

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

Substantive Hearing

**Monday, 24 March 2025 – Thursday, 27 March 2025
&
Monday, 8 September 2025 – Wednesday 10 September 2025**

Virtual Hearing

Name of Registrant:	Elizabeth Elaine Greenhill
NMC PIN:	79Y0358S
Part(s) of the register:	Registered Nurse - Sub part 1 Mental Health - RN3 - June 1980
Relevant Location:	Leeds
Type of case:	Misconduct
Panel members:	Adrian Blomefield (Chair, Lay Member) Katrina MacLaine (Registrant Member) Mohammad Anwar (Lay Member)
Legal Assessor:	Richard Tyson
Hearings Coordinator:	Karina Levy
Nursing and Midwifery Council:	Represented by Stephanie Stevens, Case Presenter
Ms Greenhill:	Not present and unrepresented
Facts proved:	Stage not reached
Facts not proved:	Stage not reached
Fitness to practise:	Stage not reached
Sanction:	Stage not reached
Interim order:	Interim suspension order (12 months)

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Ms Greenhill was not in attendance and that the Notice of Hearing letter had been sent to Ms Greenhill's registered email address by secure email on 11 February 2025. Further the Notice of hearing was sent by recorded delivery to Ms Greenhill's registered address on 3 March 2025.

Ms Stevens, 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 allegation, the time, dates and venue of the hearing and, amongst other things, information about Ms Greenhill'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 Ms Greenhill has been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Ms Greenhill

The panel next considered whether it should proceed in the absence of Ms Greenhill. It had regard to Rule 21 and heard the submissions of Ms Stevens, who invited the panel to continue in the absence of Ms Greenhill. She submitted that Ms Greenhill had voluntarily absented herself.

Ms Stevens submitted that Ms Greenhill has disengaged with the NMC since December 2024, when Ms Greenhill's representative from the Royal College of Nursing (RCN) notified the NMC that they were no longer acting for her. There had been no engagement since then by Ms Greenhill with the NMC in relation to these proceedings and, consequently, there was no reason to believe that an adjournment would secure her attendance on some future occasion.

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised '*with the utmost care and caution*'

The panel has decided to proceed in the absence of Ms Greenhill. In reaching this decision, the panel has considered the submissions of Ms Stevens and the advice of the legal assessor. It has had particular regard to the factors set out in the decision of *R v Jones* [2002] 2WLR 524 and *General Medical Council v Adeogba* [2016] EWCA Civ 162 and had regard to the overall interests of justice and fairness to all parties.

It noted that:

- Ms Greenhill has not recently engaged with the NMC, has not responded to any of the letters sent to her about this hearing. She had made a rejected application for Agreed Removal from the NMC register in August 2023 in which she stated that she wished to retire;
- No application for an adjournment has been made by Ms Greenhill;
- There is no reason to suppose that adjourning would secure her attendance at some future date;
- Two witnesses have attended today to give live evidence, and a further witness is due to attend;
- Not proceeding may inconvenience the witnesses, their employer(s) and, for those involved in clinical practice, the clients who need their professional services;

- The charges relate to events that occurred in 2019;
- Further delay may have an adverse effect on the ability of witnesses accurately to recall events; and
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Ms Greenhill in proceeding in her absence. Although the evidence upon which the NMC relies will have been sent to her at her registered address, she has made no response to the allegations. She will not be able to challenge the evidence relied upon by the NMC in person and will not be able to give evidence on her own behalf. However, in the panel's judgement, this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies. Furthermore, the limited disadvantage is the consequence of Ms Greenhill's decisions to absent herself from the hearing, waive her rights to attend, and/or be represented, and to not provide evidence or make submissions on her own behalf.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Ms Greenhill. The panel will draw no adverse inference from Ms Greenhill's absence in its findings of fact.

Background

Ms Greenhill was employed at Kilfillan House Care Home (the Home), part of the Bupa Group, from 5 August 2019 until her probationary period was terminated at the end of September 2019. During this probationary period, Ms Greenhill is alleged to have used bullying, rude and accusatory behaviour towards residents at the Home, their visitors/relatives as well as colleagues. Further she is alleged to have not worked cooperatively with colleagues.

Decision and reasons on applications to amend the charges

The panel heard an application made by Ms Stevens to amend the wording of charge 2a.

