

The panel was of the view that given that the natural break of this hearing resuming in November 2022, it would be fairer on Mr Vlasceanu if he is given full and proper notice of the proposed changes and the NMC advise him that he has until September 2022 to seek advice and make response should he wish. The panel therefore determined that until it has been made aware that Mr Vlasceanu has or has not responded by that deadline, the panel will not make a decision in respect of the proposed amendments.

On 28 November 2022, the panel in considering its decision on the proposed charge amendments, took into account the new information before it. The panel noted that Mr Vlasceanu has had adequate time to respond to the proposed amended charges but has chosen not to respond.

The panel was of the view that such an amendment, as applied for, was in the interest of justice. The panel was satisfied that there would be no prejudice to Mr Vlasceanu and no injustice would be caused to either party by the proposed amendment being allowed. It was therefore appropriate to allow the amendment, as applied for, to ensure clarity and accuracy.

Decisions and reasons on amending charge 7 on 19 December 2022

On 19 December 2022, during the panel's consideration of the charges at the fact-finding stage, the panel heard advice from the legal assessor that the introduction of the charges against Mr Vlasceanu referred to his being a registered nurse. The panel and the NMC were aware that Mr Vlasceanu was not a registered nurse at the time mentioned in charge 7. The legal assessor suggested that it would be appropriate to clarify matters by making a brief amendment to the introductory stem of charge 7. The panel then invited Mr Smalley to make submissions in relation to amending the wording of charge 7.

The panel noted that the NMC are aware that Mr Vlasceanu was not on the NMC register until 13 April 2016 and he was accordingly not a registered nurse at the time that is relevant to charge 7. The panel was of the view that the proposed amendment of inserting the words '*prior to your registration as a registered nurse*' within the preamble to charge 7 would make the position clear, provide clarity and more accurately reflect the evidence.

- 7. Prior to your registration as a registered nurse** on 12 January 2016 on
Colleague 3's first day at the Home:
- a) touched Colleague 3's hand;
 - b) Stood close to Colleague 3;
 - c) Asked Colleague 3 to sit next to you on the staircase;
 - d) Commented that Colleague 3 was not wearing a wedding ring;

Mr Smalley submitted that if the panel are of the view that the proposed amendment clarifies matters, he does not oppose the amendment and it is a matter for the panel to consider. Mr Smalley informed the panel that he would make arrangements for Mr Vlasceanu to be informed of the amendment and afford him sufficient time to respond before proceeding further, as he is not in attendance at the hearing.

The panel accepted the advice of the legal assessor and had regard to Rule 28 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel was of the view that Mr Vlasceanu should be afforded time to respond to the proposed amended charge until 14:30. The panel determined that if it has not heard back from Mr Vlasceanu, the amendment to charge 7 will be adopted.

The panel was of the view that such an amendment, as applied for, was in the interest of justice. The panel was satisfied that there would be no prejudice to Mr Vlasceanu and no injustice would be caused to either party by the proposed amendment being allowed. It was therefore appropriate to allow the amendment, as applied for, to ensure clarity and accuracy.

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

During his submissions in relation to Colleague 4's evidence, Mr Smalley made a request that this case be held partly in private on the basis that proper exploration of case involves reference to Colleague 4's health. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

The panel determined to go into private session in connection with Colleague 4's health as and when such issues are raised.

Decision and reasons on application to admit written statement/hearsay evidence of Colleague 4

The panel heard an application made by Mr Smalley under Rule 31 to allow the written statement of Colleague 4 into evidence. Colleague 4 was not present at this hearing and,

whilst the NMC had made sufficient efforts to ensure that this witness was present, she was unable to attend. Mr Smalley referred the panel to the correspondence between Colleague 4 and the NMC case officer, where it is stated that Colleague 4 has health issues which have prevented her from attending the hearing to give evidence. Mr Smalley submitted that he is not able to provide any relevant medical evidence to the nature of Colleague 4's health condition. Colleague 4 has informed the NMC that doctors were investigating a motor neurone disease and Parkinson's.

Mr Smalley submitted that the application made under Rule 31 is to adduce the evidence of Colleague 4 as she is unable to attend to give live evidence for health reasons. He submitted that Colleague 4 gives relevant evidence in respect of charges 1,4,5, 8 and the amended charge 11. He submitted that the panel have Colleague 4's written statement to consider and contrast against the charges and the test of relevance is met in this case.

Mr Smalley submitted that the absence of Colleague 4 means that Mr Vlasceanu would not be able to question Colleague 4 on matters which are disputed and that the panel would not be able to question Colleague 4 on matters which need clarification. He submitted that this presents a level of unfairness to Mr Vlasceanu.

Mr Smalley submitted that Colleague 4 gives evidence in respect of charge 8 and the associated sexually motivated charge. Mr Smalley submitted that Colleague 4's evidence is sole and decisive as relates to charge 8, however Colleague 4 does give supporting evidence which is supported by other evidence in support of charges 1, 4 and 5. Mr Smalley invited the panel to admit Colleague 4's evidence as hearsay as being relevant to those specific charges as they are relevant and fair.

Mr Smalley submitted that in respect of charge 8 and the associated sexually motivated charge that Colleague 4's statement is sole and decisive. He submitted that the panel may find that the test of fairness is not met for those aspects of Colleague 4's witness statement.

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

The panel gave the application in regard to Colleague 4 serious consideration. The panel noted that Colleague 4's statement had been prepared in anticipation of being used in these proceedings and contained the paragraph, 'This statement ... is true to the best of my information, knowledge and belief' and signed by her.

The panel considered whether Mr Vlasceanu would be disadvantaged by the change in the NMC's position of moving from reliance upon the live testimony of Colleague 4 to that of a written statement and allowing hearsay testimony into evidence. The panel noted that as Mr Vlasceanu had been provided with a copy of Colleague 4's statement and, as the panel had already determined that Mr Vlasceanu had chosen voluntarily to absent himself from these proceedings, he would not be in a position to cross-examine this witness in any case. There was also public interest in the issues being explored fully which supported the admission of this evidence into the proceedings.

The panel also considered that there is nothing in Colleague 4's evidence to suggest that it is fabricated and that the charges are of a serious nature. The panel took into account that despite there being no medical evidence in respect of Colleague 4's health condition, Colleague 4 has consistently engaged with the NMC and informed the NMC case officer of her health condition. The panel was of the view that there is a good reason as to why Colleague 4 has not attended the hearing to give live evidence, and that the NMC has made attempts in respect of Colleague 4's attendance at this hearing.

The panel in considering Colleague 4's written statement was of the view that paragraphs 13 and 14 of her statement should not be accepted as hearsay evidence as it is the sole and decisive evidence relating to charge 8, which relates to Colleague 4 directly. In relation to the rest of Colleague 4's written statement, the panel is content that it can be admitted as hearsay evidence as it is supported by other evidence that the panel have heard and have had sight of from other witnesses.

In these circumstances, the panel came to the view that on the balance of probabilities it would be fair and relevant to accept into evidence, with the exception of paragraphs 13 and 14, the written statement and hearsay evidence of Colleague 4, but would give what it deemed appropriate weight once the panel had heard and evaluated all the evidence before it.

Decisions and reasons on application on the admissibility of hearsay evidence in relation to Colleague 5

Mr Smalley submitted that the panel's decision in relation to Colleague 4's evidence has a 'knock on effect' on the evidence before the panel in respect of Colleague 5.

Mr Smalley referred the panel to the local handwritten statement of Colleague 5 which was addressed to Witness 3. He submitted that Colleague 5 provides evidence in relation to charge 9, which is the sole and decisive evidence for this charge.

Mr Smalley in his submissions invited the panel, in light of its previous findings in relation to Colleague 4, to consider the admissibility of hearsay evidence of Colleague 5 as sole and decisive in relation to charge 9.

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

The panel took into account that the evidence of Colleague 5 is relevant and relates to a serious charge. The panel considered that it does not have any relevant information before it as to why Colleague 5 has not attended the hearing to give live evidence. It noted that Colleague 5 has not made any efforts to engage with the NMC or attend the hearing.

