

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

Substantive Meeting

Tuesday 30 September 2025 – Thursday, 2 October 2025

Virtual Meeting

Name of Registrant:	Jose Antonio Piccio
NMC PIN:	19H0516O
Part(s) of the register:	Registered Nurse – Adult Nursing RNA – (19 August 2019)
Relevant Location:	Bath and Northeast Somerset
Type of case:	Misconduct
Panel members:	Oluwasola Falola (Chair, registrant member) Janet Fitzpatrick (Registrant member) Steven Chandler (Lay member)
Legal Assessor:	Graeme Sampson
Hearings Coordinator:	Emily Mae Christie (30 September 2025) Samara Baboolal (1 - 2 October 2025)
Facts proved:	Charges 1a(i), 1a(ii), 1b, 1c, 1d, 1e(i), 1e(ii), 1f, 1g(i), 1g(ii), 1g(iii), 1h(i), 1h(ii), 1h(iii), 2, 3
Facts not proved:	N/A
Fitness to practise:	Impaired
Sanction:	Strike off
Interim order:	Interim Suspension Order (18 months)

Decision and reasons on service of Notice of Meeting

At the start of this meeting, the panel was informed that the Notice of Meeting had been sent to Mr Piccio's registered email address by secure email on 18 August 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 and dates, and the fact that this meeting was to be heard virtually.

In light of all the information available, the panel was satisfied that Mr Piccio 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. Whilst employed as a Band 7 Nurse at the Royal United Hospitals Bath NHS Foundation Trust:
 - a. On one or more occasions in or around September and October 2023:
 - i. You bit the shoulder of Colleague A.
 - ii. Made inappropriate comments to Colleague A highlighting the age difference between you both.
 - b. On 7 October 2023 you crouched down and touched Colleague A's face.
 - c. On 13 October 2023 you touched and squeezed Colleague A's nose.
 - d. On 2 November 2023 you attempted to watch Colleague A remove her uniform.

- e. On 11 or 12 November 2023:
 - i. Crept up on Colleague A whilst in the kitchen.
 - ii. Jabbed Colleague A in the ribs.
 - f. On 12 November 2023 you ruffled Colleague A's hair.
 - g. On 15 November 2023:
 - i. Entered a cupboard that Colleague A was in.
 - ii. Blocked the door of the cupboard, thereby blocking Colleague A in.
 - iii. Touched Colleague A's waist.
 - h. On 16 November 2023:
 - i. Held Colleague A's arms down by her side.
 - ii. Bit Colleague A's shoulder.
 - iii. Said to Colleague A that you were not worried as to the reaction Colleague A's mother would have to the bite marks you had left.
2. Your conduct in Charge 1 was sexually motivated in that you were seeking sexual gratification and/or were in pursuit of a future sexual relationship.
3. Your conduct in Charge 1 constituted a course of sexual harassment.

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

Background

On 30 April 2024, the Nursing and Midwifery Council (NMC) received a referral from Royal United Hospitals Bath NHS Foundation Trust (the Trust) concerning Mr Piccio's behaviour with Colleague A. The Trust had employed Mr Piccio as a Band 6 registered nurse since April 2019. Colleague A started working at the Trust in July 2023 as a Healthcare Support Worker (HCSW). Colleague A was 19 years old at the time, and this was their first nursing placement.

The referral outlined a number of concerns regarding Mr Piccio's conduct around Colleague A. It was alleged that between October 2023 and November 2023, Mr Piccio displayed inappropriate behaviours towards Colleague A. These behaviours escalated during October 2023 and November 2023, when Mr Piccio allegedly started touching Colleague A, jabbing her in the ribs, pinching her nose, touching her hair, putting his hands on her waist and restraining her arms.

It was also alleged that Mr Piccio bit Colleague A on the shoulder, sneaked up on her when she was alone, blocked her exit from a storeroom, and persistently asked her to smile. It is alleged that Mr Piccio persisted with this behaviour over a two-month period, disregarding Colleague A's requests for it to stop on more than one occasion.

