

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

**Substantive Hearing  
Friday 14 October 2022**

Virtual Hearing

<b>Name of registrant:</b>	<b>Adam Soothill</b>
<b>NMC PIN:</b>	10K0471E
<b>Part(s) of the register:</b>	Registered Nurse Adult (RNA) Sub Part 1 (June 2011)
<b>Relevant Location:</b>	Preston
<b>Type of case:</b>	Conviction
<b>Panel members:</b>	Melissa D'Mello (Chair, lay member) Marcia Smikle (Registrant member) Claire Corrigan (Lay member)
<b>Legal Assessor:</b>	Breige Gilmore
<b>Hearings Coordinator:</b>	Parys Lanlehin-Dobson
<b>Nursing and Midwifery Council:</b>	Represented by Unyime Davies, Case Presenter
<b>Mr Soothill:</b>	Not present and unrepresented
<b>Consensual Panel Determination:</b>	Accepted
<b>Facts proved:</b>	Charge 1
<b>Facts not proved:</b>	None
<b>Fitness to practise:</b>	Impaired
<b>Sanction:</b>	<b>Striking-off order</b>
<b>Interim order:</b>	<b>Interim suspension order (18 Months)</b>

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

The panel was informed at the start of this hearing that Mr Soothill was not in attendance and that the Notice of Hearing letter had been sent to Mr Soothill's registered email address and to his representative on 14 September 2022.

Ms Davies, 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 allegation, the time, date and how to access the virtual hearing and, amongst other things, information about Mr Soothill'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 Soothill has been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

## **Decision and reasons on proceeding in the absence of Mr Soothill**

The panel next considered whether it should proceed in the absence of Mr Soothill. It had regard to Rule 21 and heard the submissions of Ms Davies who invited the panel to continue in the absence of Mr Soothill. She submitted that Mr Soothill was aware of this hearing and had voluntarily absented himself.

Ms Davies informed the panel that a provisional Consensual Panel Determination (CPD) agreement had been reached and signed by Mr Soothill on 11 October 2022. Ms Davies referred the panel to the CPD which states:

1. *“Adam Soothill is aware of the CPD hearing. Adam Soothill does not intend to attend the hearing and is content for it to proceed in his and his representative’s absence. Adam Soothill and/or his representative will endeavour to be available by telephone should any clarification on any point be required, or should the panel wish to make any amendment to the provisional agreement. Adam Soothill understands that if the panel wishes to make amendments to the provisional agreement that he doesn’t agree with, the panel will reject the CPD and refer the matter to a substantive hearing.”*

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised “with the utmost care and caution” as referred to in the case of *R. v Jones (Anthony William)* (No.2) [2002] UKHL 5.

The panel has decided to proceed in the absence of Mr Soothill. In reaching this decision, the panel has considered the submissions of Ms Davies, the CPD agreement signed by Mr Soothill and the NMC, and the advice of the legal assessor. It has had particular regard to the factors set out in the decision of *R v Jones* and *General Medical Council v Adeogba* [2016] EWCA Civ 162 and had regard to the overall interests of justice and fairness to all parties. It noted that:

- Mr Soothill has engaged with the NMC and has signed a provisional CPD agreement which is before the panel today;

- Mr Soothill signed the CPD on 5 October 2022; in this document, he agreed that neither his representative nor he will be attending the hearing and that he is content for it to proceed in his absence.
- There has been no request for an adjournment and 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 disposal of the case.

In these circumstances, the panel has decided that it is fair, appropriate and proportionate to proceed in the absence of Mr Soothill.

### **Details of charge**

*That you, a registered nurse:*

1. *On 27 October 2021 at the Crown Court at Preston were convicted of 24 counts of sexual assault of a woman 16 or over - no penetration.*

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

### **Consensual Panel Determination**

At the outset of this hearing, Ms Davies informed the panel that a provisional agreement of a Consensual Panel Determination (CPD) had been reached with regard to this case between the NMC and Mr Soothill.

The agreement, which was put before the panel, sets out Mr Soothill's full admissions to the facts alleged in the charge, and that his fitness to practise is currently impaired by reason of his conviction. It is further stated in the agreement that an appropriate sanction in this case would be a striking off order and that an interim suspension order for 18 months should be imposed on grounds of public protection and being otherwise in the public interest.

