

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

**Substantive Meeting
Thursday, 11 January 2024**

Virtual Meeting

Name of Registrant: Paul David Hutchison

NMC PIN 09B0194S

Part(s) of the register: Registered Nurse – Sub part 1
Mental Health Nursing – 30 January 2012

Relevant Location: Edinburgh

Type of case: Conviction

Panel members: Deborah Jones (Chair, Lay member)
Rachel Jokhi (Registrant member)
David Boyd (Lay member)

Legal Assessor: Graeme Henderson

Hearings Coordinator: Stanley Udealor

Facts proved: Charges 1 and 2

Facts not proved: N/A

Fitness to practise: Impaired

Sanction: Striking-off order

Interim order: Interim suspension order (18 months)

Decision and reasons on service of Notice of Meeting

The panel was informed at the start of this meeting that that the Notice of Meeting had been sent to Mr Hutchison's registered email address by secure email on 23 November 2023.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation and that the meeting was to be held virtually. It informed Mr Hutchison that he had until 21 December 2023 to supply any additional evidence or information and that a meeting would be held on or after 28 December 2023.

In the light of all of the information available, the panel was satisfied that Mr Hutchison has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Details of charge

That you, a registered nurse, were convicted of the following offences:

1. Between 1 February 2018 and 25 January 2021, both dates inclusive, at Royal Edinburgh Hospital, did knowingly or recklessly obtain personal data without the consent of the data controller, in that you did access 343 staff medical records without lawful authority contrary to Data Protection Act 2018 section 170(1).
2. On 29 May 2018 at Royal Edinburgh Hospital, you did act in a threatening and abusive manner in that you did having viewed personal and medical records of colleague X repeatedly send her a message containing private information obtained from said records and utter offensive and abusive comments contrary to section 38(1) Criminal Justice and Licensing (Scotland) Act 2010

AND in light of the above your fitness to practise is impaired by reason of your convictions

Background

The charges arose whilst Mr Hutchison was employed as a staff nurse at Royal Edinburgh Hospital ('the Hospital'), part of the Lothian NHS Board ('the Board'). On 28 January 2021, Mr Hutchison was referred to the NMC by the Deputy Head of Nursing at the Hospital. Mr Hutchinson was later convicted of two offences bordering on concerns on data breach of medical records of staff at the Hospital as well as threatening and harassing Colleague X/Colleague A, having obtained her private information from those records.

On 25 January 2021, Mr Hutchison's colleague, Witness 1 received a digital alert from a system called "*Fair Warning*". This system monitors staff members accessing medical records within the organisation. An alert was triggered because Mr Hutchison had accessed his own medical records. Witness 1 decided to look into this further and run a report on Mr Hutchison's login Identification to see what other medical records he had been viewing. Witness 1 discovered that Mr Hutchinson had viewed an "*alarming*" number of staff medical records.

An initial report listed over one hundred names of staff members records that Mr Hutchinson had accessed. Mr Hutchison was questioned about this and initially denied that he had accessed their records. Once it was explained to Mr Hutchinson how sophisticated the IT system was and how detailed the report was, he admitted accessing staff records and said it was "*out of boredom*". Mr Hutchison was suspended by the Board on 27 January 2021. Mr Hutchison resigned from the Board on 28 February 2021 whilst the investigation was ongoing.

Mr Hutchison's breaches of confidentiality were escalated to the local Police. The Police were initially given a spreadsheet with over two hundred and three names on that Mr Hutchison had accessed one or two times. However, for one member of staff, Colleague X/Colleague A, Mr Hutchison had accessed her records on one hundred and fourteen occasions. It was further discovered that Mr Hutchison had accessed another one hundred and forty staff members, when further searches were conducted on his account by Witness 1, leading to a total of three hundred and forty-three staff members.

The Police contacted every staff member at the Hospital to inform them that their confidentiality had been breached. Colleague X/Colleague A responded by saying that Mr Hutchison had sent her Facebook messages at certain times about events she had kept private. Further, Colleague X/Colleague A stated that Mr Hutchison sent abusive messages to them on Facebook over a number of years. After finding out that Mr Hutchison accessed their medical records, Colleague X/Colleague A was fearful of their safety and special arrangements were made to keep Colleague X/Colleague A safe from Mr Hutchison.

