

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

**Substantive Hearing
Tuesday, 30 September – Thursday, 2 October 2025**

Virtual Hearing

Name of Registrant:	Florinel-Liviu Coles
NMC PIN:	15F0624C
Part(s) of the register:	Nurses part of the register Sub part 1 RN1: Adult nurse, level 1 – 17 June 2015
Relevant Location:	Somerset
Type of case:	Misconduct
Panel members:	Susan Thomas (Chair, Lay member) Paula Charlesworth (Lay member) Sally Hatt (Registrant member)
Legal Assessor:	Sean Hammond
Hearings Coordinator:	John Kennedy
Nursing and Midwifery Council:	Represented by Jamie Perriam, Case Presenter
Mr Coles:	Not present and unrepresented
Facts proved:	Charges 1, 2, and 3
Fitness to practise:	Impaired
Sanction:	Striking-off order
Interim order:	Interim suspension order (18 months)

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Mr Coles was not in attendance and that the Notice of Hearing letter had been sent to Mr Coles' registered email address by secure email on 28 August 2025.

Mr Perriam, 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, dates and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mr Coles' 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 Coles 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 Coles

The panel next considered whether it should proceed in the absence of Mr Coles. It had regard to Rule 21 and heard the submissions of Mr Perriam who invited the panel to continue in the absence of Mr Coles. He submitted that Mr Coles had voluntarily absented himself.

Mr Perriam submitted that Mr Coles had emailed his NMC case officer on 9 July 2025 stating he will not be attending any hearing, although he maintains a strong denial of all charges. He also submitted that Mr Coles further emailed the hearing coordinator the day

before the hearing to confirm he would not be in attendance. In light of this Mr Perriam submitted there was no reason to believe that an adjournment would secure Mr Coles attendance on some future occasion.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mr Coles. In reaching this decision, the panel has considered the submissions of Mr Perriam, the emails from Mr Coles, and the advice of the legal assessor. It has had particular regard to the factors set out in the decision of *R v Jones (Anthony William)* (No.2) [2002] UKHL 5 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:

- No application for an adjournment has been made by Mr Coles;
- Mr Coles has informed the NMC that he has received the Notice of Hearing and confirmed he will not be attending;
- There is no reason to suppose that adjourning would secure his attendance at some future date;
- One witness is due to attend to give oral evidence;
- Not proceeding may inconvenience the witnesses, their employer(s) and, for those involved in clinical practice, the clients who need their professional services;
- The charges relate to events that occurred in 2024;
- Further delay may have an adverse effect on the ability of witnesses accurately to recall events; and
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Mr Coles in proceeding in his absence. Although the evidence upon which the NMC relies has been sent to him at his registered address, He will not be able to challenge the evidence relied upon by the NMC in person and will not be able to give evidence on his own behalf. However, in the panel's judgement, this can

be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies. Furthermore, the limited disadvantage is the consequence of Mr Coles' decisions to absent himself from the hearing, waive his rights to attend, and/or be represented; however, the panel benefited from written submissions provided by Mr Coles setting out the nature of his defence.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Mr Coles. The panel will draw no adverse inference from Mr Coles' absence in its findings of fact.

Decision and reasons on application to amend the charge

The panel heard an application made by Mr Perriam to amend the wording of charges 1 and 2.

The proposed amendment was to correct typographical and clerical errors in the charging to ensure it reflects the wording used by Mr Coles as referred to in the email exhibited. It was submitted by Mr Perriam that the proposed amendment would provide clarity and more accurately reflect the evidence.

'That you, a registered nurse:

1) On 25 February 2024 sent an email to Colleague A and

a) said

- i) *You filthy bitch I just found your email address on my ~~achieve~~ **archive**.*
- ii) *You **fucking** dirty slut Capable of nothing;*
- iii) *You took me out ~~of~~ **from** Pondsmead because you were afraid of me and what I'm capable of doing;*

- iv) You ~~are~~ toying with ~~the~~ **that** other fucking idiot the owner whatever her name is
- v) You manipulating her because it's all you can do;
- vi) You bought yourself a fucking puppy ~~into~~ **in** the office called Colleague B to do **the** dirty work there and ~~do~~ **all the** illegal shit;
- vii) You have that fucking stupid **idiot** Colleague C with you because you need people around you who are **not** capable of nothing, you silly cow;
- viii) You are **so** fucking proud of yourself but in fact you are just a fucking slut who is **not** capable of nothing;
- ix) You got rid of Colleague D because she was **way** better than you! you are a pathetic bitch nothing else with zero experience.
- x) You got rid of good people because you are scared of them;
- xi) One day you will pay **for everything bitch**;
- xii) Keep doing the dirty work as you always ~~do~~ **doing**;
- xiii) You are a filthy corrupt bitch alongside the owner;

2) On 26 March 2024 sent a further email to Colleague A and said:

- a) You fucking dirty slut.
- b) Are you still a nightmare for all **the** staff over there.
- c) My regret is that I didn't fuck you in your Mercedes... I would have cum in your ,mouth big time'

The panel accepted the advice of the legal assessor and had regard to Rule 28.

