

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

**Substantive Meeting
Friday 8 April 2022**

Virtual Meeting

Name of registrant: Mr Ajay Richard Bladen

NMC PIN: 13E2531E

Part(s) of the register: Registered Nurse – Mental Health - September 2014

Area of registered address: Dorset

Type of case: Caution by specific offence

Panel members: Bryan Hume (Chair, lay member)
Kathryn Smith (Registrant member)
Caroline Taylor (Lay member)

Legal Assessor: Gareth Jones

Hearings Coordinator: Opeyemi Lawal

Consensual Panel Determination: Accepted

Facts proved: All

Facts not proved: None

Fitness to practise: Impaired

Sanction: **Striking-off order**

Interim order: **Interim suspension order (18 months)**

Decision and reasons on service of Notice of Meeting

The panel was informed at the start of this meeting that Mr Bladen was not in attendance and that the Notice of Meeting had been sent to Mr Bladen's registered email address on 25 March 2022.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, date and venue of the meeting.

The panel also noted that Mr Bladen had engaged in email correspondence with the Nursing and Midwifery Council confirming that he was content to waive the notice period as he wished for his case to be dealt with as soon as possible.

In the light of all of the information available, the panel was satisfied that Mr Bladen 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).

Details of charge

That you, a registered nurse;

1. Received a formal police caution on 17 September 2021 for offences of making an indecent image of a child contrary to s1 of the Protection of Children Act 1978 and possession of extreme pornography contrary to s63 of the Criminal Justice Act 2008.

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

Consensual Panel Determination

At the outset of this meeting, the panel was made aware that a provisional agreement of a Consensual Panel Determination (CPD) had been reached with regard to this case between the Nursing and Midwifery Council (NMC) and Mr Bladen.

The agreement, which was put before the panel, sets out Mr Bladen's full admission to the facts alleged in the charge, and that his fitness to practise is currently impaired by reason of that caution. It is further stated in the agreement that an appropriate sanction in this case would be a striking off order.

The panel has considered the provisional CPD agreement reached by the parties.

That provisional CPD agreement reads as follows:

*'The Nursing & Midwifery Council ('NMC') and **Ajay Richard BLADEN**, PIN **13E2531E** ("the Parties") agree as follows:*

- 1. Ajay Richard BLADEN is content for his case to be dealt with by way of a CPD meeting. Mr Bladen understands that if the Panel do not agree the CPD, the panel will adjourn the matter for this provisional agreement to be considered at a CPD hearing.*

The charge

- 2. Ajay Richard BLADEN admits the following charges:*

That you, a registered nurse;

1. *Received a formal police caution on 17 September 2021 for offences of making an indecent image of a child contrary to s1 of the Protection of Children Act 1978 and possession of extreme pornography contrary to s63 of the Criminal Justice Act 2008.*

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

The facts

3. *Ajay Richard BLADEN appears on the register of nurses, midwives and nursing associates maintained by the NMC as a Registered Nurse – Mental Health and has been a registered mental health nurse since 2 September 2014.*
4. *On 5 July 2021 the NMC received a referral from the Director of Nursing Therapies & Quality at Dorset Healthcare University NHS Trust ('the Trust'), [Ms 1]. Mr Bladen was employed by the Trust on the Haven Ward (the Female Psychiatric Intensive Care Unit) of St Anne's Hospital at the time of referral.*
5. *The referral alleged that on 1 July 2021, Mr Bladen had been arrested at work in regard to Category A and Category B images of children on an IT device. The images had reportedly been downloaded at Mr Bladen's place of work on 12 January 2021. Following his return to work in the afternoon of 1 July 2021, he was immediately suspended pending internal investigation.*
6. *On 6 July 2021 the NMC received a separate referral from Dorset & Cornwall Police. The letter of referral confirmed that on 1 July 2021 Mr Bladen had been arrested on for the offence of possessing an indecent photograph or pseudo photograph of a child. It further set out the circumstances of the arrest as follows:*

Police received information from the NCA informing us that a KIK account has uploaded cat A and B indecent images to the internet between the 12/1/2021 and 16/01/2021. The IP address used to upload the images is the suspects [sic] home address and his place of work.

