

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

**Substantive Order Review Meeting  
Friday 21 July 2023**

Virtual Hearing

**Name of Registrant:** **Camella Jane Chidgey**

**NMC PIN** 88Y1846E

**Part(s) of the register:** Registered Nurse – Adult – RN2 (May 1990)  
Registered Nurse – Adult – RN1 (August 1993)

**Relevant Location:** Norfolk

**Type of case:** Conviction

**Panel members:** Caroline Jones (Chair, Registrant member)  
Laura Scott (Registrant member)  
Robert Cawley (Lay member)

**Legal Assessor:** Charles Apthorp

**Hearings Coordinator:** Amie Budgen

**Miss Chidgey:** Was not present and was not represented

**Order being reviewed:** Suspension order (12 months)

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (12 months) to come into effect upon expiry of the current order, namely at the end of 1 September 2023, in accordance with Article 30(1)**

## **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 Chidgey's registered email address by secure email on 7 June 2023.

The panel took into account that the Notice of Meeting provided details of the review including the time, dates and the fact that this meeting was heard virtually.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Miss Chidgey 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 impose a further suspension order for a period of 12 months. This order will come into effect at the end of 1 September 2023 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 1 August 2022.

The current order is due to expire at the end of 1 September 2023.

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

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

*'That you, a registered nurse:*

- 1) *Were convicted on 9 November 2020 at Norwich Crown Court of possession with intent to supply a controlled drug of Class A – Diamorphine/Heroin contrary to section 5(3) and section 4(1) of the Misuse of Drugs Act 1971;*
- 2) *Were convicted on 17 November 2020 at Norwich Crown Court of possession with intent to supply a controlled drug of Class A – Diamorphine/Heroin contrary to section 5(3) and section 4(1) of the Misuse of Drugs Act 1971.*

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

The original panel determined the following with regard to impairment:

*'The panel was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to Miss Chidgey's convictions serious.*

*Regarding insight, the panel considered that Miss Chidgey entered guilty pleas at the Crown Court and the Sentencing Judge found her to have shown remorse for her actions, however, she has not engaged with the NMC and its regulatory proceedings. The panel concluded that Miss Chidgey has not demonstrated an understanding of how her actions put patients at a risk of harm and how her convictions have impacted negatively on the reputation of the nursing profession.*

*In its consideration of whether Miss Chidgey has taken steps to strengthen her practice, the panel took into account that there was no evidence before it...[PRIVATE]. However, the panel has no information before it, such as evidence of training or a reflective piece, which would satisfy the panel that Miss Chidgey has taken steps to strengthen her practice following her convictions.*

*As a consequence of Miss Chidgey's lack of engagement with the NMC, the panel had no information before it about Miss Chidgey's current circumstances, including [PRIVATE]. In the absence of such information, the panel concluded that there is a*

*risk of repetition of the charges found proved. 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 are 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, which 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 determined that, in this case, a finding of impairment on public interest grounds was required as a reasonably informed member of the public would be concerned if a nurse who had been recently convicted of two charges of possession of a Class A drug with intent to supply were found to be fit to practise without restriction.*

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

The original panel determined the following with regard to sanction:

*'The panel next considered whether placing conditions of practice on Miss Chidgey'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, in particular:*

- No evidence of harmful deep-seated personality or attitudinal problems; and*
- No evidence of general incompetence.*

*The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case. The concerns identified as a result of Miss Chidgey's conviction are not something that can be addressed through retraining.*

*Furthermore, the panel concluded that the placing of conditions on Miss Chidgey's registration would not adequately acknowledge the seriousness of this case, would not address the risk of harm identified as a result of Miss Chidgey's admitted heroin use, and would not satisfy the public interest concerns identified by the panel.*

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

- No evidence of harmful deep-seated personality or attitudinal problems; and*
- No evidence of repetition of behaviour since the incident.*