The proposed amendment was to amend “*Patient A*” to “*Resident A*”. It was submitted by Ms Stevens that the proposed amendment would provide clarity and more accurately reflect the evidence.

“That you, a registered nurse:

2) *On 8 September 2019:*

a) *were rude and/or abrupt towards ~~Patient A’s~~ **Resident A’s** family member when they tried to help you;”*

The panel accepted the advice of the legal assessor and had regard to Rule 28.

The panel was of the view that such an amendment, as applied for, was in the interests of justice. The panel was satisfied that there would be no prejudice to Ms Greenhill and no injustice would be caused to either party by the proposed amendment being allowed. It was therefore appropriate to allow the amendment, as applied to ensure clarity and accuracy.

Subsequently after hearing from two witnesses but before hearing from the third witness, Colleague A, who spoke to charge 3, a further application was made to amend the charges. The proposed amendment was to add the following charge:

“That you, a registered nurse:

4) ***Your conduct at charge 3a and/or 3b and/or 3c and/or 3d above discriminated against Colleague A on the grounds of their race”***

Ms Stevens submitted that the additional charge would provide clarity and more accurately reflect the evidence. Additionally, this will assist the panel during later stages of proceedings. She submitted that this is not unfair or prejudicial in that Ms Greenhill had been given prior notice as to the nature of the case. She referred the panel to the Case Examiners decision letter dated 3 January 2023 and the decision letter for application for Agreed Removal dated 3 October 2023, which both included reference to concerns regarding discriminatory behaviour and included extracts from the NMC guidance in relation to the seriousness of such matters. Further she submitted that Ms Greenhill has disengaged with proceedings and therefore forfeited her opportunity to respond to this application.

In response to a question from the legal assessor, Ms Stevens accepted that if the panel allowed the additional charge the NMC would revise its sanction bid to that of a striking off order.

The panel again accepted the advice of the legal assessor on the considerations that they should take into account under Rule 28.

The panel was of the view that such an amendment, as applied for, was in the interests of justice and would provide clarity and more accurately reflect the evidence. At present the panel considered that the NMC had undercharged on the basis of the evidence currently available. However, the panel was not satisfied that there would be no prejudice to Ms Greenhill by allowing the amendment at this stage.

The panel took into account that Ms Greenhill has not been given prior notice of this additional charge. It noted that there was reference to discrimination in the Case Examiners' decision letter dated 3 January 2023 and that further reference was made in the decision letter for the application for Agreed Removal dated 3 October 2023.

The panel noted that the application for the amendment has come at a very late stage, and it could have a significant impact on the case especially if the case proceeds to

subsequent stages in light of the NMC's submissions in relation to increasing the sanction bid to strike off.

The panel had regard to an email from the NMC to Ms Greenhill dated 16 October 2024, which stated that a legal officer of the NMC had reviewed the charges but no new charge in relation to discrimination was then included. The panel also had regard to subsequent emails, as well as the Notice of Hearing dated 11 February 2025; none of which indicated that discrimination would be alleged. The panel noted that at that time Ms Greenhill was represented by the RCN, and that she and they had a legitimate expectation that discrimination would not be charged.

The panel determined that it would be unfair to add the charge at this point without providing Ms Greenhill an opportunity to make representations on it. The panel therefore decided to allow the new charge on the basis that Ms Greenhill be provided with sufficient notice and given the opportunity to respond to this application.

Decision and reasons for an adjournment

The panel of its own volition raised the matter of an adjournment in fairness to Ms Greenhill and invited the NMC to make submissions.

Ms Stevens submitted that Ms Greenhill does not require notice of the additional charge. Ms Stevens also submitted that Ms Greenhill has retired from nursing and has no intention of returning to practice. Ms Stevens highlighted that there is a massive possibility that it may be challenging to get the remaining witness to return as they already have been warned for specific agreed dates, they have given up time to attend and it would be unfair to inconvenience them further. Furthermore, there is a strong public interest in the disposal of this case, any further delay would impact that. Ms Stevens therefore submitted that an adjournment is not required.

The panel accepted the advice of the legal assessor on the considerations that they should take into account under Rule 32.