Mr Piccio was suspended from work on 23 November 2023. On 17 April 2024, following a finding of gross misconduct, Mr Piccio was summarily dismissed from his post.

Decision and reasons on facts

In reaching its decisions on the disputed facts, the panel took into account all the documentary evidence in this case together with the representations made by the NMC.

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 had regard to the written statements of the following witnesses on behalf of the NMC:

- Witness 1: Colleague A, employed by the Trust at the material time;
- Witness 2: Divisional Director for Nursing and Medicine at the Trust, at the material time;

- Witness 3: Matron for the Older Persons Unit at the Trust, and managed the internal investigation at the material time;
- Witness 4: Deputy People Partner for the Trust, and supported the internal investigation at the material time;
- Witness 5: Band 7 Senior Sister at the Trust at the material time.

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor. It considered the documentary evidence provided by the NMC.

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

Charge 1a(i)

‘a. On one or more occasions in or around September and October 2023:

i. You bit the shoulder of Colleague A.’

This charge is found proved.

The panel first considered the statement of Colleague A who explained that Mr Piccio *‘then started to bite my shoulder. This would involve [Mr Piccio] putting his teeth onto my shoulder and squeezing them together over the top of my uniform ...’*. Colleague A explained that she found this behaviour *‘weird and stress inducing’*. The panel also took into account that Colleague A’s initial complaint, her internal statement to the Trust, and her witness statement were consistent. The panel was of the view that Colleague A’s evidence was credible and compelling.

The panel also took into account Witness 5’s witness statement at paragraph 9, where she states:

'I became aware of the series of incidents which had involved [Mr Piccio] and in around mid-November 2023. had come to my office and asked to speak to me. She then proceeded to tell me what had been happening and explaining the types of behaviours [Mr Piccio] had been displaying towards her, to include:

- Biting her shoulder*
- ...'*

The panel was of the view that Witness 5's statement further corroborated Colleague A's account.

The panel took into account the summary of Mr Piccio's responses to the investigation, contained in Witness 3's *'Managing Conduct Investigation Report'*. It considered the transcript of the Bullying and Harassment Complaint Meeting on 20 December 2023. In the meeting, Mr Piccio was asked how often he bites Colleague A, to which he responded with *'Not often. I remember when we're busy and she was like 'Oh, my god. why are you always biting me?''* The panel was of the view that this was an admission to biting Colleague A.

In light of the evidence outlined above, the panel was satisfied that on one or more occasions in or around September and October 2023, Mr Piccio bit the shoulder of Colleague A. Therefore, charge 1a(i) was found proved.

Charge 1a(ii)

- 'a. On one or more occasions in or around September and October 2023:*
- ii. Made inappropriate comments to Colleague A, highlighting the age difference between you both.'*

This charge is found proved.

The panel took into account Colleague A's witness statement at paragraph 12, in which she explained that she believed Mr Piccio to be *'over 30 years old at the time of events, so*

over a decade older than me. This age gap scared me, as it made me anxious and uncomfortable’. In her local statement to the Trust, Colleague A explained that *‘We would talk about life outside of work, but nothing inappropriate, although these conversations did often illustrate our considerable age gap.’* Colleague A mentioned the age gap again in her local statement, *‘I recall him once repeatedly asking me to smile, because he knew I’d had braces in school (again demonstrating the age gap)’*.

The panel noted that Mr Piccio did not address this incident in his reflective statement, nor was he asked any questions about it in the interview on 20 December 2024, or in the disciplinary hearing on 17 April 2024. However, the panel was of the view that Colleague A was consistent in her account, and there was no other evidence before the panel to contradict this. Therefore, the panel preferred the evidence of Colleague A.

In light of the evidence outlined above, the panel was satisfied that on the balance of probabilities, it was more likely than not that on one or more occasions in or around September and October 2023, Mr Piccio made inappropriate comments to Colleague A, highlighting the age difference between them. Therefore, charge 1a(ii) was found proved.

