

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

**Substantive Appeal Hearing (regarding Sanction)
Thursday 12 December 2024**

Virtual Hearing

Name of Registrant:	Robin David Dews
NMC PIN	06G0125E
Part(s) of the register:	Registered Nurse – Sub Part 1 Adult Nursing (Level 1) – April 2007
Relevant Location:	Catterick
Type of case:	Conviction
Panel members:	Anthony Griffin (Chair, lay member) Anne Murray (Registrant member) Robert Marshall (Lay member)
Legal Assessor:	John Donnelly
Hearings Coordinator:	Shela Begum
Nursing and Midwifery Council:	Represented by Ben Edwards, Case Presenter
Mr Dews:	Present and represented by Thomas Buxton, instructed by the Royal College of Nursing (RCN)
Facts proved:	Charge 1 (as determined by the original substantive panel)
Fitness to practise:	Impaired (as determined by the original substantive panel)
Sanction:	Suspension order (2 months)
Interim order:	Interim suspension order (3 months)

Today's hearing:

A panel of the Fitness to Practise Committee having imposed a striking-off order against your nursing practice on 22 May 2024, the High Court has remitted the decision back, specifically regarding the sanction. As a result, the case is now referred to a fresh panel of the Fitness to Practise Committee, tasked with revisiting the sanction stage. This panel will make a determination on the appropriate sanction, in line with the directions set out in Schedule 1.

The directions set out in Schedule 1 are as follows:

Schedule 1 – directions

1. *“The proceedings brought by the Respondent against the Appellant to be remitted to a fresh panel of the Respondent’s Fitness to Practise Committee as soon as reasonably practicable to consider the issue of sanction.*
2. *The Respondent to place before the Committee:*
 - a) *a copy of this consent order and attached Schedule;*
 - b) *the previous panel’s decision in relation to the facts and impairment;*
 - c) *transcripts of the hearing which took place in relation to the proceedings against the Respondent;*
 - d) *the documentary evidence that was considered at that hearing; subject to the requirements of relevance and fairness, any other evidence in relation to the question of sanction presented on behalf of the Respondent”*

In accordance with the sealed order of consent issued by the High Court, today’s panel acknowledges that its remit is to reconsider the sanction stage anew, taking into account the full circumstances of the case and any relevant developments since the original determination.

Details of charge

Today's panel had regard to the charges in this case, which were found proved by way of the conviction certificate which was presented at the substantive hearing in May 2024. The charges were as follows:

“That you, a registered nurse

- 1. On 23 June 2023, in Court Martial proceedings taking place at Catterick, were convicted of the following offence Committing a criminal offence contrary to section 42 of the Armed Forces Act 2006 namely Sexual Assault contrary to section 3 (1) of the Sexual Offences Act 2003.*

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

Background

The background to the case as taken from the substantive hearing in May 2024 is as follows:

“The charge in this case involves a criminal conviction for a single offence of sexual assault committed on 7 December 2022, whilst you were employed as Senior Nursing Officer holding the rank of Major at Medical Regiment Gaza Barracks, Catterick in His Majesty's Armed Forces.

You were attending a Warrant Officers and Sergeants Mess Christmas function at Gaza Barracks, Catterick, when you were observed dancing in close proximity to a female, a subordinate medical soldier who was known to you from your unit. You approached her with your arms outstretched and then proceeded to swipe your hand from her buttocks to her vaginal area. This was a deliberate assault that left

her and an officer, who was watching nearby, in a total state of shock and bewilderment.

You were then removed from the Mess and the female soldier provided an account to a Service Police Officer.

On 6 January 2023 you were interviewed by police, provided a pre-prepared statement denying the allegations and any other offences. You declined to answer any questions asked of you by the Service Police.

On 21 June 23 during your trial at the Military Court Centre Catterick, you pleaded not guilty to two charges of sexual assault and on 23 June 2023, a military Court Martial found you guilty of one charge and not guilty to a second charge of sexual assault.

On 31 July 2023, at the Military Court Centre, you were sentenced to six months imprisonment suspended for a period of 18 months, on the condition that you perform 220 hours of unpaid work and attend 30 rehabilitation activity requirement days and you were dismissed from His Majesty's Armed Forces.”