The panel took into account that it cannot be verified if the person who wrote the handwritten note is the same person as the NMC has been trying to contact as there has been a name change. The panel noted that the NMC have made several attempts to contact and have discussions with Colleague 5 which have not been successful, apart

from one brief contact where it was agreed that the NMC would ring back and there was no response from Colleague 5. The panel noted that the NMC has not produced a written and signed formal statement for Colleague 5 but considered that it has a contemporaneous handwritten note written to Witness 3 which is signed by Colleague 5.

The panel was of the view that given the seriousness of the charge and the fact that it is sole and decisive evidence in relation to charge 9, that this evidence is very relevant, but it is not fair to admit this evidence given that there is no formal statement and Colleague 5 is not willing to appear as a NMC witness.

Decision and reasons on facts

In reaching its decisions on the disputed facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Mr Smalley on behalf of the NMC.

The panel has drawn no adverse inference from the non-attendance of Mr Vlasceanu.

The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that a fact will be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

The panel heard live evidence from the following witnesses called on behalf of the NMC:

- Witness 3: Home Manager at Bughties Care
Home at the time of the incidents
- Colleague 6: Staff Nurse at Bughties Care Home

- Witness 4: Team Manager within Care Home Team at Dundee Health and Social Care Partnership
- Colleague 3: Staff Nurse at Bughties Care Home at the time of the incidents
- Colleague 2: Bank Nurse at Bughties Care Home at the time of the incidents
- Person 1: Operational Manager of Enhance Scotland ('the Company')

The panel also had sight of the witness statements/hearsay evidence of the following NMC witnesses:

- Witness 1: International Assessment Officer at the NMC
- Witness 2: UK Registrations Team Manager at the NMC
- Colleague 4: Healthcare Assistant at the Home

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor.

The panel heard about a Large Scale Investigation (LSI) on behest of Dudley Health and Social Care Partnership. The panel heard that this investigation process started as a result of review of Early Indicator (EI) forms which were completed by anyone who had low level concerns about a care home. Should several low-level concerns be noted this triggered an

Initial Referral discussion (IRD) by the Adult Safeguarding team who were external to the home, and other agencies involved in monitoring the quality within care homes. This discussion triggered an LSI of the Home where the allegations against Mr Vlasceanu were initiated.

The panel, in reaching its decision on the disputed charges, considered all of the evidence before it, including the witness and documentary evidence provided by the NMC. The panel also had sight of the evidence provided by Mr Vlasceanu but took into account that as he was not in attendance, the panel had not had the opportunity to test his evidence. The panel had sight of documentary evidence of variable quality and reliability.

There were contemporaneous records written by some of the witnesses who provided statements and/or oral evidence to the NMC. These records were written by the individuals within a few hours or days of the incidents itself. The panel found this evidence to be reliable and consistent with the oral evidence of the witnesses before it.

The panel also had before it documentary evidence of local investigations conducted by the Home into some of the events usually within a few days of the event. The panel also considered records of interviews conducted as part of a serious incident review by the Adult Support and Protection Team (ASP) which were conducted up to several months after some of the events.

The panel took into consideration that the ASP interviews were conducted by two people, one person asking questions and the other person making handwritten bullet point notes. The panel has not had sight of any of the contemporaneous handwritten interview notes. The panel was informed that these notes were typed up by a variety of administrative staff who had not been at the interview and there was no process where the interviewee was able to verify if the typed notes were accurate. The panel were told that interviewees had been asked to sign the handwritten notes on the day of the interview, however the panel do not have these handwritten notes of the ASP interviews as these were shredded during a move of offices.

The panel were of the view that whilst it could take some of these records as being supportive of stronger evidence, such as more contemporary documentary or live oral evidence, it would not be able to rely on these records as the sole evidence supporting any of the charges.

During the course of the hearing, the panel heard live oral evidence from a number of witnesses who had worked with Mr Vlasceanu at the Home. The panel also reviewed a number of NMC witness statements and supplementary statements from these witnesses. The panel was however unable to hear live evidence from Colleague 4, and was therefore unable to test her witness statement, which was admitted (with the exception of two paragraphs) as hearsay evidence.

ASP interview records relating to five different individuals who were interviewed as part of the local investigation were treated with caution by the panel. The panel found some discrepancies between typed versions of interviews relating to the same interviewee, neither of which were seen or agreed by the interviewee. The panel was told by Witness 4 that the resulting ASP records were not rechecked subsequently by any interviewee for accuracy as they were not regarded as statements, but rather information for discussion at the Large Scale Investigation (LSI) meeting.

Despite this, where there is a degree of consistency between the ASP interview records and other evidence, the panel did attach some weight to these records.

The panel had sight of witness statements from Colleague 4, Witness 1, and Witness 2 which were admitted as evidence, but were untested as these witnesses did not give live oral evidence at the hearing.

The panel also had sight of a number of unsigned and undated written statements that Mr Vlasceanu provided to the NMC which gave some indication of his version of events. Mr

Vlasceanu also provided three transcripts of undated, covert voice recordings made by him during interviews with his managers at the Home.

The panel then considered each of the disputed charges and made the following findings.

Charge 1a

That you, a registered nurse at Bughties Nursing Home:

1. On or around 27 September 2016:

a. Grabbed Resident A;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Witness 4, Colleague 3, Colleague 4 and Colleague 5.

The panel took into account the undated investigative interview records referring to matters which took place on 28 September and 12 October 2016 where Colleague 5 was being interviewed by Witness 4. It noted that Colleague 5 during the interview stated that Mr Vlasceanu had *'grabbed [Resident A] by the wrist...'*

The panel considered that Colleague 3 and Colleague 4 were in the vicinity but did not witness the actual incident. It noted that Colleague 3 in her witness statement said that she heard 'squealing'. Both Colleague 3 and Colleague 4 attest to having to calm Resident A down and that she was shocked, upset and distressed.

The panel noted that Mr Vlasceanu does provide his own version of events. He describes Resident A who had mild Dementia and denies he grabbed her in his interview records at the Home. Resident A in his account was holding onto the doorframe and Mr Vlasceanu was detaching her from the door frame. Mr Vlasceanu describes Resident A sitting down

and swearing at him. The panel however took into account that this is not reflected in any of the other contemporaneous statements about this incident. The panel have had descriptions of the nature and character of Resident A from other witnesses which does not fit with Mr Vlasceanu's description of Resident A's behaviour.

Colleague 3 was so concerned by this, that she raised her concerns formally and externally, which is contemporaneously documented in her completion form paperwork.

Colleague 3 was a peripatetic nurse who was not a member of the staff there. She provided consistent evidence that she heard squealing and went to investigate what was happening to Resident A. Her evidence was consistent and supports what Colleague 4 has said in their witness statement.

The panel was of the view that the witness statements of Colleague 3, Colleague 4 and Colleague 5 are consistent in that they speak about hearing parts of the incident and witnessed the distress of Resident A after this incident had taken place.

The panel therefore find this charge proved on the balance of probabilities.

Charge 1b

That you, a registered nurse at Bughties Nursing Home:

1. On or around 27 September 2016:
 - b. Pulled and/or pushed Resident A

This charge is found proved.

This charge relates to the same incident in charge 1a and the evidence relied on is similar.

The panel have heard live evidence from Colleague 3 that Resident A was seen to be pushed into the sitting area and pushed onto the chair by Mr Vlasceanu. Mr Vlasceanu provided a different account in his local interview.

Colleague 4 stated that she witnessed this taking place and she had provided a contemporaneous note of this. The panel took into account that Colleague 4's witness statement and interview record of 12 October are consistent.

There is consistency in the evidence relating to this charge from five different individuals who were interviewed as part of the local investigation. The ASP records of interviews with other staff on dates DP/01 DP/02 and DP/04 AND DP/18 provide further consistency that Mr Vlasceanu had pushed and pulled Resident A.

The panel therefore find this charge proved on the balance of probabilities.