The panel was of the view that such amendments, as applied for, were minor and did not change the nature or gravity of the charges and was in the interest of justice. The panel was satisfied that there would be no prejudice to Mr Coles and no injustice would be caused to either party by the proposed amendments being allowed. It was therefore appropriate to allow the amendments, as applied for, to ensure that all clerical and

typographical errors in the wording of the charge is corrected and the charges reflect accurately the wording as in the evidence which has been sent to Mr Coles.

Details of charge

That you, a registered nurse:

1) On 25 February 2024 sent an email to Colleague A and

a) said

- i) You filthy bitch I just found your email address on my archive.*
- ii) You fucking dirty slut Capable of nothing;*
- iii) You took me out from Pondsmead because you were afraid of me and what I'm capable of doing;*
- iv) You toying with that other fucking idiot the owner whatever her name is*
- v) You manipulating her because it's all you can do;*
- vi) You bought yourself a fucking puppy in the office called Colleague B to do the dirty work there and all the illegal shit;*
- vii) You have that fucking stupid idiot Colleague C with you because you need people around you who are not capable of nothing, you silly cow;*
- viii) You are so fucking proud of yourself but in fact you are just a fucking slut who is not capable of nothing;*
- ix) You got rid of Colleague D because she was way better than you! you are a pathetic bitch nothing else with zero experience.*
- x) You got rid of good people because you are scared of them;*
- xi) One day you will pay for everything bitch;*
- xii) Keep doing the dirty work as you always doing;*
- xiii) You are a filthy corrupt bitch alongside the owner;*

2) On 26 March 2024 sent a further email to Colleague A and said:

- a) *You fucking dirty slut.*
- b) *Are you still a nightmare for all the staff over there.*
- c) *My regret is that I didn't fuck you in your Mercedes... I would have cum in your mouth big time*

3) Your conduct in charges 1 and/or 2 above was intended to intimidate and/or harass Colleague A by sending threatening, abusive and sexualised emails on more than on occasion.

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

Decision and reasons on application to admit written statement of Witness 2

The panel heard an application made by Mr Perriam under Rule 31 to allow the written statement of Witness 2 into evidence. He submitted that Witness 2 is an NMC employee who has produced a factual statement of how registrant can access the NMC Register in order to update their contact details, and attests to what email address was registered to Mr Coles in February and March 2024. He submitted that there is no objection indicated to this statement and it would therefore be disproportionate to call a witness to give evidence when there are no additional questions than contained in their statement.

In the preparation of this hearing, the NMC had indicated to Mr Coles in the Case Management Form (CMF), that the NMC did not intend to call Witness 2 to give oral evidence and that their statement would be admitted as evidence. There was no objection from Mr Coles, nor his then representative

The panel gave the application in regard to Witness 2 serious consideration. The panel noted that Witness 2's statement had been prepared in anticipation of being used in these

proceedings and contained the paragraph, 'This statement ... is true to the best of my information, knowledge and belief' and signed by them.

The panel accepted the advice of the legal assessor.

The panel noted that no objection had been raised to the admissibility of Witness 2's written statement prior to the commencement of the hearing.

The panel considered that as Mr Coles had been provided with a copy of Witness 2's statement and, as the panel had already determined that Mr Coles had chosen voluntarily to absent himself from these proceedings, and that Witness 2's statement was always intended to be admitted as a written statement, he would not be in a position to cross-examine this witness in any case. There was also public interest in the issues being explored fully which supported the admission of this evidence into the proceedings.

In these circumstances, the panel came to the view that it would be fair and relevant to accept into evidence the written statement of Witness 2, but would give what it deemed appropriate weight once the panel had heard and evaluated all the evidence before it.

Background

The charges arose in relation to Mr Coles employment as a registered nurse at Pondsmead Nursing Home (the Home). Mr Coles was working as a clinical lead between May 2022 and August 2022, when he resigned.

On 25 February 2024 Colleague A, who worked at the Home, received an email from the same email address Mr Coles' had used to apply for the job, which contained numerous offensive, threatening, and harassing comments relating to issues at the Home. On 26 March 2024 a second email was received with further offensive, threatening, and sexualised comments. Colleague A reported the emails to the Home management, the police, and the NMC.