Fitness to practise

The panel today considered the findings on impairment made by the substantive panel in May 2024. The conclusions reached by that panel were as follows:

“The panel carefully considered the nature of the conduct in this case and the impact it had on the victim. Whilst your conduct involved a single incident it was of a serious sexual nature. In relation to the victim, it had substantial repercussions on both her personal and professional life and her physical and mental well-being. Looking to the past and applying the Shipman test, the panel decided when considering your conduct at limbs a, b and c are engaged. The panel also had regard to The Code: Professional standards of practice and behaviour for nurses and midwives (2015) (the Code), particularly 20.4 and 20.5, in making its decision.

The panel found that the victim was caused emotional harm and distress as a result of your conduct. Your conduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

The panel next applied the Shipman test when looking to the future. In this regard, the panel considered whether your conduct is remediable; whether it has been remediated; and the likelihood of repetition.

The panel considered the criminal conviction to be a serious sexual offence against a junior colleague, whilst you were a senior member of your team. The Court’s Martial imposed a prison sentence which was suspended. The panel noted that whilst the conviction is serious and that remediation can be difficult, it is capable of being remediated.

The panel did acknowledge your unblemished career, character and the positive character references before it, including a reference from your wife who still serves

in the armed forces. Further the panel acknowledge your compliance with your sentence and that you have already completed the 220 hours of unpaid work.

The panel considered whether you have shown sufficient and genuine remorse for your conduct. The panel noted that at your criminal trial you appear not to have expressed any remorse for your actions and argued that the evidence was fabricated. You have, as is your right, not given evidence at this hearing. Beyond the simple expression of remorse in your reflective piece, the panel has been unable to evaluate the quality and level of that remorse. In these circumstances, whilst some remorse has been expressed, the panel decided that it can not ascertain whether this was genuine or not.

Regarding insight, the panel considered your detailed reflective piece now accepting that the sexual assault took place, the impact it had on the victim and setting out the steps you have taken to address your conduct. The panel noted that in your reflective piece you discuss the role of alcohol which led to your conviction. It noted that you appear to have some understanding as to the consequences of drinking to excess. However, the panel was concerned that the tenor of your reflective piece was such that it placed undue reliance upon your drinking rather than your actions and the consequences for the victim. In this regard, the panel was concerned that you sought to excuse your behaviour by virtue of you drinking too much. The panel therefore was concerned about the level of your insight. Given the sexual nature of your conviction, the panel considered that it is important for you to show developed insight into your discriminatory behaviour. The panel decided that in relation to your insight that whilst there is some insight it is insufficient to address the gravity of your conduct.

In its consideration of whether you have addressed your conduct, the panel took into account any relevant training you have undertaken. It noted that you have undertaken one course on 30 September 2023 which was titled "Professional Boundaries" an e-learning course. The panel noted that this was a course by

remote learning and not involving any face-to-face learning. Further, the panel noted that there was nothing in your reflective piece relating to this course and what you have learned and would put into action in the future so as to avoid repetition of your conduct.

In light of the above, the panel decided that when looking to the future, limbs a, b and c of the Shipman test are engaged. You have not remediated your conduct and there is a real risk of repetition. The panel noted that whilst your conduct was in a social setting, it was nevertheless in the context of your employment. Given that there are social events relating to a nurse's work, the panel determined that public protection is engaged. 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 are to protect, promote and maintain the health safety and well-being of the public and patients, and to uphold/protect the wider public interest, which 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, in this case, a finding of impairment on public interest grounds was required. The panel determined that a well-informed member of the public, aware of all the circumstances in this case would be concerned if a finding of impairment were not made.

Having regard to all of the above, the panel was satisfied that your fitness to practise is currently impaired.”

Sanction

The panel has considered this case very carefully and has decided to make a suspension order for a period of 2 months. The effect of this order is that the NMC register will show that your registration has been suspended.

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.

Submissions on sanction

Mr Edwards submitted that the panel is tasked today with considering the issue of sanction only. The sanction sought on behalf of the NMC remains a striking-off order.

In coming to a decision on the appropriate sanction to impose, Mr Edwards submitted that the panel should first consider the aggravating and mitigating factors in this case. These factors are a matter for the panel to determine. However, Mr Edwards respectfully invites the panel to consider the following aggravating features identified by the NMC.