The panel accepted that the potential inconvenience to the NMC, to Ms Greenhill and to the remaining witness is all regrettable and acknowledged that it is not desirable for there to be an adjournment. With regards to the expeditious disposal of the case, the NMC has made the application for an additional charge which is of a serious nature, at a very late stage. The NMC would have had ample opportunity to add this charge previously so that Ms Greenhill would have been aware prior to the hearing. Therefore, the submission that Ms Greenhill has already had 28 days' notice is not credible given the amendment to the charges has been proposed after the start of the hearing. The panel stated that this amendment is significant and fairness to Ms Greenhill outweighs the submissions put before it.

The panel have decided to give Ms Greenhill 56 days' notice. Whilst she has not engaged since December 2024, it is only fair that Ms Greenhill becomes aware of this more serious additional charge, as she may wish to engage and secure a representative. The panel considered that 28 days may not be sufficient time for that.

Details of charges as amended

'That you, a registered nurse:

- 1) Between 5 August 2019 and 30 September 2019, on one or more occasion:
 - a) refused to help junior colleague(s) with personal care duties;
 - b) in response to their request for assistance from you, told colleague(s) that you were a nurse and not a carer;
 - c) took unallocated breaks and/or did not inform colleagues of your whereabouts;
 - d) failed to respond to call bells and/or emergency call bells without clinical justification;
- 2) On 8 September 2019:
 - a) were rude and/or abrupt towards Resident A's family member when they tried to help you;
 - b) used an aggressive and/or hostile tone with Resident B and said words to the effect of:

- i) Hurry up;
 - ii) Get out of my way;
 - c) tried to push past Resident B
- 3) On unknown dates between 5 August 2019 and 30 September 2019, when speaking with Colleague A, were rude and/or unprofessional and said words to the effect of:
 - a) 'Oh, you don't know what a blanket is';
 - b) 'Oh my god you don't know how to speak English, you don't understand what a blanket is';
 - c) 'You are a danger, and a hazard to the Home, as you do not know how to speak English';
 - d) 'Why does the manager accept people who do not know how to speak English';
 - e) Whilst Colleague A was speaking with another person, spoke to them abruptly and said words to the effect of 'you are talking to them, why are you not talking to me';
- 4) Your conduct at charge 3a and/or 3b and/or 3c and/or 3d above discriminated against Colleague A on the grounds of their race

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

Interim order

Having adjourned the substantive hearing the panel considered whether an interim order is required in the specific circumstances of this case. The panel took into account of the guidance issued by the NMC to panels considering interim orders and the appropriate test as set out at Article 31 of the 'Nursing and Midwifery Order 2001' (the Order). It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Ms Greenhill's own interests. The panel was mindful

that its role was to undertake a risk assessment based on the information before it, and not to determine the facts of the case at this stage.

The panel took account of the submissions made by Ms Stevens. Ms Stevens submitted that the facts of the case have not changed even with the addition of the new charge. She therefore submitted that there has been no increase in risk and therefore there is no necessity for an interim order. There has not been an interim order to date.

The panel heard and accepted the advice of the legal assessor. The panel was referred to Rule 32(5) and Article 31.

Decision and reasons on interim order

The panel first considered whether there was sufficient information to evidence the concerns. Having considered all the information before it, the panel was satisfied that the evidence of concern is cogent, not fanciful or frivolous and not obviously contradicted by other evidence or entirely misconceived. The panel took into account the witness statements of Witnesses 1, 2 and 3 dated 9 August 2021, 8 July 2021 and 23 August 2022 and the accompanying exhibits, as well as the oral evidence of Witnesses 1 and 2. Additionally the panel took into consideration Ms Greenhill's responses to the allegations, provided in her reflective account dated 26 September 2021 and in a letter to the NMC dated 26 October 2021.

The panel next considered the nature and seriousness of the alleged concerns. The panel took into account that the charges involve alleged aggressive, rude and accusatory behaviour towards residents at the Home, their visitors/relatives as well as colleagues. The panel noted that there is an alleged pattern of this behaviour from 5 August 2019 to 30 September 2019. The panel took into account that, having amended the charges, it is also now alleged that Ms Greenhill's behaviour towards Colleague A was discriminatory on the grounds of race. The panel was therefore of the view that the allegations are serious and could be indicative of attitudinal concerns. The panel therefore determined that there is a real risk of harm to residents, their visitor's/family as well as colleagues if Ms Greenhill's conduct were to be repeated.