The police were unable to locate Mr Coles and subsequently closed their investigation.

Decision and reasons on facts

In reaching its decisions on the disputed facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Mr Perriam and written documentation by Mr Coles.

The panel has drawn no adverse inference from the non-attendance of Mr Coles.

The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that a fact will be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

The panel heard oral evidence from the following witness called on behalf of the NMC:

- Witness 1: Colleague A

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor.

The panel then considered each of the disputed charges and made the following findings.

The panel decided that it would be appropriate to place significant weight on the statement of Witness 2 as it is produced by a senior officer of the NMC who had no knowledge or contact with anyone involved in this case and produced the statement based on official print outs of the NMC Register systems.

Charge 1

- '1) On 25 February 2024 sent an email to Colleague A and
- a) said
 - i) You filthy bitch I just found your email address on my archive.
 - ii) You fucking dirty slut Capable of nothing;
 - iii) You took me out from Pondsmead because you were afraid of me and what I'm capable of doing;
 - iv) You toying with that other fucking idiot the owner whatever her name is
 - v) You manipulating her because it's all you can do;
 - vi) You bought yourself a fucking puppy in the office called Colleague B to do the dirty work there and all the illegal shit;
 - vii) You have that fucking stupid idiot Colleague C with you because you need people around you who are not capable of nothing, you silly cow;
 - viii) You are so fucking proud of yourself but in fact you are just a fucking slut who is not capable of nothing;
 - ix) You got rid of Colleague D because she was way better than you! you are a pathetic bitch nothing else with zero experience.
 - x) You got rid of good people because you are scared of them;
 - xi) One day you will pay for everything bitch;
 - xii) Keep doing the dirty work as you always doing;
 - xiii) You are a filthy corrupt bitch alongside the owner;'

This charge is found proved.

The panel considered all the subcharges together as the statements all come from the same email that was sent on 25 February 2024, the panel noted that all the enumerated statements as direct quotes from the various sentences of the email. Therefore it considered that if the panel found that Mr Coles had send the email all of the enumerated points would have been said and were included in the same email.

The panel noted that Mr Coles rejects sending the message and claims that his email account may accessed by someone else or the images amended by Colleague A. However, the panel had no evidence to support this claim. The panel noted that in his written account Mr Coles does not provide any information on steps taken by him to resecure his email address which would have been expected in the event of it being hacked, especially given this address was his registered address with the NMC. The panel noted that additionally it had been nearly 18 months since Mr Coles had stopped working at the Home and Colleague A's relationship was purely professional so had no reasons to fabricate or otherwise create a false email purporting to be from Mr Coles.

The panel noted that in their oral evidence Colleague A stated how they received the emails, recognised the address it was sent from as belonging to Mr Coles and that they contained information about the Home that would only have been known by Mr Coles. Colleague A also stated that the tone of the email, including the style of writing, use of emoticons, and the inclusion of the subscript in Romanian at the foot of the email, all indicated that it was written by Mr Coles.

The panel noted that the email address used to send the messages is the same one Mr Coles used to apply for the role in 2022. Additionally, in February 2024, the email address matches the one Mr Coles used to correspond with the NMC, although he has since changed his registered email address in June 2022. The panel considered that given Mr Coles' suggestion that his email address had been accessed by another person in February 2022 it would have been more likely that he would seek to change his official registered email address with the NMC at an early stage, given this would be used for his nursing registration and payment of required fees. In light of this the panel concluded on the balance of probabilities the email address was Mr Coles' and in all likelihood he would have been the person who sent the emails.

The panel therefore finds this charge proved.

Charge 2

'On 26 March 2024 sent a further email to Colleague A and said:

- a) You fucking dirty slut.
- b) Are you still a nightmare for all the staff over there.
- c) My regret is that I didn't fuck you in your Mercedes... I would have cum in your mouth big time'

This charge is found proved.

The panel considered all the subcharges together as the statements all come from the same email that was sent on 26 March 2025. The panel noted that all the enumerated statements as direct quotes from the various sentences of the email. Therefore it considered that if the panel found that Mr Coles had send the email all of the enumerated points would have been said and were included in the same email.

In regard to the providence of the email the panel noted its findings above and considered that, with the change of the date, all the same points apply in this email.

Additionally, the panel noted that this email included some personal information about Colleague A, the type of car they used at the time Mr Coles knew them, which would have been unlikely to be known by someone who had hacked Mr Coles' email address or otherwise accessed his account. Therefore, the panel considered it to have been more likely to have been sent by Mr Coles.

This charge is therefore found proved.