Firstly, Mr Edwards submitted that this is a case where you showed an abuse of trust and a misuse of power. Given the hierarchical relationship between you as a senior officer and leader of the team, and the complainant, who was a soldier and a junior member, the NMC considers this an aggravating factor.

Secondly, Mr Edwards submitted that the conduct was of a very serious nature, resulting in a conviction for sexual assault and a suspended sentence.

Turning to the mitigating factors, Mr Edwards drew the panel's attention to the following.

Firstly, Mr Edwards submitted you have engaged with probation services and complied with the conditions of your conviction. It is noted that, according to the most recent report, you have completed more rehabilitation days than required, which is a credit to you.

Secondly, Mr Edwards submitted that you self-referred to the NMC, which he said is not a common occurrence. He submitted that this should also be considered a mitigating factor, reflecting your acknowledgment of your actions.

Thirdly, Mr Edwards submitted that you have provided supportive testimonials from colleagues attesting to your positive character and good service prior to the incident in question. This leads into the final mitigating factor: there were no previous concerns about your clinical practice or service before this incident, despite your long service both within the Army and as a registered nurse.

Mr Edwards submitted that these are the aggravating and mitigating factors the NMC invites the panel to consider. Of course, he accepted that the panel is entitled to disregard any of these points if it does not agree with them, and it may also consider whether there are any other aggravating or mitigating factors relevant to its decision. Ultimately, Mr Edwards submitted that the panel is free to determine the factors it considers significant when it retires to deliberate on its decision.

Mr Edwards submitted that the panel has before it the previous panel's determination. While the panel is not bound by that decision, he submitted that it is important that the panel considers it, having read it thoroughly.

Mr Edwards submitted that the current panel should consider the updated reflective piece provided by you. He acknowledged that this new reflective piece is detailed and addresses many of the concerns raised by the previous panel. He further submitted that this reflects a developed understanding and insight into your actions, which may be considered a positive step by the panel. However, the decision as to whether this demonstrates sufficient insight remains a matter for the panel to decide. He stated that the NMC accepts

that this is a well-crafted reflective piece and, in fairness to you, Mr Edwards submitted that this should be acknowledged.

When considering the appropriate sanction, Mr Edwards submitted that the panel, as an experienced body, will be aware of the relevant guidance, particularly the guidance on considering sanctions in serious cases. He referred to the guidance on sexual misconduct, which notes that such misconduct creates a risk to both those receiving care and to colleagues and undermines public trust and confidence in the professions regulated by the NMC. The guidance further suggests that the panel should consider factors such as the duration of the misconduct, your position in relation to those involved, and the vulnerabilities of anyone subject to the alleged conduct.

Mr Edwards respectfully submitted that the following aggravating factors are present in this case. Firstly, you have abused your position of trust and power as a registered professional. Secondly, you are required to register as a sex offender, which is a significant aggravating factor. Thirdly, the conviction for sexual assault gravely undermines public trust in the nursing profession.

Mr Edwards further submitted that the guidance on sanctioning cases involving sexual misconduct indicates that the panel must start with the least severe sanction and work upwards until the most appropriate sanction is found. However, as sexual misconduct can have a severe impact on public confidence, any nurse found to have committed such conduct will be at risk of being removed from the register. Mr Edwards submitted that, in this case, the most appropriate and proportionate sanction is still a striking-off order.

In considering whether a striking-off order is appropriate, Mr Edwards drew the panel's attention to the guidance on striking-off orders, which states that this sanction is appropriate when the nurse's conduct is fundamentally incompatible with being a registered professional. In this case, Mr Edwards submitted that the NMC's concerns about your professionalism are fundamental.

He further submitted that if you are not struck off, public confidence in the nursing profession may be undermined, as the NMC would not be fulfilling its role as a regulator. Finally, Mr Edwards submitted that a striking-off order is necessary to protect patients, the public, and professional standards.

Mr Edwards concluded by respectfully submitting that the only appropriate sanction in this case would be a striking-off order. Mr Edwards submitted that taking everything before the panel into consideration, including both the most recent documents provided by you and the previous documentation presented to the original panel, the NMC maintains and invites the panel to consider that a striking-off order is the most appropriate and proportionate order to impose today.

Mr Edwards submitted that taking no action, imposing a caution order, or even a conditions of practice order would not be appropriate in these circumstances. The panel is left, in his submission, with the consideration of whether this is a case where you should be struck off from the register or instead suspended for a period of time.