Charge 2a)

2. On 12 October 2016, used unsafe manual handling techniques and/or force to move Resident B to the car by:

a. Holding their shoulders;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague 2

The panel considered that Colleague 2 was a direct witness to this incident. Colleague 2 in her contemporaneous account provided a detailed description, stating that Resident B was moved on their tip toes because of the way Mr Vlasceanu was holding Resident B's shoulders.

The panel took into account that Colleague 2 had stated in her contemporaneous handwritten note that she thought that Mr Vlasceanu could have broken Resident B's arm with the way he was holding her, and that Resident B was heard shouting 'you are going to break my arm'.

Although the panel placed less weight on the ASP investigation records, these were consistent with the contemporaneous record and the oral evidence heard by the panel from Colleague 2.

The panel noted that Colleague 2, on witnessing this incident, reported it to Witness 3 immediately after and this is contemporaneously documented in a handwritten note dated 12 October 2016, the same day of the incident. The panel was of the view that Colleague 2's evidence was consistent in later interviews and in the oral evidence that she gave to the panel.

The panel therefore find this charge proved on the balance of probabilities.

Charge 2b)

2. On 12 October 2016, used unsafe manual handling techniques and/or force to move Resident B to the car by:
 - b. Shouting at Resident B;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague 2.

The panel considered that Colleague 2 was a direct witness to this incident. Colleague 2 said in her evidence that when she reached downstairs, she heard Mr Vlasceanu shouting and screaming. Colleague 2 explained in their evidence that it was the sound of Mr Vlasceanu's shouting that alerted her and brought her quickly downstairs to see what was

happening, although there had been a precursor meeting between Colleague 2 and Mr Vlasceanu as he was panicking about the time.

The panel, as in charge 2a), noted that Colleague 2 contemporaneously documented this incident in a handwritten note dated 12 October 2016, the same day of the incident. The panel was of the view that Colleague 2's evidence was consistent in later interviews and in the oral evidence that she gave to the panel.

The panel therefore find this charge proved on the balance of probabilities.

Charge 2c)

2. On 12 October 2016, used unsafe manual handling techniques and/or force to move Resident B to the car by:

c. Throwing Resident B in the front seat of the car;

This charge is found NOT proved.

In reaching this decision, the panel took into account the evidence of Colleague 2.

The panel considered Colleague 2's handwritten contemporaneous statement which was written on 12 October 2016, the same date of the incident, where she had described the incident and that Mr Vlasceanu had *'opened the door and very quickly got [Resident B] into the car...[Mr Vlasceanu] took [Resident B's Zimmer] and threw it on the back seat'*.

The panel also noted Colleague 2's NMC witness statement, dated 15 December 2020, which sets out that Mr Vlasceanu *'threw Resident B in the front seat of the car and put Resident B's Zimmer frame in the back'*.

The panel noted the discrepancy between Colleague 2's contemporaneous statement and her subsequent NMC statement.

The panel was of the view that Colleague 2's handwritten statement dated 12 October 2016 is a more accurate reflection of the incident as it was written on the same day. The panel was therefore of the view that it was more likely than not that it was Resident B's Zimmer frame that was thrown into the back of the car, rather than Resident B being thrown into the front seat of the car.

The panel therefore find this charge NOT proved on the balance of probabilities.

Charge 2d)

2. On 12 October 2016, used unsafe manual handling techniques and/or force to move Resident B to the car by:

d. Not using a wheelchair when a wheelchair was clinically appropriate;

This charge is found proved.

In reaching this decision, the panel took into account Colleague 2's evidence.

The panel considered Colleague 2's handwritten contemporaneous statement which was written on 12 October 2016, the same date of the incident. Colleague 2's handwritten statement sets out that Mr Vlasceanu had used a Zimmer frame to usher Resident B to the front door, not a wheelchair.

Colleague 2 further set out in her witness statement that she had offered to get a wheelchair for Resident B to use, as Resident B would normally not be able to walk that far and fast as the speed Mr Vlasceanu was going.

The panel noted that it had no written care plan evidence before it that Resident B should be moved using a wheelchair. It was Colleague 2's perception that a wheelchair would be more appropriate for Resident B. Colleague 2 in her witness statement sets out that *the*

distance from the lounge to the car would have been 50 metres and you were lucky if you could get Resident B to walk eight to ten meters. Anywhere where Resident B went we would normally have to transport her in a wheelchair’.

The panel also took into account that Colleague 2’s handwritten statement refers to Resident B having their own wheelchair to use ‘... told [Mr Vlasceanu] he should have used her wheelchair’

The panel considered that Colleague 2’s contemporaneous statement and witness statement provides that Resident B has her own wheelchair and that Resident B would normally be transported by wheelchair. The panel took into account that Colleague 2 is a very experienced clinician working with this client group who would be well qualified to make the decision that Resident B required the wheelchair. The panel also noted the ASP Investigation report meeting notes from the Home dated 28 October 2016 that it is in Resident B’s care plan that she would normally use a wheelchair for any distance. The panel was therefore of the view that it would have been clinically appropriate in the circumstances for Resident B to use a wheelchair.

The panel therefore find this charge proved on the balance of probabilities.

Charge 3a

3. On 12 October 2016:

a. drove without valid insurance when taking Resident B to a funeral;

This charge is found proved.

In reaching this decision, the panel took into account the Enhance Healthcare disciplinary meeting notes and the Enhance Healthcare outcome of disciplinary meeting letter both dated 8 November 2016. The panel noted that it is detailed in the disciplinary meeting letter that Mr Vlasceanu accepted that he did not have the appropriate insurance to take

Resident B in his own car to a funeral. Mr Vlasceanu's response as detailed in the letter was that he did not know that he had to have this type of insurance.

The panel noted that from the evidence before it that Mr Vlasceanu has not at any point denied the fact that he drove without valid insurance when taking Resident B to a funeral.

The panel therefore find this charge proved on the balance of probabilities.

Charge 3b

3. On 12 October 2016:

b. shouted at Colleague 2 about Resident B;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague 2.

The panel considered Colleague 2's handwritten statement of 12 October 2016, the day of the incident, which states that Mr Vlasceanu *'was shouting very loudly and I felt manically'*. This is reiterated in Colleague 2's witness statement which states that *'[Mr Vlasceanu] got me so flustered because he was so angry and kept on shouting and screaming at me'*.

The panel was of the view that Colleague 2's handwritten contemporaneous statement, NMC witness statement and her oral evidence are consistent and compelling as to how the incident took place. The panel noted that Colleague 2 was so concerned that she had raised the issue on the day with Witness 3 and when Colleague 2 felt it was not being dealt with by Witness 3, she formally escalated it externally.

Having heard evidence from other witnesses, the panel was satisfied that there was a pattern of behaviour of Mr Vlasceanu raising his voice and shouting.

The panel therefore find this charge proved on the balance of probabilities.

Charge 4a

4. Abused and/or maltreated patients in that you:

a. On an unknown date, laughed at Resident C when they were suffering pain and/or crying;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague 1 and Colleague 6.

The panel considered Colleague 6's supplementary witness statement which sets out *'[Mr Vlasceanu] was laughing at listening to the resident crying, who was in a lot of pain'*

The panel noted that this is consistent with the call log dated 10 February 2021 between the NMC case officer and Colleague 6, where it is mentioned that Mr Vlasceanu was laughing at listening to the patient crying, who was in a lot of pain.

This is further supported by Colleague 1's witness statement, which states *'I do remember an incident where [Mr Vlasceanu] was having a conversation with another colleague at the reception desk of the Home and was laughing and making fun of a resident who had been crying.'*

Colleague 1 in her oral evidence to the panel provided a clear explanation, which was consistent with her written account. She told the panel that there were two residents in the corridor, one of those was Resident C who had a medical condition that resulted in an illness that caused him severe pain and who was often crying out in pain. Colleague 1 knew Resident C well as she had worked there for some time. There were two individuals coming directly out of that area, one of whom was Mr Vlasceanu. Colleague 1 witnessed

both individuals laughing about Resident C and heard them saying *'what a baby look at him crying like a baby'*. She knew the only two residents were either Resident C or another resident who had no history of being in pain.