Charge 1b

‘b. On 7 October 2023, you crouched down and touched Colleague A’s face.’

This charge is found proved.

The panel first considered the witness statement of Colleague A, where she explains that she had got changed in the ward changing rooms when Mr Piccio came in. Colleague A stated that *‘He then approached me, and he was standing over me, asking why I had changed? I responded that I was meeting my cousin after work, and when I looked down after confirming this, he reached down and cupped my face with his hand, turning it up towards him.’* The panel noted Colleague A’s explanation of how this made her feel, namely, *‘I was flabbergasted ... I felt like my personal space had been invaded.’*

The panel also noted that Colleague A’s account is corroborated by Witness 5’s witness statement at paragraph 9, where she states:

'I became aware of the series of incidents which had involved [Mr Piccio] and in around mid-November 2023. had come to my office and asked to speak to me. She then proceeded to tell me what had been happening and explaining the types of behaviours [Mr Piccio] had been displaying towards her, to include:

- ...*
- Touching her face and hair ...'*

In the interview on 20 December 2023, Mr Piccio explained that *'I touched her cheek with my forefinger [demonstrated stroking cheek with forefinger]. I put my stuff in a locker. After I locked the locker, I touched her cheek with my forefinger, not with the palm. She said she was meeting someone, a friend or relative.'* The panel was of the view that this constituted an admission to touching Colleague A's face. Therefore, the panel was of the view that there was no evidence before it to contradict Colleague A's account.

In light of the evidence outlined above, the panel was satisfied that on 7 October 2023, Mr Piccio crouched down and touched Colleague A's face. Therefore, charge 1b was found proved.

Charge 1c

'c. On 13 October 2023, you touched and squeezed Colleague A's nose.'

This charge is found proved.

The panel considered the witness statement of Colleague A who explained that she had taken out her nose ring as she was 'suffering from COVID'. In relation to the incident, she described:

'[Mr Piccio] reached out with his hand to touch my nose, pinched it and began wiggling and squeezing my nose. I recall saying to [Mr Piccio] that he should not touch my nose, as I had just taken the piercing out, and that it was sore. However, in response to this, [Mr Piccio] laughed and walked away onto the ward.'

The panel also took into account Mr Piccio's response to this incident. When he was asked about it in the interview on 20 December 2023, he explained that he *'was just joking and it was to start a conversation.'* He was then asked if he *'pinched other people's noses'* to which he responded *'No, it was impromptu thing I came up with to start conversation.'* The panel noted that although Mr Piccio did not admit the allegation directly, he does not deny it when it was put to him.

The panel was of the view that there was clearly some type of incident that occurred between Colleague A and Mr Piccio that involved him touching her nose. In light of evidence that Mr Piccio had a history of unwanted physical contact on Colleague A, the panel decided to prefer the evidence of Colleague A. It noted that there is no evidence before it that contradicts Colleague A's version of events, and furthermore, she has been consistent throughout from making her complaint to the internal investigation to the NMC investigation.

In light of the evidence outlined above, the panel was satisfied that on a balance of probabilities, it was more likely than not that, on 13 October 2023, Mr Piccio touched and squeezed Colleague A's nose. Therefore, charge 1c was found proved.

Charge 1d

'd. On 2 November 2023 you attempted to watch Colleague A remove her uniform.'

This charge is found proved.

The panel first took into account the witness statement of Colleague A. She outlined that this incident occurred whilst she was getting a flu vaccination in the sister's office on the ward. She stated:

'When it was my turn, I sat in the sister's office and waited for the vaccination nurses to prepare. I recall that they could not access my upper arm due to my uniform, I therefore had to partially remove my work tunic so

the nurse could access my upper left arm. I asked the nurse if it was easier if I removed my arm from the uniform tunic, and she agreed. [Mr Piccio], who was sat on an office chair in the sister's office with his phone out to record me getting my vaccination, was grinning which made me feel that he found the situation entertaining. I cannot recall the name of the nurse, however the nurse providing my flu-vaccination asked me if 'I wanted to get rid of him?', I responded 'yes', and she told him to leave the room and then proceeded to give my vaccination. I recall that the nurse apologised for [Mr Piccio], saying 'sorry about that' as she could see I was nervous, uncomfortable and just wanted to get the vaccination over with'