Mr Edwards submitted that a striking-off order is the only order that would be sufficient to protect patients, members of the public from harm, and to maintain professional standards and public confidence in the nursing profession, as well as in the NMC as a regulator.

While the panel is not the original panel hearing the case, Mr Edwards submitted that the panel should note the harm and distress caused to the victim in this case, which adds to the seriousness of the matter. He further submitted that you were in a position of trust at the time of the incident, being a senior officer, and you behaved appallingly while intoxicated toward a more junior member of staff.

For all the reasons Mr Edwards has set out and with due consideration of the guidance before the panel, he respectfully invites the panel to impose a striking-off order today.

In response to a question from the panel, Mr Edwards clarified that ultimately, given that the NMC submits that a caution order, conditions of practice order, or indeed taking no action would be inappropriate in a case such as this, the panel is left with two options: either to strike off your name from the register or to impose a suspension order for a period of time.

The panel also bore in mind the submissions from Mr Buxton on behalf of you.

Mr Buxton referred the panel the addendum reflection produced by you. He submitted that the reflection provides the clearest evidence that you, as the registrant, have fully reflected on your conduct and have examined carefully how it came to arise, particularly the implications and impact of such behaviour.

Mr Buxton referred to the full written determination of the previous panels, which contains remarks that, while not binding on this panel, are highly relevant to its decision today. Mr Buxton stated that much of what the previous panel said—especially the positive aspects—is pertinent to this panel’s decision-making.

Mr Buxton submitted that the panel must take into account the level of insight present in this case, which is aligned with considerations of remediation and what has been done since the events to remediate and demonstrate such insight. He submitted that the panel should consider whether the conduct has been remediated and the likelihood of repetition.

Mr Buxton submitted that Mr Edwards has outlined the aggravating and mitigating features of this case. He noted to the panel that you, have engaged throughout with these proceedings and he highlighted the self-referral. He referred to the testimonials and encouraged the panel to consider those carefully. In addition, Mr Buxton highlighted a significant testimonial from your wife, who is a serving member of the armed forces.

Mr Buxton informed the panel you have been acting as a househusband since the matters in question and have not been practising as a nurse. He told the panel that this is

evidenced by your reflective document. However, he submitted that your wife's testimonial provides a strong and persuasive statement on your behalf.

In terms of mitigation, Mr Buxton pointed out that there have been no previous concerns of this type, nor any repetition of such behaviour. He submitted that your clinical practice has never been an issue, and as noted in the documents before the panel, the Army appraisal documents speak to the high regard in which you were held and attest to your skills and expertise as a nurse.

Mr Buxton submitted that the difference between a striking-off order and a suspension order, will be stark. He submitted that there is a public interest in allowing a nurse to return to practice, where there is evidence that such an individual is of high calibre and can contribute significantly to their profession. He submitted that this is undoubtedly the case here.

In terms of remediation, Mr Buxton invited the panel to note that the previous panel accepted that your behaviour is capable of remediation. He stated that this was a matter for you to demonstrate the steps you have taken to show that remediation is effective and that there will be no repetition of such behaviour. The previous panel remarked that you had attended an e-learning course on professional boundaries rather than a face-to-face course. Mr Buxton submitted that the previous panel did not acknowledge the relevant work you undertook, including not only the course but also your engagement with the probation service.

Mr Buxton referred to the probation report. He invited the panel to consider it carefully. He argued that it is clear that with your engagement with the process was deemed to be impressive and that you took a fully responsible attitude toward the matters that led you to be subject to criminal sanction and probation.

Mr Buxton emphasized that the risk of repetition in your case is low. He submitted that those instructing him had contacted the Police Constable to enquire about the matter. The

Police Constable has expressed that she currently assesses you as posing a low risk, although she does not complete the full assessment until January, when your probation supervision ends. However, he stated that it is clear from the document dated 9 December 2025 that she is unlikely to change her position.

Moving to the probation service, Mr Buxton pointed to the letter from your probation officer who confirmed that your suspended sentence order terminates on 30 January 2025. She noted that you had engaged exceptionally well with your order, completing more than the required rehabilitation days. She also addressed the question of risk, with the assessment showing that you continue to pose a medium risk to the public. However, Mr Buxton reminded the panel of the probation service's definition of medium risk, which indicates that the offender has the potential to cause serious harm but is unlikely to do so unless there is a change in circumstances. Given your remediation and insight, Mr Buxton submits that there is no change in circumstances likely to affect the risk of repetition negatively.

