

**Nursing and Midwifery Council  
Investigating Committee**

**Fraudulent and Incorrect Entry Hearing  
Friday, 23 February 2024  
Friday, 12 April 2024**

Virtual Hearing

<b>Name of Miss Ogunyemi:</b>	Oluwasimbo Ogunyemi
<b>NMC PIN</b>	08D0892E
<b>Part(s) of the register:</b>	Registered Nurse – RNA, Adult Nurse (March 2009)
<b>Relevant Location:</b>	London
<b>Type of case:</b>	Fraudulent entry
<b>Panel members:</b>	Angela Williams (Chair, lay member) Hayley Ball (Registrant member) Michael Lupson (Lay member)
<b>Legal Assessor:</b>	Paul Hester
<b>Hearings Coordinator:</b>	Muminah Hussain
<b>Nursing and Midwifery Council:</b>	Represented by Lilly Belfer, Case Presenter
<b>Miss Ogunyemi:</b>	Not present and not represented
<b>Outcome:</b>	<b>Registration entry fraudulently made</b>
<b>Direction:</b>	<b>Removal from the register</b>
<b>Interim order:</b>	<b>Interim Suspension order (18 months)</b>

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

The panel was informed at the start of this hearing that Miss Ogunyemi was not in attendance and that the Notice of Hearing letter had been sent to Miss Ogunyemi's registered email address by secure email on 15 January 2024.

The panel took into account that the Notice of Hearing provided details of the allegation, the time, date and that the hearing was to be held virtually, including instructions on how to join, and amongst other things, information about Miss Ogunyemi's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

Ms Belfer, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 5 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.

In the light of all of the information available, the panel was satisfied that Miss Ogunyemi has been served with the Notice of Hearing in accordance with the requirements of Rules 5 and 34.

## **Decision and reasons on proceeding in the absence of Miss Ogunyemi**

The panel next considered whether it should proceed in the absence of Miss Ogunyemi. It had regard to Rule 21 and heard the submissions of Ms Belfer who invited the panel to continue in the absence of Miss Ogunyemi. She submitted that Miss Ogunyemi had voluntarily absented herself.

Ms Belfer referred the panel to the email from Miss Ogunyemi dated 24 November 2023 which suggested that she was aware there will be a hearing at some point, and expressed that she will not be attending the hearing. Ms Belfer submitted that there is a strong public interest in the expeditious disposal of this case.

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of Miss Ogunyemi 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 Miss Ogunyemi. In reaching this decision, the panel has considered the submissions of Ms Belfer 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 Miss Ogunyemi;
- Miss Ogunyemi appears to have voluntarily absented herself;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- The charges relate to events that occurred two years ago; and
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Miss Ogunyemi in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to her at her registered address, she has made some responses to the allegations. She will not be able to challenge the evidence relied upon by the NMC and will not be able to give evidence on her 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 Miss Ogunyemi’s decision to absent herself from the hearing, waive her rights to attend, and/or be represented, and to not provide evidence or make submissions on her own behalf.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Miss Ogunyemi. The panel will draw no adverse inference from Miss Ogunyemi’s absence in its findings of fact.

### **Details of charge**

*That you....*

- 1. In or around 25 April 2005, as part of your application for admission to City University for enrolment on an Adult Nursing programme, submitted or caused to be submitted false information relating to whether you had a right to work, study or have recourse to public funds in the United Kingdom.*
- 2. At the time you submitted or caused to be submitted the false information mentioned above at charge 1, you did not have a right to work, study or have recourse to public funds in the United Kingdom.*
- 3. At the time you submitted or caused to be submitted the false information mentioned above at charge 1, you knew or believed that the information was not genuine and the information was submitted by you with an intention to mislead anyone considering your University application.*
- 4. As a consequence of submitting or causing to be submitted the false information mentioned above at charge 1, you were able to obtain a qualification in Adult Nursing which allowed you to apply for admission to the NMC register.*

And thereby an entry on sub-part 1 of the NMC register in the name of Miss Oluwasimbo Ogunyemi, PIN 08D0892E was fraudulently procured / incorrectly made.

