

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

**Substantive Order Review Meeting
Wednesday 7 February 2024**

Virtual Meeting

Name of registrant: Georgina A Twumasi-Ankrah

NMC PIN: 03J06250

Part(s) of the register: Registered Nurse
Adult Nursing – 14 October 2003

Relevant location: Leeds

Type of case: Misconduct

Panel members: Peter Wrench (Chair, Lay member)
Margaret Marshall (Registrant member)
Suzanna Jacoby (Lay member)

Legal Assessor: Nigel Mitchell

Hearings Coordinator: Sherica Dosunmu

Order being reviewed: Conditions of practice order (9 months)

Outcome: **Conditions of practice order (6 months)**

Decision and reasons on service of Notice of Meeting

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Miss Twumasi-Ankrah's registered email address on 29 December 2023. Further, it noted that the Notice of Meeting was also sent to Miss Twumasi-Ankrah's representative at the Royal College of Nursing (RCN) on the same date.

The Notice of Meeting informed Miss Twumasi-Ankrah and the RCN that her conditions of practice order would be reviewed at a meeting on or after 5 February 2024, unless she asked for the review to take place at a hearing. Miss Twumasi-Ankrah and the RCN were invited to submit any evidence they would like to be considered at this meeting.

The panel accepted the advice of the legal assessor.

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

Decision and reasons on review of the current order

The panel decided to make a conditions of practice order for a period of 6 months.

This order will come into effect at the end of 22 March 2024 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the fifth review of a substantive conditions of practice order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 22 August 2019. This was reviewed on 21 August 2020, when the conditions of practice order was extended for 12 months. On 16 August 2021, the panel decided to extend the conditions of practice order for a period of 9 months. On 16 May 2022 the panel again extended the substantive conditions of practice order for a period of 12 months. At the most recent review on 9 May 2023, the panel extended the order for a further 9 months.

The current order is due to expire at the end of 22 March 2024.

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

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

'That you, a registered nurse:

1. [...]
2. *Did not check the contents and sterility of the GLE tray before Patient A's procedure started.*
3. *Exposed Patient A to risk of infection by bringing a GLE tray already opened for Patient C's procedure into the sterile field for patient A.*
4. *Incorrectly stated to colleagues that equipment sterility had been confirmed prior to Patient A's surgical procedure commencing.*
5. [...]

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

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

'Today's panel has not received any information that suggest that Ms Twumasi-Ankrah is no longer impaired. The panel determined that there is no evidence to conclude that Ms Twumasi-Ankrah is unlikely to repeat matters of the kind found proved at the substantive hearing.

The panel considered that the charges found proved related to serious infection control incidents and that there remains a real risk of significant harm to patients if the misconduct was repeated. It noted that Ms Twumasi-Ankrah has not worked clinically since the last review and was therefore not satisfied that she had appropriately addressed the concerns.

In its consideration of whether Ms Twumasi-Ankrah has taken steps to strengthen her practice, the panel took into account the training Ms Twumasi-Ankrah has undertaken dated 15 March 2023 and the reflective piece written by Ms Twumasi-Ankrah dated 6 August 2021 where she addressed the incident and explained what she would do differently.

The panel determined that the reflective piece dated August 2021 appeared to be resubmitted from an earlier review and did not provide up to date reflection or demonstrate any learning gained from her training. The panel also concluded that the training does not address the concerns raised against Ms Twumasi-Ankrah's practice in so far as the content on infection control appears to be limited and is not specific to working in a theatre setting. The panel also noted the submissions on behalf of Ms Twumasi-Ankrah that:

'Although Georgina Twumasi-Ankrah has undertaken training in Infection Prevention and Control, this does not entirely cover the requirement for working in a theatre setting. This condition can only be fulfilled in its entirety if she secures a position working in a theatre.

As Georgina Twumasi-Ankrah has fulfilled Condition 1 as close as she can, it is considered that this condition has been satisfied and therefore can be removed.'

However, the panel was of the view that the requirement of condition 1 could be better met than it currently has by Ms Twumasi-Ankrah undertaking more comprehensive and specific training in Infection Prevention and Control.

The panel notes that the misconduct found proved in this case dates back to 6 June 2016 and that the substantive order of conditions of practice was made in August 2019. It was of the view that since the imposition of the order, there has been limited engagement or evidence of progress shown towards addressing the concerns identified, which would enable Ms Twumasi-Ankrah to return to unrestricted practice.

The panel noted that Ms Twumasi-Ankrah has been unable to secure employment in a nursing role. It therefore considered that Ms Twumasi-Ankrah has not had the opportunity to fully comply with her conditions of practice order. Consequently, the panel was not satisfied that Ms Twumasi-Ankrah is capable of safe and effective unrestricted practice as she has not had the opportunity to remediate the failings in her practice since the imposition of the order.

