

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

**Substantive Order Review Hearing
Monday, 21 September 2026**

Virtual Hearing

Name of Registrant:	Ewa Sylwia Dziduch-Francis
NMC PIN:	15F0637C
Part(s) of the register:	Registered Nurse – Sub Part 1 Adult Nursing L1 – June 2015
Relevant Location:	Bristol
Type of case:	Misconduct
Panel members:	Rachel Cook (Chair, Lay member) Jane Colbourne (Registrant member) Keith Murray (Lay member)
Legal Assessor:	Gerard Coll
Hearings Coordinator:	Elizabeth Fagbo
Nursing and Midwifery Council:	Represented by Ben Edwards, Case Presenter
Ms Dziduch-Francis:	Not present and unrepresented at the hearing
Order being reviewed:	Suspension order (12 months)
Fitness to practise:	Impaired
Outcome:	Striking-Off order to come into effect on 30 October 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 Ms Dziduch-Francis was not in attendance and that the Notice of Hearing had been sent to Ms Dziduch-Francis's registered email address by secure email on 19 August 2026.

Mr Edwards, 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 Ms Dziduch-Francis'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 Dziduch-Francis 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 Ms Dziduch-Francis

The panel next considered whether it should proceed in the absence of Ms Dziduch-Francis. The panel had regard to Rule 21 and heard the submissions of Mr Edwards who invited the panel to continue in the absence of Ms Dziduch-Francis. He submitted that Ms Dziduch-Francis had voluntarily absented herself.

Mr Edwards referred the panel to email correspondence between the NMC and Ms Dziduch-Francis, dated 3 September 2026, in which she stated the following in regard to this hearing:

*‘...My circumstances change little bit as I need to help one of my family member ... and won’t be able to attend on the meeting
I’m very sorry about that
Hopefully my review will come with positive feedback from NMC team even if I won’t attend...’*

Mr Edwards referred the panel to Ms Dziduch-Francis’s NMC case officer response to this email dated 4 September 2026:

‘...As your order doesn’t expire until 30 October we could move the hearing to October. Please let me or your Case Officer India Semple know if this would suit you.

Alternatively as the hearing is online you could attend around your caring responsibilities even if you can’t stay for the whole thing or need to come later. Just let us know.

Lastly if neither of these options are suitable I would advise you to send in a statement outlining your circumstances or any training or reflection you have done...’

Mr Edwards also referred to an email dated 14 September 2026 in which Ms Dziduch-Francis stated:

‘...You can continue without me please...’

Further, Mr Edwards submitted that Ms Dziduch-Francis’s NMC case officer told her to submit any documents she wished to be put before the panel for this hearing and reminded her of what the original panel suggested a future panel may be assisted by. However, Ms Dziduch-Francis did not respond to this. He submitted that the NMC has complied with all reasonable efforts made to serve notice to Ms Dziduch-Francis, and it would be fair and reasonable to proceed in her absence.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Ms Dziduch-Francis. In reaching this decision, the panel has considered the submissions of Mr Edwards, the email correspondence between Ms Dziduch-Francis and her NMC Case Officer, and the advice of the legal assessor. It has had particular regard to the relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- In an email dated 3 September 2026 Ms Dziduch-Francis stated that she would not be attending the hearing due to personal circumstances;
- In an email dated 4 September 2026 the NMC gave Ms Dziduch-Francis the option to reschedule the hearing;
- On 14 September 2026 Ms Dziduch-Francis confirmed that she is content for the hearing to proceed in her absence;
- Despite Ms Dziduch-Francis being advised on 4 September 2026 that the hearing could be rescheduled and flexibility of timings for her attendance, no application for an adjournment has been made by Ms Dziduch-Francis;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- There is a strong public interest in the expeditious review of the case before the suspension order expires on 30 October 2026.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Ms Dziduch-Francis.

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 30 October 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 1 October 2025.