The panel noted that Ms Greenhill has stated her intention to no longer practise as a Registered Nurse. The panel took into account Ms Greenhill's reflective account dated 26 September 2021. The panel also had regard to the testimonials and training certificates provided in support of Ms Greenhill. However, the panel was not satisfied that there is sufficient evidence of insight, strengthening of practice or remedial steps having been undertaken to mitigate the risk identified given the potential attitudinal nature of the allegations. The panel therefore determined that there remains a risk of repetition and consequently a real risk of harm. Accordingly, the panel concluded that some form of interim order is necessary on the ground of public protection.

The panel determined that an interim order is also otherwise in the public interest. The panel determined that the public's trust and confidence in the profession would be undermined if Ms Greenhill was allowed to practice unrestricted, at this time, given the serious nature of the allegations which could be indicative of attitudinal concerns. Furthermore, the panel determined that an interim order is required in order to declare and uphold the standards of conduct expected of a registered nurse.

The panel next considered an interim conditions of practice order and in all the circumstances determined that such an order would be insufficient to protect the public and to meet the wider public interest considerations of this case. The panel was not satisfied that an interim conditions of practice order could be devised which would be sufficient to protect the public given the seriousness of the allegations which are potentially attitudinal in nature.

The panel is satisfied that, in the particular circumstances of this case, an interim suspension order is appropriate and proportionate. It has decided to make this interim suspension order for a period of 12 months. The panel noted that the resuming substantive hearing is provisionally listed to resume in September 2025.

The panel has noted that this interim order will prevent Ms Greenhill from working as a Registered Nurse and, as a consequence, Ms Greenhill may be caused financial hardship. However, in applying the principle of proportionality, the panel determined that, in any

event, the need to protect the public and the wider public interest outweighed Ms Greenhill's interest in this regard.

Unless Ms Greenhill's case has already been concluded or there has been a material change of circumstances, a panel will review the interim suspension order at a review meeting within the next six months and every six months thereafter. The reviewing panel will be invited by the NMC to confirm the interim suspension order at this meeting and Ms Greenhill will be notified of the panel's decision in writing following that meeting.

Where there has been a material change of circumstances that might mean that the order should be revoked or replaced, or there has been a request for an early review, a panel will review the interim order at a hearing which Ms Greenhill will be invited to attend in person, send a representative on her behalf or submit written representations for the panel to consider. At any such review hearing the reviewing panel may revoke the interim order, it may confirm the interim suspension order, or it may replace it with an interim conditions of practice order.

The hearing resumed on 8 September 2025

Decision and reasons on service of Notice of Hearing

Ms Stevens 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 was informed at the start of this hearing that Ms Greenhill was not in attendance and that the Notice of Hearing letter was sent to her on 6 August 2025 via the registered email address Ms Greenhill had notified the NMC as being the preferred address for communication. Ms Stevens noted that the hearing venue had changed and would now be a virtual hearing due to Transport for London (TFL) tube strikes. On 4 September 2025, an e-mail was sent to Ms Greenhill, explaining that this has now been changed to a virtual hearing. The link for this hearing was then sent to Ms Greenhill on 5 September 2025.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Ms Greenhill has been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

Application to proceed in absence

Ms Stevens made an application to proceed in the absence of Ms Greenhill in accordance with Rule 21 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules). Ms Stevens submitted that there has been no application from Ms Greenhill to adjourn this hearing. Ms Stevens submitted that the panel requested that Ms Greenhill be made aware of the additional charge with 56 days' notice.

Ms Stevens submitted that this hearing was originally adjourned to Ms Greenhill to engage in relation to the new and additional charges, but she has not provided any response at all to either the emails or the phone calls, and therefore there is no reason to suggest that adjourning this hearing today would secure her attendance at a later date.

Ms Stevens further submitted that Ms Greenhill has previously informed the NMC that she has not practised as a nurse since December 2019, that she has now retired and she has moved to Scotland and has no intention of practising as a nurse. Ms Stevens submitted that as there is no communication from Ms Greenhill, this suggests that Ms Greenhill does not wish to engage with the NMC.

Ms Stevens submitted that the NMC has made reasonable efforts to contact Ms Greenhill. On 2 April 2025, Ms Greenhill was informed of the amended charges and the new hearing dates. Ms Greenhill was again provided notice of the hearing on 6 August 2025 and on 3 September 2025, she was called but did not pick up the phone. Ms Stevens further submitted that there's also a strong public interest in dealing with cases like this expeditiously in order to protect the public and maintain public confidence in the profession and as a regulator.

The panel accepted the advice from the legal assessor.

