

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

**Substantive Meeting
Monday, 19 May 2025**

Virtual Meeting

Name of registrant:	Pheddie Delos Reyes
NMC PIN:	19C0259O
Part(s) of the register:	Nurses part of the register Sub part 1 Registered Nurse – Adult (5 March 2019)
Relevant Location:	Swindon
Type of case:	Conviction
Panel members:	Catherine Devonport (Chair, Registrant member) Colleen Sterling (Lay member) Asmita Naik (Lay member)
Legal Assessor:	Charlotte Mitchell-Dunn
Hearings Coordinator:	Petra Bernard
Facts proved:	All charges
Facts not proved:	None
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 Mr Delos Reyes was not in attendance and that the Notice of Meeting had been sent to Mr Delos Reyes' registered email address by secure email on 15 April 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 venue of the meeting.

In the light of all of the information available, the panel was satisfied that Mr Delos Reyes 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 27 July 2023, at Swindon Magistrates' Court, were convicted of the following offences:

a) On 13 July 2023 in the county of Wiltshire recorded another person doing a private act with the intention that you would, for the purpose of obtaining sexual gratification, look at an image of that other person doing the act, knowing that the other person did not consent to your recording the act with that intention, contrary to section 67 of the Sexual Offences Act 2003;

b) On 18 July 2023 at Swindon in the county of Wiltshire recorded another person doing a private act with the intention that you would, for the purpose of obtaining sexual gratification, look at an image of that other person doing the act, knowing that the other person did not consent to your recording the act with that

intention, contrary to section 67 of the Sexual Offences Act 2003.

2) On 2 May 2024, at Swindon Magistrates' Court, were convicted of the following offence:

a) On 13 July 2023 – Making (production) of an indecent Photograph/pseudo photograph of a child contrary to section 1(a) of the Protection of Children Act 1978.

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

Background

Mr Delos Reyes is a Registered Nurse, specialising in Adult Nursing, who entered the Nursing and Midwifery Council (NMC) register on 15 March 2019.

On 25 July 2023, the NMC received a referral from Great Western Hospitals NHS Foundation Trust (the Trust). The Trust outlined that on 19 July 2023, Mr Delos Reyes was arrested by Wiltshire Police, for an incident which took place on 18 July 2023.

On 19 July 2023, the Police had informed the Trust that Mr Delos Reyes had been arrested pending further investigation for an incident that took place on 18 July 2023. At 20:44, the Police had received a call from a security officer at Asda, Orbital, Swindon as a customer reported that he had been filmed whilst urinating in the men's toilets through a hole in the cubicle wall. Security officers had eventually got Mr Delos Reyes to come out of the cubicle and held him until the Police arrived. He was subsequently arrested, and the Police seized a laptop and three mobile phones from him.

The Police obtained CCTV footage from Asda which showed Mr Delos Reyes had arrived at the store at 18:10, had gone straight to the male toilets where he had remained for nearly three hours until he was removed by security. It also showed that as many as fifty males had gone into the toilets at this time including adults and children.

The urinals had been out of order and there were only two cubicles in the toilet (one of them occupied by Mr Delos Reyes). A Section 18 search of Mr Delos Reyes address was carried out and another mobile phone, a camera and webcam were seized.

A Police intelligence officer triaged one of the phones seized and found several videos showing males urinating in the toilet, filmed through a hole in the wall, as well as showing Mr Delos Reyes [PRIVATE] and smoking from what appeared to be a [PRIVATE]. As he was checking the videos, the officer came across a video of a child being filmed urinating, which showed his genitalia, and the phone was then sent for further, more in-depth investigations to be carried out.

Mr Delos Reyes was charged and on 27 July 2023 and pled guilty to two counts of voyeurism at Swindon Magistrates' Court. He was released on conditional bail and the Magistrates ordered a pre-sentence report to be prepared. On 27 October 2023, the Magistrates' Court issued a warrant as Mr Delos Reyes failed to attend Court in time. On 13 January 2024, Mr Delos Reyes was arrested on the warrant and appeared before the Court in custody. The Magistrates refused bail and remanded Mr Delos Reyes in custody until 25 January 2024. At this hearing the Magistrates decided to commit the case to the Crown Court for sentence. Mr Delos Reyes was again, remanded in custody until the hearing at the Crown Court on 22 February 2024. At this hearing the Judge adjourned the case for the prosecution to make some enquiries regarding the dates of the videos from Mr Delos Reyes phone and in relation to the investigation regarding the child image.