Charge 3

‘Your conduct in charges 1 and/or 2 above was intended to intimidate and/or harass Colleague A by sending threatening, abusive and sexualised emails on more than on occasion.’

This charge is found proved

The panel considered that in both emails there were words used which are clearly derogatory and harassing based on Colleague A's protected characteristic of sex. The panel considered especially the wording at charge 2c is explicitly sexualised in nature indicating a threat of assault or abuse. The panel considered that the language used in both emails is clearly such that would intimate and violate the dignity of Colleague A.

The panel noted that the impact of the emails on Colleague A was significant. They were greatly intimidated, to the level of seeking police engagement and changing their daily life to provide greater personal security. In oral evidence they stated this was a direct result of receiving both emails.

The panel noted that the emails were full of explicit language, swearing, and highly offensive towards Colleague A, and other colleagues. The panel considered that given the volume of material in the emails that would be considered threatening, abusive, and sexualised in nature, there is no other reasonable interpretation of why they were sent other than to intimidate and harass Colleague A.

Therefore the panel found this charge to be proved in respect of both charges 1 and 2.

Fitness to practise

Having reached its determination on the facts of this case, the panel then moved on to consider, whether the facts found proved amount to misconduct and, if so, whether Mr Coles' fitness to practise is currently impaired. 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.

The panel, in reaching its decision, has recognised its statutory duty to protect the public and maintain public confidence in the profession. Further, it bore in mind that there is no burden or standard of proof at this stage and it has therefore exercised its own professional judgement.

The panel adopted a two-stage process in its consideration. First, the panel must determine whether the facts found proved amount to misconduct. Secondly, only if the facts found proved amount to misconduct, the panel must decide whether, in all the circumstances, Mr Coles' fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct

Mr Perriam invited the panel to take the view that the facts found proved amount to misconduct. He invited the panel to have regard to the terms of 'The Code: Professional standards of practice and behaviour for nurses and midwives 2015' (the Code) in making its decision.

Mr Perriam identified section 20.1, 20.2, 20.3, 20.5, 20.7, 20.8, and 20.10 as specific, relevant standards of the Code where Mr Coles' actions amounted to misconduct. He submitted that the actions of Mr Coles were a significant departure from the expected standards of a registered nurse and were sufficiently serious to amount to misconduct.

Submissions on impairment

Mr Perriam moved on to the issue of impairment and addressed the panel on the need to have regard to protecting 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. This included reference to the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin).

Mr Perriam submitted that in reference to the test set out in the case of *CRE v NMC and Grant* the first three limbs are engaged. He submitted that Mr Coles' actions were intended to intimidate, and harass Colleague A in a way that would have caused them harm. He submitted that writing two emails of highly offensive and sexualised nature intimidating a former colleague is not what would be expected of a registered nurse and Mr Coles' actions by doing so were a significant breach of the fundamental tenet of the nursing profession, to act kindly and professionally, and brought the profession into disrepute. He submitted that Mr Coles has not demonstrated any insight, reflection, or remediation and that given the derogatory nature of his emails there is a high risk of deep-seated attitudinal issues. He submitted that given the lack of insight there remains a real risk of repetition.

Mr Perriam submitted that therefore a finding of impairment is required on both the public protection and public interest grounds.

The panel accepted the advice of the legal assessor.

Decision and reasons on misconduct

When determining whether the facts found proved amount to misconduct, the panel had regard to the terms of the Code.

The panel was of the view that Mr Coles' actions did fall significantly short of the standards expected of a registered nurse, and that Mr Coles' actions amounted to a breach of the Code. Specifically:

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

20.2 act with honesty and integrity at all times, treating people fairly and without discrimination, bullying or harassment

20.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people

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

20.7 make sure you do not express your personal beliefs (including political, religious or moral beliefs) to people in an inappropriate way

20.8 act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to

20.10 use all forms of spoken, written and digital communication (including social media and networking sites) responsibly, respecting the right to privacy of others at all times”

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. However, the panel was of the view that Mr Coles’ actions in sending multiple emails including derogatory, sexualised, and offensive language with the intention of intimidating and harassing a former colleague is a significant departure from the standards expected of a registered nurse. In reaching this decision, the panel considered that while Mr Coles’ actions were not committed in clinical practice, it was satisfied that section 20.8 is engaged given the attitudinal nature of the conduct and the overall lack of demonstration of how a registered nurse should purport themselves.

The panel found that Mr Coles’ actions did fall seriously short of the conduct and standards expected of a nurse and amounted to misconduct.

Decision and reasons on impairment

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

In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 March 2023, and the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* particularly at paragraphs 74 and 76. The panel considered that the first three limbs of the test set out in that judgement are engaged.