The panel noted that another nurse witnessed this incident. It considered Colleague A's witness statement the only evidence of this incident, as it was not mentioned in her initial complaint or internal statement. However, the panel was of the view that Colleague A was a reliable witness and had no reason to fabricate her account. Furthermore, the panel noted that almost all of the evidence she had provided concerning all other charges is corroborated.

The panel took into account that Mr Piccio had not responded to this allegation.

In light of the evidence outlined above, the panel was satisfied that on a balance of probabilities, it was more likely than not that, on 2 November 2023, Mr Piccio attempted to watch Colleague A remove her uniform. Therefore, charge 1d was found proved.

Charge 1e(i) and (ii)

- 'e. On 11 or 12 November 2023:
 - i. Crept up on Colleague A whilst in the kitchen
 - ii. Jabbed Colleague A in the ribs.'

These charges are found proved.

The panel took into account the Witness statement of Colleague A. She explained that this incident occurred on a night shift, and she was in the kitchen '*washing cups in the sink.*'

'I then heard a set of keys jingle from outside of the door. It is common for Nurses on the ward to have a set of keys for controlled drugs and drug trolleys, and for the keys make noise when they walk around the ward. Upon hearing this, I turned around and saw [Mr Piccio] who had a large grin on his face and was about to jab me in the ribs. I recall that I was not in a good mood that night, and I said to him 'I'm not an idiot, I can hear your keys'. [Mr Piccio] then exited the kitchen, and I resumed washing up. [Mr Piccio] however returned around five minutes later, with the keys removed from his uniform pocket and proceeded to approach me from behind, successfully jabbing me in the ribs. I recall jumping as I had not heard him come into the kitchen this time due to him removing his keys out of his uniform pocket. I remember telling him, 'you shouldn't do that, what if I'd hit you?' and he responded by laughing and walking away.'

The panel was of the view that Colleague A's statement was consistent with her initial complaint and account to the Trust.

The panel took into account Mr Piccio's response to this charge. In an interview on 20 December 2023, Mr Piccio explained his account regarding this incident:

'It started in a shift where I was doing some cleaning in the ward kitchen and I came in to make tea for a patient and she said I made her jump and so I said sorry. She said I couldn't sneak up on her as she has a little brother at home and her little brother sneaks up to her all the time, and I laughingly asked if that was a challenge? It was the start of a joke between us. I jabbed her in the ribs to make her jump and startle and she said 'oh you won't be able to do [that] again' and we were laughing about it.'

The panel noted that Mr Piccio admitted to jabbing Colleague A in the ribs in this interview on numerous occasions. The panel also noted how Mr Piccio explained how he did not remove his keys, but put them in his pocket: *'I went up to startle her and she said I can hear your keys jingling so I put them in my pocket. I have them in my pockets with my house keys [[Mr Piccio] demonstrates/shows keys in pocket]. I don't remove them.'*

The panel were of the view that Mr Piccio admitted to both creeping up on Colleague A and jabbing her in the ribs. It noted that his responses during the interview showed he knew it was unwelcome, and his explanation suggested that this behaviour was a regular occurrence.

In light of the evidence outlined above, the panel was satisfied that on 11 or 12 November 2023, Mr Piccio crept up on Colleague A whilst in the kitchen, and jabbed Colleague A in the ribs. Therefore, charges 1e(i) and (ii) were found proved.

Charge 1f

'f. On 12 November 2023 you ruffled Colleague A's hair.'

This charge is found proved.