Decision and reasons on proceeding in the absence of Ms Greenhill

The panel next considered whether it should proceed in the absence of Ms Greenhill. It had regard to Rule 21, NMC Guidance CMT- 8 and heard the submissions of Ms Stevens who invited the panel to continue in the absence of Ms Greenhill.

The panel noted that the NMC had made every effort to get Ms Greenhill to engage to no avail.

The panel also had regard to the overall interests of justice and fairness to all parties. It noted that:

- Ms Greenhill had been served with the notice of the hearing in accordance with the Rules informing her of the date and time of the hearing and that it would be conducted virtually.
- Ms Greenhill has voluntarily absented herself.
- No application for an adjournment has been made by Ms Greenhill.
- There is no reason to suggest that adjourning would secure her attendance at some future date.
- A witness is scheduled to give live evidence.
- Not proceeding may inconvenience the witness.
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Ms Greenhill in proceeding in her absence. Although the evidence upon which the NMC relies was sent to Ms Greenhill at her registered email address, she will not be able to challenge the evidence relied upon by the NMC and will not be able to give evidence on her own behalf. However, in the panel's judgement, this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies. Furthermore, the limited disadvantage is the consequence of Ms Greenhill's decisions to absent herself from the hearing, waive her

rights to attend, and/or be represented, and to not provide evidence or make submissions on her own behalf.

In these circumstances, the panel decided that it is fair to proceed in the absence of Ms Greenhill. The panel will draw no adverse inference from Ms Greenhill's absence in its findings of fact.

Application for Hearsay

On 8 September 2025, Ms Stevens informed the panel that the NMC had not heard from the remaining witness (Witness 3). In the circumstances, the panel decided to allow further time for attempts to be made to secure Witness 3's attendance, given his testimony related to serious charges and he was the sole witness to alleged events. On 9 September 2025 Ms Stevens advised it had not been possible to contact Witness 3.

Ms Stevens therefore made an application that Witness 3's written witness statement dated 23 August 2022 be admitted as hearsay evidence. Witness 3 was not present at this hearing and, whilst the NMC had made efforts to ensure that this witness was present, had not responded to the emails or telephone calls on the day he was scheduled to give evidence. Witness 3's daughter responded to emails in the early hours of 9 September 2025 informing the NMC that Witness 3 was abroad and would not be returning until sometime next week.

Ms Stevens referred the panel to the case of *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 (Admin). She submitted that this case laid out a series of factors to be considered in admitting hearsay evidence and to which she would make reference in her submissions.

Ms Stevens summarised the evidence of Witness 3 as set out in his witness statement.

Addressing the factors identified in *Thorneycroft v NMC*, Ms Stevens acknowledged that Witness 3's evidence is sole and decisive in relation to charges 3 and 4. In this case, there is no other evidence to support these charges other than the formal statement of Witness

3. Ms Stevens stated that there has been no admission to the charges by Ms Greenhill and therefore Witness 3's account is in dispute. Ms Greenhill has simply put forward a blanket denial saying that she *'would never say anything like this.'*

Ms Stevens further submitted that there is nothing to suggest that Witness 3 fabricated these allegations as from the statement that we do have, Witness 3's relationship with Ms Greenhill was solely professional and that Ms Greenhill has not advanced any defence that the allegations made by Witness 3 were fabricated. Further, the willingness of Witness 3 to provide oral evidence at the hearing before it was adjourned previously lends further weight that these allegations have not been fabricated.

Ms Stevens submitted that Witness 3's daughter has advised the NMC that her father is abroad and Witness 3 has limited access to the Internet meaning that she herself has been unable to get in touch with him. She has expressed that Witness 3 was not very Information Technology (IT) literate and would struggle to come online by himself without her assistance.

Ms Stevens submitted in conclusion that taking into account all of the circumstances, Witness 3's written statement should be admitted into evidence on the basis that it is relevant to the matters and charges 3 and 4 and that it would be fair to do so, in accordance with Rule 31 of the Rules.

The panel accepted the advice of the legal assessor

Decision and reasons to deny application for hearsay evidence

The panel noted the NMC guidance DMA-6 on hearsay.