The current order is due to expire at the end of 30 October 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:

‘That you, a registered nurse on 23 December 2022:

*1) Did not visit one or more patients set out in Schedule 1 **[PROVED]***

2) Said to Colleague A;

*a) You had no issues with any of your visits **[PROVED]***

b) There were no concerns in relation to:

*i. Patient A **[PROVED]***

*ii. Patient B **[PROVED]***

*iii. Patient C **[PROVED]***

c) You were unable to take a blood sample from:

*i. Patient D **[PROVED]***

*ii. Patient E **[PROVED]***

*d) In relation to Patient F, you creamed their legs and put on yellowline **[PROVED]***

3) Your conduct at 2 was dishonest in that you:

*a) Knew you had not visited one or more patients set out in Schedule 1 **[PROVED]***

*b) Intended to mislead Colleague A that care had been provided to one or more patients set out in Schedule 1. **[PROVED]***

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

Schedule 1

Patient A

Patient B

Patient C

Patient D

Patient E

Patient F'

The original panel determined the following with regard to impairment:

'The panel considered that highly vulnerable, frail, and elderly patients were put at risk of harm as a result of Ms Dziduch-Francis's misconduct. Ms Dziduch-Francis's misconduct had breached the fundamental tenets of the nursing profession to such an extent that it brought the reputation into disrepute. The panel was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to dishonesty extremely serious.

Regarding insight, the panel considered that Ms Dziduch-Francis has not demonstrated sufficient understanding of how her actions put vulnerable patients at a risk of harm, nor has she demonstrated an understanding of why what she did was wrong and how this negatively impacted the reputation of the nursing profession. It considered that Ms Dziduch-Francis concealed that care had not been delivered to several patients and noted that this was in the lead up to Christmas, and would likely have caused significant delays in patients receiving care in a timely manner. The panel considered that Ms Dziduch-Francis has demonstrated limited insight. It took into account Ms Dziduch-Francis's reflective piece but considered that she sought to blame others, rather than taking accountability for her own actions. It considered that there was limited evidence before it of any remorse or meaningful remediation.

The panel considered the factors set out in the case of Ronald Jack Cohen v General Medical Council [2008] EWHC 581 (Admin) and determined that the misconduct is potentially capable of being addressed through meaningful reflection, specific targeted training, and leadership support as well as commitment by the registrant to address the regulatory concerns. Therefore, the panel carefully considered the evidence before it in determining whether or not Ms Dziduch-Francis has taken sufficient steps to strengthen her practice. The panel took into account the training that Ms Dziduch-Francis has undertaken but did not consider most of this to be relevant to the concerns in this case. Most of the training was completed on one day via an online training course and there is no evidence of reflection on what she has learnt from the training, nor how it would change her practice. The panel acknowledged that Ms Dziduch-Francis was feeling unwell on the day in question, and had agreed at the start of the day with Colleague A to finish her shift at 16:00 instead of 20:00, however, the panel considered that this was not a reason to omit visiting patients and then be dishonest about doing so.

Given the limited insight, remorse and remediation, the panel was of the view that there is a risk of repetition and consequential risk of harm. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that 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 considered that public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also finds Ms Dziduch-Francis's fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Ms Dziduch-Francis's fitness to practise is currently impaired.'

The original panel determined the following with regard to sanction:

'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 Ms Dziduch-Francis'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 Ms Dziduch-Francis'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 placing conditions of practice on Ms Dziduch-Francis'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 took into account the SG, in particular:

- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *Identifiable areas of the nurse or midwife's practice in need of assessment and/or retraining;*
- *No evidence of general incompetence;*
- *...*

- ...
- *Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- *The conditions will protect patients during the period they are in force; and*
- *Conditions can be created that can be monitored and assessed.*

The panel is of the view that whilst it may be possible to formulate conditions regarding the failure to deliver care, there are no practical or workable conditions that could be formulated to manage the dishonesty element in this case.

Furthermore, the panel concluded that the placing of conditions on Ms Dziduch-Francis's registration would not adequately address the seriousness of this case and would not protect the public or meet the public interest.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:

- *A single instance of misconduct but where a lesser sanction is not sufficient;*
- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *No evidence of repetition of behaviour since the incident;*
- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*
- ...
- ...