The panel first considered the witness statement of Colleague A. At paragraph 25 she outlined that she recently had a haircut. Upon her return to work, when she *'was conducting my rounds with the tea trolley'*, Mr Piccio *'walked past, reached forward, and ruffled up my hair.'*

When Mr Piccio was asked about this incident in his disciplinary hearing on 17 April 2024, he admitted to touching Colleague A's hair, although his version of events was different to that of Colleague A.

The panel preferred Colleague A's evidence, noting that her evidence regarding all of the charges has been clear and consistent throughout, and it had no information before it to contradict Colleague A's version of events.

In light of the evidence outlined above, the panel was satisfied that on the balance of probabilities, it was more likely than not that on 12 November 2023, Mr Piccio ruffled Colleague A's hair. Therefore, charge 1f was found proved.

Charge 1g(i), (ii), and (iii)

- 'g. On 15 November 2023:
- i. Entered a cupboard that Colleague A was in
 - ii. Blocked the door of the cupboard, thereby blocking Colleague A in
 - iii. Touched Colleague A's waist.'

These charges are found proved.

The panel took into account Colleague A's witness statement, in which she explained that she was hiding in the '*back store cupboard*' to hide from another member of staff. She explained that Mr Piccio then '*entered the cupboard and stood in front of the door that [Colleague A] had used to enter into the cupboard.*' Colleague A described the cupboard as '*secluded*'. She explains that Mr Piccio asked her a question about the colleague she was hiding from but didn't want to talk to him about it. Colleague A then outlined the incident:

'As I attempted to get past [Mr Piccio], who was blocking the door, in order to leave the cupboard, he put both of his hands on my waist. At this point, I could feel the air change in the cupboard, and I thought he was going to try and do something to me. I remember saying that I had to get back to the patients on the ward and thanked him for asking. Then I had to squeeze past him to get out of the cupboard door. It felt wrong, and I felt trapped and scared for my safety.'

The panel also noted the witness statement of Witness 5 who states

'I became aware of the series of incidents which had involved [Mr Piccio] and in around mid-November 2023. had come to my office and asked to speak to me. She then proceeded to tell me what had been happening and explaining the types of behaviours [Mr Piccio] had been displaying towards her, to include:

- ...
- *Inappropriately touching her waist'*

The panel was of the view that the evidence as outlined in Colleague A's witness statement was clear and consistent with her initial complaint and statement to the Trust. It noted that the statement of Witness 5 further corroborated Colleague A's account. The panel noted that Colleague A was clear about how the incident had made her feel and explained how the incident occurred. The panel was of the view that there was no further evidence before it that contradicted Colleague A's account.

The panel also took into account Mr Piccio's comments about the incident.

In Mr Piccio's statement to the Trust during the internal investigation, dated 27 November 2023, he stated:

'I do hold her arm and pretend block her way in the corridor, but we do this as a joke to each other and we are doing it for giggles. I did not intend to do it in order to restrain her and threaten her in any way as I respect her as a person and we have worked together for a while, that I thought we have treated this as just for laughs and giggles between friends at work.'

When Mr Piccio was initially asked about this incident during his interview on 20 December 2023, he had said that:

'I can't remember, is putting hand on her waist the same as poking hands on her ribs? Maybe she thought I was putting my hands on her waist when I was trying to jab her in the ribs. I don't recall doing that with hands. Is this incident in the corridor or store room because the corridor is too narrow for 2 people to pass easily.'

However, when he was asked about the incident in his disciplinary hearing on 17 April 2024, he explained that:

'I said just stay here and I'll let you know when he's left, in the corridor I put my hands on her waist, it is very narrow to pass by each other so put my hands on her waist and moved her aside.'

The panel noted that Mr Piccio's accounts were inconsistent, having seemingly admitted to the incident in his disciplinary hearing, but denying it initially. The panel determined to prefer the evidence of Colleague A in relation to these charges, as she had provided a clear and consistent account throughout.

In light of the evidence outlined above, the panel was satisfied that on the balance of probabilities, it was more likely than not that on 15 November 2023, Mr Piccio entered a cupboard that Colleague A was in, blocked the door of the cupboard, thereby blocking Colleague A in, and touched Colleague A's waist. Therefore, charges 1g(i), 1g(ii), and 1g(iii) were found proved.

