

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

**Substantive Meeting  
Thursday 15 January 2026**

**Virtual Meeting**

<b>Name of Registrant:</b>	<b>Dale Henderson</b>		
<b>NMC PIN:</b>	87F1188E		
<b>Part(s) of the register:</b>	Registered Nurse – Adult Nursing – RN1 1 December 1999		
<b>Relevant Location:</b>	Teesside		
<b>Type of case:</b>	Conviction		
<b>Panel members:</b>	George Duff Hazel Walsh Shelley Hemsley	(Chair, Lay member) (Registrant member) (Lay member)	
<b>Legal Assessor:</b>	Jayne Salt		
<b>Hearings Coordinator:</b>	Emma Norbury-Perrott		
<b>Facts proved:</b>	All charges found proved		
<b>Facts not proved:</b>	N/A		
<b>Fitness to practise:</b>	Impaired		
<b>Sanction:</b>	<b>Striking-off order</b>		
<b>Interim order:</b>	<b>Interim suspension order (18 months)</b>		

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

The panel was informed at the start of this meeting that the Notice of Meeting had been sent to Mr Henderson's registered email address on 23 December 2025.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, dates and the fact that this meeting was to be heard virtually.

In the light of all of the information available, the panel was satisfied that Mr Henderson 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', as amended (the Rules). The panel noted correspondence with Mr Henderson confirming that he had received the Notice of Meeting and he was content with the arrangement for the Meeting.

## **Details of charge**

That you, a registered nurse:

1. On 12 June 2025, were convicted at Teesside Crown Court for:
  - a. Indecency with a Child, contrary to section 1(1) of the Indecency with Children Act 1960
  - b. Indecency with a Child, contrary to section 1(1) of the Indecency with Children Act 1960
  - c. Attempted Rape, contrary to section 1(1) of the Criminal Attempts Act 1981
  - d. Indecent Assault, contrary to section 14(1) of the Sexual Offences Act 1956

e. Indecency with a Child, contrary to section 1(1) of the Indecency with Children Act 1960

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

## **Background**

Mr Henderson was referred to the NMC on 13 October 2023 by Cleveland Police in relation to allegations of historical sexual offences against two children dating back to 1982. At the time of the referral, Mr Henderson had been interviewed by the police on a voluntary basis and no charges had been brought.

Mr Henderson had been employed as a clinic manager in a dialysis unit for 23 years. Mr Henderson refuted the allegations, stating they were false. He was suspended from work on 30 October 2023 whilst the investigation was ongoing. Mr Henderson turned down the alternative duties offered to him by the employer and therefore it was agreed that he would bring forward his planned retirement; he left his employment with effect from 31 December 2023.

Subsequently, on 12 June 2025, Mr Henderson was convicted Teesside Crown Court in respect of 5 offences relating to historical sexual offences against two children in 1982.

## **Decision and reasons on facts**

The charges concern Mr Henderson's conviction and, having been provided with a copy of the certificate of conviction, the panel finds that the facts are found proved in accordance with Rule 31 (2) and (3). These state:

***'31.— (2) Where a registrant has been convicted of a criminal offence—***

***(a) a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and***

(b) *the findings of fact upon which the conviction is based shall be admissible as proof of those facts.*

(3) *The only evidence which may be adduced by the registrant in rebuttal of a conviction certified or extracted in accordance with paragraph (2)(a) is evidence for the purpose of proving that she is not the person referred to in the certificate or extract.'*

## **Fitness to practise**

Having determined its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Mr Henderson's fitness to practise is currently impaired by reason of Mr Henderson's conviction. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's ability to practice kindly, safely, and professionally.

## **Decision and reasons on impairment**

The NMC requires the panel to bear in mind its overarching objective to protect the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. The panel has referred to the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin).

The panel heard and accepted the advice of the legal assessor.