## **Background**

Miss Ogunyemi came to the United Kingdom (UK) on 13 September 2000, aged 13, on a permitted visitor's visa with no rights to study or work, and then remained in the UK illegally when this expired on 17 February 2001. She applied to City University London in 2005 on an adult nursing programme, and was granted entry on the NMC register in 2009. Miss Ogunyemi applied for right to remain in the UK on 1 April 2010 which was rejected and several subsequent applications were made. Her right to remain in the UK was granted on 30 October 2015, where she has since remained in the UK lawfully.

## **Admissibility of documentary evidence**

Having heard Ms Belfer open the case on behalf of the NMC, the panel asked a number of questions of Ms Belfer relating to Witness 1's statement and a passport bearing reference A2450691. In particular, the panel was concerned in light of the charges that this passport had not been exhibited to Witness 1's statement or any other NMC witness statement.

After a short adjournment, the panel was provided with a copy of this passport.

The legal assessor raised the question as to whether, as a matter of fairness, a copy of this passport had been provided to Miss Ogunyemi at any stage of these proceedings. Ms Belfer informed the panel that Miss Ogunyemi had not been provided with a copy of this passport. She submitted that Miss Ogunyemi was provided with Witness 1's statement which specifically refers to this passport, the number on the passport and the purpose for which it was used namely to obtain NHS employment. She submitted that it would be fair to admit this evidence and that there is, in the circumstances, no need to adjourn the hearing.

The panel accepted the advice from the legal assessor.

The panel decided that the passport is relevant to all of the charges as it formed part of Miss Ogunyemi's application for admission to City University in charge 1. Charges 2, 3 and 4 flow from charge 1.

The panel carefully considered whether it would be fair to admit the passport into evidence and to proceed today knowing that Miss Ogunyemi had not been provided with a copy. At this stage the panel bore in mind that it has power to adjourn this hearing of its own volition under Rule 32 of the Rules.

The panel noted Witness 1's statement as follows:

*"Copy of passport bearing reference A2450691 submitted to the NHS Trust as evidence of eligibility to undertake employment and the vignette stamped 22nd April 2003 bearing reference 0317290A have been confirmed not to be genuine."*

The panel decided that this passage provides sufficient detail for Miss Ogunyemi to have identified the passport and that it was the document submitted to the NHS Trust in order to obtain employment. The passport number is given and the date that the photograph was stamped.

In an undated statement, which Miss Ogunyemi provided to the NMC by email attachment on 28 November 2022, she stated:

*“I have learnt a big lesson and I did my best along the way, tried to correct my defaults when I discovered myself that my documents weren’t real.”*

In the panels view, it appears that Miss Ogunyemi is referring to this passport.

In the above circumstances, the panel decided that it would be fair to admit the copy of the passport and to proceed with the hearing today.

#### **Resumed hearing on 12 April 2024**

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

The panel was informed at the start of this hearing that Miss Ogunyemi was not in attendance and that the Notice of Hearing letter had been sent to Miss Ogunyemi’s registered email address by secure email on 14 March 2024.

The panel took into account that the Notice of Hearing provided details of the allegation, the time, date and that the hearing was to be held virtually, and amongst other things, information about Miss Ogunyemi’s right to attend, be represented and call evidence, as well as the panel’s power to proceed in her absence.

Ms Belfer, submitted that the NMC had complied with the requirements of Rules 5 and 34.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Miss Ogunyemi has been served with the Notice of Hearing in accordance with the requirements of Rules 5 and 34.

### **Decision and reasons on proceeding in the absence of Miss Ogunyemi**

The panel next considered whether it should proceed in the absence of Miss Ogunyemi. It had regard to Rule 21 and heard the submissions of Ms Belfer who invited the panel to continue in the absence of Miss Ogunyemi. She submitted that Miss Ogunyemi had voluntarily absented herself.