Charge 1h(i), (ii), and (iii)

'h. On 16 November 2023:

- i. Held Colleague A's arms down by her side*
- ii. Bit Colleague A's shoulder*
- iii. Said to Colleague A that you were not worried as to the reaction Colleague A's mother would have to the bite marks you had left.'*

These charges are found proved.

The panel first considered the witness statement of Colleague A, which outlined the incident as charged. She stated:

'... [Mr Piccio] came into the nurse's station and stood in front me and put his hands on each of my arms. He then leant down and across my body to bite my shoulder. I do not recall if any patients had seen this action, however I was mortified as the nurse's station is in full view of bay 2. After he had done this, I said to him 'what are you doing? you've left mark on shoulder, what if my mum sees that?'. He responded, 'I'm not worried about your mum' and laughed.'

The panel noted that in her witness statement, Colleague A is very clear about the incident and how it made her feel 'mortified'. It also took into account her initial complaint and local statement, which are consistent with her witness statement.

The panel also considered the witness statement of Witness 5, who corroborates that Colleague A reported this behaviour to her in November 2023.

The panel went on to consider Mr Piccio's account. In the interview on 20 December 2023, when he was asked about it, Mr Piccio admitted to biting Colleague A on more than one occasion. He was asked about the incident on 16 November 2023, he explained: *'I did randomly bite on her shoulder. I held her one upper arm. I didn't hold both arms to restrain her.'* When he was asked how Colleague A responded, he explained *'She said "Oh, my god. why are you always biting me? If I come home with marks and bruises my parents won't be happy. I was worried that this was the case, that is why I asked her if I was giving marks and bruises and to which she laughingly responded 'gosh no, I'm just trying to wind you up'.'*

The panel noted the small differences between the accounts of Colleague A and Mr Piccio. However, the panel determined to prefer the evidence of Colleague A as she was consistent throughout her evidence relating to this incident, as well as the other incidents charged. Furthermore, the panel noted that it had no information before it to contradict Colleague A's version of events.

In light of this, the panel was satisfied that on the balance of probabilities, it was more likely than not that, on 16 November 2023, Mr Piccio held Colleague A's arms down by her side, bit Colleague A's shoulder, and said to Colleague A that he was not worried as to the reaction Colleague A's mother would have to the bite marks he had left. Therefore, charges 1h(i), (ii), and (iii) were found proved.

Charge 2

'Your conduct in Charge 1 was sexually motivated in that you were seeking sexual gratification and/or were in pursuit of a future sexual relationship.'

This charge is found proved.

In reaching its decision, the panel first considered the facts it had found in Charge 1. These included inappropriate behaviours such as making comments about their age difference; physical contact such as touching Colleague A's face, hair, waist, and jabbing her in the ribs; trying to watch Colleague A change; blocking Colleague A in a cupboard; restraining her movements by holding her arms down; and biting Colleague A's shoulder a number of times. The panel noted that much of the physical contact was of an intimate nature, such as holding her face or her waist. It also noted that the comments Mr Piccio made to Colleague A would be around their age difference, her appearance, and he asked her questions about her private life.

The panel also took into account the context surrounding the facts of Charge 1. In particular, the panel noted that Mr Piccio had admitted to biting another colleague, but when challenged about it and asked if he would have bitten a male colleague, he said that he would not do that. The panel noted that these incidents took place when there was no one around to witness his behaviour, mostly occurring during night shifts, in the store cupboard, and the ward changing room. It also noted that Mr Piccio was Colleague A's line manager as a Band 6 and was often the most senior person on duty when they were on shifts together, whereas Colleague A was 19 years old and a HCSW. The panel was of the view that Mr Piccio was aware of the power imbalance between them and would have known that Colleague A had significantly less confidence to raise concerns or complain about his behaviour.