The panel finds that while patients were not put at risk of harm there was emotional harm caused to Colleague A, who described feeling scared and threatened as a result of Mr Coles' misconduct. Additionally, the panel determined that there were attitudinal concerns as evidenced in Mr Coles' intentional use of language to intimidate and harass Colleague A there is a risk that he may express similar language in a clinical setting which would be a risk of harm.

The panel considered that there has been no remediation, insight, or remorse demonstrated by Mr Coles. In his reflective statement, produced a number of years ago, Mr Coles focuses more on the impact on himself and the suggestion that his emails have been accessed or altered by Colleague A. However, despite making this assertion he does not detail ways in which he has changed his email security to prevent it happening again; nor does he reflect on how Colleague A might be feeling having received intimidating emails. The panel also considered that the use of language used in the emails, being highly derogatory, sexualised, and offensive, is highly suggestive of deep-seated attitudinal concerns. There has been no recent reflection or insight from Mr Coles, no relevant training certificates, or recent testimonials from current employers. Therefore, in light of all this the panel considered there is a real risk of repetition.

Mr Coles' misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. The panel found that it is expected that at

all times, especially in regard to professional relationships, a registered nurse will act professionally, kindly, and safely. It found that Mr Coles' actions were to send two emails towards Colleague A, a number of months after leaving his employment with the intention of intimidating and harassing them. The panel considered that this is a significant breach of the fundamental tenet of nursing. The panel also considered that there has been no reflection from Mr Coles to suggest he would not repeat this behaviour in the future. The panel therefore found Mr Coles' fitness to practise currently impaired on public protection grounds.

The panel bore in mind that the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This 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 was satisfied that an informed member of the public would be extremely concerned if a finding of impairment was not made in this case given the nature and seriousness of Mr Coles' misconduct. Accordingly, the panel considered that a finding of current impairment is also required to maintain public confidence in the nursing profession, to declare and uphold professional standards within the profession, and to maintain public confidence in the regulatory process.

The panel concluded that in light of all this Mr Coles' fitness to practise is currently impaired by reason of his misconduct on the grounds of both public protection and public interest.

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

Submissions on sanction

Mr Perriam informed the panel that in the Notice of Hearing, the NMC had advised Mr Coles that it would seek the imposition of a striking-off order if it found Mr Coles' fitness to practise currently impaired. He submitted that in light of the public protection and public interest concerns identified by the panel this remains the only proportionate sanction. He outlined a number of aggravating features of this case, including that Mr Coles' sent intimidating and harassing emails on two occasions and the deep-seating attitudinal concerns identified by the panel. He submitted that these suggest this is a very serious case that requires a striking off order to protect the public and to mark the wholly unacceptable nature of the misconduct.

Decision and reasons on sanction

Having found Mr Coles' 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:

- Deep-seated attitudinal concerns
- Absence of insight into failings

- Repeated misconduct sending two threatening and intimidating emails
- Conduct which put the public at risk of suffering harm.

The panel also took into account the following mitigating features:

- Five positive testimonials from former employers

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 Coles' 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 Coles' 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 Coles' 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 charges in this case. The misconduct identified in this case was not something that can be addressed through further training. Furthermore, the panel concluded that the placing of conditions on Mr Coles' registration would not adequately address the seriousness of this case and 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 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 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 considered that none of the above factors are present in this case to suggest a suspension order may be appropriate. The panel had found that the misconduct was repeated as Mr Coles sent two intimidating emails. The panel found there has been no insight, remorse, or remediation, and that there are strong indications of a deep-seated attitudinal concern. The panel noted that the serious breach of the fundamental tenets of the profession evidenced by Mr Coles' actions is fundamentally incompatible with Mr Coles remaining on the register. The panel considered that Mr Coles' actions caused significant harm to Colleague A and the two emails were exceptionally offensive, derogatory, intimidating, and harassing. It determined that this was evidence of a deep-seated attitudinal issue.

The panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction. The panel determined that whilst a suspension order would temporarily protect the public during the period of suspension, it would not adequately address the significant wider public interest concerns identified.

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 Coles' 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 Coles' 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 effect of Mr Coles' 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 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 Coles 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 Coles' own interests until the striking-off sanction takes effect.

The panel accepted the advice of the legal assessor.

Submissions on interim order

The panel took account of the submissions made by Mr Perriam that an interim suspension order for 18 months is necessary on the grounds of public protection and otherwise in the public interest to cover any potential 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 on the grounds of public protection and otherwise in the public interest to cover any potential appeal period.

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

That concludes this determination.