The panel has considered the provisional CPD agreement reached by the parties.

That provisional CPD agreement reads as follows:

***'Fitness to Practise Committee***

***Consensual panel determination: provisional agreement***

*The Nursing & Midwifery Council ('NMC') and Adam Soothill, PIN 10K0471E ("the Parties") agree as follows:*

- 2. Adam Soothill is aware of the CPD hearing. Adam Soothill does not intend to attend the hearing and is content for it to proceed in his and his representative's absence. Adam Soothill and/or his representative will endeavour to be available by telephone should any clarification on any point be required, or should the panel wish to make any amendment to the provisional agreement. Adam Soothill understands that if the panel wishes to make amendments to the provisional agreement that he doesn't agree with, the panel will reject the CPD and refer the matter to a substantive hearing.*

***The charge***

- 3. Adam Soothill admits the following charges:*

*That you, a registered nurse:*

1. *On 27 October 2021 at the Crown Court at Preston were convicted of 24 counts of sexual assault of a woman 16 or over - no penetration.*

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

**The facts**

2. *Adam Soothill appears on the register of nurses, midwives and nursing associates maintained by the NMC as a Registered Nurse Adult (RNA), sub part 1 and has been a registered nurse since 8 June 2011.*
3. *On 17 March 2019, the NMC received a referral from the Interim Deputy Divisional Director of Nursing (Medicine) at Lancashire Teaching Hospitals NHS Foundation Trust ("the Trust") in relation to Mr Soothill.*
4. *Mr Soothill commenced employment with the Trust working as a Registered Nurse in the Emergency Department at Royal Preston Hospital ("the Hospital") in 2011, and remained in this role at the relevant time.*
5. *The information received from the Trust was that, on 5 March 2019, allegations were made by several staff members to the Emergency Department Matron about inappropriate sexual behaviour/touching by Adam Soothill. The assaults took place between 2017 and 2019 and involved touching, flicking or touching of breasts, grabbing breasts,*

*touching of naked breasts, and placing hands between legs. There were no concerns raised relating to any behaviour of this nature with patients, and Adam Soothill's clinical skills and knowledge have not been called into question.*

- 6. As a result of the allegations, an internal safeguarding strategy meeting was held on 6 March 2019. Following the strategy meeting, a suspension risk assessment was completed and, during a suspension meeting on 8 March 2019, Adam Soothill was suspended from work pending a police investigation.*
- 7. On an unknown date, Adam Soothill was arrested and released on conditional police bail. Adam Soothill was interviewed by the police and denied the allegations.*
- 8. On 12 July 2019, Adam Soothill was charged by the police with offences of sexual assault. Adam Soothill was also dismissed by the Trust.*
- 9. On 15 August 2019, Adam Soothill appeared before Preston Magistrates Court to answer charges of 'sexual assault on a female' contrary to section 3 of the Sexual Offences Act 2003 in relation to a number of members of staff at the Hospital between 2017 and 2019.*
- 10. A plea and case management hearing took place on 19th September 2019 at Preston Crown Court, where Adam Soothill entered not guilty pleas to the charges and the matters were sent for trial on 23 March 2020 at Preston Crown Court. The trial date was subsequently postponed due to the Covid crisis.*

11. *The trial took place on 18 October 2021. On 27 October 2021, Adam Soothill was convicted of 24 counts of sexual assault and sentenced on the same date to 30 months' imprisonment (concurrent), to sign the Sex Offender Register indefinitely, and to pay a surcharge of £170.00.*

12. *A transcript of the Crown Court sentencing remarks is produced marked 'Annex A'.*

13. *The NMC charges brought against Adam Soothill reflect the convictions recorded against him in the Criminal Court. The NMC has obtained the Certificate of Conviction in relation to the offences which, by virtue of rule 31(2)(a) of the NMC (Fitness to Practise) Rules 2004 ('the Rules'), is conclusive proof of the convictions. The parties agree that the findings of fact upon which the conviction is based as recorded in sentencing remarks from the Crown Court are admissible as proof of those facts pursuant to rule 31(2)(b) of the Rules.*

14. *For the avoidance of doubt, given the provisional CPD agreed by the parties, the Registrant admits the charges brought against him by the NMC.*

### **Impairment**

15. *The Parties agree that Adam Soothill's fitness to practise is currently impaired by reason of his conviction on public protection and public interest grounds.*

