

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

**Substantive Order Review Meeting  
Monday, 22 December 2025**

Virtual Meeting

**Name of Registrant:** Stephen Maguithi

**NMC PIN:** 06H2869E

**Part(s) of the register:** Registered Nurse – Adult  
RNA – 21 September 2006

**Relevant Location:** Windsor and Maidenhead

**Type of case:** Misconduct

**Panel members:** Paul Grant (Chair, Lay member)  
Vivienne Stimpson (Registrant member)  
Karen Naya (Lay member)

**Legal Assessor:** Attracta Wilson

**Hearings Coordinator:** Hamizah Sukiman

**Order being reviewed:** Conditions of practice order (6 months)

**Fitness to practise:** Impaired

**Outcome:** **Order to lapse upon expiry in accordance with Article 30 (1), namely 8 February 2026**

## **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 Mr Maguithi's registered email address by secure email on 17 November 2025.

The panel took into account that the Notice of Meeting provided details of the review, including that this review would be considered as a review meeting, that it would be held no sooner than 22 December 2025, as well as inviting Mr Maguithi to either request a hearing, or provide any written evidence or representations seven days before this date.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mr Maguithi 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 ('the Rules').

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

The panel decided to allow the current conditions of practice order to lapse at the end of 8 February 2026 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 ('the Order').

This is the fourth review of a substantive conditions of practice order originally imposed for a period of 9 months by a Fitness to Practise Committee panel on 3 August 2023. This was reviewed on 9 May 2024, and the panel imposed a further 9-month conditions of practice order. This was next reviewed on 6 January 2025, and the panel imposed a further 6-month conditions of practice order. This order was then reviewed on 27 June 2025, where the panel imposed a further 6-month conditions of practice order.

The current order is due to expire at the end of 8 February 2026. 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. On a nightshift between 1st and 2nd March 2020;*

*a. Slept whilst on duty,*

*[...]*

*2. On a nightshift between 2nd and 3rd March 2020;*

*a. Slept whilst on duty,*

*[...]*

*d. Left the drugs room unlocked,*

*e. Left the drugs trolley unlocked,*

*f. Stored resident medication in pots before the medication was due to be administered,*

*g. Signed MAR charts of residents to show that required medication had been administered, when it had not been.*

*[...]*

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

*Charges 2(d), 2(e) and 2(f) were found proved by your admission.'*

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

*'... there was no new information before this panel to demonstrate any progress. It seemed likely that Mr Maguithi has not been working as a nurse and there is no information about his current circumstances or intentions in relation to his nursing career. In the absence of evidence of current nursing practice, there was no opportunity to assess any improvement in Mr Maguithi's practice.*

*The panel noted in particular that there is no new evidence or information to show development of insight, or any steps taken to remedy past concerns or strengthen practice. In addition, Mr Maguithi has not provided the information which the last panel identified as likely to help a future reviewing panel, in terms of his engagement and the provision of a reflective piece and testimonials. If anything, his engagement since the last review has been less than it was previously.*

*In the circumstances, the panel considered that there was no evidence to show that the risk of repetition, and the associated risk of harm to patients, has been mitigated.*

*The panel considered whether a finding of impairment was also required on wider public interest grounds. It noted that the NMC's position at this hearing is that a finding of current impairment is sought on public protection grounds only.*

*[...]*

*The panel noted that its finding of current impairment has been made because Mr Maguithi has not yet been able to demonstrate sufficient insight and strengthening of his practice and therefore that there continues to be a risk of repetition and a risk of harm to members of the public. It considered that this finding is sufficient at this stage to satisfy the overarching objectives of regulation, and no separate finding of current impairment on public interest grounds is required. The panel considered that the orders restricting Mr Maguithi's practice which have been in place continuously since August 2023 have been sufficient to mark the seriousness of the misconduct and send a message to the public and the profession about the required standards to uphold public confidence in the profession.*

*The panel therefore concluded that Mr Maguithi's fitness to practise remains impaired on public protection grounds only.'*

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

*'The panel next considered whether imposing a further conditions of practice order on Mr Maguithi'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 considered that the original misconduct continues to be capable of being remedied, as it occurred over a brief period and involved issues capable of being addressed through an appropriate process of reflection, remediation and strengthening of practice. The panel considered that the conditions currently in place are appropriate, proportionate, workable and sufficient to protect the public from any risks associated with Mr Maguithi's return to practice until such time as he can demonstrate that he has addressed the past concerns.*

*The panel's only concern in relation to a further conditions of practice order is that such an order has now been in place for a continuous period of nearly two years and Mr Maguithi has not yet been able to demonstrate the required insight and strengthening of practice. It was therefore unclear whether a further period would achieve the necessary engagement by Mr Maguithi with the process of strengthening his practice.*

