

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

**Substantive Order Review Hearing  
Friday, 27 June 2025**

Virtual Hearing

<b>Name of Registrant:</b>	Stephen Maguithi
<b>NMC PIN:</b>	06H2869E
<b>Part(s) of the register:</b>	Registered Nurse – Sub Part 1 RNA: Adult Nurse – 21 September 2006
<b>Relevant Location:</b>	Windsor and Maidenhead
<b>Type of case:</b>	Misconduct
<b>Panel members:</b>	Mandy Rayani (Chair, Lay member) Patience McNay (Registrant member) Caroline Ross (Lay member)
<b>Legal Assessor:</b>	Suzanne Palmer
<b>Hearings Coordinator:</b>	Yousrra Hassan
<b>Nursing and Midwifery Council:</b>	Represented by Tom Hamilton, Case Presenter
<b>Mr Maguithi:</b>	Not present and unrepresented
<b>Order being reviewed:</b>	Conditions of practice order (6 months)
<b>Fitness to practise:</b>	Impaired
<b>Outcome:</b>	<b>Conditions of practice order (6 months) to come into effect on 8 August 2025 in accordance with Article 30 (1)</b>

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

The panel was informed at the start of this hearing that Mr Maguithi was not in attendance and that the Notice of Hearing had been sent to Mr Maguithi's registered email address by secure email on 22 May 2025.

Mr Hamilton, 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 that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mr Maguithi's right to attend, be represented and call evidence, as well as the panel's power to proceed in his absence.

In the light of all the information available, the panel was satisfied that Mr Maguithi 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 Mr Maguithi**

The panel next considered whether it should proceed in the absence of Mr Maguithi. The panel had regard to Rule 21 and heard the submissions of Mr Hamilton who invited the panel to continue in the absence of Mr Maguithi. He submitted that Mr Maguithi had voluntarily absented himself.

Mr Hamilton submitted that there had been no engagement at all by Mr Maguithi with the NMC in relation to these proceedings and, therefore, there was no reason to believe that an adjournment would secure his attendance on some future occasion.

The panel accepted the advice of the legal assessor.

The panel decided to proceed in the absence of Mr Maguithi. In reaching this decision, the panel considered the submissions of Mr Hamilton and the advice of the legal assessor. It had regard to any relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- Mr Maguithi has not engaged with the NMC and has not responded to any of the correspondence sent to him about this hearing. He appears to be voluntarily absent.
- There is no reason to suppose that adjourning would secure his attendance at some future date; and
- There is a strong public interest in the expeditious review of the case, as this is a mandatory review of an existing order which is due to expire on 8 August 2025.

In the circumstances, the panel has decided that it is fair to proceed in the absence of Mr Maguithi.

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

The panel decided to impose a further conditions of practice order for a period of six months, to come into effect on the expiry of the current conditions of practice order.

This order will come into effect at the end of 8 August 2025 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third 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. The order was reviewed on 9 May 2024 when it was varied and extended by 9 months, and reviewed again on 6 January 2025, when it was extended by a further period of 6 months.

The current order is due to expire at the end of 8 August 2025. The panel is reviewing the order prior to its expiry 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:

*“The panel considered whether Mr Maguithi’s fitness to practise remains impaired.*

*The panel was mindful of the suggestions made to Mr Maguithi by the last review panel:*

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

- Your continued engagement with this process which includes your attendance at the review hearing.*
- A written reflective piece addressing each of the charges found proved with a focus on what you have done to strengthen your practice and to prevent repetition.*
- Any workplace references/testimonials that you wish to obtain.’*

*The panel noted that the last reviewing panel found that Mr Maguithi had developing insight. At this hearing the panel observed that Mr Maguithi had previously engaged with the NMC and had attended the last review hearing, yet their level of engagement has subsequently reduced and they were not in attendance at today’s review hearing.*

*The panel next considered whether Mr Maguithi had shown any further insight or remorse into their actions. It noted that Mr Maguithi has not provided any additional reflective piece, as suggested by the first reviewing panel, or other evidence to this panel to demonstrate development of insight. This panel concluded that Mr Maguithi’s insight remained insufficient.*

