

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

**Substantive Order Review Hearing  
Tuesday, 20 February 2024**

Nursing and Midwifery Council  
2 Stratford Place, Montfichet Road, London, E20 1EJ

**Name of Registrant:** Jolanta Czapska Hill

**NMC PIN** 95A0056O

**Part(s) of the register:** Registered Midwife  
RM – January 2001

**Relevant Location:** Slough

**Type of case:** Misconduct

**Panel members:** Anne Ng (Chair, Lay member)  
Rachel Carter (Registrant member)  
Jude Bayly (Registrant member)

**Legal Assessor:** George Alliott

**Hearings Coordinator:** Hamizah Sukiman

**Nursing and Midwifery Council:** Represented by Robert Rye, Case Presenter

**Mrs Czapska Hill:** Not present and unrepresented

**Order being reviewed:** Suspension order (6 months)

**Fitness to practise:** Impaired

**Outcome:** **Suspension order (9 months) to come into effect on 29 March 2024 in accordance with Article 30 (1)**

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

The panel was informed at the start of this hearing that Mrs Czapska Hill was not in attendance and that the Notice of Hearing had been sent to Mrs Czapska Hill's registered address by courier service and by first class post on 16 January 2024.

The panel had regard to the email from the courier service CitySprint, dated 16 January 2024, which showed the Notice of Hearing was delivered via UK overnight shipment to Mrs Czapska Hill's registered address.

Mr Rye, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 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.

The panel took into account that the Notice of Hearing provided details of the substantive order being reviewed, the time, date and venue of the hearing and, amongst other things, information about Mrs Czapska Hill's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all of the information available, the panel was satisfied that Mrs Czapska Hill has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

## **Decision and reasons on proceeding in the absence of Mrs Czapska Hill**

The panel next considered whether it should proceed in the absence of Mrs Czapska Hill. The panel had regard to Rule 21 and heard the submissions of Mr Rye who invited the panel to continue in the absence of Mrs Czapska Hill.

The panel had regard to an email correspondence, dated 13 February 2024, between Mrs Czapska Hill and the NMC, which stated:

‘... [PRIVATE] ...’

Mr Rye submitted that Mrs Czapska Hill had voluntarily absented herself. He drew the panel’s attention to [PRIVATE].

Mr Rye reminded the panel that [PRIVATE]:

- [PRIVATE];
- [PRIVATE]; and
- [PRIVATE].

Mr Rye submitted that the panel must [PRIVATE]. With regard to [PRIVATE].

Mr Rye further submitted that, whilst the panel must consider fairness to Mrs Czapska Hill, there is a strong public interest in the expeditious review of this case, as there is insufficient time to relist this matter and comply with Rule 11 of the Rules. Further, he submitted that [PRIVATE].

Mr Rye also submitted that Mrs Czapska Hill has not explicitly requested an adjournment, though he acknowledged that there are some words in her letter, dated 19 February 2024, which may carry that implication. He submitted that Mrs Czapska Hill may request an early review of today’s decision, if she wishes. Accordingly, he submitted that the panel should proceed in her absence.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mrs Czapska Hill. In reaching this decision, the panel has considered the submissions of Mr Rye and the advice of the legal assessor. It considered relevant case law and the overall interests of justice and fairness to all parties. It noted that:

- Whilst no application for an adjournment has been made by Mrs Czapska Hill in the specific words, she has implied she wanted the matter to be ‘cancelled’, which the panel accepted as a request for an adjournment;

- [PRIVATE];
- 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 review of the case, as there is a statutory duty for this substantive order to be reviewed prior to its expiry.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Mrs Czapska Hill.

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

Mr Rye made the panel aware that the papers in this case involve [PRIVATE]. Consequently, he submitted that the panel is free to enter into private session if [PRIVATE]. This power is available to the panel pursuant to Rule 19.

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.

The panel determined that the hearing would go into private session as and when [PRIVATE] are raised.

### **Decision and reasons on review of the substantive order**

The panel decided to extend the current suspension order by a period of nine months.

This order will come into effect at the end of 29 March 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the second review of a substantive suspension order originally imposed for a period of four months by a Fitness to Practise Committee panel on 27 April 2023. This was

reviewed on 22 September 2023 and panel decided to impose a further six-month suspension order on Mrs Czapska Hill's practice.