Mr Buxton referred to your reflective account. He submitted that it contains several crucial elements that should be taken into account when considering the appropriate sanction. He stated that the document reflects your genuine remorse and insight into your actions, as well as your recognition of the damage caused to the reputation of nursing and the impact on patients, families, and colleagues. He stated that you demonstrate acknowledgment of the negative consequences of your actions and an awareness of the harm caused. He stated that your reflections have evolved significantly and you have expressed a deep and evolving sense of responsibility for your actions, acknowledging your criminal behaviour and how your previous denial and intoxication were attempts at self-preservation, ultimately contributing to the victim's suffering. He submitted that this reflection shows a clear shift from denial to full responsibility.

Mr Buxton submitted that, importantly, your participation in rehabilitation activities and steps to address the alcohol abuse are also highlighted. He informed the panel that you are taking active steps to change your previous behaviour and develop a better

understanding of your own actions, as seen in his reflection on boundary setting and personal growth.

In considering the appropriate sanction, Mr Buxton submitted that it is crucial to balance the public interest and the need for accountability with the recognition of your efforts to rehabilitate. The guidance on sanctions suggests that a suspension may be a more appropriate and proportionate response than a strike-off, especially considering the progress you have made. He submitted that your actions, while serious, appear to be an isolated incident rather than part of a wider pattern of misconduct, and your efforts to change suggest that you are on a path to becoming a more reflective and responsible practitioner.

Decision and reasons on sanction

Having had regard to the previous panel's decisions on facts and impairment as well as the submissions from both parties, 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 NMC's guidance on considering seriousness and to the SG, particularly:

- SAN 2 – Considering sanctions for serious cases
- SAN 3 – Available sanction orders
- SAN 3d – Suspension order
- SAN 3e – Striking-off order

The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- The serious nature of the conviction, involving sexual assault, and the associated suspended sentence.
- Abuse of a position of trust and misuse of power due to the hierarchical relationship between you and as a senior officer and the complainant, a junior colleague.
- The impact on the victim, including emotional harm, distress, and professional repercussions.

The panel also took into account the following mitigating features:

- Evidence of genuine remorse and extensive insight
- Engagement with the probation services and full compliance with the conditions of the suspended sentence.
- Evidence of remediation, including attendance at a professional boundaries course and reflective documentation.
- Positive testimonials from colleagues and family, highlighting previous good character and contributions to the profession. Including the reference from your wife which provides a strong and persuasive testimonial and the army appraisal document which held you in high regard.
- A self-referral to the NMC, reflecting acknowledgment of the issues and willingness to address them.

The panel first considered whether to take no action but concluded that this would be inappropriate given the seriousness of the conviction and its impact on public confidence in the nursing profession. The panel determined that taking no action would not meet the wider public interest nor would it maintain professional standards.

The panel then considered the imposition of a caution order but again determined that, due to the nature of the conviction, such an order would not be appropriate. The SG states that a caution order may be suitable where the case is at the lower end of the spectrum. The panel did not consider your case to be at the lower end of seriousness given the involvement of a conviction, the serious nature of the offence, and its negative implications

in respect of the wider public interest. Therefore, the panel decided that a caution order would neither be proportionate nor in the public interest.

The panel next considered whether placing conditions on your registration would be an appropriate response. The panel acknowledged some evidence of insight and the evidence of your willingness to engage with retraining. However, it concluded that conviction involved could not be effectively addressed through conditions of practice or retraining. The panel concluded that no practical or workable conditions could be formulated that would adequately address the seriousness of the case or address the public interest requirements.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG suggests that a suspension order may be suitable where certain factors are present. The panel has taken account of all of the circumstances surrounding the case and considered the factors as set out in the SG in respect of a suspension order.

It considered that the SG sets out that the panel should consider whether there is evidence of repetition of behaviour since the incident. The panel has borne in mind that this case relates to an isolated incident. It noted that there has been no evidence of such repetition and instead there has been evidence put before the panel to suggest that the risk of repetition is low. For example, the panel took into account the probation report, which it concluded demonstrates how you have engaged exceptionally well with the probation process and have completed more than the required rehabilitation days. Further, the panel noted that the assessments by the Police Constable have indicated a low risk of reoffending.