On 16 August 2022, at Edinburgh Sheriff Court, Mr Hutchison pleaded guilty to the criminal charges as set out in the NMC charges above. On 20 September 2022, Mr Hutchison was sentenced to two community payback orders to run concurrently of unpaid work or activities of two hundred and forty hours.

Decision and reasons on facts

The charges arise from Mr Hutchison's conviction and, having been provided with a copy of the certificate of conviction, the panel finds that charges 1 and 2 are found proved in accordance with Rule 31 (2) and (3). This states:

- '31.— (2) Where a registrant has been convicted of a criminal offence—*
- (a) a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and*
 - (b) the findings of fact upon which the conviction is based shall be admissible as proof of those facts.*
- (3) The only evidence which may be adduced by the registrant in rebuttal of a conviction certified or extracted in accordance with paragraph (2)(a) is evidence for the purpose of proving that she is not the person referred to in the certificate or extract.'*

In addition, the panel had regard to the written statement of the following witness on behalf of the NMC:

- Witness 1: Clinical Advisor in the Information Governance Department of the Hospital at the time of the incidents.

Fitness to practise

Having announced its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Mr Hutchison's fitness to practise is currently impaired by reason of his conviction. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's suitability to remain on the register unrestricted.

Representations on impairment

In its written representations, the NMC submitted that:

15. *'The NMC's guidance explains that impairment is not defined in legislation but is a matter for the Fitness to Practise Committee to decide. The question that will help decide whether a professional's fitness to practise is impaired is:*

"Can the nurse, midwife or nursing associate practise kindly, safely and professionally?"

16. *If the answer to this question is yes, then the likelihood is that the professional's fitness to practise is not impaired.*
17. *Answering this question involves a consideration of both the nature of the concern and the public interest. In addition to the following submissions the panel is invited to consider carefully the NMC's guidance on impairment.*

18. *Impairment needs to be considered as at today's date, i.e. whether Mr Hutchison's fitness to practice is currently impaired.*
19. *The questions outlined by Dame Janet Smith in the 5th Shipman Report (as endorsed in the case of Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant [2011] EWHC 927 (Admin)) are instructive.:*
20. *Do our findings of fact in respect of the [registrant's] misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his fitness to practise is impaired in the sense that he:*
- i. *has [Mr Hutchinson] in the past acted and/or is liable in the future to act as so to put a patient or patients at unwarranted risk of harm; and/or*
 - ii. *has [Mr Hutchinson] in the past brought and/or is liable in the future to bring the [nursing] profession into disrepute; and/or*
 - iii. *has [Mr Hutchinson] in the past committed a breach of one of the fundamental tenets of the [nursing] profession and/or is liable to do so in the future and/or*
 - iv. *has [Mr Hutchinson] in the past acted dishonestly and/or is liable to act dishonestly in the future*
21. *It is the submission of the NMC that all four limbs above can be answered in the affirmative in this case. Dealing with each one in turn:*
- Limb i)*
22. *Mr Hutchison's conviction is in relation to a serious offence that caused harm and distress to individuals. Mr Hutchison's conduct placed staff members at risk of harm. He committed a serious breach of trust and abused his position of authority*

23. *Limb ii)*

24. *Mr Hutchison's conviction is likely to bring or have brought the nursing profession into disrepute. The public would be extremely concerned to hear that a nurse dishonestly accessed individuals medical records and also use that information in a campaign to harass, threaten and abuse Colleague A.*

25. *Mr Hutchison has clearly brought the profession into disrepute by the very nature of the conduct displayed. Registered professionals occupy a position of trust and must act and promote integrity at all times, which have been breached in this case.*

26. *The public has the right to expect high standards of registered professionals. The seriousness of the convictions is such that it calls into question Mr Hutchison's professionalism and trustworthiness in the workplace. This therefore has a negative impact on the reputation of the profession and, accordingly, has brought the profession into disrepute.*

Limb iii)

27. *Nurses are expected to act with integrity and promote trust. The conviction shows a lack of integrity and does not promote trust in the profession. Mr Hutchison has breached fundamental tenets of the profession by failing to act with honesty and integrity.*

28. *The NMC has set out above the relevant sections of the Code we consider have been breached in this case and which we consider show that Mr Hutchinson has breached the fundamental tenets of the profession.*

Limb iv)

29. *With regard to future risk it may assist to consider the comments of Silber J in **Cohen v General Medical Council [2008] EWHC 581 (Admin)** namely (i)*

whether the concerns are easily remediable; (ii) whether they have in fact been remedied; and (iii) whether they are highly unlikely to be repeated.