Ms Belfer referred the panel to the email from Miss Ogunyemi dated 11 April 2024 which confirmed that she was aware of the relisted adjourned hearing to take place on 12 April 2024 and that she will not be attending and the hearing can go ahead. She stated:

*“... As far as I am concerned the judgement/ hearing can go ahead...”*

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a Miss Ogunyemi 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*.

[PRIVATE]. The panel further noted that Miss Ogunyemi did not attend the initial hearing on 23 February 2024. The panel has decided to proceed in the absence of Miss Ogunyemi. In reaching this decision, the panel has considered the submissions of Ms Belfer 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* 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 Miss Ogunyemi;
- Miss Ogunyemi has confirmed that the hearing can proceed;
- Miss Ogunyemi has voluntarily absented herself;

- There is no reason to suppose that adjourning would secure her attendance at some future date, and;
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Miss Ogunyemi in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to her at her registered address, she has made some responses to the allegations. She will not be able to challenge the evidence relied upon by the NMC and will not be able to give evidence on her 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 Miss Ogunyemi's decisions to absent herself from the hearing, waive her rights to attend, and/or be represented, and to not provide evidence or make submissions on her own behalf.

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

### **Decision and reasons on the facts**

In reaching its decisions on the facts, the panel took into account all the documentary evidence in this case together with the submissions made by Ms Belfer on behalf of the NMC.

The panel has drawn no adverse inference from the non-attendance of Miss Ogunyemi.

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 read evidence from the following witnesses on behalf of the NMC:



- Witness 1: Executive Officer at the Home Office
- Witness 2: NMC Senior Registration and Revalidation Officer
- Witness 3: Head of Academic Services within the School of Health and Psychological Sciences at City University London

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor. It considered the witness and documentary evidence provided by the NMC.

### **Charge 1**

*“That you....*

1. *In or around 25 April 2005, as part of your application for admission to City University for enrolment on an Adult Nursing programme, submitted or caused to be submitted false information relating to whether you had a right to work, study or have recourse to public funds in the United Kingdom.”*

### **This charge is found proved.**

In reaching this decision, the panel took into account Witness 1’s statement, Witness 3’s statement and Miss Ogunyemi’s passport bearing reference A2450691.

The alleged false information referred to in the charge is Miss Ogunyemi’s passport.

The panel noted that there is evidence to suggest Miss Ogunyemi has two passports; her original passport which allowed her to enter the UK as a visitor in 2000 bearing reference A0184031, and the passport in front of the panel which is alleged not to be genuine bearing reference A2450691.

Witness 1 confirms that the passport belonging to Miss Ogunyemi is not genuine. They state:

*'Copy of passport bearing reference A2450691 submitted to the NHS Trust as evidence of eligibility to undertake employment and the vignette stamped 22nd April 2003 bearing reference 0317290A have been confirmed not to be genuine.'*

The panel were provided a copy of Miss Ogunyemi's passport which shows the date of issue as 13 February 2003 and the expiration date as 12 February 2008. The passport contains reference number A2450691, as referred to in Witness 1's statement.

The panel then took into account Witness 3's statement, who states:

*"It has not been possible for the University to locate any identification document for Miss Ogunyemi within our retained records. Due to the length of time passed, the majority of Miss Ogunyemi's file would have been destroyed in line with our retention policy.*

*All students would also have required to provide the University with a copy of their passport and their qualifications in order to gain admission onto any of the University's courses. The University is not able to confirm to what level the passport would have been verified due to the University's retention policy."*

The panel was reassured that a passport would have had to have been provided in order for Miss Ogunyemi to obtain a place on the adult nursing programme at City University London.

The panel determined that it was reasonable to conclude that the passport that was confirmed not genuine bearing reference A2450691 was provided to City University London by Miss Ogunyemi in order obtain a place on the adult nursing programme. It was satisfied that this would amount to submitting false information.