16. *Current impairment is not defined in the Nursing and Midwifery Order 2001 or the Rules. The question of current impairment is often approached by addressing the questions posed by Dame Janet Smith in her Fifth Shipman Report, as endorsed by Mrs Justice Cox in the leading*



case of Council for Healthcare Regulatory Excellence v (1) NMC (2) Grant [2011] EWHC 927 (Admin), namely:

***"Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that she***

*a) has in the past, and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm;*

*b) has in the past, and/or is she liable in the future to bring the professions into disrepute;*

*c) has in the past, and/or is she liable in the future to breach one of the fundamental tenets of the professions;*

*d) has in the past, and/or is she liable in the future to act dishonestly."*

17. It is agreed that limbs a, b and c of the above test are engaged in this case.

18. In relation to limb a, it is acknowledged that Adam Soothill is not a direct risk to the health, safety or wellbeing of the public in terms of their clinical ability. However, since the conduct was directed towards colleagues in a work setting, it had the potential to affect their ability to provide nursing care and affect the overall working environment at the Hospital. The Judge's sentencing remarks included the following relevant comments:

*" ... you undoubtedly preyed on these women so often and in such a manner that you made their lives uncomfortable, miserable, miserable within the workplace, in several instances it got to a stage where some did not wish to come to work. In relation to one victim, you had only worked with her once and that was the occasion you sexually*

*assaulted her. In relation to another, she was so distressed by what you had done, that she went to the sluice room and cried.*

*You took advantage of the workplace situation...*

*You had relied on the fact that these women would not want to complain or felt uneasy about complaining.*

*The touching you indulged in was not only unwanted, but sexual. It was also harassment and bullying behaviour which is not acceptable in any workplace."*

19. *With regards to limb b of the above test, Adam Soothill engaged in sexual conduct which would be considered to be deplorable by fellow practitioners and members of the public. The NMC guidance on 'Cases involving sexual misconduct', SAN-2, provides that conduct involving criminal convictions for sexual offences and sexual misconduct with colleagues could seriously undermine a registrant's trustworthiness as a registered professional and requires action to uphold public confidence in the professions. Further, it states that sexual misconduct will be particularly serious if a registrant has abused a special position of trust they hold as a registered caring professional. The Judge noted the following in her sentencing remarks:*

*"...although your colleagues should have felt able to trust you, you were not in a position of trust towards them, as defined by the Court of Appeal, when this aspect of the sentencing guidelines has been considered. Perhaps in {colleague's} case you were because you were mentoring her when you sexually assaulted her."*

20. *Sexual misconduct will also be particularly serious if a registrant has to register as a sex offender, which Adam Soothill was sentenced to do indefinitely and which seriously undermines public trust in the profession and brings the profession into disrepute.*

21. *With regards to limb c, under the NMC guidance on 'Criminal convictions and cautions', FTP-2c-1, Adam Soothill's conviction is of a level of seriousness that it is a 'specified offence', which falls under the most serious cases of criminal offending, given that the Court sentenced Adam Soothill to immediate imprisonment. Adam Soothill's actions amount to a gross breach of the trust that the public places in registered and regulated professionals, and breaches the following standards of the The Code: Professional Standards of practice and behaviour for nurses and midwives (2015) ('the Code'):*

*20. Uphold the reputation of your profession at all times.*

*To achieve this, you must:*

*20.1 keep to and uphold the standards and values set out in the Code*

*20.4 keep to the Laws of the country in which you are practising*

*20.5 treat people in a way that does not take advantage of their vulnerability or cause them upset or distress*

22. *Further, the individual provisions of the Code constitute fundamental tenets of the profession. It is agreed that the conduct and offending breached fundamental tenets of the nursing profession.*

23. *For the reasons set out above, Adam Soothill accepts that at the time of committing the offence, his fitness to practise as a nurse was impaired.*

## **Remediation, reflection, training, insight, remorse**

24. In considering the question of whether Mr Soothill's fitness to practise is currently impaired, the Parties have considered Cohen v General Medical Counsel [2008] EWHC 581 (Admin), in which the Court set out three matters which it described as being "highly relevant" to the determination of the question of current impairment:

- a) whether the conduct that led to the charge(s) is easily remediable.
- b) whether it has been remedied.
- c) whether it is highly unlikely to be repeated.