The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register. It considered that the dishonesty was serious but that it was an isolated incident that occurred on one day in Ms Dziduch-Francis's career. The panel considered that whilst there is no evidence before it of repetition since the events in

2022, there is a risk of repetition given the limited insight, remorse and remediation. The panel acknowledged its previous finding of an attitudinal concern, but noted that it did not have sufficient evidence to form a view on the extent of the attitudinal concern and could not be certain that it was a deep-seated attitudinal concern.

Further, the panel considered that it has not heard from Ms Dziduch-Francis and determined that she should be given further opportunity to demonstrate insight, remorse, remediation, and take steps to strengthen her practice and re-engage with the NMC.

The panel did go on to consider whether a striking-off order would be proportionate but, taking account of all the information before it, the panel concluded that it would be disproportionate. The panel considered that public confidence in the profession can be maintained without striking Ms Dziduch-Francis off the register, and that a suspension order can protect the public and uphold professional standards. Whilst the panel acknowledged that a suspension may have a punitive effect, it would be unduly punitive in Ms Dziduch-Francis's case to impose a striking-off order.

Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction.

The panel noted the hardship such an order will inevitably cause Ms Dziduch-Francis. However, this is outweighed by the public interest in this case.

The panel considered that this order is 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.

The panel determined that a suspension order for a period of 12 months was appropriate in this case to mark the seriousness of the misconduct.

*At the end of the period of suspension, another panel will review the order.
At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.*

Any future panel reviewing this case would be assisted by:

- Evidence of training relevant to the regulatory concerns, including, but not limited to professional ethics, communication with colleagues, accountability, safeguarding, and vulnerability of elderly patients.*
- Written reflection on training undertaken and how to apply the training in a clinical setting.*
- Written reflection on the misconduct identified and the impact that the misconduct may have had on patients and the public.*
- Positive testimonials from the workplace.*
- A report from a mentor/supervisor which may include evidence of active discussion around reflections and training undertaken..’*

Decision and reasons on current impairment

The panel has considered whether Ms Dziduch-Francis’s fitness to practise remains currently 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.

The panel had regard to the relevant NMC Guidance REV-2a Substantive order reviews last updated on 30 August 2024 and reminded itself that there is a persuasive burden on Ms Dziduch-Francis at a substantive order review to demonstrate that she has fully acknowledged why past professional performance was deficient and through insight, application, education, supervision or other achievements sufficiently address the past impairments. 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 also taken account of the submissions made by Mr Edwards on behalf of the NMC.

Mr Edwards outlined the background of the case and referred the panel to the relevant documents, including the written decision of the original panel.

Mr Edwards submitted that it is a matter for the panel to consider whether it is in the public interest and indeed in her interest to extend the current suspension order for a further period. He submitted that it is the NMC's position that Ms Dziduch-Francis's fitness to practise remains impaired given that there has been no material change in the circumstances of the case, the passage of time of approximately one year and the absence of any evidence of improvement, insight, reflection or remediation from Ms Dziduch-Francis. Therefore, Mr Edwards submitted that it may now be more appropriate and proportionate to impose a striking-off order to replace the current substantive suspension order.

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 Ms Dziduch-Francis's fitness to practise remains impaired.

The panel noted that the original panel sitting as a meeting in October 2025 found that Ms Dziduch-Francis had demonstrated insufficient insight. Despite Ms Dziduch-Francis having the persuasive burden the panel was concerned that Ms Dziduch-Francis has not provided any evidence of any reflection, remorse, insight or remediation. The panel was further concerned that Ms Dziduch-Francis was advised on a number of occasions of the specific evidence that a future reviewing panel may be assisted by. In particular the panel noted the following:

- 1) On 1 October 2025 the panel stated as follows:

'Any future reviewing panel would be assisted by:

- Evidence of training relevant to the regulatory concerns, including, but not limited to professional ethics, communication with colleagues, accountability, safeguarding, and vulnerability of elderly patients.*
 - Written reflection on training undertaken and how to apply the training in a clinical setting.*
 - Written reflection on the misconduct identified and the impact that the misconduct may have had on patients and the public.*
 - Positive testimonials from the workplace.*
 - A report from a mentor/supervisor which may include evidence of active discussion around reflections and training undertaken.'*
- 2) On 6 October 2025 the NMC case officer wrote to Ms Dziduch-Francis and reminded her of the documentation that a future reviewing panel would be assisted by
- 3) On 13 July 2026 in preparation for today's hearing, the NMC case officer wrote to Ms Dziduch-Francis and once again reminded her of the documentation that a future reviewing panel may be assisted by
- 4) On 14 September 2026 the NMC sent Ms Dziduch-Francis an email and asked her if she had any documentation to submit for the panel and gave her yet a further reminder of the list of documentation that a future reviewing panel may be assisted by.