- 7. On 8 July 2021 the NMC submitted a request to Dorset & Cornwall Police for further information about Mr Bladen's arrest. A similar request was also sent to [Ms 1] on the same date.*

- 8. On 17 September 2021 the NMC received an update from Dorset & Cornwall Police. They advised that the investigation into Mr Bladen had concluded. On his mobile phone the police had found one Category A indecent image and one Extreme Pornographic image. Mr Bladen had accepted a conditional caution on 17 September 2021, being that he must attend and complete the Lucy Faithful Foundation Inform Plus course. This course has been set up to challenge, address and eradicate sexual offending. At the time of the update Mr Bladen had already completed one week of the course.*

- 9. On 23 September 2021 Mr Bladen informed the NMC that as a condition of his caution, he was unable to work with vulnerable adults and/or children for the next two years. He further advised that he was unlikely to return to nursing and wished to be removed from the register.*

- 10. On 4 October 2021, Mr Bladen was dismissed from the Trust. On 7 October 2021, a Panel of the NMC's Investigating Committee imposed an Interim Suspension Order ('ISO') on Mr Bladen's registration for a period of 18 months.*

- 11. On 16 December 2021 the NMC received a copy of Mr Bladen's interview summary from Dorset & Cornwall Police, from his interview of 1 July 2021.*

During his police interview Mr Bladen described himself as being addicted to the social media/instant messaging application KIK and stated he had held a KIK account for over 10 years. He described himself as a 'shy, socially awkward kind of person' and provided he had created a female KIK account with an associated email address in an attempt to speak to more people on the app, following the lack of engagement experienced using the KIK account using his own username. Mr Bladen stated that in 2019 he hit a low point and started using the app more than he usually did, which led him to 'dark places of the internet'. He later clarified the dark place referred more to what he was feeling and going through at the time.

12. Mr Bladen acknowledged that he had seen indecent images of children on the app. These had been in group chats that he had been a member of. The groups were not specifically about sexual and/or indecent images of children. Mr Bladen also acknowledged that he had engaged in 1-2-1 conversations with members of the group chats about images of children if the person who he was speaking to brought it up. The users would tell Mr Bladen about their sexual experiences with children. He denied being sexually attracted to children but admitted that he had passed on indecent videos and/or images of children when, for example, a group chat member asked for a previously sent video or images to be sent to them. Mr Bladen explained that he would do this without always looking at or knowing the contents of the video and/or image. In another group, Mr Bladen admitted that he had uploaded indecent images in order to meet the requirements to remain in the group chat.

13. On 28 February 2022 Mr Bladen contacted the NMC to confirm that he wished to voluntarily remove himself from the register and submitted his completed voluntary removal ('VR') form. In the VR application Mr Bladen denied that his fitness to practise is impaired by reason of his caution but explained that upon reflection following therapy, he does not believe nursing to be the profession for him in the interests of his wellbeing.

14. On 2 March 2022 the NMC received Mr Bladen's completed Case Management Form ('CMF'). In the CMF Mr Bladen admits the facts of the charge, impairment of his fitness to practise by reason of his caution, and he requested that the matter be considered at a meeting.

Caution

15. Mr Bladen admits his receipt of a caution as particularised in the admitted charge.

16. The Parties have that assessed the caution against the NMC Guidance on Convictions and Cautions. The guidance, which applies equally to cautions, states:

"If the criminal offending took place in the nurse or midwife's private life, and there's no clear risk to patients or members of the public, then it is unlikely that we'll need to take regulatory action to uphold confidence in nurses and midwives, or professional standards. We'd only need to that if the nurse or midwife was given a custodial sentence (this includes suspended sentences) or the conviction was for a specified offence".

17. The guidance also makes it clear that "specified offence" relates to offences which include sexual offences, and child pornography offences are cited specifically.

Impairment

18. The parties agree that Mr Bladen's fitness to practise is currently impaired by reason of his caution for a specified offence. It is also agreed that a finding of impairment is necessary to protect the public and is otherwise in

the public interest to maintain public confidence in the profession, its regulator and professional standards.

19. *In the case of Meadows & the General Medical Council [2006] EWCA Civ 1390 the following important observation was made about the purposes of this stage of the proceedings*

‘The purpose of fitness to practise proceedings is not to punish a practitioner for past misdoing but to protect the public from the acts and omissions of those who are not fit to practise. The Fitness to Practise Panel therefore looks forward not back. However, in order to form a view as to the fitness to practise of a person to practise today it is evident that it will have to take account of the way in which a person concerned has acted or failed to act in the past.’