The panel next went on to decide if as a result of his conviction, Mr Henderson's fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the NMC Guidance on '*Impairment*' (Reference: DMA-1 Last Updated: 03/03/2025) in which the following is stated:

*'The question that will help decide whether a professional's fitness to practise is impaired is:*

*“Can the nurse, midwife or nursing associate practise kindly, safely and professionally?”*

*If the answer to this question is yes, then the likelihood is that the professional’s fitness to practise is not impaired.’*

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must act with integrity. They must make sure that their conduct at all times justifies both their patients’ and the public’s trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 74, she said:

*‘In determining whether a practitioner’s fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.’*

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith’s “test” which reads as follows:

*‘Do our findings of fact in respect of the doctor’s misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/their fitness to practise is impaired in the sense that S/He/They:*

a) ...

- b) *has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c) *has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- a) ....

The panel determined that limbs b) and c) of *Grant* are engaged in this case.

The panel was of the view that Mr Henderson's conviction for historic sexual offences against children in his care and subsequent period of imprisonment has brought the profession into disrepute. His entry onto the sex offenders register, and ongoing management as a sex offender, is liable to bring the profession into disrepute in the future. The panel determined that Mr Henderson's conduct had breached the fundamental tenets of the nursing profession due to his conviction and the nature of it. The panel determined that confidence in the nursing profession would be undermined if its regulator did not find charges relating to sexual misconduct involving children extremely serious.

The panel considered whether Mr Henderson's conviction posed a risk to members of the public that would be under his care, as a nurse. The panel saw no evidence to suggest that any patients had been harmed, or that there were any disciplinary findings against him over the last 40 years. It also took into account the historic nature of the offending which occurred when he was a child and, as such, it did not consider that public protection was engaged in this case. The panel therefore decided that a finding of impairment is not necessary on the grounds of public protection.

The panel bore in mind the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel determined that a reasonable well informed member of the public who was aware of the details of Mr Henderson's conviction, would be shocked and appalled if a finding of impairment was not made, given the serious nature of Mr Henderson's conviction and the circumstances which led to his conviction. In addition, the panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore finds Mr Henderson's fitness to practise impaired on the ground of public interest.

Having regard to all of the above, the panel was satisfied that Mr Henderson's fitness to practise is currently impaired.

### **Sanction**

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Mr Henderson off the register. The effect of this order is that the NMC register will show that Mr Henderson has been struck-off the register.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had careful regard to the Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

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

Having found Mr Henderson's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel had regard to SAN-2 '*Sanctions for particularly serious cases*'.

The panel took into account the following aggravating features:

- Abuse of a position of trust

The panel also took into account the following mitigating features:

- Mr Henderson's age at the material time of the matters

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. Such a decision would not mark the seriousness arising from Mr Henderson's conviction. It would also fail to maintain the reputation of the nursing profession and in the NMC.

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, an order that does not restrict Mr Henderson'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 Henderson's conviction was not at the lower end of the spectrum and that a caution order 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 impose a caution order.

The panel next considered whether placing conditions of practice on Mr Henderson's registration would be a sufficient and appropriate response. The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case which relate to sexual offences convictions. Furthermore, the panel concluded that the placing of conditions on Mr Henderson's registration would not adequately address the seriousness of this case.

The panel then went on to consider whether a suspension order would be an appropriate sanction. Mr Henderson's conduct, as highlighted by his conviction, was a significant departure from the standards expected of a registered nurse. The panel noted that the serious breach of the fundamental tenets of the profession evidenced by Mr Henderson's actions is fundamentally incompatible with Mr Henderson remaining on the register.

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

Finally, in looking at a striking-off order, the panel took note of 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?*

Mr Henderson's actions were significant departures from the standards expected of a registered nurse, and are fundamentally incompatible with him remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Mr Henderson's actions were serious and to allow him to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, in particular the effect of Mr Henderson's conviction in bringing the profession into disrepute, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.

This will be confirmed to Mr Henderson in writing.

## **Interim order**

As the striking-off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. 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 Mr Henderson's own interests until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

## **Decision and reasons on interim order**

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest. The panel had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months to allow for any appeal to be resolved.

If no appeal is made, then the interim suspension order will be replaced by the substantive striking off order 28 days after Mr Henderson is sent the decision of this hearing in writing.

That concludes this determination.