The panel therefore finds charge 1 proved.

## **Charge 2**

*“That you....*

- 2. At the time you submitted or caused to be submitted the false information mentioned above at charge 1, you did not have a right to work, study or have recourse to public funds in the United Kingdom.”*

### **This charge is found proved.**

In reaching this decision, the panel took into account Witness 1’s statement.

Witness 1’s statement reads:

*“... During the time of application in 2005, there was no right to remain in the UK ...”*

The panel took into account the evidence that proved charge 1, and determined that Miss Ogunyemi did not have a right to work, study or have recourse to public funds in the UK at the time she submitted the false information.

The panel therefore finds charge 2 proved.

## **Charge 3**

*“That you....*

- 3. At the time you submitted or caused to be submitted the false information mentioned above at charge 1, you knew or believed that the information was not genuine and the information was submitted by you with an intention to mislead anyone considering your University application.”*

### **This charge is found NOT proved.**

In reaching this decision, the panel took into account Miss Ogunyemi’s email dated 28 November 2022 and her attached written response to the charges.

Miss Ogunyemi stated:

*“I have learnt a big lesson and I did my best along the way, tried to correct my defaults when I discovered myself that my documents weren’t real. I applied to the home office and since been giving right permit to stay in the country. I would never jeopardise what I worked hard and studied hard to achieve with striving in becoming someone great.”*

The panel determined that on the balance of probabilities, Miss Ogunyemi did not know her passport was not genuine. It was aware that she had entered the UK at the age of 13, and at some point the passport that was not genuine was made, before her application to City University London aged 18. The panel was of the view that it was more likely than not that Miss Ogunyemi was not aware of her legal status given that she was under the age of 18 at that time.

The panel noted that Miss Ogunyemi flagged her legal status up willingly to the home office in 2010 – possibly when she realised that her passport was not genuine.

The panel concluded that Miss Ogunyemi did not know at the time she submitted her passport that this was not genuine, nor did she submit this with an intention to mislead anyone considering her University application.

The panel found charge 3 not proved.

#### **Charge 4**

*“That you....*

*4. As a consequence of submitting or causing to be submitted the false information mentioned above at charge 1, you were able to obtain a qualification in Adult Nursing which allowed you to apply for admission to the NMC register.”*

**This charge is found proved.**

In reaching this decision, the panel took into account the evidence that led it to find charge 1 proved.

The panel noted that Miss Ogunyemi had completed a course in adult nursing at City University London and obtained a qualification in adult nursing. Subsequently, she had been able to apply for admission to the NMC register in 2009.

The panel therefore finds Charge 4 proved.

### **Decision on Incorrect/Fraudulent Entry**

The panel decided, for the above reasons, that in respect of charges 1, 2 and 4 the entry on the register in Miss Ogunyemi's name was fraudulently procured.

The panel accepted the advice of the legal assessor who referred it to the case of *Ivey v Genting Casinos* [2017] UKSC 67, in which Lord Hughes stated:

*'When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.'*

The NMC's guidance (FTP-2g) states that:

- *'A nurse, midwife or nursing associate's entry on the register might be fraudulent even if they weren't aware that the information used was deliberately misleading.'*

- *'This means the entry is still fraudulent, even though the evidence shows it was a third party who deliberately produced false documents or statements, and the person who registered with us didn't know or behave fraudulently or dishonestly.'*

Whilst the panel has not found that Miss Ogunyemi knew or believed that the information she submitted was false, the passport bearing reference A2450691 was not genuine and, on the balance of probabilities, was made by a third party with dishonest intentions to mislead.

The panel therefore found that the entry on sub part 1 of the NMC register in the name of Oluwasimbo Ogunyemi, PIN 08D0892E was fraudulently procured.