The panel considered that Ms Dziduch-Francis had ample opportunity over the course of nearly a year to provide the NMC with evidence that would assist the panel in making its decision today.

Whilst Ms Dziduch-Francis is currently not practising as a nurse due to the current suspension order, the panel had no evidence that she has taken any steps to strengthen her practice through training, other roles or otherwise addressed the concerns identified by the original panel.

The panel considered that the concerns identified in this case involved dishonesty, which is attitudinal in nature. It also considered that such concern is more difficult to remediate. The panel noted that the original substantive panel had determined that there was a risk of repetition and a consequential risk of harm. This panel had received no evidence which would undermine this assessment. Therefore, in the absence of any evidence of developing insight or remediation, the panel determined that there remains a risk of repetition and that a finding of impairment remains 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.

The panel determined that the conduct found proved breached fundamental tenets of the nursing profession and involved important issues concerning dishonesty, an attitudinal concern. In the absence of sufficient insight, remediation or evidence of strengthened practice, the panel considered that public confidence in the profession and in the NMC as a regulator would be undermined if Ms Dziduch-Francis were permitted to return to unrestricted practice.

The panel therefore determined that Ms Dziduch-Francis's fitness to practise remains impaired on both public protection and public interest grounds.

Decision and reasons on sanction

Having found Ms Dziduch-Francis'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 which includes dishonesty. 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 Ms Dziduch-Francis'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 Ms Dziduch-Francis's misconduct was not at the lower end of the spectrum because of the proven dishonesty 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 Ms Dziduch-Francis'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 by the original panel in October 2025 and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was of the view that there are no practical or workable conditions that could be formulated to manage the dishonesty element in this case. Therefore, it was unable to formulate conditions of practice that would adequately address the concerns relating to Ms Dziduch-Francis's misconduct.

Furthermore, the panel concluded that the placing of conditions on Ms Dziduch-Francis's registration would not adequately address the seriousness of this case and would not protect the public or meet the public interest.

The panel next considered imposing a further suspension order. It was concerned that despite a period of nearly a year elapsing since Ms Dziduch-Francis was advised as to what a future reviewing panel may be assisted by, combined with repeated reminders, Ms Dziduch-Francis had not provided the panel with any evidence of the practical steps that she has taken. Nor has she provided any assurance that she had acknowledged the seriousness of the facts found proved. Ms Dziduch-Francis has indicated that she hoped for '*positive feedback*' from today. Taking into account Ms Dziduch-Francis's inaction and absence of insight the panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances.

The panel had regard to the following NMC Guidance SAN-2d Suspension order last updated on 28 January 2026, specifically the following in relation to suspension orders:

- *'is it realistic that the professional could return to unrestricted practice in the future, even if it is not appropriate for them to do so now?*
- *What would the registrant need to do in order to be fit to practise in the future? Is it realistic that they will be able to do this?'*

The panel concluded that it has been made clear to Ms Dziduch-Francis the steps that she could take to assist her to return to unrestricted practise since October 2025 which she has not done. Therefore, the panel was of the view that despite a significant period of suspension, Ms Dziduch-Francis has not evidenced insight nor strengthened her practice such as the risk that she poses has reduced.

The panel further noted NMC Guidance SAN-2e Striking-off order last updated on 28 January 2026, that cases most likely to result in a striking-off order include cases involving dishonesty.

The panel determined that it was necessary to take action to prevent Ms Dziduch-Francis 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 30 October 2026 in accordance with Article 30(1).

This decision will be confirmed to Ms Dziduch-Francis in writing.

That concludes this determination.