30. *The NMC have considered their guidance “**Can the concern be addressed?**” **FTP-13a**. The NMC submits that Mr Hutchinson has not provided any evidence to suggest that he has strengthened his practice. On 12 March 2021, Mr Hutchinson admitted the concerns via email to the NMC. Mr Hutchinson initially engaged with the NMC although did not provide any formal response to the concerns. On 5 October 2021 Mr Hutchinson informed the NMC that they “no longer involved with nursing”. Mr Hutchinson resigned before the Trust investigation could be completed. Although the NMC notes that Mr Hutchinson pleaded guilty to the charges in the criminal proceedings this does not itself, indicate that he has addressed the concerns in his practice.*
31. *The NMC considers there is a continuing risk to the public due to Mr Hutchinson’s lack of insight, remorse and regret as the NMC has not been provided with a formal response to the concerns. We also consider there is a public interest in a finding of impairment being made in this case to declare and uphold proper standards of conduct and behavior. This is a significant departure from the standards expected of a registered nurse. Mr Hutchisons behaviour raises fundamental concerns about his attitude as a registered professional. It also demonstrates serious breaches of trust and abuse of authority. Further the harassment he inflicted onto Colleague A was for a period of time therefore showing attitudinal concerns which are hard to put right.*

Public protection

32. *Mr Hutchinson’s failings fall seriously below the standards expected of a nurse. The NMC has seen no evidence of Mr Hutchinson’s insight. For these reasons we believe Mr Hutchinson remains a risk to the health, safety or wellbeing of the public. A finding of impairment is therefore required for the protection of the public.*

Public interest

33. *The NMC consider that a finding of impairment on public interest grounds is required to declare and uphold proper standards and to maintain confidence in the profession and the NMC as a regulator. If no such finding of impairment is made this is likely to undermine confidence in the profession.*
34. *The conviction involves serious offences of breach of trust and abuse of authority and harassment and threatening behaviour. We therefore consider that his fitness to practise is impaired on both public protection grounds and in the wider public interest.'*

The panel accepted the advice of the legal assessor.

Decision and reasons on impairment

The panel next went on to decide if as a result of the conviction, Mr Hutchison's fitness to practise is currently impaired.

In this regard, the panel considered the test of Mrs Justice Cox in the case of *CHRE v NMC and Grant* as outlined in the submissions of the NMC.

The panel found that limbs a, b and c of the *Grant* test are engaged in this case. It was of the view that Mr Hutchison's conduct placed his colleagues at risk of harm and caused distress and fright to Colleague X/Colleague A. Mr Hutchison had accessed the health records of a substantial number of colleagues who were also patients. They were all contacted by the Police and informed of the data breach. Knowing that their records had been accessed was likely to have been of concern and the potential to cause actual harm.

The panel further determined that Mr Hutchison's conduct constituted a serious breach of the fundamental tenets of the nursing profession as he failed to uphold the standards and values of the nursing profession, thereby bringing the reputation of the profession into disrepute.

The panel had regard to the NMC Guidance on Impairment especially the question which states:

'Can the nurse, midwife or nursing associate practise kindly, safely and professionally?'

Regarding insight, the panel was of the view that Mr Hutchison has shown limited insight into the concerns. The panel took account of Mr Hutchison's emails to the NMC dated 12 March 2021 and 22 August 2023 respectively, where he made admissions to the charges and that his fitness to practise is impaired. He also stated that:

'What I did was stupid and wrong, i betrayed the trust of my colleagues, my employers and the nursing profession for which I deeply apologise.'

The panel noted that Mr Hutchison had shown some remorse and apologised for his conduct. However, the panel determined that Mr Hutchison's insight is still developing. It was of the view that Mr Hutchison has failed to demonstrate sufficient insight on the impact of his conduct on Colleague X/Colleague A, his colleagues, the nursing profession and public confidence in the profession. The panel further noted that Mr Hutchison did not provide any information about any detailed steps he would take to prevent such incidents from re-occurring in future.

The panel had regard to the case of *Cohen v GMC*, where the court addressed the issue of impairment with regard to the following three considerations:

- a. *'Is the conduct that led to the charge easily remediable?'*
- b. *Has it in fact been remedied?'*
- c. *Is it highly unlikely to be repeated?'*

In considering whether Mr Hutchison had strengthened his nursing practice, the panel was of the view that Mr Hutchison's conduct is suggestive of deep-seated attitudinal concerns which are difficult to remediate. The panel noted that there was no evidence before it to indicate that Mr Hutchison has strengthened his nursing practice in the areas of concern.