### **Decision and reasons on direction**

Having determined that Miss Ogunyemi had fraudulently procured an entry on the NMC's register, the panel went on to decide what direction, if any, to make under Article 26(7) of the 'Nursing and Midwifery Order 2001' (the Order).

Article 26(7) states:

*'...If the Investigating Committee is satisfied that an entry in the register has been fraudulently procured or incorrectly made, it may make an order that the Registrar remove or amend the entry and shall notify the person concerned of his right of appeal under article 38.'*

Ms Belfer referred the panel to the NMC guidance titled 'Available orders for Fraudulent or incorrect entry (reference: SAN-4)' (the guidance). Ms Belfer submitted that Miss Ogunyemi should be removed from the NMC register.

Ms Belfer submitted that there was nothing to amend on the register and therefore an amendment would be inappropriate. She further submitted that to take no action would also be inappropriate as the panel found that her registration onto the NMC register was fraudulently procured. Therefore the only available option would be to instruct the Registrar to remove her entry.

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

The panel gave careful regard to the guidance.

The panel noted that the appropriate outcome will depend on the circumstances of the particular case. In this regard, the panel has found charges 1, 2 and 4 proved but not charge 3 which related to Miss Ogunyemi's alleged knowledge or belief as to the veracity of the information submitted to City University London. The panel also noted that it must take into account the overarching objective of protecting the public and also addressing the wider public interest which includes maintaining public confidence in the nursing profession.

The panel decided that in the circumstances of this case that an order amending Miss Ogunyemi's entry in the register would be inappropriate. There has been no annotation made in error and there is no wider concern regarding the integrity of the entry and therefore there is nothing to amend.

The panel next considered taking no action.

The panel noted the guidance which states as follows:

*'Taking no action may be appropriate if the error or inaccuracy in the application process was trivial or unimportant.'*

The panel has found that Miss Ogunyemi's entry onto the Register was made fraudulently and is therefore not a trivial or unimportant matter.

The panel noted in the guidance under taking no action the following passage:

*'Even if the Investigating Committee has decided that an entry was fraudulent, there may still be exceptional cases where it could decide to take no action. This is only likely to happen when the person concerned was not aware of the fraud as it was carried out by a third party. In such cases, taking no action will only be appropriate if*

*there are no issues with the registration requirements that might need the specialist judgement of the Registrar.'*

Taking this passage from the guidance into account, the panel also took into account its decision on facts and its finding:

*'Whilst the panel has not found that Ms Ogunyemi knew or believed that the information she submitted was false, the passport bearing reference A2450691 was not genuine and, on the balance of probabilities, was made by a third party with dishonest intentions to mislead.'*

Whilst the panel found that Miss Ogunyemi was not aware of the fraud as it was carried out by a third party, it decided in the circumstances of this case that there are issues with the registration requirements which do require the specialist judgement of the Registrar. In coming to this conclusion, the panel had regard to the guidance under Making an order that the Registrar remove the entry as follows:

*'In cases of fraudulent entry, the fact that the person's application to gain, maintain or renew their registration was supported by deliberately misleading information is likely to be a strong factor in favour of removing the entry. This is because our duty to maintain the register is a vital part of our overarching objective, protection of the public. Members of the public who need or rely on the services of nurses, midwives and nursing associates should be able to trust that people registered with us are entitled to practise as registered professionals.'*

The panel in finding charges 1, 2 and 4 proved, did decide that Miss Ogunyemi's registration was supported by deliberately misleading information. The panel referred to Witness 2's statement which says:

*'Had the UK Registrations team been made aware that Miss Ogunyemi had used any false identity documents at the time of receiving their application to the register, we would not have admitted Miss Ogunyemi to the register.'*



*The UK Registrations team would not usually deal with any residency or right to work issues as this would normally be checked and dealt with by the University when the applicant applies for enrolment on their chosen nursing, midwifery or nursing associate programme.'*