20. *When determining the issue of current impairment, matters of purely personal mitigation, which do not go directly to the circumstances of the misconduct or Mr Bladen’s current impairment, are not to be taken in to account by the Panel at this stage.*

21. *When considering current impairment, guidance on the appropriate approach for a panel to take has been provided in the well-known case of CHRE v (1) NMC (2) Grant [2011] EWHC 927 (Admin) (hereafter referred to as ‘Grant’). The panel will be familiar with the case and the fact that Mrs Justice Cox in the case of Grant approved the general approach as to what might lead to a finding of impairment (as set out by Dame Janet Smith in her Fifth Shipman Report).*

22. *A summary is set out in Grant at paragraph 76 in the following terms:*

‘Do our findings of fact in respect of the [the practitioner’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*
- d. has in the past acted dishonestly and/or is liable to act dishonestly in the future.'*

23. The Parties agree that categories (a) to (c) of the indicators set out above are engaged by the caution as particularised in the charges.

1. Public Safety and Public Protection

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;

has in the past brought and/or is liable in the future to bring the medical profession into disrepute;

24. The Parties acknowledge that the conduct underpinning the caution took place in Mr Bladen's private life. However, the Parties consider that the children in the images would have suffered harm as a result of Mr Bladen's conduct, and others would be put at risk of harm by the perpetuation of the market for such images. The caution raises serious concerns about the potential risk he poses to others as a result of his behaviour in accessing the indecent images.

25. Furthermore, it is noted that Mr Bladen admitted during his police interview to accessing indecent images of children whilst at work using the Trust's IP address, in addition to his access away from home. For this reason, the Parties consider that Mr Bladen's caution is likely, in the future, to put patients at unwarranted risk of harm.

26. It is agreed that Mr Bladen's actions, i.e., making an indecent image of a child contrary to s1 of the Protection of Children Act 1978 and possession of extreme pornography contrary to s63 of the Criminal Justice Act 2008, is so far below the standards expected of a registered professional in the caring profession, that his continued unrestricted practice would profoundly undermine the reputation of the profession.

27. Nurses and midwives occupy a respectable position in society and accordingly are held to a high professional standard because of the trust and confidence colleagues, patients and members of the public place in them. As such, it is agreed that members of the public aware of the particular circumstances of this offence would be deterred from accessing healthcare services as a result. The Parties further agree that public confidence in the nursing profession and in the NMC as regulator would be undermined if a finding of impairment were not made in this case.

28. Consequently, the Parties agree that a finding of impairment is necessary to protect the public.

ii. Public interest

has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession

29. The Parties consider that the conduct which gave rise to his caution amount to a breach of fundamental tenets of the NMC's **Code: Professional standards of practice and behaviour for nurses and midwives**

(effective 31 March 2015), which sets out the standards expected of a member of the profession. This will be referred to as ‘the Code’ hereafter in this document.

30. Consideration of such standards was endorsed in the case of **Roylance v. GMC (No.2) [2001] AC 311**, which stated:

‘The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a medical practitioner in particular circumstances.’

31. Below, the Parties have identified the following standards of the Code which it is agreed that Mr Bladen has breached by way of him receiving a caution for a specified offence:

20 Uphold the reputation of your profession at all times

To achieve this, you must:

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

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

20.4 keep to the laws of the country in which you are practising;

20.8 act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to;

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.

32. Nurses are required to promote professionalism and trust, this includes behaviour in their private life. As such, there is a duty to consistently display a personal commitment to the standards of practice and behaviour set out in the Code, and act as a model of integrity for others to aspire to.

33. Mr Bladen's caution breaches those fundamental tenets. The nature of his offending is in abject discord with the key qualities expected of a registered nurse responsible for caring for others' physical and emotional wellbeing.

34. Mr Bladen has shown some insight and has taken steps to address the underlying causes for his actions. Notwithstanding the level of insight shown, in consideration of the question of whether Mr Bladen's fitness to practise is currently impaired, the Parties have given due regard to Cohen v General Medical Council [2008] EWHC 581 (Admin) in which the court set out three matters which it described as being 'highly relevant' to the determination of the question of current impairment;

a) Whether the conduct that led to the charge(s) is easily remediable.

b) Whether it has been remedied;

c) Whether it is highly unlikely to be repeated.