*In its consideration of whether Mr Maguithi has taken steps to strengthen their practice, this panel noted there was no evidence to show whether Mr Maguithi was currently in employment or had in any way taken steps to strengthen their practice.*

*The last reviewing panel determined that Mr Maguithi was liable to repeat matters of the kind found proved. Today’s panel has not heard or received any new information that suggests otherwise. In light of this, this panel determined that Mr Maguithi is 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.*

*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. However, the panel did not consider that a finding of current impairment is necessary in the wider public interest and determined that, in this case, a finding of continuing impairment on public interest grounds was not required.*

*For these reasons, the panel finds that Mr Maguithi's fitness to practise remains impaired."*

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

*"The panel next considered whether continuing a 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 determined that it would be possible to formulate appropriate and practical conditions which would address the failings highlighted in this case.*

*The panel was of the view that a further conditions of practice order is sufficient to protect the public. In this case, there are conditions could be formulated which would protect patients during the period they are in force.*

*The panel did go on to consider a suspension order in view of Mr Maguithi's reduced level of engagement and lack of any evidence to suggests developing insight. It noted that conditions of practice are only effective when a registrant is fully engaged with the regulatory process. However, the panel acknowledged that Mr Maguithi has previously engaged with the fitness to practise process and concluded that a suspension order would be disproportionate at the current time. It noted that a future reviewing panel may have a contrary view depending on Mr Maguithi's engagement prior to the next review.*

*Accordingly, the panel determined, pursuant to Article 30(1)(c) to extend the conditions of practice order for a further period of six months, which will come into effect on the expiry of the current order, namely at the end of 8 February 2025. It decided to confirm the following conditions which it considered are appropriate and proportionate in this case:*

*‘For the purposes of these conditions, ‘employment’ and ‘work’ mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, ‘course of study’ and ‘course’ mean any course of educational study connected to nursing, midwifery or nursing associates.’*

*1) Mr Maguithi must keep the NMC informed about anywhere you are working by:*

- a) Telling their case officer within seven days of accepting or leaving any employment.*
- b) Giving their case officer their employer’s contact details.*

*2). Mr Maguithi must keep the NMC informed about anywhere they are studying by:*

- a) Telling their case officer within seven days of accepting any course of study.*
- b) Giving their case officer the name and contact details of the organisation offering that course of study.*

*3). Mr Maguithi must immediately give a copy of these conditions to:*

- a) Any organisation or person they work for.*
- b) Any agency they apply to or are registered with for work.*
- c) Any employers they apply to for work (at the time of application).*
- d) Any establishment they apply to (at the time of application), or with which they are already enrolled, for a course of study.*

- e) *Any current or prospective patients or clients they intend to see or care for when they are working independently.*

4). *Mr Maguithi must tell their case officer, within seven days of your becoming aware of:*

- *Any clinical incident you are involved in.*
- *Any investigation started against them.*
- *Any disciplinary proceedings taken against them.*

5). *Mr Maguithi must allow their case officer to share, as necessary, details about their performance, their compliance with and / or progress under these conditions with:*

- *Any agency they apply to or are registered with for work.*
- *Any current or future employer.*
- *Any educational establishment.*
- *Any other person(s) involved in their retraining and/or supervision required by these conditions.*

6). *Mr Maguithi will send the NMC a report fourteen days in advance of the next NMC hearing or meeting from each of your line managers, mentors or supervisors (as agreed by your employers) dealing with your general professional conduct and nursing practice.*

7). *Mr Maguithi must limit their employment to one substantive employer at any one time, which can include an agency. Any placement by an agency must be for a minimum of 2 months.*

8). *Mr Maguithi must ensure that they are supervised by another registered nurse any time that they are dispensing medication, until they are signed off as competent by another registered nurse. Mr Maguithi must send their case officer evidence of their competence within 7 days of signed completion.*

9). *Mr Maguithi must not be the nurse in charge of a shift.*



*The period of this order is for 6 months which will enable Mr Maguithi time to secure employment and demonstrate that their practice has been strengthened.*

*This conditions of practice order will take effect upon the expiry of the current conditions of practice order, namely the end of 8 February 2025 in accordance with Article 30(1).*