The current order is due to expire at the end of 29 March 2024.

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

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

*'That you, a registered midwife*

- 1. Requested that laboratory tests be undertaken on your own blood at the following dates and times:- 27
  - a) 26 August 2018 at 10.49;
  - b) 14 October 2018 at 10.47;
  - c) 14 October 2018 at 16.24;
  - d) 17 March 2019 at 14.14;
  - e) 12 May 2019 at 12.53.*
- 2. When requesting the aforesaid two tests on 14 October 2018 incorrectly entered the name of a doctor in the "Requesting Consultant/GP" section of the relevant electronic form.*
- 3. Your conduct at charges 1 a) to e) above was an abuse of your position as a midwife in that you used your access to your employer's resources and your knowledge of their systems for your personal gain.*
- 4. Between 26 August 2018 and May 2019 accessed your own medical records through your employers network/clinical systems on one or more occasions for reasons which did not relate to a patient and when you did not have a legitimate work related reason to do so.*

*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:

*'... The panel noted that the original panel found that Mrs Czapska Hill had demonstrated little insight and a lack of accountability, seeking instead to justify her actions and attribute blame elsewhere. At this hearing the panel has received no evidence of reflection from Mrs Czapska Hill as recommended by the original panel.*

*Whilst the original panel was satisfied that the misconduct in this case is capable of being addressed by Mrs Czapska Hill through a reflective piece, this panel had no information to determine that Mrs Czapska Hill had addressed the misconduct and developed her insight into her failings and the potential impact they may have had on the profession and its reputation and public confidence in the profession.*

*The original panel determined that Mrs Czapska Hill was liable to repeat matters of the kind found proved. Today's panel has received no information to alter this assessment. In light of this, this panel determined that Mrs Czapska Hill remains liable to repeat matters of the kind found proved.*

*The panel bore 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 required.*

*For these reasons, the panel finds that Mrs Czapska Hill's fitness to practise remains impaired.'*

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

*'... The panel next considered whether placing conditions of practice on Mrs Czapska Hill'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 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 misconduct identified in this case was not something that can be addressed through retraining. The concerns raised did not involve clinical competency but related to attitudinal behaviour. The panel noted Mrs Czapska Hill demonstrated limited insight into the concerns raised. It was not reassured that the minimal level of reflection shown within her lengthy submissions in the numerous documents she provided indicate she has accepted accountability or would comply with conditions if imposed.*

*Furthermore, the panel concluded that the placing of conditions on Mrs Czapska Hill's registration would not adequately address the seriousness of this case and would not reassure the public confidence in the regulator nor sufficiently mark the public interest in this case.*

*The panel then went on to consider whether a suspension order would be an appropriate sanction. The panel recognised that there had been no significant development since the last hearing and [PRIVATE] may have impacted upon her ability to address those matters which the substantive panel considered needed to be addressed. In those circumstances this panel considered that further period of suspension was the appropriate and proportionate sanction.*

*The panel did consider whether a striking-off order would be proportionate but, taking account of all the information before it, the panel concluded that it would be disproportionate. Whilst the panel acknowledges that a*

*suspension may have a punitive effect, it would be unduly punitive in Mrs Czapska Hill's case to impose a striking-off order ...'*

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

The panel has considered carefully whether Mrs Czapska Hill'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 and Mr Rye's submissions. He outlined the background of this case, and he drew the panel's attention to the decisions of both the initial panel at the substantive hearing as well as the last reviewing panel. As of today, Mr Rye informed the panel that Mrs Czapska Hill has provided the panel with some documentation for the panel's consideration.

Mr Rye submitted that Mrs Czapska Hill's fitness to practise remains impaired on public interest grounds. He further submitted that there has been no material change in Mrs Czapska Hill's circumstances, and he reminded the panel that she bears the persuasive burden to demonstrate that her fitness to practise is no longer impaired. He submitted that she has not followed the advice of the last reviewing panel, namely, she has not provided this panel with a reflective statement demonstrating her insight of the impact of her conduct on the Trust, her colleagues and the public, other than an indication that she regretted her actions.