Colleague 1 stated that Mr Vlasceanu and his colleague were just laughing *'I just thought this is so sad the poor man was in agony'*.

The panel took into account that the version of events from Colleague 1 and Colleague 6 is supported by the content of the ASP interview notes dated 2 November 2016.

The panel therefore find this charge proved on the balance of probabilities.

Charge 4b

4. Abused and/or maltreated patients in that you:
 - b. On one or more occasions, laughed about residents' illnesses;

This charge is found proved.

In reaching this decision, the panel took into account its decision on charge 4a.

The panel was of the view that this charge relates to the same resident, Resident C, as charge 4a and were unable to find any other evidence that relates to alternative residents. The panel therefore concluded that this charge relates to the same resident, and for the same reasons and the same evidence as in charge 4a, the panel also finds this charge proved.

The panel therefore find this charge proved on the balance of probabilities.

Charge 4c

4. Abused and/or maltreated patients in that you:

c. On one or more occasions were heavy handed and/or rushed residents;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague 2 and Colleague 4

The panel considered that Colleague 2's evidence in relation to charge 2 which describes Resident B had been moved to the car by Mr Vlasceanu would equate to Resident B being rushed.

The panel noted Colleague 2's witness statement where she was asked to comment on Mr Vlasceanu's professionalism. She told the panel that Mr Vlasceanu *'was rude to his work colleagues and had no respect for the manager. He also shouted and was very rough with the residents'*.

The panel also took into account Colleague 4's witness statement in relation to Mr Vlasceanu's behaviour. Colleague 4 explained that Mr Vlasceanu *'was very heavy handed'* with the residents, and in relation to Resident A had *'grabbed her wrist, I think it was her left wrist, with one hand and pulled her through from the hall to the lounge'*.

ASP interview notes dated 2 November 2016 provide information on Mr Vlasceanu's behaviour in that he was described as being *'rough, can be distressed, has no patience'*. Another undated ASP interview states that Mr Vlasceanu *'shouts at residents, pulling residents'*. There was compelling consistency among the ASP interview which supports the consistent oral evidence from NMC witnesses that on one or more occasions Mr Vlasceanu was heavy handed and/or rushed residents on one or more occasions.

The panel therefore find this charge proved on the balance of probabilities.

Charge 4d

4. Abused and/or maltreated patients in that you:
d. On one or more occasions, were aggressive towards residents;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague 4 and Colleague 6.

The panel noted Colleague 4's witness statement in relation to Mr Vlasceanu being aggressive towards residents, in that he grabbed the hand of Resident A and pushed and/or pulled Resident A, which the panel have found proved in charges 1a and 1b. Colleague 4 was a direct witness to this incident.

The panel considered the ASP interview records with Person 2, where they state that Mr Vlasceanu *'can be aggressive to residents sometimes can't handle it when residents are unsettled, easily agitated.'* [sic]

The panel was satisfied from this and the evidence of other witnesses that there was a pattern of Mr Vlasceanu being aggressive.

The panel also noted an investigative interview with Colleague 5 relating to 28 September and 12 October 2016 which supports Colleague 4's witness statement. *'He's a big boy, he's scary...Rolling staff, grabbed her by the wrist literally threw her over... would be screaming. Digs his hands so hard every shift. Every client. Can be violent...., he would pull her up, feet coming off the ground. He was grabbed me. Towards end, it was worrying, he was always in a bad mood. Moods unbelievable... Don't trust him going into other rooms on his own. Would pull residents arms, rolling residents, roughly, regular, every shift, would be a regular occurrence.'* [sic]

The panel considered that shouting at residents and pulling and pushing residents are acts of aggression and therefore find this charge proved.

The panel therefore find this charge proved on the balance of probabilities.

Charge 5a

5. On one or more occasions administered medication to residents without appropriate care and consideration, in that you:

a. threw medication in residents' mouths;

This charge is found NOT proved.

In reaching this decision, the panel took into account the untested NMC witness statement evidence of Colleague 4. The only evidence that the panel has before it is untested evidence in Colleague 4's witness statement. There is no other direct evidence which supports that Mr Vlasceanu was throwing medication in residents' mouths.

The panel noted Colleague 4's witness statement, where it states that *'some residents were not good at taking their pills and [Mr Vlasceanu] would throw medication in their mouths and give them water; this happened on a regular occurrence. I spoke to [Mr Vlasceanu] about this, before the incident with Resident A, and told him that he should not do it'*.

The panel have had sight of an undated record of what appears to be an interview between Colleague 4 and Mr Vlasceanu, relating to an incident which took place on 28 September. There appears to be a note of a comment by Mr Vlasceanu that *'brought back by under supervision doing drugs'* which set out that *'doing drugs just throwing in mouths & pouring drink into mouths = aggressive witnessed by others. Resident are scared – is*

difficult to get residents to take med now'. The panel accepted that this is an undated record which appears to be between Colleague 4 and Mr Vlasceanu, but he appears to acknowledge that the issue of throwing drugs into mouths has been brought to his attention previously.

There were documentary concerns with Mr Vlasceanu's administration of medication that gives some weight to Colleague 4's witness statement. However, when Colleague 2 was asked by the panel had she seen Mr Vlasceanu throwing medication in patient's mouths, she said no.

The panel did not consider it had sufficient evidence to support the untested account from Colleague 4. Accordingly, on the balance of probabilities the panel find this charge not proved.

The panel on the balance of probabilities therefore find this charge NOT proved.

Charge 5b

5. On one or more occasions administered medication to residents without appropriate care and consideration, in that you:

b. did not provide water;

This charge is found NOT proved.

In reaching this decision, the panel took into account that there is no evidence before it to support that Mr Vlasceanu did not provide water.

The panel noted Colleague 4's witness statement where it states that *'some residents were not good at taking their pills and [Mr Vlasceanu] would throw medication in their mouths and give them water, this happened on a regular occurrence...'*

The panel therefore find this charge NOT proved.

Charge 5c

5. On one or more occasions administered medication to residents without appropriate care and consideration, in that you:

c. did not communicate with the resident prior to administration;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague 3

The panel considered Colleague 3's witness statement, which states she 'got the impression that *[Mr Vlasceanu] was not used to residents who were of sound mind and he did not engage in conversation with them. Irrelevant of if a patient is of sound mind or not, you should engage in conversation with them. I got the impression that he was not used to residents or patients engaging with him.*'

In the ASP report dated 8 November 2016, Witness 4 said there were examples from the interviews about Mr Vlasceanu not engaging verbally when he was carrying out duties such as medication administration. Witness 4 reported to the LSI outcome meeting that there were examples from the ASP interviews that Mr Vlasceanu was '*not engaging verbally when he was carrying out duties such as medication administration... Mr Vlasceanu was described as looming over residents, with little or no communication and forcefully shoving the medication in front of them... Staff said they would often intervene and tell Mr Vlasceanu to leave the residents and they would carry out the task to avoid him being like this with them.*' Eleven out of the fifteen staff interviewed described these particular behaviours.

Colleague 3's Early Indicators Concern and Inquiry Report Form also states that she observed Mr Vlasceanu administering medication to residents. Colleague 3 set out that

she heard a resident thank Mr Vlasceanu for her tablets but stated *'I don't like the way you gave them to me. He did not respond to the resident'*

The panel therefore find this charge proved on the balance of probabilities.

Charge 6a)

6. Failed to treat colleagues with dignity and/or respect in that you:

a. On one or more occasions, intimidated colleagues;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague 3. When Colleague 3 was asked to comment on Mr Vlasceanu's demeanour, she stated that *'[Mr Vlasceanu] was quite tall and I feel his demeanour could be quite intimidating. I felt quite intimidated by him, by his demeanour.'*

The panel also took into account Colleague 2's documentary and oral evidence. She informed the panel that she 'felt intimidated' by messages that had been sent to her by Mr Vlasceanu over Facebook Messenger. Colleague 2 also told the panel that at the time of the investigation staff had been told to keep doors locked and to not go to cars by themselves due to concerns about their safety.