On 2 May 2024, Mr Delos Reyes appeared before Swindon Magistrates' Court where he pled guilty to the charge of making an indecent image of a child and was remanded in custody to appear before the Crown Court for sentencing for all three charges.

On 27 June 2024, Mr Delos Reyes appeared in custody (by video-link) before the Crown Court and was sentenced as follows:

Count 1 & 2 – Voyeurism

Concurrent - Suspended Sentence Order;

4 months imprisonment per Count, suspended for 24 months.

Programme Activity Requirement - 15 days.

Accredited Programme Requirement – 26 days (Building Choices).

DBS notification.

NORR – Notification Requirement to register with the Police for 10 years in accordance with the Sexual Offences Act 2003.

SHPO – Subject to a - 10 year Sexual Harm Prevention Order (see memorandum of conviction for requirements).

DEPO – Order for deprivation of the Defendant's rights section 155 Powers of the Criminal Courts Sentencing Act (PCCSA) 2000 – seizure of mobile phone.

Victim surcharge £187 – Collection Order imposed.

Count 3 – Indecent Image

Suspended Sentence Order;

16 months imprisonment suspended for (supervision period) 24 months.

(Same requirements as above).

Decisions and reasons on facts

The charges concern Mr Delos Reyes' convictions and, having been provided with copies of two certificates of conviction dated 9 July 2024, 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 Delos Reyes' 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 ability to practise kindly, safely and professionally.

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 accepted the advice of the legal assessor which included reference to a NMC guidance DMA-1 and a number of relevant judgments, which included: *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin) *General Medical Council v Meadow* [2007] QB 462 (Admin).

The NMC invited the panel to find Mr Delos Reyes' fitness to practise impaired on public protection grounds and also necessary on the ground of public interest.

The NMC submitted that Mr Delos Reyes has brought the profession into disrepute by the very nature of the conduct displayed. Nurses occupy a position of trust and must act and promote integrity at all times which has clearly been breached in this case. The public has the right to expect high standards from registered professionals. The seriousness and nature of the convictions have a significantly negative impact on the reputation of the profession and, accordingly, has brought the profession into disrepute.

In reference to whether Mr Delos Reyes' fitness to practise is impaired, the NMC refers the panel to 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):

'(a) has [the Registrant] 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

(b) has [the Registrant] in the past brought and/or is liable in the future to bring the [nursing] profession into disrepute; and/or

(c) has [the Registrant] 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

(d) ...'

The NMC has submitted that questions (a), (b), and (c) can be answered in the affirmative. Mr Delos Reyes' convictions are very serious and while they occurred outside of his professional practice, they caused actual harm to members of the public and therefore he poses a real risk to the health, safety, or well-being of the public due to his offending. There is a real risk of repetition of behaviour similar to those in the charges. The NMC submitted that under NMC guidance Sexual offences are specified offences and are a type of concern that are more difficult to put right as they are indicative of deep-seated behavioural and attitudinal issues.

While patients were not harmed by Mr Delos Reyes' actions, the risk of repetition of behaviour of a similar nature in future, places patients at risk of harm. Further, a registered professional being convicted of such offences may result in patients being unwilling to seek help from health professionals, which could also put members of the public at serious risk of harm.

The NMC submitted that Mr Delos Reyes' convictions, being that of voyeurism and making an indecent image of a child, risks undermining public confidence in the profession. It submitted that members of the public would be shocked and extremely concerned if a registered nurse who had been convicted of sexual offences was allowed to continue to practise.

The NMC submitted that Mr Delos Reyes has breached the fundamental tenets of The Code, those being to prioritise people and promote professionalism and trust. It referred to the guidance on impairment DMA-1, which states that while not all breaches of The Code require a finding of impairment, where a breach of The Code involves breaching a fundamental tenet of the profession, the Fitness to Practise Committee would be entitled to conclude that a finding of impairment is required. The NMC submitted that at the relevant times Mr Delos Reyes was subject to the provisions of The Code and identified he was in breach of the following: 1; 1.1; 1.5; 20; 20.1; 20.4; 20.5; 28; 29; 30 and 31.

The NMC acknowledged that in terms of context relating to [PRIVATE] factors, Mr Delos Reyes included in a reflective piece which he believed affected his behaviour and decision making. These contextual factors included [PRIVATE], cultural issues, and a [PRIVATE]. However, the NMC consider there to be no evidence that his [PRIVATE] caused or directly contributed to his behaviour which led to the convictions.