*Before the end of the period of the order, a panel will hold a review hearing to see how well Mr Maguithi has complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.*

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

- Mr Maguithi's continued engagement with this process which includes their attendance at the review hearing.*
- A written reflective piece addressing each of the charges found proved with a focus on what Mr Maguithi has done to strengthen their practice and to prevent repetition.*
- Any workplace references/testimonials."*

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

This 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 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. It has taken account of the submissions made by Mr Hamilton on behalf of the NMC. He submitted that Mr Maguithi's fitness to practise remains impaired, warranting the continuation and extension of the existing Conditions of Practice Order for an additional

period of six months. This position is based explicitly on grounds of public protection alone, and not on wider public interest grounds.

Mr Hamilton took the panel through the documents, outlining the findings of previous panels and the background to the charges which were found proven (some by admission) against Mr Maguithi. He noted that the allegations of dishonesty were not proved.

Mr Hamilton noted that the original conditions of practice, outlined in the bundle, were subsequently varied due to practical difficulties with compliance. During the review hearing on 6 January 2025, it was observed that Mr Maguithi had engaged minimally with the NMC process. He was advised by the panel that future reviews would benefit from his active engagement, reflective insights regarding the charges, evidence of strengthened professional practice, and supportive workplace testimonials and references.

Mr Hamilton submitted that previous panels consistently found that Mr Maguithi's insight is limited, particularly regarding recognising risks to patients and the necessary changes in his communication and professional conduct. Previous panels raised concerns about the levels of Mr Maguithi's insight when questioned about future actions to prevent recurrence, as well as his inability to fully appreciate the risks posed to patients.

Mr Hamilton noted that despite the comments of the second reviewing panel, Mr Maguithi was absent from the proceedings. He submitted that the persuasive burden rested with Mr Maguithi to demonstrate remediation and the absence of current impairment. He had not provided recent evidence from employers or references indicating improvements. Consequently, without such evidence, Mr Hamilton submitted that Mr Maguithi's practice remains impaired due to a continuing risk of repetition. He submitted that the NMC suggests that it would be appropriate to extend the Conditions of Practice Order by six months to allow sufficient time for remediation and ensure public protection.

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 first considered whether Mr Maguithi's fitness to practise remains impaired.

The panel noted that previous reviewing panels had found that Mr Maguithi had insufficient insight and had not yet strengthened his practice. It bore in mind that there is a persuasive burden on Mr Maguithi to provide evidence that he has developed his insight and strengthened his practice to address the concerns identified by previous panels. Unfortunately, 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 saw nothing to undermine the conclusions reached by previous panels on three occasions (at the substantive hearing and at the two previous reviews) that Mr Maguithi's fitness to practise remains impaired. Whilst the panel considers that the concerns identified in this case remain remediable, there is no evidence that they have been remedied or addressed. The panel therefore determined that the risk of repetition remains and that Mr Maguithi's fitness to practise remains impaired on public protection grounds.

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 the original findings of misconduct in this case were confined to two shifts and occurred against a context of significant personal mitigation. There were no regulatory concerns during 14 years of practice prior to these events, or during the period of apparently unrestricted practice between the referral in 2020 and the substantive hearing in 2023.

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.

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

Having found Mr Maguithi'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 considered that to impose no order or a conditions of practice order would not restrict Mr Maguithi's practice and would therefore be insufficient to address the ongoing risk to members of the public associated with the risk of repetition until Mr Maguithi's past failings have been addressed. The panel decided that it would be neither proportionate nor in the public interest to make no order or to impose a caution order.

The panel noted that Mr Maguithi's registration fee expired in September 2024 and that his registration is only currently being maintained because of the substantive order which is in place. If the panel were to impose no order, effectively allowing the current order to lapse on its expiry, Mr Maguithi would automatically be removed from the register and would have to re-apply if he wished to continue nursing. As long as there is a finding of current impairment in place, he would have to satisfy the Registrar that he has taken sufficient steps to address his past failings and strengthen his practice before being readmitted.