35. Additionally, the Parties have considered Mrs Justice Cox's following comments at [74] in Grant:

"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”

36. The Parties accept that conduct arising from reprehensible behaviour in a nurse’s private life which leads to a criminal caution is conduct which is more difficult to put right because it is not directly linked to his clinical practice. Insight, along with tangible and targeted remediation such as training and demonstrable nursing competency, cannot remedy this type of concern.

37. Notwithstanding the above, the Parties acknowledge that Mr Bladen has demonstrated some level of insight. This is evidenced in his VR application.

38. Consequently, the Parties agree that Mr Bladen’s conduct breached fundamental tenets of the profession and has brought the reputation of the profession into disrepute. A finding of impairment is therefore necessary on the ground of public interest.

Sanction

39. The Parties agree that the appropriate sanction in this case is a striking-off order.

40. The Parties have considered the Guidance (the ‘SAN’ suite of documents’) produced by the NMC to assist with the determination of the appropriate sanction.

41. The following aggravating features are present in this case:

- Mr Bladen accepted a formal police caution for offences of making an indecent image of a child contrary to s1 of the Protection of Children Act 1978 and possession of extreme pornography*

contrary to s63 of the Criminal Justice Act 2008, both of which are specified offences as defined by the NMC;

- The underpinning behaviour took place over a sustained period of time;*
- The offence involved a vulnerable section of the population;*
- There is a risk of patients being put at risk of future harm.*

42. The following mitigating features are present in this case:

- There are no clinical concerns;*
- Mr Bladen cooperated fully with the criminal investigation and admitted the offences in police interview, and has admitted the charge and that his fitness to practise is impaired by reason of his caution;*
- Mr Bladen has completed a targeted sexual offences course.*

43. NMC Guidance on Considering Sanctions for Serious Cases gives specific guidance on sanctions for sexual offences and criminal cautions/convictions. Sexual offending, particularly against children, is identified as likely to seriously undermine confidence in the profession and involves a serious and fundamental breach of public trust in nurses, midwives and nursing associates.

44. Taking no further action or imposing a caution order would be inappropriate as they would not address the public protection concerns identified in this document. These sanctions would not reflect the seriousness of the conduct underlying the caution and therefore public confidence in the professions and professional standards would not be maintained.

45. Imposing a Conditions of Practice Order would not be appropriate as there are no identified clinical concerns that could be addressed with conditions.

This sanction would not reflect the seriousness of the conduct underlying the caution therefore public confidence in the professions and professional standards would not be maintained.

46. Imposing a suspension order would temporarily protect the public but would not be appropriate as Mr Bladen would still be subject to a criminal caution at the conclusion of a maximum period of suspension. This sanction would not reflect the seriousness of the conduct underlying the caution and therefore public confidence in the profession and professional standards would not be maintained.

47. In any event, a Striking Off Order is the appropriate sanction in this case.

48. Mr Bladen's criminal offending has seriously undermined the public's trust and confidence in him. His criminal offending and subsequent caution is fundamentally incompatible with being a registered professional nurse. Only a Striking-Off Order will be sufficient to protect patients, maintain public confidence in the profession and maintain professional standards.

Referrer's comments

49. Nursing Therapies & Quality at Dorset Healthcare University NHS Trust have been contacted for their comments on the proposed CPD. They have agreed with the CPD and proposed sanction.

Interim order

50. An interim order is required in this case on the grounds of public protection and public interest. Mr Bladen is already subject to an 18-month ISO, which is due to expire on 6 April 2023. The next review is due to take place on or after 14 March 2022. Should this application be accepted, then the IO will automatically fall away following the lapse of the appeal period. The parties

understand that this provisional agreement cannot bind a panel, and that the final decision on findings impairment and sanction is a matter for the panel. The parties understand that, in the event that a panel does not agree with this provisional agreement, the admissions to the charges and the agreed statement of facts set out above, may be placed before a differently constituted panel that is determining the allegation, provided that it would be relevant and fair to do so.

Here ends the provisional CPD agreement between the NMC and Mr Bladen. The provisional CPD agreement was signed by the NMC on 24 March 2022 and in an email dated 25 March 2022 from Mr Bladen, he wrote;

‘...’

I am unable to electronically sign the document but I can confirm I have read the contents of the CPD document and the signature at the end is my signature. I can further confirm that the contents of the CPD document are true and correct to the best of my knowledge.

...’

The panel accepted this as an electronic signature.