In light of this, the panel determined that Ms Twumasi-Ankrah remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

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

For these reasons, the panel finds that Ms Twumasi-Ankrah's fitness to practise remains impaired.'

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

'The panel next considered whether imposing a further conditions of practice order on Ms Twumasi-Ankrah's registration would still be a

sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable.

The panel determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case.

The panel was of the view that a further conditions of practice order is sufficient to protect patients and the wider public interest. In this case, there are conditions could be formulated which would protect patients during the period they are in force.

It was of the view that to impose a suspension order or a striking-off order would be disproportionate at this stage and would not be a reasonable response in the current circumstances of Ms Twumasi-Ankrah's case.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of 9 months, which will come into effect on the expiry of the current order, namely at the end of 22 June 2023. It decided to continue the following conditions which it considered are appropriate and proportionate in this case:

For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery, or nursing associate role. Also, 'course of study' and 'course' mean any course of educational study connected to nursing, midwifery, or nursing associates.

1. You must undertake a face-to-face infection control training programme which is relevant to working in a theatre setting and provide evidence of successful completion of the training to the NMC prior to the next NMC review hearing or meeting.

2. At any time that you are employed or otherwise providing nursing services in a theatre setting, you must place yourself and remain

under the supervision of a workplace line manager, mentor or supervisor nominated by your employer, such supervision to consist of: working at all times under the direct observation of a registered nurse of Band 6 or above, until being formally assessed as competent to practise unsupervised.

3. You must send a report from your line manager, mentor, or supervisor (or their nominated deputy) setting out the standard of your performance in relation to condition 2 to the NMC prior to any NMC review hearing or meeting.

4. You must tell the NMC within 7 days of any nursing appointment (whether paid or unpaid) you accept within the UK or elsewhere and provide the NMC with contact details of your employer.

5. You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 7 days of you receiving notice of them.

6.

a) You must within 7 days of accepting any post of employment requiring registration with the NMC, or any course of study connected with nursing or midwifery, provide the NMC with the name/contact details of the individual or organisation offering the post, employment, or course of study.

b) You must within 7 days of entering into any arrangements required by these conditions of practice provide the NMC with the name and contact details of the individual/organisation with whom you have entered into the arrangement.

7. You must immediately tell the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures and disclose the conditions listed at (1) to (6) above, to them

- a) Any organisation or person employing, contracting with, or using you to undertake nursing work.*
- b) Any agency you are registered with or apply to be registered with (at the time of application) to provide nursing services.*
- c) Any prospective employer (at the time of application) where you are applying for any nursing appointment.*
- d) Any educational establishment at which you are undertaking a course of study connected with nursing or midwifery, or any such establishment to which you apply to take a course (at the time of application).*

This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 22 June 2023 in accordance with Article 30(1).

Before the end of the period of the order, a panel will hold a review hearing to see how well Ms Twumasi-Ankrah has complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.'

Decision and reasons on current impairment

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

The panel has had regard to all of the documentation before it, including the NMC bundle.

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

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

The panel considered whether Miss Twumasi-Ankrah's fitness to practise remains impaired.

Regarding insight, the panel noted that the last reviewing panel had only received what appeared to be a resubmitted reflective piece written by Miss Twumasi-Ankrah, dated 6 August 2021, for an earlier review. It noted that the reviewing panel did not receive an up to date reflection from Miss Twumasi-Ankrah demonstrating any learning into infection control, particularly in the theatre setting. This panel had no new information before it to suggest any development of insight.

In its consideration of whether Miss Twumasi-Ankrah has strengthened her practice, the panel took into account that the last reviewing panel found that the training undertaken by Miss Twumasi-Ankrah in March 2023 did not fully address the specific concerns raised about her practice. The last reviewing panel also found that Miss Twumasi-Ankrah had not been able to work in compliance with her conditions of practice order since she was not able to secure employment in a nursing role. This panel was not provided with any evidence of the same from Miss Twumasi-Ankrah and had no further information to demonstrate that the concerns about her practice have been addressed and were unlikely to reoccur. Miss Twumasi-Ankrah has not provided any information such as testimonials/employment references in relation to any clinical work she has undertaken or evidence of attempts she has made to secure employment in a healthcare setting. She has not provided an up to date reflection or provided any evidence of relevant training addressing the regulatory concerns. The panel therefore determined that there was no evidence before it to demonstrate that Miss Twumasi-Ankrah has strengthened her nursing practice since the conditions of practice order was put in place.

The last reviewing panel determined that Miss Twumasi-Ankrah was liable to repeat matters of the kind found proved. Today's panel has concluded that, given the lack of any new evidence, there still remains a risk of harm to the public.

The panel did note Miss Twumasi-Ankrah's email dated, 16 September 2023, when in response to being advised that the next review (i.e. today's review) would be a meeting and not a hearing, informed the NMC that she takes '*every aspect of this case very seriously*'. The panel was satisfied that Miss Twumasi-Ankrah remains engaged both with the RCN and the NMC, but she has not provided any substantive update as to her current circumstances.