The panel did not consider it appropriate to allow the current order to lapse on its expiry at this time. This is because nothing is known about Mr Maguithi's current circumstances, or about his intentions in relation to his future nursing career. However, the panel considered that this might be an option which Mr Maguithi may wish to try to pursue at the next review hearing, if he has now moved away from the nursing profession and does not wish to resume his nursing career at this time. The panel recommends that Mr Maguithi looks at the guidance within the NMC Fitness to Practise Library, reference REV-2h, under the heading "*Ways of leaving the register while impaired*". If he would like to ask the next review panel to consider following this course of action, he should write to his case officer making this clear and providing information about his current work situation and his future intentions in respect of his nursing career.

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.

The panel therefore determined that it would be appropriate and proportionate to impose a further conditions of practice order. It further noted that this was the course the NMC was inviting it to take at this stage. It considered that the appropriate period would be for a further six months. This should give Mr Maguithi sufficient time to re-engage with the process of strengthening his practice, or in the alternative to engage with the NMC to provide information about his intentions with regard to his future nursing career.

The panel wished, however, to make Mr Maguithi aware that substantive orders are not intended to continue indefinitely, and he cannot be given unlimited opportunities to engage with the process. The time may come when a future reviewing panel may feel that its options are restricted in terms of ongoing registration, even if the underlying matters are remediable, because of a lack of engagement.

Accordingly, the panel determined, pursuant to Article 30(1)(c) to impose a further conditions of practice order for a period of six months, which will come into effect on the

expiry of the current order, namely at the end of 8 August 2025. It decided to continue to impose the existing conditions which it considered are appropriate and proportionate in this case:

“For the purposes of these conditions, ‘employment’ and ‘work’ mean any paid or unpaid post in a nursing, midwifery or nursing associate role. Also, ‘course of study’ and ‘course’ mean any course of educational study connected to nursing, midwifery or nursing associates.”

1) Mr Maguithi must keep the NMC informed about anywhere they are working by:

- a. Telling their case officer within seven days of accepting or leaving any employment.
- b. Giving their case officer their employer’s contact details.

2). Mr Maguithi must keep the NMC informed about anywhere they are studying by:

- a. Telling their case officer within seven days of accepting any course of study.
- b. Giving their case officer the name and contact details of the organisation offering that course of study.

3). Mr Maguithi must immediately give a copy of these conditions to:

- a. Any organisation or person they work for.
- b. Any agency they apply to or are registered with for work.
- c. Any employers they apply to for work (at the time of application).
- d. Any establishment they apply to (at the time of application), or with which they are already enrolled, for a course of study.
- e. Any current or prospective patients or clients they intend to see or care for when they are working independently.

4). Mr Maguithi must tell their case officer, within seven days of becoming aware of:

- Any clinical incident they are involved in.
- Any investigation started against them.
- Any disciplinary proceedings taken against them.

5). Mr Maguithi must allow their case officer to share, as necessary, details about their performance, their compliance with and / or progress under these conditions with:

- Any agency they apply to or are registered with for work.
- Any current or future employer.
- Any educational establishment.
- Any other person(s) involved in their retraining and/or supervision required by these conditions.

6). Mr Maguithi will send the NMC a report fourteen days in advance of the next NMC hearing or meeting from each of their line managers, mentors or supervisors (as agreed by their employers) dealing with their general professional conduct and nursing practice.

7). Mr Maguithi must limit their employment to one substantive employer at any one time, which can include an agency. Any placement by an agency must be for a minimum of 2 months.

8). Mr Maguithi must ensure that they are supervised by another registered nurse any time that they are dispensing medication, until they are signed off as competent by another registered nurse. Mr Maguithi must send their case officer evidence of their competence within 7 days of signed completion.

9). Mr Maguithi must not be the nurse in charge of a shift.

The period of this order is for 6 months which will enable Mr Maguithi time to secure employment and demonstrate that their practice has been strengthened, or alternatively to provide the NMC with information about his future career intentions.

Before the end of the period of the order, a panel will hold a review hearing to see how well Mr Maguithi has complied with the order. At the review hearing the panel may revoke the order or any condition of it, it may confirm the order or vary any condition of it, or it may replace the order for another order.



Any future panel reviewing this case is likely to be assisted by:

- 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.

This decision will be confirmed to Mr Maguithi in writing.

That concludes this determination.