

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

**Substantive Meeting
Friday, 19 December 2025**

Virtual Meeting

Name of Registrant: Rolly John Flores

NMC PIN 21G01300

Part(s) of the register: Registered Nurse – Adult Nursing
RNA – (2 July 2021)

Relevant Location: Maidstone

Type of case: Conviction

Panel members: Michelle Lee (Chair, Registrant member)
Rashmika Shah (Registrant member)
Norah Christie (Lay member)

Legal Assessor: Graeme Dalglish

Hearings Coordinator: Nicola Nicolaou

Facts proved: Charges 1a, and 1b

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 Flores's registered email address by secure email on 14 November 2025.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, date and the fact that this meeting was heard virtually.

In the light of all of the information available, the panel was satisfied that Mr Flores 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:

1. On 28 January 2025 at Maidstone Crown Court were convicted of:

a. Between 09/06/2023 and 15/06/2023, being a person aged 18 or over, for the purpose of obtaining sexual gratification, intentionally communicated with a person who you did not reasonably believe to be 16 or over, and the communication was sexual by virtue of references to various sexual acts including full sexual intercourse

b. Between 09 Jun 2023 and 16 Jun 2023 at unknown intentionally arranged or facilitated an act which you intended to do in any part of the world, namely unknown, which would involve the commission of an offence under section 9 of the Sexual Offences Act 2003 of sexual activity with a child not involving penetration

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

Background

On 23 June 2023 the Nursing and Midwifery Council (NMC) received a self-referral from Mr Flores advising that he had been charged by the Police, and he had bail conditions in place. No further information was provided by Mr Flores regarding his arrest.

It is alleged that Mr Flores was arrested on 16 June 2023 for engaging in sexual communication with a child and arranging to meet with the child to engage in sexual activity. The child Mr Flores had been communicating with was an undercover Police Officer pretending to be a 14-year-old boy on the app GRINDR.

On 2 May 2024 Mr Flores was convicted by way of a guilty plea of the following offences:

- Adult attempt to engage in sexual communication with a child
- Arrange / facilitate commission of offence of sexual activity with child / cause / incite child to engage – penetration [withdrawn in favour of another offence]
- Arrange / facilitate commission of child sex offence - sexual activity – no penetration

Mr Flores appeared at Maidstone Crown Court on 28 January 2025 for sentencing and received a suspended prison sentence.

Regulatory Concerns

The NMC identified the following regulatory concerns:

1. Conviction – In that you were convicted of attempting sexual communication with a child and arranging or facilitating the commission of a child sex offence contrary to the Sexual Offences Act 2003

Decision and reasons on facts

The charges concern Mr Flores's convictions and, having been provided with a copy of the Certificate of Conviction dated 28 January 2025, the panel finds that the facts are found proved in accordance with Rule 31 (2) and (3). These state:

- '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.'*

Fitness to practise

Having announced its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Mr Flores's fitness to practise is currently impaired by reason of his convictions. 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

The NMC requires the panel to bear in mind its overarching objective to protect the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. The panel has referred to the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin).

Neither the NMC nor Mr Flores provided any written submissions in relation to impairment.

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 Flores's fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 February 2024, which states:

'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?"

If the answer to this question is yes, then the likelihood is that the professional's fitness to practise is not impaired.'

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional and to maintain professional boundaries. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 74, she said:

'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.'

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's "test" which reads as follows:

'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/their fitness to practise is impaired in the sense that S/He/They:

- a) has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
 - b) has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
 - c) has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- a) ...'*

The panel considered that although there is no evidence before it to suggest that any patients were caused harm, there is potential for harm to be caused to patients should Mr Flores's offending be repeated in the future. The panel considered that Mr Flores's convictions have breached the fundamental tenets of the nursing profession, and Mr Flores, by his conduct, failed to promote the professionalism and trust that is expected of a registered nurse at all times. The panel considered that Mr Flores's actions had brought the reputation of the nursing profession into disrepute.

Regarding insight, the panel took into account that Mr Flores's pleaded guilty at Medway Magistrates' Court on 2 May 2024, and also self-referred to the NMC. The panel also had sight of an email dated 11 July 2025 sent by Mr Flores to his NMC Case Officer. Within the email, Mr Flores admitted the charges and agreed that his fitness to practice is currently impaired. The email stated:

'I thereby confirm the charges and agreed that my Fitness to Practise is impaired.'

The panel considered that there is no evidence before it to suggest that Mr Flores has demonstrated any remorse, reflection, insight, remediation, or strengthening of his practice. The panel also took into account that Mr Flores has failed to acknowledge any risk of harm to the public, or damage to public confidence in the nursing profession.

The panel considered the factors set out in the case of *Ronald Jack Cohen v General Medical Council* [2008] EWHC 581 (Admin) and determined that the conduct which led to the convictions is so serious that it would be extremely difficult to address. It considered that anyone capable of such a serious sexual offence cannot be trusted not to repeat conduct of the same nature. The panel was of the view that there is a risk of repetition and real risk of significant harm. The panel therefore decided that a finding of impairment is necessary on the ground 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 a member of the public, with full knowledge of the case, would be shocked if a finding of impairment was not made due to the nature and seriousness of Mr Flores's convictions. The panel therefore determined that a finding of impairment on the ground of public interest was also required.

Having regard to all of the above, the panel was satisfied that Mr Flores's fitness to practise is currently impaired.

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 Flores off the register. The effect of this order is that the NMC register will show that Mr Flores 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.

Representations on sanction

Neither the NMC nor Mr Flores made any submissions in relation to sanction.

The panel accepted the advice of the legal assessor.

Decision and reasons on sanction

Having found Mr Flores'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 that these were two very serious offences. The panel considered Mr Flores's guilty plea to be a mitigating feature in this case, and noted that he self-referred to the NMC.

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 Flores'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 Flores's convictions were 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 Flores's registration would be a sufficient and appropriate response. The panel was of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case, and that the concerns do not relate to Mr Flores's clinical practice. The misconduct identified in this case was not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Mr Flores'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 found that the serious breach of the fundamental tenets of the profession evidenced by Mr Flores's actions is fundamentally incompatible with Mr Flores remaining on the register.

The panel determined that the sexual offence is so serious that a suspension order would not mark the seriousness of Mr Flores's convictions, nor would it protect the public or meet the public interest. As such, 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?*

The panel also took into account the NMC guidance on 'Criminal convictions and cautions' (ref: FTP-2c) and considered that Mr Flores'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 Flores's actions were extremely 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 determined that the only appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, in particular the effect of Mr Flores's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct themselves, the panel has concluded that nothing short of this 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 standard of behaviour required of a registered nurse.

This will be confirmed to Mr Flores 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 Flores's own interests until the striking-off sanction takes effect.

Representations on interim order

Neither the NMC nor Mr Flores made any submissions in relation to an interim order.

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

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 to allow time for any possible appeal.

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

That concludes this determination.