

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

**Substantive Order Review Hearing
Thursday, 7 July 2022**

Virtual Hearing

Name of registrant: John Darnley

NMC PIN: 96Y0079E

Part(s) of the register: Registered Nurse – Sub-part 1
Adult Nursing – April 2002

Relevant Location: London

Type of case: Health/Misconduct

Panel members: Dale Simon (Chair, Lay member)
Julie Clennell (Registrant member)
Matthew Burton (Lay member)

Legal Assessor: Simon Walsh

Hearings Coordinator: Philip Austin

Nursing and Midwifery Council: Represented by Madeleine Deasy, Case
Presenter

Mr Darnley: Not present and not represented in absence

Order being reviewed: Suspension order (12 months)

Fitness to practise: Currently Impaired

Outcome: **Striking-off order to come into effect upon
expiry of the current order, namely, at the end
of 15 August 2022, in accordance with Article
30 (1)**

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

At the outset of the hearing, Ms Deasy, on behalf of the Nursing and Midwifery Council (“NMC”), made a request that the entirety of the hearing be held in private on the basis that proper exploration of this case involves reference to Mr Darnley’s health and personal circumstances. This application was made pursuant to Rule 19 of the NMC (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.

Rule 19 states:

19.—(1) Subject to paragraphs (2) and (3) below, hearings shall be conducted in public.

(2) Subject to paragraph (2A), a hearing before the Fitness to Practise Committee which relates solely to an allegation concerning the registrant’s physical or mental health must be conducted in private.

(2A) All or part of the hearing referred to in paragraph (2) may be held in public where the Fitness to Practise Committee—

(a) having given the parties, and any third party whom the Committee considers it appropriate to hear, an opportunity to make representations; and

(b) having obtained the advice of the legal assessor, is satisfied that the public interest or the interests of any third party outweigh the need to protect the privacy or confidentiality of the registrant.

(3) Hearings other than those referred to in paragraph (2) above may be held, wholly or partly, in private if the Committee is satisfied—

(a) having given the parties, and any third party from whom the Committee considers it appropriate to hear, an opportunity to make representations; and

(b) having obtained the advice of the legal assessor, that this is justified (and outweighs any prejudice) by the interests of any party or of any third party (including a complainant, witness or patient) or by the public interest.

(4) In this rule, “in private” means conducted in the presence of every party and any person representing a party, but otherwise excluding the public.

Having heard that much of the evidence presented will refer to Mr Darnley’s health and personal circumstances, the panel determined to hold the entirety of the hearing in private. The panel was of the view that the public interest in these parts of the case being aired in public session is outweighed by the need for privacy in this respect.

Decision and reasons on review of the substantive order

The panel decided to impose a striking-off order. This order will come into effect at the end of 15 August 2022, in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (“the Order”).