

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

**Substantive Order Review Hearing
Monday, 12 May 2025**

Virtual Hearing

Name of Registrant:	Paul Christopher Hilditch
NMC PIN:	83Y3947E
Part(s) of the register:	Nurses Part of the Register- Sub Part 2 RN4: Mental Health Nurse, Level 2 (10 April 1985)
Relevant Location:	Stockport
Type of case:	Misconduct
Panel members:	Michelle Lee (Chair, registrant member) Lynne Vernon (Lay member) Patience Adobea McNay (Registrant member)
Legal Assessor:	Charles Parsley
Hearings Coordinator:	Eric Dulle
Nursing and Midwifery Council:	Represented by Charlotte Begue, Case Presenter
Mr Hilditch:	Not present and unrepresented
Order being reviewed:	Suspension order (6 months)
Fitness to practise:	Impaired
Outcome:	Current suspension order to lapse with a finding of impairment 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 Mr Hilditch was not in attendance and that the Notice of Hearing had been sent to Mr Hilditch's email address on 3 April 2025.

Ms Begue, 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 Hilditch'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 of the information available, the panel was satisfied that Mr Hilditch 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 Hilditch

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

Ms Begue submitted that there had been no engagement by Mr Hilditch with the NMC in relation to these proceedings and, as a consequence, 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 has decided to proceed in the absence of Mr Hilditch. In reaching this decision, the panel has considered the submissions of Ms Begue and the advice of the legal assessor. It has had particular regard to any relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Mr Hilditch;
- Mr Hilditch has not engaged with the NMC and has not responded to the communications sent to him about this hearing;
- 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.

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

Decision and reasons on review of the substantive order

The panel decided to allow the current suspension order to lapse with a finding of impairment.

This order will come into effect at the end of 18 June 2025 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the third review of a substantive suspension order originally imposed for a period of 3 months by a Fitness to Practise Committee panel on 21 November 2023. The order was first reviewed on 8 February 2024 where the suspension order was confirmed and extended for a further 9 months. It was reviewed for a second time on 11 November 2024 and the suspension order was again extended for a period of six months.

The current order is due to expire at the end of 18 June 2025.

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

The charge found proved which resulted in the imposition of the substantive order was as follows:

‘That you, a registered nurse:

1. Failed to cooperate with a local authority safeguarding investigation when requested to do so by email on the following dates:

a) 25 April 2019

b) 27 April 2019

c) 20 May 2019

d) 3 June 2019’

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

‘The panel considered whether Mr Hilditch’s fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Mr Hilditch had not demonstrated any evidence of insight or a strengthening of his practice. It found no evidence of improvement or change in Mr. Hilditch’s behaviour or attitude in comparison to the previous panel’s findings. The panel noted that Mr Hilditch has shown no evidence of remorse or remediation, and there is no indication that he has addressed the concerns raised in earlier hearings.

The panel noted that whilst there is no evidence to suggest that Mr Hilditch’s behaviour has worsened, his ongoing non-engagement is concerning and may indicate an ongoing attitudinal concern. It went on to note that, to date, there has been no engagement with the NMC, and Mr Hilditch has offered no insight or updates that could demonstrate a commitment to improving his practice or addressing the issues identified.

Furthermore, the panel has no information regarding Mr. Hilditch’s future plans or his intentions as to strengthening his practice. This lack of engagement leaves the panel uncertain about his professional intentions, with no sign that he has taken steps toward improvement or future accountability.

The last reviewing panel determined that Mr Hilditch was liable to repeat matters of the kind found proved. Today's panel has not received any new information to undermine this position and in light of this, this panel determined that there is still a risk that Mr Hilditch may 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, colleagues and the public. The panel determined that Mr Hilditch's fitness to practice remains impaired on the ground of public protection. The panel went on to consider whether there should be a finding of impairment on the ground of the wider public interest. The panel determined that a finding on the ground of the wider public interest is made. The panel decided that, given Mr Hilditch's non-engagement in an investigation into the death of a vulnerable resident in a care home setting would be sufficient on its own to merit a finding on the ground of the wider public interest. In coming to this decision, the panel noted that the bar is set high for a finding of impairment on the wider public interest alone.

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

The second panel determined the following with regard to sanction:

'The panel next considered whether a conditions of practice on Mr Hilditch'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 Mr Hilditch's misconduct, as the misconduct related to attitudinal concerns, rather than concerns with his clinical practise.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mr Hilditch further time to fully reflect on his previous misconduct as well as afford him a final opportunity to engage with the NMC process should he so wish. It considered that Mr Hilditch has not provided any understanding of how his misconduct has impacted upon the nursing profession. The panel concluded that a further 6 months suspension order would be the appropriate and proportionate response and would afford Mr Hilditch adequate time to further develop his insight and take steps to strengthen their practice.

