

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

**Substantive Order Review Hearing
Tuesday, 17 March 2026**

Virtual Hearing

Name of Registrant: Aaron David Swanton

NMC PIN: 9714094E

Part(s) of the register: Registered Nurse – Sub Part 1
Adult Nursing – level 1 (05 February 2025)

Relevant Location: Doncaster

Type of case: Misconduct/Health

Panel members: Nilla Varsani (Chair, Lay member)
Corinne Foy (Registrant member)
Dora Waitt (Lay member)

Legal Assessor: Graeme Sampson

Hearings Coordinator: Monowara Begum

Nursing and Midwifery Council: Represented by Debbie Churaman, Case presenter

Mr Swanton: Not present and not represented at the hearing

Order being reviewed: Suspension order (12 months)

Fitness to practise: Impaired

Outcome: **Striking-Off order to come into effect on 25 March 2026 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 Swanton was not in attendance and that the Notice of Hearing had been sent to Mr Swanton's registered email address by secure email on 2 March 2026.

Ms Churaman, 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 Swanton's right to attend, be represented and call evidence, as well as the panel's power to proceed in his absence.

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

The panel next considered whether it should proceed in the absence of Mr Swanton. The panel had regard to Rule 21 and heard the submissions of Ms Churaman who invited the panel to continue in the absence of Mr Swanton.

Ms Churaman referred the panel to the email correspondence from Mr Swanton to the NMC, dated 13 March 2026, which stated:

'I will not be attending the review due to work commitments. I am happy for the review to continue in my absence.'

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mr Swanton. In reaching this decision, the panel has considered the submissions of Ms Churaman and the advice of the legal assessor. It has had particular regard to 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 Swanton;
- Mr Swanton has informed the NMC that he has received the Notice of Hearing and confirmed he is content for the hearing to proceed in his absence;
- 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 Swanton.

Decision and reasons on application for hearing to be held in private

At the outset of the hearing, Ms Churaman made a request that this case be held partly in private on the basis that proper exploration of Mr Swanton's case involves reference to his health. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

The panel determined to go into private session in connection with Mr Swanton's health as and when such issues are raised in order to protect his privacy.

Decision and reasons on review of the substantive order

The panel decided to replace the current suspension order with a striking off order.

This order will come into effect at the end of 25 March 2026 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the first review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 25 February 2025.

The current order is due to expire at the end of 25 March 2026.

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

The charges found proved which resulted in the imposition of the substantive order were as follows:

[PRIVATE]

The original panel determined the following with regard to impairment:

[The original panel heard the whole meeting in private]

The original panel determined the following with regard to sanction:

[The original panel heard the whole meeting in private]

Decision and reasons on current impairment

The panel has considered carefully whether Mr Swanton's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as the ability of a professional on our register to practise as a nurse, midwife or nursing associate safely and effectively 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 Ms Churaman on behalf of the NMC.

Ms Churaman took the panel through the background of the case and referred it to the relevant documents within the bundle.

Ms Churaman submitted that the persuasive burden is on Mr Swanton to demonstrate that he has fully acknowledged why his past professional performance was deficient and to demonstrate that his past impairments have sufficiently been addressed.

Ms Churaman referred the panel to the NMC guidance REV-2a *Standard reviews of substantive orders before they expire* (last updated on 30 August 2024). She reminded the panel that at a substantive review hearing the panel are asked to consider whether the nurse's fitness to practise is impaired in light of any new information in relation to the issue of impairment, and it should consider the nurse's compliance with conditions, insight and maintaining skills.

Ms Churaman further referred the panel to the NMC guidance REV-2h *Removal from the register when there is a substantive order in place* (last updated on 30 August 2024). She submitted that the options outlined in this guidance are available to the panel today. She further submitted that this case does not relate solely to health matters. She drew the panel's attention to the end of that guidance *Panel considerations*.

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 considered whether Mr Swanton's fitness to practise remains impaired.

The panel noted that the original panel found that Mr Swanton had very limited insight. At this hearing the panel had no evidence before it to suggest that Mr Swanton has developed any further insight into his failings. It had no information before it today to suggest that Mr Swanton had made any progress towards addressing the concerns and there was no updated evidence to suggest that he has complied with the recommendations that were set out in the original substantive order hearing. It noted that there has been very minimal engagement from Mr Swanton with the NMC since 2024, whereby he has not attended the original substantive order hearing or today's review hearing.

In its consideration of whether Mr Swanton has taken steps to strengthen his practice, the panel determined that there was no evidence before it today of any strengthening of practice.

The original panel determined that Mr Swanton was liable to repeat matters of the kind found proved. Today's panel has received no new information to suggest whether Mr Swanton has taken steps to address the concerns. In light of this, this panel determined that Mr Swanton is still liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the ground 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 Swanton's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr Swanton'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 Swanton'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, but the Committee wants to mark that what happened was unacceptable and must not happen again'* The panel considered that Mr Swanton'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 on Mr Swanton'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. Given Mr Swanton's limited engagement with these proceedings the panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mr Swanton's misconduct and health conditions.

The panel next considered imposing a further suspension order. The panel noted that Mr Swanton has not demonstrated any insight into his previous failings or provided any evidence of strengthened practice. It noted that Mr Swanton has not been engaging with the NMC meaningfully and has had enough time to engage, and has not done so except for an email sent on 13 March 2026 to state that he will not be attending today's hearing due to work commitments.

The panel noted that Mr Swanton had previously expressed a desire to return to nursing in the future, however, there is nothing before it today to suggest that this desire was still ongoing. Mr Swanton has not provided the panel with any information to suggest that he would like to remain on the register or what his intentions are, however, it noted that Mr Swanton is currently working but has no information as to what field this might be in. It determined that the responsibility is on Mr Swanton to engage with the NMC appropriately.

The panel was of the view that considerable evidence would be required to show that Mr Swanton no longer posed a risk to the public. It noted that Mr Swanton had [PRIVATE] and it was not a single incident. It noted that Mr Swanton did have [PRIVATE], he would have had the opportunity to provide the NMC with some evidence. It further noted that the NMC had made numerous attempts to contact Mr Swanton to [PRIVATE], however, there was no communication back from Mr Swanton. The panel determined that it had no information before it today to suggest that Mr Swanton was safe to return to practice within a reasonable time scale.

The panel determined that due to the lack of insight, engagement and evidence of strengthened practice, in the circumstances of this case a further period of suspension would not serve any useful purpose. It determined that it was not in anybody's interest to keep Mr Swanton on the register. The panel further determined that it was necessary to take action to prevent Mr Swanton from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 25 March 2026 in accordance with Article 30(1).

This decision will be confirmed to Mr Swanton in writing.

That concludes this determination.