The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

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

For these reasons, the panel finds that Miss Twumasi-Ankrah's fitness to practise remains impaired.

Decision and reasons on sanction

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

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

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

The panel next considered whether extending the current conditions of practice order on Miss Twumasi-Ankrah's registration would still be a sufficient and appropriate response. It was mindful that any conditions imposed must be proportionate, measurable and workable. The panel determined that it would be possible to formulate appropriate and practical conditions to address the failings highlighted in this case, which would also protect patients during the period they are in force. It concluded that conditions of practice order would be sufficient to protect patients and the wider public interest. However, the panel was conscious that although Miss Twumasi-Ankrah has corresponded with the NMC through her representative, she has not attended any of the previous reviews. The panel was aware that in the absence today of any up to date information about Miss Twumasi-Ankrah's circumstances and future intentions, it has no real basis from which to consider possible amendments to the current conditions.

The panel was of the view that to impose a suspension order or a striking-off order would be wholly disproportionate and would not be a reasonable response in the circumstances of Miss Twumasi-Ankrah's case.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to make a conditions of practice order for a period of 6 months, which will come into effect on the expiry of the current order, namely at the end of 22 March 2024. It decided that the following conditions remained appropriate and proportionate in this case:

'For the purposes of these conditions, 'employment' and 'work' mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also,

'course of study' and 'course' mean any course of educational study connected to nursing, midwifery or nursing associates.

- 1. You must undertake a face-to-face infection control training programme which is relevant to working in a theatre setting and provide evidence of successful completion of the training to the NMC prior to the next NMC review hearing or meeting.*
- 2. At any time that you are employed or otherwise providing nursing services in a theatre setting, you must place yourself and remain under the supervision of a workplace line manager, mentor or supervisor nominated by your employer, such supervision to consist of: working at all times under the direct observation of a registered nurse of Band 6 or above, until being formally assessed as competent to practise unsupervised.*
- 3. You must send a report from your line manager, mentor, or supervisor (or their nominated deputy) setting out the standard of your performance in relation to condition 2 to the NMC prior to any NMC review hearing or meeting.*
- 4. You must tell the NMC within 7 days of any nursing appointment (whether paid or unpaid) you accept within the UK or elsewhere and provide the NMC with contact details of your employer.*
- 5. You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 7 days of you receiving notice of them.*
- 6.*
 - a) You must within 7 days of accepting any post of employment requiring registration with the NMC, or any course of study connected with nursing or midwifery, provide the NMC with the name/contact details of the individual or organisation offering the post, employment, or course of study.*
 - b) You must within 7 days of entering into any arrangements required by these conditions of practice provide the NMC with the name and contact details of the individual/organisation with whom you have entered into the arrangement.*

7. *You must immediately tell the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures and disclose the conditions listed at (1) to (6) above, to them*

a) Any organisation or person employing, contracting with, or using you to undertake nursing work.

b) Any agency you are registered with or apply to be registered with (at the time of application) to provide nursing services.

c) Any prospective employer (at the time of application) where you are applying for any nursing appointment.

d) Any educational establishment at which you are undertaking a course of study connected with nursing or midwifery, or any such establishment to which you apply to take a course (at the time of application).'

Before the end of the period of the order, a panel will hold a review hearing to see how well Miss Twumasi-Ankrah has complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.

The panel was conscious of the risk of allowing Miss Twumasi-Ankrah's case to drift. It is nearly five years since the substantive hearing and Miss Twumasi-Ankrah has not practised as a nurse in that period. At this fifth review, the panel had no new information before it and, like previous reviewing panels has rolled forward the existing conditions on the basis that they satisfactorily protect the public and meet the wider public interest. However, it is not in the interest of fair and effective regulation for this to continue indefinitely.

The panel considered that it would be particularly helpful for Miss Twumasi-Ankrah's next review to be conducted as a hearing. This will allow Miss Twumasi-Ankrah to be present and be able to provide a clear explanation about her intentions for her future career. In addition, this will also provide the opportunity to consider the continuing relevance of the present conditions of practice should Miss Twumasi-Ankrah gain employment outside an operating theatre environment.

A future panel reviewing this case would also be assisted by:

- Miss Twumasi-Ankrah's engagement with the NMC and her participation at a future hearing
- Up to date professional references from any clinical work Ms Twumasi-Ankrah has undertaken
- Detailed update of Miss Twumasi-Ankrah's current reflection and learning gained from any further training
- Evidence of attempts to secure employment in any healthcare setting or as a registered nurse
- Specific information as to Miss Twumasi-Ankrah's intentions in relation to nursing or otherwise.

This will be confirmed to Miss Twumasi-Ankrah in writing.

That concludes this determination.