The NMC next considered Mr Delos Reyes' insight. The NMC acknowledge the he has demonstrated remorse and some insight into his actions, his early guilty plea to all three offences and his acceptance of the NMC's regulatory findings. However, in the NMC's view the insight is limited as he does not appear to appreciate the impact that the nature of his offences has on the reputation of the profession and that members of the public would likely not want to be treated by a registered nurse who has been convicted of sexual offences.

The NMC also considers that any insight and [PRIVATE] contextual factors in this case hold little weight as mitigating factors, given the nature and seriousness of

the charges. The NMC submits that there is a continuing risk to the health, safety and well-being of the public due to the nature and seriousness of Mr Delos Reyes convictions.

The NMC submits that the facts behind these convictions highlight a very real public protection risk. Patients and members of the public would be at risk of real harm, should Mr Delos Reyes be allowed to continue practising as a registered nurse. Whilst it is acknowledged that the criminal offending took place outside of his place of professional practice, there remains a risk that similar acts could take place within the scope of his professional practise and against patients, colleagues, or members of the public which would pose an unwarranted risk to public protection.

The NMC submitted that whilst the offence took place outside of Mr Delos Reyes' professional duties, the offences have resulted in Mr Delos Reyes being: sentenced to 24 months in prison, suspended for 24 months; subject to a Notification Requirement to register with the Police for 10 years in accordance with the Sexual Offences Act 2003; and a Sexual Harm Prevention Order for 10 years. The NMC submitted that a finding of impairment is thus also essential to maintain public confidence in the profession. In light of this and the serious nature of his offences, the NMC submit that a finding of impairment is necessary on public interest grounds.

Decision and reasons on impairment

The panel next went on to decide if as a result of the convictions, Mr Delos Reyes' fitness to practise is currently impaired.

The panel accepted the advice of the legal assessor.

The panel referred to *The Code: Professional standards of practice and behaviour for nurses, midwives and nursing associates*(2015) (The Code) and considered that the following sections were engaged in this case:

1. Treat people as individuals and uphold their dignity

To achieve this, you must:

1.1 treat people with kindness, respect and compassion

1.5 respect and uphold people's human rights

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

Nurses occupy a position of privilege and trust in society and are expected to be professional at all times. 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 act with integrity. They 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*
- d)'*

The panel found limbs a), b) and c) engaged in the test formulated by Dame Janet Smith in the 5th Shipman Report, as endorsed in the case of *Grant*.

The panel finds that Mr Delos Reyes' convictions, although they occurred outside of clinical practice, demonstrate a significant attitudinal concern which meant he was liable in the future to act so as to put patients at unwarranted risk of harm.

The panel finds that Mr Delos Reyes' convictions had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

Regarding insight, whilst the panel considered that Mr Delos Reyes indicated some remorse, his insight showed limited understanding of the impact of his offences on others and how this impacted negatively on the reputation of the nursing profession. The panel therefore determined his insight to be limited.

In the panel's consideration of whether Mr Delos Reyes has taken steps to strengthen his practice, the panel noted that it had no evidence before it in relation to

Mr Delos Reyes remediating the serious attitudinal concerns. His reflection did not provide any information in respect of remediation and the panel is not aware of any relevant courses or training that he has sought to attend to address the risks identified. The panel considered that given Mr Delos Reyes' limited insight and the fact that he had taken no steps to remediate meant that there is a high risk of repetition due to the nature of his behaviour.

The panel determined that there is a risk of repetition based on his deep-seated attitudinal behaviour, which is very difficult to remediate. 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 took account of Mr Delos Reyes convictions, for what the NMC defines as specified offences relating to sexual misconduct. It also noted the Sexual Harm Prevention Order (SHPO) against Mr Delos Reyes and that he has a Notification Requirement to register with the Police for ten years in accordance with the Sexual Offences Act 2003.

The panel determined that a member of the public would be shocked if a finding of current impairment was not made in this case given the severity of the convictions. The panel determined that a finding of current impairment is required in order to uphold proper professional standards of conduct and maintain public confidence in the profession.

Having regard to all of the above, the panel was satisfied that Mr Delos Reyes' 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 Delos Reyes off the register. The effect of this order is that the NMC register will show that Mr Delos Reyes 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 noted that in the Notice of Meeting, dated 15 April 2025, the NMC had advised Mr Delos Reyes that it would seek the imposition of a striking-off order if it found Mr Delos Reyes's fitness to practise currently impaired.