Colleague 2's witness statement also provides that *'[Mr Vlasceanu] got me so flustered because he was so angry and kept shouting and screaming at me about where the funeral was. I felt intimidated and I think I forgot where the funeral was because of this'*

The panel also noted Colleague 6's evidence. In Colleague 6's witness statement, she said that Mr Vlasceanu *'was very confrontational and came across as quite aggressive in his manner.'*

The ASP interview dated 2 November 2016 also provides an account of residents being distressed when Mr Vlasceanu is on shift. It is stated in the notes that Person 3 said that *'I feel intimidated, residents must, has he has a temper/ wouldn't want to get on wrong side of him.'* The panel found that although untested, there is consistency amongst what colleagues at the Home said they felt about Mr Vlasceanu.

The local interview investigation notes dated 8 November 2016 indicate that staff at the Home describe Mr Vlasceanu's mood swings in various ways. From being hyper one minute, to being down the next, and he had a different face depending on if senior staff were present. Staff described a notable change in Mr Vlasceanu's behaviour once he had been made up to Charge Nurse and his moods and aggressive behaviour escalated. The majority of staff interviewed felt they had to intervene to stop Mr Vlasceanu's behaviour as he was distressing the residents. Another example of Mr Vlasceanu's behaviour was him kicking a door open and walking through a staff meeting.

Witness 4's witness statement also provides hearsay evidence that is consistent with the evidence from the other witnesses. Witness 4 stated that a female staff member said Mr Vlasceanu told the member of staff he would make her life hell if she did not withdraw the complaint"

The panel therefore find this charge proved on the balance of probabilities.

Charge 6b)

6. Failed to treat colleagues with dignity and/or respect in that you:
 - b. On one or more occasions were abrupt and/or rude to colleagues;

This charge is found proved.

In reaching this decision, the panel took into account the records from the ASP interviews dated 2 November 2016. The panel considered that a colleague said that Mr Vlasceanu

'was a bit different, he's a bit forward! He's always been like that. Very abrupt, very rude to staff. ... issue with staff/dishes/Residents come first. See them more, treat them like my own granny/grandad. Don't think he has compassion. I would take him aside and tell. I've never seen him act or harm other residents.'

The panel also noted an investigative interview with Colleague 5 relating to 28 September and 12 October 2016. Colleague 5, when asked about Mr Vlasceanu, said *'awful, on the floor, so unprofessional abrupt, aggressive towards staff. Has threatened me before gossip.'*

Notes from an ASP interview with Colleague 6 held on 2 November 2016 state that when asked about Mr Vlasceanu, he would be *'throwing doors open, stomping about.'*

Colleague 2 in her witness statement, when asked to comment on Mr Vlasceanu's professionalism stated that *'he was rude to his work colleagues and had no respect for the manager.'* The panel noted that Colleague 2 also provided detailed oral evidence supporting this.

The panel therefore find this charge proved on the balance of probabilities.

Charge 6c)

6. Failed to treat colleagues with dignity and/or respect in that you:

c. Between 26 July 2017 and 25 November 2017 sent Colleague 2 threatening messages on Facebook;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague 2.

The panel noted that Colleague 2 had provided the NMC with an email trail, which included a screenshot of a Facebook Messenger chat between Colleague 2 and Mr Vlasceanu which showed messages which have an element of threat from Mr Vlasceanu directed towards Colleague 2. Colleague 2 referred to this screenshot in her witness statement as well as in her oral evidence with the panel.

The panel noted that Colleague 2 in her oral evidence told the panel that all staff had been told to lock their doors, not come into or leave work by themselves after dark as there were concerns about their personal safety.

The panel therefore find this charge proved on the balance of probabilities.

Charge 7a

7. Prior to your registration as a registered nurse, on 12 January 2016 on Colleague 3's first day at the Home:

a. touched Colleague 3's hand;

This charge is found proved.

In reaching this decision, the panel took into account the documentary and oral evidence of Colleague 3. In Colleague 3's witness statement, she said that *'the first time I met [Mr Vlasceanu] he walked past me in the foyer of the Home and touched my hand. This was not by accident, it is a wide foyer so there is plenty of space to walk past somebody... For him to behave the way he did when he touched my hand that day, having never met a visiting professional before, I do not think that is the right way to behave. I found it to be really inappropriate.'* The panel noted that Colleague 3 also spoke to this in her oral evidence when she said it was not by accident and she felt that Mr Vlasceanu had entered her personal space.

The panel noted that Colleague 3's evidence is consistent with the ASG interview record dated 12 October 2016, where Colleague 3 mentions that the first time she met Mr Vlasceanu he '*Rubbed hands/personal space.*'

The panel found colleague 3 to be consistent in her documentary evidence and measured in her oral evidence and therefore reliable. She had no prior knowledge of Mr Vlasceanu, and this event took place on her first visit to the Home. She gave clear descriptions about the event and the impact it had on her as well as visual demonstrations to the panel about Mr Vlasceanu's proximity to her and his actions on that day. Although this hearing was several years after the event, the panel heard that the event was so shocking to Colleague 3 that it had stuck in her memory.

The panel therefore find this charge proved on the balance of probabilities.

Charge 7b

7. Prior to your registration as a registered nurse on 12 January 2016 on Colleague 3's first day at the Home:

b. Stood close to Colleague 3;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague 3.

The panel noted that Colleague 3's witness statement and oral evidence were clear and consistent in relation to Mr Vlasceanu standing close to her and was in her personal space. The panel considered that the evidence in charge 7a is the same evidence that can be relied on in this charge.

The panel therefore find this charge proved on the balance of probabilities.

Charge 7c

7. Prior to your registration as a registered nurse on 12 January 2016 on Colleague 3's first day at the Home:

c. Asked Colleague 3 to sit next to you on the staircase;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague 3.

The panel considered that Colleague 3's witness statement provides a clear description of what took place *'In the main foyer there is a nursing station and a grand staircase, [Mr Vlasceanu] was sat about five or six steps up the staircase and tried to get me to sit down next to him. [Mr Vlasceanu] did not explain why he wanted me to sit next to him and made me feel very uncomfortable, he made my skin crawl. I did not say anything to him, I just did not know what to make of it.'*

The panel also noted Witness 4's witness statement, where she referred to the minutes of the interview she conducted with Colleague 3 on 12 October 2016, is consistent with Colleague 3's evidence, where it is stated that *"Rubbed hands/personal space. [Mr Vlasceanu] sat on stairs tried to get [Colleague 3] to sit down by him"*,

The panel therefore find this charge proved on the balance of probabilities.

Charge 7d

7. Prior to your registration as a registered nurse on 12 January 2016 on Colleague 3's first day at the Home:

d. Commented that Colleague 3 was not wearing a wedding ring;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague 3.

The panel noted that Colleague 3's witness statement sets out '*[Mr Vlasceanu] passed comment that I was not wearing a wedding ring, this was on the same day I met him. I then said I was getting married soon after that. I cannot remember how [Mr Vlasceanu] reacted, but I think he made a comment about marriage is a joke and could not see why people would get married. After that visit to the Home, I used to hope he was not there. I rarely saw him after this because he worked a lot of nights.*' The panel noted that Colleague 3 also told the panel this in her oral evidence and gave a clear description which was consistent and was able to expand on the impact of this on her.

The panel therefore find this charge proved on the balance of probabilities.

Charge 8

8. On one or more occasions:

- a. Cuddled Colleague 4 from behind;
- b. made comments in relation to colleagues' breasts and/or bottoms;
- c. invaded colleagues' personal space;

This charge is found NOT proved.

In reaching this decision, the panel took into account that the NMC have not provided any evidence in relation to this charge other than the extracts from Colleague 4's witness statement which the panel have found to be inadmissible.

The panel therefore find this charge in its entirety NOT proved.

Charge 9

9. On one or more occasions:

- a. Grabbed colleague 5 by the waist;
- b. Pulled Colleague 5 towards you and tried to kiss their neck;
- c. Grabbed Colleague 5's bottom;
- d. Put your foot between Colleague 5's legs and touched their groin;
- e. Told Colleague 5 you liked their legs and/or bottom;
- f. Told Colleague 5 they look sexy and/or beautiful;

This charge is found NOT proved.

