

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

**Substantive Order Review Hearing  
Monday, 11 November 2024**

Virtual Hearing

**Name of Registrant:** Paul Christopher Hilditch

**NMC PIN:** 83Y3947E

**Part(s) of the register:** Nurses Part of the Register- Sub Part 2  
RN4: Mental Health Nurse, Level 2 (10 April 1985)

**Relevant Location:** Stockport

**Type of case:** Misconduct

**Panel members:** Scott Handley (Chair, Lay member)  
Charlotte Cooley (Registrant member)  
Beverley Blythe (Lay member)

**Legal Assessor:** Paul Hester

**Hearings Coordinator:** Jessie Miller

**Nursing and Midwifery Council:** Represented by Kir West-Hunter, case presenter

**Mr Hilditch:** Not present and unrepresented

**Order being reviewed:** Suspension order (9 months)

**Fitness to practise:** Impaired

**Outcome:** Suspension order (6 months) to come into effect on 18 December 2024, 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 Hilditch was not in attendance and that the Notice of Hearing had been sent to Mr Hilditch's registered email address by secure email on 10 October 2024.

Ms West-Hunter, 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 Hilditch's right to attend, be represented and call evidence, as well as the panel's power to proceed in his absence.

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

The panel next considered whether it should proceed in the absence of Mr Hilditch. The panel had regard to Rule 21 and heard the submissions of Ms West-Hunter who invited the panel to continue in the absence of Mr Hilditch. She submitted that Mr Hilditch had voluntarily absented himself.

Ms West-Hunter submitted that there had been no engagement by Mr Hilditch with the NMC in relation to these proceedings and, as a consequence, there was no reason to believe that an adjournment would secure his attendance on some future occasion.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mr Hilditch. In reaching this decision, the panel has considered the submissions of Ms West-Hunter and accepted the advice of the legal assessor. It has had particular regard to 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 Hilditch;
- NMC telephoned Mr Hilditch on the morning of this hearing to no avail;
- Mr Hilditch has not engaged with the NMC and has not responded to the emails and/or letters sent to him about this hearing;
- 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 Hilditch.

### **Decision and reasons on review of the substantive order**

The panel decided to confirm the current suspension order.

This order will come into effect at the end of 18 December 2024 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the second review of a substantive suspension order originally imposed for a period of 3 months by a Fitness to Practise Committee panel on 20 November 2023. This was reviewed on 8 February 2024 where the suspension order was confirmed and extended for a further 9 months.

The current order is due to expire at the end of 18 December 2024.

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

The charge found proved which resulted in the imposition of the substantive order was as follows:

*'That you, a registered nurse:*

*1. Failed to cooperate with a local authority safeguarding investigation when*

*requested to do so by email on the following dates:*

*a) 25 April 2019*

*b) 27 April 2019*

*c) 20 May 2019*

*d) 3 June 2019'*

The first reviewing panel determined the following with regard to impairment:

*'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 Hilditch's fitness to practise remains impaired.*

*At this hearing there was no information before the panel of any insight, remediation, remorse or any steps taken by Mr Hilditch to strengthen his practice. In the absence of any evidence from him concerning the context in which his actions took place. The panel therefore concluded that there had been no material change of circumstances since the original substantive hearing, as Mr Hilditch has not engaged with the NMC.*

*In light of this, the panel considered that patients could be placed at risk of harm if Mr Hilditch was permitted to practise unrestricted because of attitudinal issues regarding the duty for nurses to engage in external investigations relating to patient safety matters. It was of the view that as there is no information before it to suggest Mr Hilditch's has demonstrated sufficient insight and taken the necessary steps to*

*strengthen his practice therefore, a real risk of repetition remains. The panel therefore determined 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.*

*For these reasons, the panel finds that Mr Hilditch's fitness to practise remains impaired.'*

The first reviewing panel determined the following with regard to sanction:

*'...The panel next considered whether conditions of practice on Mr Hilditch'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. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mr Hilditch's misconduct, as the misconduct related to attitudinal concerns, rather than concerns with his clinical practise.*

*The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mr Hilditch further time to fully reflect on his previous failings and his disengagement with the NMC. It considered that Mr Hilditch needs to reflect and gain a full understanding of how his disengagement with the NMC and the attitudinal concerns of one nurse can impact the nursing profession as a whole and not just the organisation that the individual nurse is working*

*for. The panel concluded that a further 9 months suspension order would be the appropriate and proportionate response and would afford Mr Hilditch adequate time to engage with the NMC, develop his insight and take steps to strengthen his practice.*

*The panel went on to consider a striking off order and noted this is the most serious sanction available. It considered this was not necessary as it would be going further than is needed to achieve public protection and would therefore be disproportionate.*

*The panel determined therefore that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of 9 months would provide Mr Hilditch with further opportunity to engage with the NMC. It considered this to be the most appropriate and proportionate sanction available.'*

## **Decision and reasons on current impairment**

The panel has considered carefully whether Mr Hilditch's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as a registrant's suitability to remain on the register 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 West-Hunter on behalf of the NMC.