Mr Rye further submitted that Mrs Czapska Hill continues to deny the charges proved and maintained a position that the finding made by the initial panel at the substantive hearing had been false. He submitted that the charges found proved are serious, and as Mrs Czapska Hill showed a lack of insight into her conduct, there remains a risk that the conduct is repeated. He further submitted that, without any evidence of reflection from Mrs Czapska Hill, it cannot be asserted with confidence that her fitness to practise is no longer impaired.



With regard to sanction, Mr Rye submitted that a further six-month suspension period would be the most appropriate sanction. He stated that this should hopefully allow sufficient time for [PRIVATE] and allow her the opportunity to engage with the process. He submitted that [PRIVATE], paired with the mitigating features of this case as outlined by the initial panel at the substantive hearing, would render a striking-off order disproportionate at this time.

The panel also had regard to the email correspondence from Mrs Czapska Hill to the NMC, dated 13 February 2024 and the written submissions provided by Mrs Czapska Hill, dated 19 February 2024.

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 Mrs Czapska Hill's fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Mrs Czapska Hill had little insight and noted her lack of accountability as she sought to '*justify her actions and attribute blame elsewhere*'. At this hearing, the panel determined that it has seen no further evidence indicating that Mrs Czapska Hill has developed any further insight, and it concluded that she has little to no insight into her wrongdoing. The panel had regard to Mrs Czapska Hill's remarks made at the substantive hearing, which stated:

*'I do not understand why my first self-referral back in August 2018 did not immediately come to light. My question here is why my employer did not act on them straight away to protect me from doing it again?'*

The panel determined that Mrs Czapska Hill maintains that she has done nothing wrong, and has continued to deflect blame onto others. The panel considered the documentation Mrs Czapska Hill has provided and it had regard to the [PRIVATE] referenced in the

documentation. However, the panel concluded that Mrs Czapska Hill has shown no development into her insight, and has not reflected on her misconduct.

In its consideration of whether Mrs Czapska Hill has taken steps to strengthen her practice, the panel considered there was no new information which was presented indicating Mrs Czapska Hill has completed further training or addressed the concerns since the last review.

The last reviewing panel determined that Mrs Czapska Hill was liable to repeat matters of the kind found proved. Today's panel has heard no new information to suggest otherwise. In light of this, this panel determined that Mrs Czapska Hill remains liable to repeat matters of the kind found proved. 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 and midwifery 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 alone is required.

For these reasons, the panel finds that Mrs Czapska Hill's fitness to practise remains impaired.

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

Having found Mrs Czapska Hill'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 Mrs Czapska Hill'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 Mrs Czapska Hill'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 Mrs Czapska Hill'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 determined that there are no workable conditions which could be formulated, given the attitudinal concerns Mrs Czapska Hill has demonstrated.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order of a longer duration would allow Mrs Czapska Hill further time to fully reflect on her previous misconduct. It considered that Mrs Czapska Hill's needs to gain a full understanding of how her misconduct has impacted the Trust, her colleagues and the midwifery profession as a whole. The panel concluded that a further nine-month suspension order would be the appropriate and proportionate response and would afford Mrs Czapska Hill adequate time to further develop her insight and take steps to strengthen her practice, should she wish to do so.

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 nine months, as this would provide Mrs Czapska Hill with an opportunity to meaningfully engage with the NMC. It considered this to be the most appropriate and proportionate sanction available.

The panel determined that a striking off-order would be disproportionate at this time. However, the panel noted that, in light of Mrs Czapska Hill's continued limited meaningful

engagement with the NMC as well as her limited insight, a future panel may find her actions to be incompatible with remaining on the NMC Register.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 29 March 2024 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:

- Mrs Czapska Hill's attendance at a future hearing, either virtually or in-person, depending on her choice and suitability given her circumstances;
- [PRIVATE];
- A reflective piece, focusing on the impact of the incident on the Trust, her colleagues, the midwifery profession and to the public perception of the midwifery profession as a whole;
- Evidence of competencies and contemporary practice; and
- A statement on what Mrs Czapska Hill's future in midwifery is, and how she intends to manage her return to safe and effective practice.

This will be confirmed to Mrs Czapska Hill in writing.

That concludes this determination.