In reaching this decision, the panel took into account that this charge related to the evidence of Colleague 5, who did not provide oral evidence to the panel. The panel had decided previously that Colleague 5's witness statement was not admissible.

The panel considered that the only evidence put forward by the NMC in relation to the entirety of this charge is a local handwritten statement of Colleague 5 addressed to Witness 3.

The panel was of the view that the burden of proof has not been discharged by the NMC. and therefore find the entirety of this charge not proved.

Charge 10a

10. a. Your conduct in charge 7 above was sexually motivated in that you were seeking sexual gratification, or

This charge is found proved.

In reaching this decision, the panel took into account its findings and evidence relied on in relation to the entirety of charge 7.

The panel noted that in her oral evidence and witness statement, Colleague 3 said that Mr Vlasceanu had invaded her personal space and that touching her hands and being close to her, asking her to sit on the stairs, having met for the first time, was inappropriate in Colleague 3's view.

The panel was of the view that under these circumstances Mr Vlasceanu's actions were deliberate in nature and not accidental towards Colleague 3, also his actions were inappropriate and uninvited. Colleague 3 in her oral evidence to the panel described how Mr Vlasceanu had commented on her not wearing a wedding ring and said that his comments were 'suggestive'. Colleague 3 also explained that when she reported this to Witness 3, Witness 3 mentioned that he had behaved inappropriately in the past towards a student nurse who had been placed at the Home. Witness 3 laughed it off, as *'he is a ladies' man'*.

Colleague 3 had not consented to Mr Vlasceanu's touching, invasion of her personal space nor his invitations to sit on the stairs beside him. The panel has not seen or heard any other plausible explanation for Mr Vlasceanu's behaviour towards Colleague 3 and considered that his behaviours and actions were sexually motivated towards Colleague 3

The panel was therefore of the view that Mr Vlasceanu's actions were inappropriate, intimidating, offensive and humiliating when meeting Colleague 3 for the first time. The panel noted that Colleague 3 was negatively impacted on by this to the point she had reported it and that *'after that visit to the Home, I used to hope [Mr Vlasceanu] was not there.'*

The panel was of the view that Mr Vlasceanu had engaged in unwanted conduct directed towards Colleague 3 which was sexually motivated in that he was either attempting to groom a sexual relationship with Colleague 3 or was seeking sexual gratification from Colleague 3.

The panel therefore find this charge proved on the balance of probabilities.

Charge 10b

10. b. Your conduct in charge 7 above was unwanted and had the purpose or effect of;

- i. violating Colleague 3's dignity, or
- ii. creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague 3.

This charge is found proved.

In reaching this decision, the panel took into account its findings in relation to charge 10a.

The panel was of the view that in relation to charge 10b, it also considers that the conduct in charge 7 was unwanted and had the purpose or effect of violating Colleague 3's dignity and created an intimidating, hostile degrading, humiliating and offensive environment for Colleague 3, such that she did not want to return to the Home and was anxious about returning to the Home in case Mr Vlasceanu was physically present *'After that visit to the Home, I used to hope [Mr Vlasceanu] was not there'*.

The panel drew support for its conclusion from the record of the initial referral discussion which took place on 28 October 2016. The clinical nurse manager of NHS Tayside had reported that she had withdrawn staff from the Home as a result of the concerns about Mr Vlasceanu's conduct that had been raised with her and she *'could not put her staff members at risk'*.

The panel therefore find this charge proved on the balance of probabilities.

Charges 11 and 12

The panel determined that as it had found charges 8 and 9 not proved, charges 11 and 12 fall away.

Charge 13

13. Between 21 December 2015 and 13 April 2016 practised as a nurse when not registered with the NMC;

This charge is found NOT proved.

In reaching this decision, the panel took into account that it has heard mixed evidence on whether Mr Vlasceanu was working as a registered nurse at the relevant time.

The panel considered the evidence of Witness 3, who in her oral evidence explained that Mr Vlasceanu was definitely working as a nurse, but when challenged on her evidence, said that she would not remember whether he was working as a nurse or a healthcare assistant.

Colleague 1's oral evidence to the panel was that Mr Vlasceanu was working as a care assistant between the specified dates.

Colleague 6's oral evidence to the panel was that Mr Vlasceanu started at the Home as a healthcare assistant.

The panel also noted that it has evidence from Colleague 2 that she had thought that Mr Vlasceanu had worked as a staff nurse but was not sure.

The panel considered that it had heard evidence from Person 1, that there was a fairly robust series of measures in the way which NMC PIN numbers were checked at the Home. Mr Vlasceanu worked in two different Homes within the organisation, and in each of these places different people would undertake checking of the NMC PINs on a monthly

basis for all nurses. Person 1 was clear in her evidence that Mr Vlasceanu would not have worked as a nurse if he was not registered with the NMC '*No PIN, no nurse*'.

The panel was of the view that the overwhelming view of the majority of the witnesses was that Mr Vlasceanu was working as a healthcare assistant before 13 April 2016.

The panel was not satisfied that the NMC had met the burden of proof in respect of this charge.

The panel therefore finds this charge NOT proved on the balance of probabilities.

Charge 14

14. On 13 June 2020, acted to the detriment of your profession's reputation by updating your address to "Bastards Cunts No 999 Minesota USA" on the NMC register;

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Witness 2 and an extract from the NMC WISER system, which is a non-public facing system.

The panel considered the evidence of Witness 2 and that Mr Vlasceanu would have had to provide his personal login details to another person to have updated his address on the NMC register, if anyone else but him had done this. The panel find on the balance of probabilities that Mr Vlasceanu made the entries himself.

The panel considered that the language used in Mr Vlasceanu's address history on the NMC website to be inappropriate and may be offensive to many.

The panel determined that Mr Vlasceanu's wording of his updated address may be distasteful and offensive to many, including NMC non-registrant staff members who do have access to entries. The panel considered that Mr Vlasceanu entries were petulant,

unprofessional and distasteful and despite the system not being public facing, he has not upheld his profession's reputation.

The panel consider that in these circumstances Mr Vlasceanu's entry on the system would act to the detriment of his profession's reputation.

The panel therefore find this charge proved on the balance of probabilities.

Fitness to practise

Having reached its determination on the facts of this case, the panel then moved on to consider, whether the facts found proved amount to misconduct and, if so, whether Mr Vlasceanu's fitness to practise is currently impaired. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's suitability to remain on the register unrestricted.

The panel, in reaching its decision, has recognised its statutory duty to protect the public and maintain public confidence in the profession. Further, it bore in mind that there is no burden or standard of proof at this stage, and it has therefore exercised its own professional judgement.

The panel adopted a two-stage process in its consideration. First, the panel must determine whether the facts found proved amount to misconduct. Secondly, only if the facts found proved amount to misconduct, the panel must decide whether, in all the circumstances, Mr Vlasceanu's fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct

In coming to its decision, the panel had regard to the case of *Roylance v General Medical Council (No. 2)* [2000] 1 AC 311 which defines misconduct as a ‘*word of general effect, involving some act or omission which falls short of what would be proper in the circumstances.*’

Mr Smalley invited the panel to take the view that the facts found proved amount to misconduct. The panel had regard to the terms of ‘The Code: Professional standards of practice and behaviour for nurses and midwives (2015’ (the Code)) in making its decision.

Mr Smalley identified the specific, relevant standards where he submitted Mr Vlasceanu’s actions amounted to misconduct. He submitted that on the basis of the charges found proved by the panel his actions amounted to professional misconduct.

Submissions on impairment

With regard to impairment, Mr Smalley addressed the panel on the need to have regard to protecting the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. He referred the panel to the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin).

Mr Smalley submitted that the first three limbs of Dame Janet Smith’s “test” in the Shipman Enquiry are engaged in this case. He submitted that the conduct which includes abuse of patients and sexual harassment of work colleagues breaches fundamental tenets of the nursing profession and has brought the profession into disrepute. He submitted that, in particular, the abuse of patients at the relevant time by Mr Vlasceanu had indeed caused actual harm.