The panel has considered that the conviction related to a single incident, but one that is serious enough that a lesser sanction would not be sufficient to maintain public confidence in the nursing profession. While you have demonstrated considerable insight into your actions, as evidenced in your reflective account, where you fully acknowledge the harm caused by your behaviour, the seriousness of the conviction requires a sanction that reflects the gravity of the situation.

The panel has taken into account that you have taken significant steps toward addressing the underlying issues, including alcohol abuse, and have engaged with rehabilitation services, showing genuine remorse. Despite these positive steps, the panel determined that a suspension order is necessary to uphold professional standards and maintain public confidence in the NMC as the regulator. The panel concluded that as a lesser sanction would not sufficiently address the need to maintain public confidence in the profession.

In considering whether the seriousness of the case requires temporary removal from the register, the panel took into account the nature and severity of the conviction. The panel concluded that your actions, while serious, do not suggest a pattern of repeated misconduct or deep-seated personality issues. However, the panel recognises that the conviction represents a significant breach of professional standards and that it has the potential to undermine public confidence in the nursing profession. Taking into account the seriousness of the conviction, the panel was satisfied that temporary removal from the register through a suspension order would serve the public interest in these particular circumstances in light of the considerable insight, remorse, and engagement with rehabilitation that you have evidenced.

The panel concluded that, in this case, a suspension order for a period of 2 months is sufficient to address the gravity of the conviction while allowing for future reintegration into the nursing profession. The panel took into account that you have been restricted from practice by way of a suspension since 18 August 2023. The panel was of the view that the seriousness of the case does warrant temporary removal from the register, but for a period that is proportionate to the circumstances and allows for a fair opportunity for remediation. The panel concluded that the imposition of a suspension order for a period of 2 months balances the public interest requirements with your right to continue practicing in the future. The panel is satisfied that a 2-month suspension will allow time for further reflection, engagement with rehabilitation, and assurance that you have made sufficient progress to return to practice.

The panel noted the hardship such an order will inevitably cause you but concluded that this was outweighed by the public interest in maintaining professional standards and

public confidence in the nursing profession. The panel determined that a suspension order for a period of 2 months was appropriate to reflect the seriousness of the conviction.

The panel noted that, in accordance with Article 29 (8A) of the Order, the panel may exercise its discretionary power and determine that a review of the substantive order is not necessary. It noted that Article 29(8A) sets out the following:

“If, at the time of making an order under paragraph (5)(b) or (c), the Fitness to Practise Committee is satisfied that, with effect from the date of the expiry of that order, it will not be necessary to—

- (a) extend the period of the order;
- (b) vary the order; or
- (c) make any other order falling within article 29(5),

the Committee may decide that article 30(1) does not apply to that order.”

The panel concluded that in the circumstances of this case, a further review would not be required and decided that given the low risk of reoffending, evidence of rehabilitation, and the proportionality of the sanction, a review of the suspension order upon expiry would not be required.

The panel was satisfied that the substantive order will satisfy the public interest in this case and will maintain public confidence in the profession(s) as well as the NMC as the regulator. Further, the substantive order will declare and uphold proper professional standards. Accordingly, this substantive suspension order will be allowed to lapse upon expiry without review.

This will be confirmed to you in writing.

Interim order

As the substantive suspension 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 your own interests until the substantive suspension order takes effect. The panel heard and accepted the advice of the legal assessor.

Submissions on interim order

The panel took account of the submissions made by Mr Edwards. He invited the panel to impose an interim suspension order to cover the 28-day appeal period. He submitted that this application was made on both public protection and public interest grounds. He further submitted that in usual circumstances he would be inviting the panel to impose any interim order for a period of 18 months. However, he was mindful of the length of the substantive suspension order being that of 2 months and therefore accepted that the length of any interim order is a matter for the panel.

The panel did not receive submissions on behalf of you in relation to an interim order.

Decision and reasons on interim order

The panel was satisfied that an interim order is necessary. 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 3 months to cover the 28-day appeal period and any period during which an appeal may be lodged and dealt with.

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

That concludes this determination.