Decision and reasons on the CPD

The panel heard and accepted the legal assessor’s advice. He referred the panel to the ‘NMC Sanctions Guidance’ (SG) and to the ‘NMC’s guidance on Consensual Panel Determinations’. He reminded the panel that they could accept, amend or outright reject the provisional CPD agreement reached between the NMC and Mr Bladen. Further, the panel should consider whether the provisional CPD agreement would be in the public interest. This means that the outcome must ensure an appropriate level of public protection, maintain public confidence in the professions and the regulatory body, and declare and uphold proper standards of conduct and behaviour.

The panel noted that Mr Bladen admitted the facts of the charge. Accordingly, the panel was satisfied that the charge is found proved by way of Mr Bladen admissions as set out in the signed provisional CPD agreement.

Decision and reasons on impairment

The panel then went on to consider whether Mr Bladen's fitness to practise is currently impaired. Whilst acknowledging the agreement between the NMC and Mr Bladen, the panel has exercised its own independent judgement in reaching its decision on impairment.

In respect of the caution, the panel determined that Mr Bladen's actions, as set out in the charge, can properly be described as serious given that the caution relates to specified sexual offences.

The panel considered whether Mr Bladen's fitness to practise is currently impaired by reason of the caution on both public protection and public interest grounds. The panel determined that Mr Bladen's fitness to practise is currently impaired by reason of the caution for the specified offences. The panel had information that Mr Bladen admitted during his police interview to accessing indecent images of children using the Trust's IP address and was satisfied for the reasons stated in the CPD agreement that the children in the images would have suffered harm. Consequently, Mr Bladen's conduct brought the profession into disrepute, and breached the fundamental tenets of the profession insofar as they relate to safe and effective nursing care. In line with the provisional agreement the panel was satisfied that Mr Bladen's fitness to practice is currently impaired on both public protection and public interest grounds and that not to make a finding of current impairment would result in the public confidence in the nursing profession and the NMC as a professional regulator being undermined.

The panel acknowledged that as part of his caution, Mr Bladen was instructed to complete the Lucy Faithful Foundation Inform Plus course, however, it considered the nature of Mr Bladen's actions are very difficult to fully remedy because they relate to poor decision making resulting in criminal behaviour.

Decision and reasons on sanction

Having found Mr Bladen'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 agreed with the aggravating and mitigating features set out in the CPD agreement namely –

Aggravating features:

- Mr Bladen accepted a formal police caution for offences of making an indecent image of a child contrary to s1 of the Protection of Children Act 1978 and possession of extreme pornography contrary to s63 of the Criminal Justice Act 2008, both of which are specified offences as defined by the NMC;
- The underpinning behaviour took place over a sustained period of time;
- The offence involved a vulnerable section of the population;
- There is a risk of patients being put at risk of future harm.

Mitigating features:

- There are no clinical concerns;
- Mr Bladen cooperated fully with the criminal investigation and admitted the offences in police interview, and has admitted the charge and that his fitness to practise is impaired by reason of his caution;

- Mr Bladen has completed a targeted sexual offences course.

In line with the reasons given in the CPD agreement the panel considered that to take no action 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 Mr Bladen'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 Mr Bladen'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 placing conditions of practice on Mr Bladen's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel took into account the SG.

The panel is of the view that there are no practical or workable conditions that could be formulated, given the seriousness of the charge. The panel was of the view that the misconduct identified in this case was not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Mr Bladen's registration would not adequately address the seriousness of this case and would not protect the public.

The panel then went on to consider whether a suspension order would be an appropriate sanction however for the same reasons given in the CPD agreement, the panel

considered that a suspension would not adequately protect the public in the long-term or satisfy the public interest, given the serious nature of the charge.

Instead, the panel was satisfied that in this case, that Mr Bladen's criminal offending and subsequent caution is fundamentally incompatible with him being a registered professional nurse such that a striking off order was both appropriate and proportionate.

The panel considered that this order is necessary to protect the public; 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.

Decision and reasons on interim order

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 Bladen's own interest. The panel heard and accepted the advice of the legal assessor.

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 agreed with the CPD that an interim suspension order for a period of 18 months was appropriate and proportionate and was necessary to cover the period during which this determination could be appealed. The panel therefore imposed an interim suspension order for a period of 18 months.

This will be confirmed to Mr Bladen in writing.

That concludes this determination.