The panel determined that Miss Ogunyemi's application was supported by deliberately misleading information to the NMC upon entry onto the register. It considered that Miss Ogunyemi at the time of applying to City University London, was not aware of her legal status, however a non-genuine passport was used to gain access onto the adult nursing programme. The panel considered that at some point between applying to University in 2005 and her application to the home office for a right to remain in 2010, Miss Ogunyemi was aware of her legal status and that she had no right at the time to enter onto the nursing programme and subsequently the NMC register. In this regard, the panel was assisted by the guidance which states:

*'Removing the entry may also be the appropriate outcome if the entry was incorrectly made and the person concerned didn't act dishonestly. If their entry is removed, the person concerned can apply for registration immediately afterwards. If they do this, the Registrar (or one of our Assistant Registrars who also make decisions on behalf of the Registrar) can consider the nature and circumstances of the case.'*

In light of this, the panel determined that the Registrar may wish to take into account the particular circumstances of this case when making their specialist judgement.

In all the circumstances, the panel decided, on balance, that the appropriate order is to direct the Registrar to remove Miss Ogunyemi's entry from the register.

Miss Ogunyemi will be notified of the panel's decision in writing. Miss Ogunyemi has the right to appeal the decision under Article 38 of the Order. This order cannot take effect until the end of the 28 day appeal period or, if an appeal is made, before the appeal has been concluded.

## **Decision and reasons on interim order**

Having directed that the Registrar remove Miss Ogunyemi's entry from the register, the panel then considered whether an interim order was required under Article 26(11) of the Order, in relation to the appeal period.

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

The panel took account of the submissions made by Ms Belfer who submitted for an interim suspension order for a period of 18 months. Ms Belfer submitted that a prima facie case is made out as three charges have been found proved. She submitted that an interim order is necessary to maintain the integrity of the Register.

Ms Belfer referred to the guidance. She submitted that an interim order not being imposed would present a risk in terms of public confidence in the nursing profession and the integrity of the NMC Register. Ms Belfer submitted that an interim conditions of practice order could not safeguard the risks found in this case.

Ms Belfer submitted 18 months would be sufficient as it would cover the length of any appeal.

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

In reaching its decision on whether to impose an interim order, the panel had regard to the reasons set out in its decision on the facts and its decision to direct the Registrar to remove Miss Ogunyemi's entry from the Register. It also had regard to the NMC's published Guidance on Fraudulent and incorrect entry cases. It noted that the imposition of an interim order is not an automatic outcome but is a matter for the panel's discretion in the circumstances of the case, having regard to the public interest in maintaining the integrity of the register. It also had regard to Article 31 of the Order and the NMC's Guidance on interim orders.

Having found charges 1, 2 and 4 proven, the panel turned its mind to the necessity of an interim order. The panel had no information before it to suggest that there was any clinical concerns in regard to safe practice and concluded that an interim order was not necessary

for the protection of the public. However, the panel was of the view that a member of the public would be concerned to learn that a nurse who should not have been eligible to enter the register nor continue to practise, who has subsequently been removed from the register, be able to continue practising unrestricted. Therefore the panel determined that an interim order is otherwise in the public interest. In reaching the decision that the wider public interest ground is engaged, the panel noted that the bar is set high before imposing an interim order solely on this ground. However, given that the integrity of the register is paramount in upholding public confidence in the profession, the panel are satisfied that this high bar is met.

The panel first considered whether to impose an interim conditions of practice order. It determined that an interim conditions of practice order was not workable or appropriate in Miss Ogunyemi's case as there are no clinical concerns with her practice.

Accordingly, the panel determined that an interim suspension order was in the public interest to protect the reputation of the profession and the NMC as its regulator.

The period of this order is for 18 months to allow for the possibility of an appeal to be made and determined.

If no appeal is made then the interim order will lapse upon the removal of Miss Ogunyemi's entry in the Register 28 days after she is sent the decision of this hearing in writing.

That concludes this determination.