25. The conduct which led to Adam Soothill's conviction for a serious sexual offences involving numerous victims, is difficult to remediate both in terms of public protection and the wider public interest.

- a) Adam Soothill's conduct is so serious that it is considered to be less easy for a registrant to put right as it involves a sexual assault as referred to in the NMC guidance on 'Serious concerns which are more difficult to put right', FTP-3a.
- b) The conduct also falls within the NMC guidance on 'Serious concerns which could result in harm to patients if not put right', FTP-3b, as the type of conduct that is likely to cause a risk to patients if not addressed in regards to promoting professionalism and trust. Adam Soothill has failed to uphold the reputation of the

*profession by not treating people fairly, without discrimination, bullying or harassment and not acting in a way that does not take advantage of their vulnerability or cause them upset or distress.*

*c) The NMC guidance on 'Serious concerns based on public confidence or professional standards', FTP-3c, is also relevant as Adam Soothill's conduct contravenes the objective to promote and maintain professional standards and the public's trust and confidence in nurses, midwives and nursing associates. The guidance states that there is a need to take action in cases where the concerns were not directly related to the care the registrant provided to people, but which call into question the basics of their professionalism, including if they have committed serious criminal offences. Further, it is agreed that action needs to be taken where a registrant has not made any attempt to reflect on the impact of their conduct on the public's trust in their profession, show insight, and has not taken any steps to put it right.*

*26. Mr Soothill has provided no evidence of insight or reflection to demonstrate remediation.*

### **Public protection impairment**

*27. A finding of impairment is necessary on public protection grounds.*

*28. Based on the above paragraphs, the possibility of future offending cannot be ruled out. Whilst Adam Soothill remains the subject of the criminal sentence imposed, in part at least to address the risk of reoffending, it would be premature to conclude that they no longer pose a*

*risk to the public. As such it accepted by Adam Soothill that their fitness to practice is currently impaired on public protection grounds.*

### **Public interest impairment**

29. *A finding of impairment is also necessary on public interest grounds.*

30. *In Council for Healthcare Regulation v Excellence v (1) Nursing and Midwifery Council (2) Grant [2011] EWHC 927 (Admin) at paragraph 74 Cox J commented that:*

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

31. *Adam Soothill's conduct has fallen far short of the standards the public would expect of professionals in a caring role, and public confidence in the profession has been seriously undermined. A finding of impairment is therefore required to maintain public confidence in the profession and professional standards by marking Adam Soothill's conduct as wholly unacceptable behaviour for a registered nurse.*

32. *It is accepted by Adam Soothill that his fitness to practice is currently impaired on public interest grounds.*

### **Sanction**

33. *The appropriate sanction in this case is a Striking Off Order.*

34. *The parties have considered the NMC's Sanctions Guidance, bearing in mind that it provides guidance, not firm rules. The purpose of sanction is not to be punitive; however, in order to address the public interest including protecting the public, maintaining confidence in the profession and upholding proper standards of conduct and behaviour, sanctions may have a punitive effect.*

35. *The aggravating features in this case are as follows:*

- a) *Mr Soothill was convicted of serious sexual offences.*
- b) *Mr Soothill received an immediate custodial sentence of 30 months imprisonment (concurrent) and is required to sign the Sex Offender Register indefinitely.*
- c) *The conduct was not isolated and involved a number of colleagues over a significant period of time. At least one of the individuals affected by the conduct was more junior to Adam Soothill who was in a position of trust at the time.*
- d) *There is evidence of actual harm to colleagues.*
- e) *There is a lack of insight on the part of Adam Soothill.*
- f) *The conviction attracted media attention which has publicly brought the reputation of the profession into disrepute and has the potential to undermine trust and confidence in the profession.*

**g) The conduct is grave and fundamentally incompatible with ongoing registration.**

36. *The sole mitigating feature in this case is as follows:*

a) *Adam Soothill has admitted the charge in these regulatory proceedings (but not the criminal proceedings as was their right) and that his fitness to practice is impaired by reason of his conviction.*

37. *The NMC guidance on 'Considering sanctions for serious cases', SAN-2, gives specific guidance on sanctions for sexual offences and criminal convictions. Sexual misconduct against colleagues is identified as likely to seriously undermine confidence in the profession and involves a serious and fundamental breach of public trust in nurses, midwives and nursing associates, particularly if the registrant has to register as a sex offender.*