The NMC invited the panel to impose a striking-off order and to consider the guidance Sanction Guidance in cases involving criminal convictions (SAN-2).

The NMC submit the aggravating features of this case are that it involved criminal convictions, involving multiple incidents, the convictions related to sexual offences (specified), including an offence concerning a child.

The NMC submitted that the mitigating factors include the fact that Mr Delos Reyes pled guilty at the first opportunity, he admitted the regulatory concerns and engaged with the NMC's Fitness to Practise process, as well as the [PRIVATE] contextual factors he raised in relation to his [PRIVATE]. However it is the NMC's position that none have been identified that would have weight as mitigating factors in this case given the seriousness and nature of Mr Delos Reyes' convictions.

The NMC submit that Mr Delos Reyes' conduct and his convictions for serious sexual offences and subsequent sentence are incompatible with him remaining on the register

and therefore a striking-off order would be the most appropriate and proportionate sanction in this matter.

The NMC submitted that Mr Delos Reyes has brought the profession into disrepute and trust and confidence in the profession is likely to be seriously eroded by the fact that he has committed these offences considered so serious that it requires a suspended sentence of imprisonment. The NMC submitted that a striking-off order is required to maintain confidence in the profession and the NMC as regulator.

Decision and reasons on sanction

Having found Mr Delos Reyes'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. 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:

- *Repeated serious offences, involving voyeurism as well as an image of a minor.*
- *The fact that his offence included his recording of a minor*
- *A pattern of behaviour over a period of time*
- *Incidents involving multiple members of the public taking place in a public area*
- *Convictions in relation to sexual offences (Specified Offences - FTP-2c-1)*
- *Limited evidence of insight and a lack of understanding of the impact on others in his reflection*

The panel could not identify any mitigating features on the basis that Mr Delos Reyes' admissions were in the face of insurmountable evidence.

The panel first considered whether to take no action but concluded that this would be wholly inappropriate in view of the seriousness of Mr Delos Reyes's convictions. The panel determined that taking no action would not protect the public nor satisfy the wider public interest.

The panel first determined that a caution order would again not be appropriate as it would not restrict your practice: the public would not be protected and the public interest would not be satisfied.

It then considered the imposition of a caution order but again determined that, due to Mr Delos Reyes' limited insight, the seriousness of the case and the public protection issues identified, an order that does not restrict Mr Delos Reyes' practice would not be appropriate in the circumstances. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether to impose a conditions of practice order. The panel noted that this case did not involve concerns regarding Mr Delos Reyes's clinical practice. Notwithstanding this, the panel was of the view that there are no practical or workable conditions that could be formulated, which could address the behaviour for which Mr Delos Reyes has been convicted and sentenced for. Furthermore, having regard to the high public interest in this case, the panel considered that conditions of practice would not address the seriousness of the case and would fail to uphold confidence in the nursing profession and in the NMC as a regulator.

The panel next considered whether to impose a suspension order. The panel had regard to the SG, and the factors to consider when deciding whether to impose a suspension order. The SG states that a 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 conduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse. The panel determined, that the serious breach of the fundamental tenets of the profession evidenced by Mr Delos Reyes's actions, is fundamentally incompatible with Mr Delos Reyes remaining on the register.

Whilst there was no evidence that Mr Delos Reyes had repeated his behaviour since receiving these convictions, the panel reminded itself of the seriousness of the offence for which Mr Delos Reyes was convicted. Taking this into account and Mr Delos Reyes's lack of insight into his convictions as well as the high public interest in this case, the panel determined that in this particular case, 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 bore in mind the severity of the crimes Mr Delos Reyes has been convicted of, that his convictions are a significant departure 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 Delos Reyes' 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 determined 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 Delos Reyes'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 sanction would be sufficient in this case.

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

This will be confirmed to Mr Delos Reyes 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. 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 Delos Reyes' own interests until the striking-off sanction takes effect. The panel accepted the advice of the legal assessor.

Submissions on interim order

The NMC seeks an interim suspension order for a period of 18 months to cover the 28-day period of appeal and the time that can be taken for an appeal to be heard.

Decision and reasons on interim order

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

interest. There is nothing to indicate that such an order would be in Mr Delos Reyes' own interests.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate due to the reasons already identified in its determination for imposing the substantive order. The panel therefore decided to impose an interim suspension order for a period of 18 months to allow for any time required for an appeal process.

If no appeal is made, then the interim suspension order will be replaced by the substantive striking-off order 28 days after Mr Delos Reyes is sent the panel's decision in writing.

That concludes this determination.