Ms West-Hunter highlighted the background of the case. She noted that Mr Hilditch originally faced charges of non-cooperation in a local authority safeguarding investigation following a resident's death at Stepping Hill Hospital in February 2019. She went on to note that the investigation required Mr. Hilditch's cooperation and assistance, which he

failed to provide on multiple occasions, only sharing his perspective during a coroner's inquest 16 months later. In the initial hearing, the panel determined that Mr. Hilditch was obligated to cooperate with the investigation, and his failure to do so breached the standards expected of a registered nurse. Consequently, the panel deemed his fitness to practice impaired due to what they termed '*attitudinal concerns*' rather than a lack of competency, concluding that suspension was the appropriate action.

Ms West-Hunter noted that the original suspension order was imposed for three months. She further submitted that the original panel's decision cited Mr. Hilditch's lack of engagement with the NMC, absence of reflection, insight, or remorse, and his refusal to cooperate over several months. She went on to submit that following a review in February 2024, a further nine-month suspension was implemented due to ongoing attitudinal concerns and Mr. Hilditch's continued lack of engagement. This second suspension, set to expire on 18 December 2024, was prompted by the same concerns as the initial suspension and that panel emphasised the absence of any indication that his approach or insight into the incidents had improved.

Ms West-Hunter submitted that the existing suspension should be continued in order to protect the public from harm and maintain public confidence in the nursing profession. She went on to submit that Mr. Hilditch has provided no evidence of improvement or engagement with the NMC and that the same attitudinal issues are apparent. She concluded by submitting that the NMC is seeking a further suspension order, allowing Mr. Hilditch additional time to engage with the process and demonstrate whether he intends to practice nursing in the future.

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 Hilditch's fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Mr Hilditch had not demonstrated any evidence of insight or a strengthening of his practice. It found no evidence of improvement or change in Mr. Hilditch's behaviour or attitude in comparison to the previous panel's findings. The panel noted that Mr Hilditch has shown no evidence of remorse or remediation, and there is no indication that he has addressed the concerns raised in earlier hearings.

The panel noted that whilst there is no evidence to suggest that Mr Hilditch's behaviour has worsened, his ongoing non-engagement is concerning and may indicate an ongoing attitudinal concern. It went on to note that, to date, there has been no engagement with the NMC, and Mr Hilditch has offered no insight or updates that could demonstrate a commitment to improving his practice or addressing the issues identified.

Furthermore, the panel has no information regarding Mr. Hilditch's future plans or his intentions as to strengthening his practice. This lack of engagement leaves the panel uncertain about his professional intentions, with no sign that he has taken steps toward improvement or future accountability.

The last reviewing panel determined that Mr Hilditch was liable to repeat matters of the kind found proved. Today's panel has not received any new information to undermine this position and in light of this, this panel determined that there is still a risk that Mr Hilditch may repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients, colleagues and the public. The panel determined that Mr Hilditch's fitness to practice remains impaired on the ground of public protection. The panel went on to consider whether there should be a finding of impairment on the ground of the wider public interest. The panel determined that a finding on the ground of the wider public interest is made. The panel decided that, given Mr Hilditch's non-engagement in an investigation into the death of a vulnerable resident in a care home setting would be sufficient on its own to merit a finding on the ground of the wider public interest. In coming to this decision, the panel noted that the bar is set high for a finding of impairment on the wider public interest alone.



For these reasons, the panel finds that Mr Hilditch's fitness to practise remains impaired.

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

Having found Mr Hilditch'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 Hilditch'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 Hilditch'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 Hilditch'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. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mr Hilditch's misconduct, as the misconduct related to attitudinal concerns, rather than concerns with his clinical practise.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mr Hilditch further time to fully reflect on his previous misconduct as well as afford him a final opportunity to engage with the NMC process should he so wish. It considered that Mr Hilditch has not provided any understanding of how his misconduct has impacted upon the nursing profession. The panel concluded that a further 6 months suspension order would be the appropriate and proportionate response and would afford Mr Hilditch adequate time to further develop his insight and take steps to strengthen their practice.

The panel went on to consider a striking off order and noted this is the most serious sanction available. It considered this was not necessary, at this stage, as it would be going further than is needed to achieve public protection and would therefore be disproportionate. At the next review, that reviewing panel will have the full range of sanction powers available to it, including the power of striking-off.

The panel determined that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of 6 months would provide Mr Hilditch with an opportunity to engage with the NMC, provide evidence of remediation and provide the NMC with an update as to what his future nursing plans are. It considered this to be the most appropriate and proportionate sanction available.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 18 December 2024 in accordance with Article 30(1).

Before 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:

- Mr Hilditch's engagement with NMC
- Evidence of any insight, reflection and remorse from Mr Hilditch
- Clarification of Mr Hilditch's future intentions concerning his nursing career

This will be confirmed to Mr Hilditch in writing.

That concludes this determination.