The panel agreed with the NMC that Witness 3's evidence is the sole and decisive evidence in relation to charges 3 and 4. The statement is dated 23 August 2022 and was therefore made almost 3 years after the matters to which it relates. Although the panel recognised that because Ms Greenhill is not present, any oral evidence would not be tested by cross examination there are a number of matters which the panel considered

would need to be explored with Witness 3. Firstly, it is recorded in the notes of 2 meetings held with Ms Greenhill in September 2019 that she had fallen out with somebody who shares the same first name as Witness 3, who may be this witness over a matter which does not appear to either of the incidents which gave rise to these charges. There is no mention of any such falling out in Witness 3's statement. However, the panel acknowledged that this may suggest that there was a dispute between Ms Greenhill and Witness 3 that might give context to the allegations, which the panel would need to explore. Secondly, in his statement Witness 3 says that he did not make any complaint at the time about the incidents with which the panel is concerned but was approached by a manager about them subsequently, that is inconsistent with what Witness 1 said in her statement and requires clarification.

The panel noted that in Ms Greenhill's limited response, she denies having spoken to Witness 3 in the manner alleged.

The panel considered that the allegations are very serious and there is a matter of alleged discrimination on the basis of race and if accepted and misconduct found, this could have serious implications for Ms Greenhill's career and her reputation. While the panel acknowledges that Ms Greenhill has indicated that she no longer wishes to practise as a nurse that situation might change and therefore it is important that these serious allegations are considered fairly.

The panel also took into account the reason for Witness 3's absence from the hearing. Despite the NMC knowing that the witness had been reluctant to attend the last hearing and that he struggles with the technology needed to join the hearing virtually the NMC did not make early contact with the witness to confirm his availability for, or attendance, to support him prior to the hearing. Albeit the panel noted Witness 3's reluctance to attend the previous hearing he did attend and was waiting to give evidence prior to the hearing being adjourned. The panel considered that the witness's nonattendance today appears to be primarily due to the NMC's relatively late and insufficient contact with the witness.

Having considered all of the relevant factors in this case, the panel has concluded that in the circumstances it would be unfair to admit this hearsay evidence.

The panel denied this application.

Application for adjournment to secure Witness being present

In light of the panel's decision to exclude the written evidence of Witness 3, Ms Stevens made an application for a further adjournment under rule 32 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules) in order to secure his attendance at a later date. She submitted that the NMC understands that a further adjournment would mean that the case will not be disposed of expeditiously. However, given the nature of the concerns in this case, the public interest is best served and protected by the NMC being able to put before the panel all of the evidence in support of these serious charges for which he is the sole witness. This can only be achieved by this witness giving evidence before the panel.

Ms Stevens submitted that it is the NMC's position that is likely to be able to secure the attendance of Witness 3 at a later date. The NMC are now engaging with Witness 3's daughter and are confident that with this engagement continuing, the NMC can ensure his availability to give evidence at a later date

Ms Stevens submitted that there is very limited unfairness to Ms Greenhill. Ms Stevens stated that Ms Greenhill is not present at this hearing, nor has she engaged with the NMC for a number of years now. Ms Stevens submitted that there is currently an interim order placed on Ms Greenhill and therefore is unable to practice.

The panel accepted the advice of the legal assessor.

Decision and reasons to accept application for adjournment

The panel noted NMC guidance CMT-11 where it refers to adjournment of hearings.

The panel has noted the chronology of communication between the NMC and Witness 3 since the adjournment of the previous hearing on 27 March 2025. The panel considered that the reason Witness 3 has not attended today may not be down to his reluctance but

maybe due to the paucity and lack of clarity of the communication from the NMC to him between March 2025 and late August. The panel consider there is a reasonable prospect that Witness 3 will attend a future hearing date and that would give the panel the opportunity to consider his evidence. The panel also considered that the public interest requires any decision it makes in relation to these charges is based on as full a consideration of the evidence as is possible.

The panel therefore considered that the need to address charges 3 and 4 in relation to public protection outweighed any disadvantage in adjourning. The panel also noted that there is no public protection issue while the interim order continues. The panel recognised that any delay may cause some unfairness to Ms Greenhill and accepted that it is inconvenient to both panel and NMC. However, it determined that this outweighed by the need to consider the allegations where possible.

The panel were mindful of the guidance in CMT-11 and that there is a public interest in ensuring efficient disposal of this case. However, the need to protect the public, maintain confidence in the profession and the regulator meant that an adjournment is appropriate to afford the panel a full understanding when making its decision.

This will be confirmed to Ms Greenhill in writing.

That concludes this determination.