*However the panel looked at the next available sanction, which would be a suspension order, and considered that this would be a disproportionate response at this time. It reached this decision in light of the remediable nature of the original concerns, and the fact that they represented a short episode with significant mitigating circumstances, with a long period beforehand and a relatively long period afterwards when there were no concerns of a similar nature. The panel considered that a period of suspension would not achieve the required improvement in Mr Maguithi's practice and would therefore serve no useful purpose. The panel was also mindful that at this stage, the reasons for Mr Maguithi's apparent failure to engage with the conditions previously imposed are not clear. At the time of the first review, he had been unable to secure nursing employment, and it may be that he has now effectively given up hope of doing so and wishes to move away from the profession. The panel considered that it would be appropriate and proportionate to*

*offer him an opportunity to re-engage with the process of strengthening his practice, or in the alternative to provide clear information about his future intentions.'*

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

The panel has considered carefully whether Mr Maguithi'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 ability to practise kindly, safely and professionally. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel had regard to all of the documentation before it. It noted that it received no representations from Mr Maguithi.

The panel 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 Mr Maguithi's fitness to practise remains impaired.

The panel noted that the last reviewing panel found Mr Maguithi's fitness to practise impaired on public protection grounds only. Specifically, that panel noted that Mr Maguithi has not provided any information on his insight or strengthened practice, or any information on whether he continues to practise as a registered nurse. That panel was of the view that any future panel may be assisted by the following:

- *'Mr Maguithi's engagement in the process, whether in writing or by his attendance at the next review;*
- *References and testimonials in respect of any employment undertaken by Mr Maguithi, whether paid or voluntary, and whether or not it is undertaken in a clinical role or setting;*
- *If Mr Maguithi wishes to continue with his nursing career:*

- *Evidence of his compliance with the conditions of practice or, in the alternative, information about Mr Maguithi's intentions and plans with regard to resuming his nursing career;*
- *A comprehensive reflective statement addressing each proven charge, emphasising the steps taken to improve professional practice and prevent recurrence.*
- *If Mr Maguithi does not wish to continue with his nursing career:*
  - *A statement to that effect, setting out his current situation and his career plans away from the nursing profession.'*

Today's panel considered that it has received no information in respect of any of the points above. The panel determined that it was in the same position as the last reviewing panel, in that it has received no information from Mr Maguithi in respect of his insight and remediation on each of the charges found proved, his strengthened practice and compliance with the conditions of practice imposed thus far, or his intention to continue nursing. The panel noted that, whilst Mr Maguithi initially engaged with the NMC, his engagement has deteriorated over time, and he has not engaged at all, since 3 January 2025, providing this panel with no information in respect of today's review.

The last reviewing panel determined that Mr Maguithi was liable to repeat matters of the kind found proved. In light of today's panel receiving no information from Mr Maguithi in respect of his insight, remediation or strengthening of his practice, it determined that Mr Maguithi 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.

Today's panel next considered whether a finding of impairment on public interest grounds is necessary, and it bore in mind that the last reviewing panel found Mr Maguithi's fitness to practise impaired on public protection grounds only. The panel bore in mind 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 accepted the last reviewing panel's decision that the public interest has been satisfied, as Mr Maguithi's practice has been restricted continuously for approximately 28 months (since August 2023). The panel noted that the charges related to two shifts, and in the context of significant personal mitigation and an otherwise unblemished nursing career of 14 years. The panel determined that the restriction upon his practice since 2023 has sufficiently marked the seriousness of the misconduct. Accordingly, the panel endorsed the findings of the last reviewing panel, and it concluded that a finding of continuing impairment on public interest grounds is not required.

For these reasons, the panel finds that Mr Maguithi's fitness to practise remains impaired on public protection grounds only.

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

Having found Mr Maguithi 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 also took 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.