*The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register.*

*It did go on to consider whether a striking-off order would be proportionate. The panel took account of the information before it, including mitigation presented to the Crown Court that Miss Chidgey had been placed under pressure by previous partners to supply heroin to them. Further, the panel concluded that, although this matter was not charged as such...[PRIVATE].*

*In light of this, the panel concluded that Miss Chidgey should be given the opportunity to [PRIVATE], if she has not done so already, and engage with the NMC in order to demonstrate that she had addressed the risks identified by this panel.*

*The panel therefore concluded, taking account of all the information before it, and of the mitigation provided, that it would be disproportionate to direct that Miss Chidgey's name be removed from the register at this time. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in Miss Chidgey's case to impose a striking-off order.*

*Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction.*

*The panel noted the hardship such an order will inevitably cause Miss Chidgey; however, this is outweighed by the public interest in this case.*

*The panel considered that this order is 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.*

*The panel determined that a suspension order for a period of 12 months, with a review, was appropriate in this case to mark the seriousness of Miss Chidgey's convictions.*

*At the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.*

*Any future panel reviewing this case would be assisted by:*

- *Miss Chidgey's full engagement with the NMC, including her attendance at any review hearing;*
- *[PRIVATE];*
- *A reflective piece which addresses the impact of Miss Chidgey's conviction on herself, the public and the nursing profession as a whole;*
- *Testimonials from any work paid or unpaid.'*

## **Decision and reasons on current impairment**

The panel has considered carefully whether Miss Chidgey'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 and the written responses from Miss Chidgey which included:

- An email dated 20 September 2022, including her new employer details.

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 Chidgey's fitness to practise remains impaired.

The panel noted that the original panel found that Miss Chidgey had insufficient insight. At this meeting the panel determined that Miss Chidgey has still not provided evidence of demonstrated insight, an understanding of how her actions put the patients at a risk of harm, nor an understanding of why what she did was wrong and how this impacted negatively on the reputation of the nursing profession.

In its consideration of whether Miss Chidgey has taken steps to strengthen her practice, the panel took into account that Miss Chidgey has not provided the NMC with any evidence of strengthened practice, noting that there has been no correspondence from Miss Chidgey since 20 September 2022 when she indicated that has a new career in a non-clinical setting.

The original panel determined that Miss Chidgey was liable to repeat matters of the kind found proved. Today's panel has received no new information to suggest that Miss Chidgey is now not liable to repeat matters of the kind found proved at the original substantive hearing. In light of this the panel determined that Miss Chidgey remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment remains 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 Chidgey's fitness to practise remains impaired.

### **Decision and reasons on sanction**

Having found Miss Chidgey's 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 Chidgey'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 Chidgey'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 a conditions of practice on Miss Chidgey'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 bore in mind the



seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Miss Chidgey's conviction.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Miss Chidgey further time to fully reflect on her previous failings and engage with the NMC and her recovery process. It considered that Miss Chidgey needs to gain a full understanding of how her conviction impacted the nursing profession as a whole and not just the organisation that the individual nurse is working for. The panel concluded that a further 12-month suspension order would be the appropriate and proportionate response and would afford Miss Chidgey adequate time to further develop her insight and take steps to strengthen her practice. It would also give Miss Chidgey an opportunity to approach past and current health professionals to attest to her honesty and integrity in her workplace assignments since the substantive hearing. Further, the panel determined that a further suspension order would provide Miss Chidgey with more time to...[PRIVATE].

The panel determined therefore that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of 12 months would provide Miss Chidgey with an opportunity to engage with the NMC and provide information regarding her current personal circumstances and employment status. It considered this to be the most appropriate and proportionate sanction available.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 1 September 2023 in accordance with Article 30(1).

Before the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- Miss Chidgey's full engagement with the NMC, including her attendance at any review hearing;
- [PRIVATE];
- A reflective piece which addresses the impact of Miss Chidgey's conviction on herself, the public and the nursing profession as a whole;
- Testimonials from any work paid or unpaid.

This will be confirmed to Miss Chidgey in writing.

That concludes this determination.