38. *As a general rule, a registered professional should not be permitted to start practising again, if at all, until they have completed a sentence for a serious offence (Council for the Regulation of Health Care Professionals v f11 General Dental Council and [21 Fleischmann [2005] EWHC 87 [QB]). Adam Soothill will not have completed his sentence until 2024 and will be subject to the sex offenders register indefinitely.*

**39. Taking no further action or imposing a caution order would be inappropriate as they would not address the public protection concerns identified. Such sanctions would not reflect the seriousness of the convictions and therefore public confidence in the profession would be undermined and professional standards would not be maintained.**

40. *A Conditions of Practice Order would not be appropriate as there are no*



*identified clinical concerns that could be addressed by conditions. This sanction would not reflect the seriousness of the conviction and, therefore, public confidence in the profession would be undermined and professional standards would not be maintained.*

*41. Imposing a suspension order would temporarily protect the public, but would not be appropriate as Adam Soothill would still be subject to a criminal sentence at the conclusion of a maximum period of suspension. Such a sanction would not reflect the seriousness of the conviction and, consequently, public confidence in the profession would be undermined and professional standards would not be maintained.*

*42. It is agreed that a Striking Off Order is the appropriate sanction in this case. Adam Soothill's criminal offending has so seriously undermined public trust and confidence in the profession. The criminal offending and subsequent sentence is fundamentally incompatible with being a registered professional nurse. Only a Striking Off Order is sufficient to protect patients, maintain public confidence in the profession and maintain professional standards.*

### ***Interim order***

*43. An interim order is required in this case. The interim order is necessary for the protection of the public and is otherwise in the public interest. This is because any sanction imposed by the panel will only come into effect after the expiry of 28 days beginning with the date on which the notice of the order is sent to Adam Soothill, or after any appeal that may be instituted, is concluded. An interim order of 18 months is necessary to cover the appeal period. An interim suspension order is appropriate as this would be consistent with the sanction imposed by the panel and*

*would address the public protection and public interest concerns.*

***The parties understand that this provisional agreement cannot bind a panel, and that the final decision on findings, impairment and sanction is a matter for the panel. The parties understand that, in the event that a panel does not agree with this provisional agreement, the admissions to the charges and the agreed statement of facts set out above, may be placed before a differently constituted panel that is determining the a/legation, provided that it would be relevant and fair to do so***

*Here ends the provisional CPD agreement between the NMC and Mr Soothill.'*

The provisional CPD agreement was signed by Mr Soothill on 5 October 2022 and the NMC on 11 October 2022.

### **Decision and reasons on the CPD**

The panel decided to accept the CPD.

The panel heard and accepted the legal assessor's advice. Ms Davies referred the panel to the 'NMC Sanctions Guidance' (SG) and to the 'NMC's guidance on Consensual Panel Determinations'. She reminded the panel that they could accept, amend or outright reject the provisional CPD agreement reached between the NMC and Mr Soothill. Further, the panel should consider whether the provisional CPD agreement would be in the public interest. This means that the outcome must ensure an appropriate level of public protection, maintain public confidence in the profession and the regulatory body, and declare and uphold proper standards of conduct and behaviour.

The panel noted that Mr Soothill admitted the charge and that this admission was supported by the evidence before it, including the Judge's sentencing remarks.

Accordingly, the panel was satisfied that the charge is found proved by way of Mr Soothill's admission, as set out in the signed provisional CPD agreement.

In respect of Mr Soothill's conviction, the panel had regard to the judges' sentencing remarks from the criminal hearing that took place on 27 October 2021.

In this respect, the panel endorsed paragraphs 1 to 14 of the provisional CPD agreement in respect of Mr Soothill's conviction.

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

The panel then went on to consider whether Mr Soothill's fitness to practise is currently impaired. Whilst acknowledging the agreement between the NMC and Mr Soothill, the panel has exercised its own independent judgement in reaching its decision on impairment.

The panel considered whether Mr Soothill's fitness to practise is currently impaired by reason of his conviction. The panel determined that Mr Soothill's fitness to practise is currently impaired. It considered the charge in this case to be very serious in that it relates to 24 counts of sexual assault upon nine of Mr Soothill's female colleagues over a period of two years between 2017 and 2019. The panel was of the view that any reasonable and well-informed member of the public would consider Mr Soothill's actions in this regard to be deplorable. It further considered that any reasonable and well-informed member of the public would be shocked if a finding of impairment were not made in these circumstances.