Mr Smalley informed the panel that impairment is a forward-thinking exercise which looks at the risk the registrant’s practice poses in the future. He submitted that NMC guidance

adopts the approach of Silber J in the case of *R (on application of Cohen) v General Medical Council* [2008] EWHC 581 (Admin) by asking the questions whether the concern is easily remediable, whether it has in fact been remedied and whether it is highly unlikely to be repeated.

Mr Smalley submitted that when considering whether the concerns are easily remediable, the panel should have regard to the NMC guidance FTP 13a. He submitted that within this guidance there are examples of conduct which may not be possible to address, and where steps such as training courses or supervision at work are unlikely to address the concerns. He submitted that included in this are incidents of harassment (including sexual harassment) that have taken place in a professional context and violence, neglect or abuse of patients which were present in this case.

Mr Smalley submitted that the concerns which are raised as a result of the charges found proved are more difficult to 'put right'. He submitted before effective steps can be taken to address a concern, a nurse must recognise the problem that needs to be addressed. Therefore, insight on the part of the nurse is crucially important. Mr Smalley submitted that Mr Vlasceanu has not engaged in these proceedings, and thus showed a complete lack of insight into his behaviour towards patients and colleagues at the Home. He submitted that at present the concerns have not been addressed and there is a real risk that Mr Vlasceanu would continue to behave in a way set out in the charges found proved should he be permitted to practice without restriction.

Mr Smalley referred the panel to the case of Grant and submitted that when considering impairment, the panel should '*consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.*'

Mr Smalley submitted that Mr Vlasceanu's behaviour during his time at the Home fell far short of what is expected of a registered nurse. In respect of abuse of patients and sexual harassment of work colleagues it is unacceptable. He submitted that public confidence in the profession would be undermined if a finding of impairment were not made. If that confidence is undermined, members of the public might take risks with their own health and wellbeing by avoiding treatment or care from nurses or nursing associates more generally.

Mr Smalley submitted that a finding of impairment is necessary to protect the public from the risk that Mr Vlasceanu would repeat similar behaviour whilst employed as a registered nurse. A finding of impairment is also necessary in the wider public interest to maintain public confidence in the profession by declaring his misconduct as unacceptable for a registered nurse.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Roylance v General Medical Council* (No 2) [2000] 1 A.C. 311, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), and *General Medical Council v Meadow* [2007] QB 462 (Admin).

Decision and reasons on misconduct

When determining whether the facts found proved amount to misconduct, the panel had regard to the terms of the Code.

The panel was of the view that Mr Vlasceanu's actions did fall significantly short of the standards expected of a registered nurse, and that Mr Vlasceanu's actions amounted to a breach of the Code. Specifically:

- 1 Treat people as individuals and uphold their dignity*
 - 1.1 treat people with kindness, respect and compassion*
 - 1.2 make sure you deliver the fundamentals of care effectively*
 - 1.5 respect and uphold people's human rights*

2 Listen to people and respond to their preferences and concerns

2.1 work in partnership with people to make sure you deliver care effectively

2.6 recognise when people are anxious or in distress and respond compassionately and politely

7 Communicate clearly

To achieve this, you must:

7.2 take reasonable steps to meet people's language and communication needs, providing, wherever possible, assistance to those who need help to communicate their own or other people's needs

7.3 use a range of verbal and non-verbal communication methods, and consider cultural sensitivities, to better understand and respond to people's personal and health needs

8 Work co-operatively

8.2 maintain effective communication with colleagues

16 Act without delay if you believe that there is a risk to patient safety or public protection To achieve this, you must:

16.5 not obstruct, intimidate, victimise or in any way hinder a colleague, member of staff, person you care for or member of the public who wants to raise a concern

20 Uphold the reputation of your profession at all times

20.1 keep to and uphold the standards and values set out in the Code

20.2 act with honesty and integrity at all times, treating people fairly and without discrimination, bullying or harassment

20.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people

20.5 treat people in a way that does not take advantage of their vulnerability or

cause them upset or distress

20.6 stay objective and have clear professional boundaries at all times with people in your care (including those who have been in your care in the past), their families and carers

20.10 use all forms of spoken, written and digital communication (including social media and networking sites) responsibly, respecting the right to privacy of others at all times

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. In reaching its decision on misconduct, the panel considered the charges found proved in particularised groups.

Charges 1a, 1b, 2a, 2b, 2d, 4a, 4b, 4c, 4d, 5c – behaviour towards and handling of residents - misconduct found

The panel considered the above charges as a group as they all relate to either physical or verbal abuse of residents at the Home. The panel have therefore grouped these charges together when considering whether there had been misconduct towards residents at the Home.

The panel was of the view that Mr Vlasceanu's treatment and behaviour towards the residents of the Home fell far below the standards expected of any registered nurse. The panel considered that other registered nurses would find Mr Vlasceanu's actions to be deplorable and the extent of the concerns and the behaviours that Mr Vlasceanu has displayed towards residents does fall into this realm. The panel considered that these were not minor errors but are serious matters relating to physical and emotional abuse of vulnerable residents in a care home. The panel believes that any member of the public would expect their relatives to be cared for with kindness, respect and compassion by any nurse providing care. This has not been the case in the charges which have been found proved against Mr Vlasceanu when caring for Resident A, Resident B and Resident C.

The panel was of the view that public confidence in the nursing profession would be damaged by Mr Vlasceanu's behaviour towards the residents at the Home. The panel noted that Mr Vlasceanu's behaviours were observed by a number of people who were coming in and out of the Home and that this would have damaged the reputation of the nursing profession. It considered that it would be likely that some people would be put off from using the services of a care home or a registered nurse as a result of the findings proved against Mr Vlasceanu.

The panel noted that there was an element of aggression in Mr Vlasceanu's dealings with residents which is completely unacceptable behaviour from a registered nurse. The panel was of the view that Mr Vlasceanu's actions amounted to serious misconduct of themselves and particularly when the vulnerability of the client group involved is taken into account, Mr Vlasceanu's behaviour is a serious departure from the Code.

Charge 3a – misconduct not found

The panel was of the view that in the circumstances of this charge, Mr Vlasceanu had personal car insurance and that he had made an early admission to his managers that he had not understood that he needed additional insurance beyond that. Whilst the panel are in agreement that Mr Vlasceanu should have had business insurance if he was using his own car to move residents, it accepts that this was a genuine error on Mr Vlasceanu's part and that he may not have understood the intricacies of car insurance in this country as he was a recent arrival. Mr Vlasceanu's mistake was a single error and was generated from good intention about trying to get a resident to a funeral. The panel determined that Mr Vlasceanu's actions in respect of this charge do not meet the threshold for misconduct.

Charges 3b 6a, 6b and 6c – aggressive or threatening behaviour towards colleagues – misconduct found

The panel has recognised that a pattern of aggressive behaviour had been identified in the charges relating to residents at the Home and considered that this applies equally to his behaviour towards colleagues. The panel have therefore grouped these charges together when considering misconduct as they all relate to aggressive or threatening behaviour towards colleagues at the Home.

The panel had seen evidence in interview records and have heard from a number of witnesses who gave live evidence that Mr Vlasceanu's behaviour was rude and aggressive towards them and that he had intimidated his colleagues. The panel considered that it had heard evidence that such behaviour had taken place multiple times over a long period of time. It concluded that Mr Vlasceanu displayed a pattern of aggressive, disrespectful and intimidating behaviour towards colleagues.

The panel noted that it has heard evidence from witnesses that they found Mr Vlasceanu physically intimidating and was perceived as threatening towards staff. Mr Vlasceanu had this brought to his attention by line managers and colleagues at the Home on a number of occasions but appeared to not take this on board and continued with his pattern of behaviour.

The panel had heard evidence from witnesses and seen reports in the documentation that Mr Vlasceanu's behaviour towards colleagues was challenging before he was promoted to charge nurse, but that once he was promoted to charge nurse his behaviour escalated.