Mr Hutchison has not provided any evidence of training nor testimonials to demonstrate any positive steps he had taken to strengthen his nursing practice.

In light of this, this panel determined that there is a risk of repetition and a consequent risk of harm to the public. 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 had regard to the serious nature of Mr Hutchison's actions and his conviction and determined that public confidence in the profession would be undermined if a finding of impairment were not made in this case. It was of the view that a fully informed member of the public, aware of the proven charges in this case, would be very concerned if Mr Hutchison were permitted to practise as a registered nurse without restrictions. For this reason, the panel determined that a finding of current impairment on public interest grounds was required. It decided that this finding is necessary to mark the seriousness of Mr Hutchison's actions and conviction, the importance of maintaining public confidence in the nursing profession, and to uphold the proper professional standards for members of the nursing profession.

Having regard to all of the above, the panel was satisfied that Mr Hutchison's fitness to practise is currently impaired on both public protection and public interest grounds.

Sanction

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Mr Hutchison off the register. The effect of this order is that the NMC register will show that Mr Hutchison has been struck-off the register.

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.

Representations on sanction

The panel took into account the NMC's written representations on sanction, which stated:

'Sanction

35. *The NMC consider the following sanction is proportionate:*

- *A Striking-off Order*

36. *With regard to the NMC's sanctions guidance the following aspects have led to this conclusion:*

37. *The aggravating features in this case include:*

- a) *Repetitive and intrusive behaviour*
- b) *Prolonged abuse of a colleague*
- c) *No reflection or insight*
- d) *Significant risk of harm to the public and the reputation of the profession and NMC as a regulator*

38. *The mitigating features in this case include;*

- a) *Accepting the allegation*
- b) *Pleading guilty to the charges*
- c) *Resigning from his position*

No action/imposing a caution order

39. Taking the least serious sanctions first, it is submitted that taking no action or imposing a caution order would not be appropriate in this case. The **NMC Sanctions Guidance** (“the Guidance”) states that taking no action will be rare at the sanction stage and this would not be suitable where the nurse presents a continuing risk to patients. In this case, the seriousness of the convictions means that taking no action would not be appropriate. A caution order would also not be appropriate as this would not mark the seriousness of the conviction and the case is not at the lower end of the spectrum of impaired fitness to practise. Additionally, neither sanction would restrict Mr Hutchison from practising.

Conditions of Practice order

40. The Guidance (SAN-3c) says that a conditions of practice order is appropriate when the concerns can easily be remediated and when conditions can be put in place that will be sufficient to protect the public and address the areas of concern to uphold public confidence. In this case, a conditions of practice order would not be sufficient to protect the public and would not be in the public interest. Mr Hutchison’s actions were not a one off and are attitudinal in nature which cannot be addressed by a conditions of practice order. Mr Hutchison has also stated that he is not working in a healthcare setting and has no intention of doing so in future. Therefore suitable and workable conditions cannot be formulated. Moreover, a conditions of practice order would not be sufficient to mark the seriousness of the concerns.

Suspension Order

41. According to the Guidance (SAN-d), a suspension order may be appropriate when the registered professional has shown insight and does not pose a significant risk of repeating the behaviour. Mr Hutchison has shown no insight into the concerns

raised or provided any evidence that the behaviour will not be repeated. Taking into account the nature and seriousness of the conduct temporary suspension from the register would be insufficient to protect patients, public confidence in nurses, the NMC as its regulator and professional standards. Furthermore, a suspension order would fail to adequately protect the public given the nature of the conduct.

Striking- off Order

42. Given the seriousness of the incidents and conviction, it is submitted that Mr Hutchison's conduct is fundamentally incompatible with ongoing registration. The convictions involve serious breach of trust and abuse of authority. They also concern harassment and threatening behaviour. Mr Hutchison's conduct raises fundamental questions regarding his professionalism and trustworthiness. As such, the NMC considers that a striking-off order is required. Public confidence in the profession cannot be maintained unless Mr Hutchison is removed from the register. It is the only sanction which will be sufficient to protect patients, members of the public and maintain professional standards.