While the panel accept that patients were not placed at direct risk of harm due to Mr Soothill's actions, it did consider that by virtue of the toxic and harmful environment he had created by sexually assaulting his colleagues, they could not work to the best of their ability and that their patients subsequently may not have been provided with optimum care.

The panel considered that Mr Soothill has been placed on the sex offender register indefinitely. Further, while it considered that the nature of the charge does not relate to any clinical concerns, it is indicative of deep-seated attitudinal issues. In these circumstances the panel considered that his conduct may be impossible to remediate.

From the evidence before it, the panel determined that Mr Soothill has made no apologies, shown no remorse and has not demonstrated any insight into his conviction, the impact his behaviour has had on his colleagues and how he has brought the profession into disrepute. The panel had regard to the following statement made in the Judges' sentencing remarks:

*“You tried to pull the wool over the jury’s eyes hiding behind a jovial workplace exterior. In relation to the seven women who alleged incidents, which you absolutely denied, there was no room for mistake, they were not exaggerating and they were not liars. As prosecution counsel pointed out, it is noteworthy that you only denied the more serious matters and it is noteworthy that your defence, in relation to two or three of your victims, changed as the evidence came out.”*

The panel considered that Mr Soothill’s sexual assaults were not a ‘one-off’ isolated incident; rather they were perpetuated over a prolonged period of two years. Further, Mr Soothill is yet to acknowledge his behaviour and its impact. In these circumstances the panel considered that Mr Soothill is liable to repeat such actions in the future.

Having considered all the above the panel determined that a finding of impairment is necessary on public protection grounds and is also in the public interest.

In this respect the panel endorsed paragraphs 15 to 32 of the provisional CPD agreement.

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

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

The panel took into account the following aggravating features:

- a) Mr Soothill was convicted of serious sexual offences.
- b) Mr Soothill received an immediate custodial sentence of 30 months imprisonment (concurrent) and is required to sign the Sex Offender Register indefinitely.
- c) The conduct was not isolated and involved a number of colleagues over a significant period of time. At least one of the individuals affected by the conduct was more junior to Adam Soothill who was in a position of trust at the time.
- d) There is evidence of actual harm to colleagues.
- e) There is a lack of insight on the part of Adam Soothill.
- f) The conviction attracted media attention which has publicly brought the reputation of the profession into disrepute and has the potential to undermine trust and confidence in the profession
- g) The conduct is grave and fundamentally incompatible with ongoing registration.

The panel also took into account the following mitigating feature:

- a) Adam Soothill has admitted the charge in these regulatory proceedings (but not the criminal proceedings as was their right) and that his fitness to practice is impaired by reason of his conviction.

The panel considered that the nature of the aggravating features far outweighed the mitigating feature.

In reaching its decision on sanction the panel had regard to the NMC guidance on sanctions, seriousness and criminal convictions.

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 Soothill'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 Soothill's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

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

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 conduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse. The panel noted that the serious breach of the fundamental tenets of the profession evidenced by Mr Soothill's actions are fundamentally incompatible with Mr Soothill remaining on the register.

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

Finally, in looking at a striking-off order, the panel took note of the following paragraphs of the SG:

- *Do the regulatory concerns about the nurse or midwife raise fundamental questions about their professionalism?*
- *Can public confidence in nurses and midwives be maintained if the nurse or midwife is not removed from the register?*
- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

Mr Soothill's actions were significant departures from the standards expected of a registered nurse and are fundamentally incompatible with him remaining on the register.

The panel was of the view that the findings in this particular case demonstrate that Mr Soothill's actions were serious and to allow him to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel agreed with the CPD that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, in particular the effect of Mr Soothill's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct himself, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to protect the public but also 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 endorsed fully paragraphs 33 to 42 of the CPD.

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

As the striking-off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Mr Soothill's own interest until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

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



The panel agreed with the CPD that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months. If no appeal is made, then the interim suspension order will be replaced by the striking off order 28 days after Mr Soothill is sent the decision of this hearing in writing.

The panel endorsed paragraph 43 of the CPD.

This determination will be sent to Mr Soothill in writing.

That concludes this determination.