The panel considered that Mr Vlasceanu's actions amounted to serious misconduct and that this behaviour is not acceptable. Registered nurses and members of the public would be very concerned to learn of Mr Vlasceanu's behaviour towards residents and colleagues.

Charges 7 and 10 – inappropriate sexual behaviour towards a colleague – misconduct found

The panel was of the view that Mr Vlasceanu's actions in these linked charges is completely unacceptable. It considered Mr Vlasceanu's actions in touching colleague 3, invading colleague 3's personal space and suggestive behaviour towards Colleague 3 who was a visitor to the Home to be deliberate and deplorable. The panel heard evidence about the impact of Mr Vlasceanu's behaviour on Colleague 3, such that despite several years passing, she remains shocked by the experience she went through with Mr Vlasceanu. The panel were concerned about the stress and intimidation caused to Colleague 3 as well as to other colleagues who had witnessed this.

The panel noted that it was not the usual power imbalance, in that during these events Mr Vlasceanu was a more junior member of staff, but this had not inhibited him from being overly sexual towards a more senior member of staff at the Home.

The panel was of the view that Mr Vlasceanu's behaviour in relation to Colleague 3 and the sexual motivation behind it supports its previous findings that Mr Vlasceanu displayed a pattern of inappropriate, intimidating and aggressive behaviour towards residents and other colleagues. The panel determined that Mr Vlasceanu's actions amounted to very serious misconduct that would not be acceptable to other members of the nursing profession nor informed members of the public.

Charge 14 – misconduct found

The panel was of the view that this was a deliberate act and noted that it had sight of a screenshot from the NMC WISER system. The panel was of the view that whilst Mr Vlasceanu's entry on the WISER system was not public facing, it does have an impact on non-registrant NMC staff members who work on the register and see these entries. This is a deliberate act and gives a poor impression of a Mr Vlasceanu as a registered nurse and brings the profession into disrepute. The panel is of the view that although the misconduct may be viewed as less serious than the misconduct in relation to previous charges, it adds to the picture of Mr Vlasceanu's aggressive behaviour and responses to situations.

The panel found that Mr Vlasceanu's actions did fall seriously short of the conduct and standards expected of a nurse and amounted to misconduct.

Decision and reasons on impairment

The panel next went on to decide if as a result of the misconduct, Mr Vlasceanu's fitness to practise is currently impaired.

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional and to maintain professional boundaries. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 74, she said:

'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's "test" which reads as follows:

'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or

determination show that his/her/ fitness to practise is impaired in the sense that S/He:

- a) has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b) has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c) has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- d) ...*

The panel found that residents were put at risk and were caused physical and emotional harm as a result of Mr Vlasceanu's misconduct. Mr Vlasceanu's misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

Regarding insight, the panel considered that there is no information before it that Mr Vlasceanu has accepted or acknowledged his behaviour in any of the incidents detailed in the charges found proved against him. The panel was therefore of the view that Mr Vlasceanu has no insight into his failings in relation to his actions and his pattern of behaviour.

The panel was of the view that Mr Vlasceanu's pattern of behaviour is not easily remediable. The panel carefully considered the evidence before it in determining whether or not Mr Vlasceanu has taken steps to strengthen his practice. The panel noted that Mr Vlasceanu had displayed a pattern of aggressive and intimidating behaviour and that this was not a one-off issue. Mr Vlasceanu's behaviour directly implies that he has deep seated behavioural and attitudinal problems which would be hard to address through

training. The panel considered that the impact of these issues were fed back to Mr Vlasceanu by colleagues and his managers and there was no evidence of him taking steps to remedy his behaviour. Mr Vlasceanu had instead sought to blame others for his circumstances and had not made any efforts to change his pattern of behaviour which had occurred over a long period of time. The panel had no evidence before it from Mr Vlasceanu that he had addressed the regulatory concerns and that he had very limited engagement in the early stages of the regulatory process. The panel also noted that it had no documentation from Mr Vlasceanu such as a reflective piece or evidence of any steps he had taken to improve or strengthen his practice.

The panel was of the view therefore that there is a high risk of repetition of such behaviour by Mr Vlasceanu based on his lack of insight, the lack of remediation, the lack of strengthening his nursing practice and the lack of documentary evidence addressing the concerns. Mr Vlasceanu's behaviour falls far short of what is expected of a registered nurse. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions. The panel was of the view that there would be a genuine undermining of public confidence in the nursing profession if it was not to take the view that Mr Vlasceanu is currently impaired. The panel therefore determined that a finding of impairment on public interest grounds is also required.

Having regard to all of the above, the panel was satisfied that Mr Vlasceanu's fitness to practise is currently impaired.

Sanction

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Mr Vlasceanu off the register. The effect of this order is that the NMC register will show that Mr Vlasceanu has been struck-off the register.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had careful regard to the Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

Submissions on sanction

Mr Smalley submitted that the appropriate sanction in this case would be that of a Striking Off Order. He referred the panel to the SG and submitted that the only appropriate sanction that would both protect the public and meet the wider public interest is one of a Striking Off Order.

Decision and reasons on sanction

Having found Mr Vlasceanu's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Mr Vlasceanu placed residents at physical and psychological risk of harm
- Mr Vlasceanu placed colleagues at a psychological risk of harm
- Mr Vlasceanu displayed a complete lack of insight into his failings
- Mr Vlasceanu displayed a pattern of deep-seated attitudinal issues over a prolonged period of time

- Some of Mr Vlasceanu's misconduct was of a sexual nature
- Mr Vlasceanu displayed a complete disregard towards his regulator and acted in an unprofessional and distasteful manner towards them

The panel gave careful consideration to identifying any potential mitigating factors, but was unable to identify any in this case.

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case, and the public protection issues identified. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

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

The panel next considered whether placing conditions of practice on Mr Vlasceanu's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. It noted that the majority of the misconduct found related to non-clinical issues, and was of the view that those areas could not be addressed by training or supervision given Mr Vlasceanu's lack of insight and deep seated attitudinal issues. The panel was satisfied that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case, and further that the placing of conditions on Mr Vlasceanu's registration would not adequately address the seriousness of this case nor protect the public.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that a suspension order may be appropriate where some of the following factors are apparent:

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

The panel found that there was no evidence of the above factors being present in this case. It noted that there were multiple instances of serious misconduct by Mr Vlasceanu involving physical, psychological and sexual misconduct towards residents and colleagues. The panel took into account the fact that Mr Vlasceanu's inappropriate behaviour had been raised with him by his employers, and that he continued with the same practices despite it having been raised. The panel was of the view that in light of the fact that Mr Vlasceanu has not shown any insight, remediation or remorse, there was a significant risk of him repeating the misconduct found. Furthermore, the panel was of the view that Mr Vlasceanu's misconduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse, and a suspension order would not mark the seriousness of his misconduct.

Finally, in looking at a striking-off order, the panel took note of the following paragraphs of the SG:

- *Do the regulatory concerns about the nurse or midwife raise fundamental questions about their professionalism?*
- *Can public confidence in nurses and midwives be maintained if the nurse or midwife is not removed from the register?*
- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

The panel determined that Mr Vlasceanu's actions were significant departures from the standards expected of a registered nurse, and are fundamentally incompatible with him

remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Mr Vlasceanu's actions were serious and to allow him to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the effect of Mr Vlasceanu actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct themselves, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.

This will be confirmed to Mr Vlasceanu in writing.

Interim order

As the striking-off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Mr Vlasceanu's own interests until the striking-off sanction takes effect.

Submissions on interim order

Mr Smalley made an application for an interim suspension order to be imposed for a period of 18 months. He submitted that an interim suspension order was necessary on the

grounds of public protection and in the wider public interest, to cover the 28-day period until the decision made by the panel today comes into effect, or any appeal period. The panel heard and accepted the advice of the legal assessor.

Decision and reasons on interim order

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest. The panel had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months due to cover any appeal period.

If no appeal is made, then the interim suspension order will be replaced by the substantive striking off order 28 days after Mr Vlasceanu is sent the decision of this hearing in writing.

That concludes this determination.