43. Therefore, the NMC considers that a Striking-Off order is the proportionate and appropriate sanction.

44. For the above reasons we invite the panel to make a Striking-Off Order.'

Decision and reasons on sanction

Having found Mr Hutchison'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 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:

- Sustained harassment and abuse of Colleague X/Colleague A
- Mr Hutchison's conduct posed a risk of harm to staff at the Hospital who were patients.
- Abuse of position of trust
- The incidents occurred over a long period of time.
- No evidence to demonstrate remediation or strengthened practice.

The panel also took into account the following mitigating features:

- Early admissions to the charges
- Limited insight, remorse and apology for his actions

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 Hutchison's nursing 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 this case 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 Hutchison's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel took into account the SG, in particular:

‘Conditions may be appropriate when some or all of the following factors are apparent:

- *no evidence of harmful deep-seated personality or attitudinal problems;*
- *identifiable areas of the nurse or midwife’s practice in need of assessment and/or retraining;*
- *no evidence of general incompetence;*
- *potential and willingness to respond positively to retraining;*
- *.....;*
- *patients will not be put in danger either directly or indirectly as a result of the conditions;*
- *the conditions will protect patients during the period they are in force;*
and
- *conditions can be created that can be monitored and assessed.’*

The panel was of the view that Mr Hutchison’s actions and conviction identified in this case could not be addressed through retraining and was difficult to remediate. The panel had also identified deep-seated attitudinal problems in this case on Mr Hutchison’s part. It determined that given the seriousness of the concerns, the deep-seated attitudinal problems and Mr Hutchison’s lack of insight into the impact of his actions on Colleague X/Colleague A, his colleagues and the nursing profession, there are no practical or workable conditions that could be formulated. Accordingly, a conditions of practice order would not address the risk of repetition and this poses a risk of harm to the public. The panel noted that Mr Hutchison is not currently working as a registered nurse and he has expressed his intention to not return to the nursing profession. Consequently, the panel decided that any conditions of practice order would not protect the public nor be in the public interest.

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

- *‘A single instance of misconduct but where a lesser sanction is not sufficient;*

- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *No evidence of repetition of behaviour since the incident;*
- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*
- *.....;*
- *.....'*

The panel considered that this was not an isolated incident but rather a sustained pattern of behaviour over a long period of time. It noted that although Mr Hutchison has demonstrated limited insight, he has failed to demonstrate sufficient insight on the impact of his conduct on Colleague X/Colleague A, his colleagues, the nursing profession and public confidence in the profession. The panel found that there was no evidence to show that Mr Hutchison has taken any positive steps to strengthen his nursing practice and that his actions are suggestive of deep-seated attitudinal concerns which heightens the significant risk of repetition.

Consequently, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction and would not protect the public nor satisfy the public interest consideration in this case.

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?*

In the panel's judgement, all of the criteria as set out above, are met in this case.

The panel determined that Mr Hutchison's actions, as highlighted by the facts found proved, constituted a serious breach of fundamental standards of professional conduct

and behaviour that a registered nurse is expected to maintain. The panel found that Mr Hutchison's actions were significant departures from the standards expected of a registered nurse.

The panel concluded that the serious breach of fundamental tenets of the profession, evidenced by Mr Hutchison's actions and conviction, is fundamentally incompatible with him remaining on the register. The panel was of the view that the findings in this particular case raises serious and significant questions about Mr Hutchison's professionalism 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, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the effect of Mr Hutchison's actions in bringing the nursing 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 a striking-off order would be sufficient in this case.

The panel considered that this order was necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standards of behaviour expected and required of a registered nurse.

This will be confirmed to Mr Hutchison in writing.

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 Hutchison's own interests until the striking-off sanction takes effect.

The panel heard and accepted the advice of the legal assessor.

Representations on interim order

The panel took account of the representations made by the NMC which stated:

45. 'If a finding is made that Mr Hutchison's fitness to practise is impaired on a public protection and public interest basis and a restrictive sanction imposed we consider an 18 month interim suspension order should be imposed on the basis that it is necessary for the protection of the public and otherwise in the public interest. This is because any sanction imposed by the panel would not come into immediate effect but only after the expiry of 28 days beginning with the date on which the substantive decision letter is sent to Mr Hutchinson or after any appeal is resolved. An interim order of 18 months is necessary to cover any possible appeal period.'

Decision and reasons on interim order

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 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 18 months in order to protect the public and otherwise in the public interest, during any potential appeal period. The panel determined that not to impose an interim order would be inconsistent with its earlier decisions.

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

That concludes this determination.