The panel went on to consider a striking off order and noted this is the most serious sanction available. It considered this was not necessary, at this stage, as it would be going further than is needed to achieve public protection and would therefore be disproportionate. At the next review, that reviewing panel will have the full range of sanction powers available to it, including the power of striking-off.

The panel determined 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 6 months would provide Mr Hilditch with an opportunity to engage with the NMC, provide evidence of remediation and provide the NMC with an update as to what his future nursing plans are. It considered this to be the most appropriate and proportionate sanction available.'

Decision and reasons on current impairment

The panel has carefully considered whether Mr Hilditch'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 practice kindly, safely and professionally. 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 Ms Begue on behalf of the NMC.

Ms Begue submitted that Mr Hilditch remains a risk to service users and brought the profession into disrepute. She submitted Mr Hilditch has not provided evidence of any insight, training, reflection, or remediation. As a result, Ms Begue submitted that Mr Hilditch's fitness to practise is in the same position as when this case was before the original substantive Fitness to Practise Committee panel. Ms Begue therefore submitted that Mr Hilditch's fitness to practise remains impaired on both public protection and public interest grounds.

Ms Begue therefore submitted that a striking-off order should be seriously considered in this case, due to Mr Hilditch's lack of engagement with the NMC, his failure to engage with the recommendations of previous panels, the lack of evidence showing that he has developed any insight or has strengthened his practice, and the three suspension orders that have already been imposed to date. In the alternative, Ms Begue submitted that a further suspension order may be appropriate in the circumstances.

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 Hilditch's fitness to practise remains impaired.

The original panel determined that Mr Hilditch was impaired on public protection and public interest grounds, and that he was likely to repeat matters of the kind found proved.

Today's panel has received no evidence of change in Mr Hilditch's fitness to practise or his circumstances. There is no evidence that Mr Hilditch has obtained greater insight, has strengthened his practice in any way, or has accepted responsibility for his misconduct. In light of this, this panel determined that Mr Hilditch remains likely 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. 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 Mr Hilditch's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr Hilditch'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 Mr Hilditch'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 Mr Hilditch'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 order on Mr Hilditch's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be relevant, 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 also considered that Mr Hilditch's failure to engage with the requests of previous panels and these proceedings was indicative of attitudinal

issues which would make a conditions of practice order inappropriate in the circumstances. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mr Hilditch's misconduct, especially as the panel had no information regarding his work status.

The panel next considered imposing a further suspension order. The panel determined that Mr Hilditch has not shown any remediation for his misconduct. Further, Mr Hilditch has demonstrated very limited insight into his previous failings and has not engaged with the NMC despite numerous opportunities to do so. He has provided no evidence of strengthened practice. The panel was of the view that considerable evidence and reflection would be required to show that Mr Hilditch no longer posed a risk to the public.

The panel determined that no useful purpose would be served by imposing yet another period of suspension when Mr Hilditch had clearly disengaged from the regulatory process. The previous reviewing panel had given Mr Hilditch a final opportunity to engage and address his misconduct, which he had failed to take. The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances.

The panel referred to the three bullet points in the NMC guidance 'Removal from the register when there is a substantive order in place' reference REV-3h:

- *'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.'*

The panel noted Mr. Hilditch's registration fee expired in 2021. The panel was satisfied that Mr Hilditch would no longer be on the register but for Mr Hilditch's current suspension order. It also determined that, due to the finding of impairment, Mr Hilditch is unlikely to return to safe unrestricted practice within a reasonable time. In this regard, the panel noted Mr Hilditch's lack of remediation, insight and remorse regarding his misconduct. The panel noted that the NMC's sanction bid for the substantive meeting was a three-month

suspension order, which that panel accepted. Therefore, the panel was satisfied that a striking-off order would be disproportionate and inappropriate in the circumstances.

If Mr Hilditch applies to re-join the register, the public would be protected by the panel's finding of current impairment, which would be considered by the Registrar at the time of any possible future application by Mr Hilditch.

The substantive suspension order will be allowed to lapse at the end of the current period of imposition, namely the end of 18 June 2025 in accordance with Article 30(1). This will mean that Mr Hilditch's PIN will expire, and Mr Hilditch will cease to be a registered nurse and unable to practise as such. In the event that Mr Hilditch wishes to re-join the register, the Registrar will take into account Mr Hilditch's current impairment were he to apply for re-registration.

This will be confirmed to Mr Hilditch in writing.

That concludes this determination.