In reaching this decision, the panel also bore in mind the NMC Guidance, '*Removal from the register when there is a substantive order in place*' (Rev-2h), which stated:

*'There is a persuasive burden on the professional at a substantive order review to demonstrate that they have fully acknowledged why past professional performance was deficient and through insight, application, education, supervision or other achievement sufficiently addressed the past impairments.'*

*While Suspension Orders and Conditions of Practice Orders can be varied or extended, they are not intended to exist indefinitely. In time the professional must be allowed to practise without restriction or they must leave the register. It is neither in the interests of the public nor the professional's own interests that they are kept in limbo.'*

*Professionals who are not subject to fitness to practise proceedings have to revalidate every three years to stay on the register. In many cases it will be more appropriate for a professional to leave the register if they have been on a substantive order for this period of time and remain impaired.'*

The guidance further states, on allowing an order to lapse with a finding of impairment:

*'Where the professional would no longer be on the register but for the order in place, a reviewing panel can allow the order to expire or, at an early review, revoke the order. Professionals in these circumstances will automatically be removed from the register, or lapse, upon expiry or revocation of the order. The panel will record that the professional remains impaired.'*

*A panel will allow a professional to lapse with impairment where:*

- the professional would no longer be on the register but for the order in place;*
- the panel can no longer conclude that the professional is likely to return to safe unrestricted practice within a reasonable period of time;*
- a striking off order isn't appropriate.*

*Whilst the intentions or wishes of the professional do not determine whether they should be allowed to lapse, a professional who would no longer be on the register but for the order in place can themselves request an early review to ask that the order is removed.'*

The panel bore in mind its decision in respect of impairment above. The panel then considered the factors within the guidance.

The panel considered that Mr Maguithi has not maintained his nursing registration, and he stopped paying his NMC registration fee in 2024. It was therefore satisfied that Mr Maguithi would no longer be on the nursing register but for the current conditions of practice order being in place. The panel noted that there is no information before it on Mr Maguithi's future intentions with regard to nursing.

On whether Mr Maguithi is likely to return to safe, unrestricted practice within a reasonable period of time, the panel considered that it has no evidence of recent engagement by Mr Maguithi. Although the first reviewing panel (in May 2024) concluded that Mr Maguithi had started to take steps towards remediation despite being unable to secure employment as a registered nurse, there has been no new information before this panel of any strengthening of his practice since May 2024 (when he provided some training certificates) and no engagement from him since January 2025. In all the circumstances, this panel was not satisfied that Mr Maguithi is likely to return to safe, unrestricted practice within a reasonable period of time, given his continuous non-engagement with the NMC and lack of information on whether he is currently employed in a nursing capacity or whether he wishes to return to nursing.

Further, the panel determined that the imposition of a further conditions of practice order would not serve any purpose, in light of Maguithi's non-engagement with the NMC. The panel noted that the last reviewing panel remarked on Mr Maguithi not having unlimited opportunities to re-engage with the regulatory process, and this panel bore in mind that if further restrictions were imposed upon Mr Maguithi's practice, it would be unlikely to result in renewed engagement from him. The panel concluded that a conditions of practice order is only workable if Mr Maguithi engaged with them.

The panel also determined that the imposition of a suspension order would not serve any purpose in the circumstances. The panel concluded that this would prevent Mr Maguithi from being able to practise as a nurse, and would not assist him in demonstrating a period of remediation of the concerns through safe and strengthened practice. Further, the panel was satisfied that a suspension order would be unlikely to result in renewed engagement from Mr Maguithi, and that to impose such an order would delay the conclusion of these proceedings.

In respect of whether a striking-off order should instead be imposed, the panel considered the following paragraphs of the SG:

- *Do the regulatory concerns about the nurse or midwife raise fundamental questions about their professionalism?*

- *Can public confidence in nurses and midwives be maintained if the nurse or midwife is not removed from the register?*
- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

The panel was of the view that, whilst Mr Maguithi's misconduct was serious and carried a risk of harm to patients, it does not raise fundamental questions about his professionalism. The misconduct related to his nursing practice, was short-lived, and was not indicative of any deep-seated personality or attitudinal issues. Further, the panel determined that the public interest has already been satisfied by a thorough investigation of the concerns and a restriction of Mr Maguithi's practice since 2023. The panel reminded itself of its decision in respect of not finding impairment on public interest grounds above. Taking all the above into account, the panel determined that a striking-off order would be disproportionate in these circumstances, particularly given the nature of the misconduct.

Taking all the above considerations into account, the panel therefore determined that the most appropriate outcome in this case is to allow the current conditions of practice order to lapse. The panel was of the view that members of the public would be protected should Mr Maguithi wish to return to nursing in the future, as a finding of impairment has been confirmed today and this information will be made available to the Registrar for their consideration should Mr Maguithi apply to rejoin the register. Further, the panel bore in mind that Mr Maguithi would also need to complete a Return to Practice course before he is able to rejoin the register, which sufficiently protects the public. The panel concluded that this sufficiently addresses the public protection concerns, whilst balancing it against Mr Maguithi's interests.

In accordance with Article 30(1), the substantive conditions of practice order will lapse upon expiry, namely the end of 8 February 2026.

This will be confirmed to Mr Maguithi in writing.

That concludes this determination.