The panel considered Mr Piccio's explanation for his behaviour. It noted that during the interview on 20 December 2023, he described this as a '*misunderstanding*' and claimed that his conduct stemmed from '*cultural differences*'. The panel was not convinced that this provided a reasonable explanation for his actions. It was of the view that, regardless of whether Mr Piccio explained his behaviour as a cultural difference, placing his mouth on another person's body in the manner he did cannot be viewed as anything other than sexual, especially considering that Mr Piccio only behaved in this way towards female colleagues who were junior to him.

The panel considered whether there was any evidence that Mr Piccio was seeking a sexual relationship with Colleague A. It noted that although there is no evidence that Mr Piccio was pursuing Colleague A, such as asking her out for a drink, or trying to see her outside of the workplace, there is evidence of his behaviours being of a sexual nature. It was of the view that, given his behaviour towards Colleague A, it was more likely than not that Mr Piccio was seeking a future sexual encounter with Colleague A.

In light of the evidence as set out above, the panel was satisfied that, on a balance of probabilities, it was more likely than not that Mr Piccio's conduct in charge 1 was sexually motivated in that he was seeking sexual gratification and was in pursuit of a future sexual relationship. Therefore, charge 2 is found proved.

Charge 3

'Your conduct in Charge 1 constituted a course of sexual harassment.'

This charge is found proved.

Before considering the evidence in relation to this charge, the panel first clarified the definition of sexual harassment. It noted that sexual harassment is unwelcome behaviour of a sexual nature that can harm, embarrass, or intimidate individuals. In light of this, the panel went on to consider the evidence.

The panel first considered Colleague A's evidence. The panel noted that throughout her witness statement, complaint, and internal statement to the Trust, Colleague A had been clear about how Mr Piccio's conduct had made her feel. The panel noted how Colleague A had explained that she *'felt trapped and scared for [her] safety'* and how she *'was mortified'* and *'it made me anxious and uncomfortable'*.

The panel also noted that Colleague A threatened physical violence against Mr Piccio. In her witness statement, she said that *'[Mr Piccio] approached me from behind, held down my arms and then proceeded to bite my shoulder... my response to [Mr Piccio]'s action, 'if you do that again I'll knock your f***ing teeth out.'* In the *'Bullying and Harassment Complaint Meeting'* on 14 December 2023, the panel noted that Colleague A explained

that she had said these as she had *'reached her limit of him invading [her] personal space and the discomfort. He didn't take it seriously as he did it again.'* The panel was of the view that, the fact that Colleague A was threatening physical violence against Mr Piccio, and he kept on behaving in the way he did, demonstrated a course of action that constituted sexual harassment.

Additionally, the panel took into account that in the meeting on 14 December 2023, Colleague A was asked about how Mr Piccio's behaviour made her feel. She had said that *'My heart would pick up and my mouth was dry as I thought I'd have day of avoiding him. I would be anxious to open door and worried about my safety.'*

The panel also considered its findings in relation to charges 1 and 2. It noted that the charges span across two months, which means Mr Piccio's behaviour was ongoing, even though Colleague A had threatened physical violence if he repeated it. Colleague A also mentioned how she would try to avoid Mr Piccio when she had to work with him. In all the circumstances, the panel was of the view that Colleague A's feelings regarding Mr Piccio's behaviour, as well as the fact that it had determined Mr Piccio's behaviour was sexually motivated, led the panel to conclude that Mr Piccio's actions constituted sexual harassment.

In light of this, the panel determined that Mr Piccio's conduct in Charge 1 constituted a course of sexual harassment. Therefore, charge 3 is found proved.

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 Piccio's 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 Piccio's fitness to practise is currently impaired as a result of that misconduct.

Representations on misconduct and impairment

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

The NMC referred the panel to the cases of *Roylance v GMC (No. 2)* [2000] 1 AC 311, *Calheam v GMC* [2007] EWHC 2606 (Admin), and *Nandi v General Medical Council* [2004] EWHC 2317(Admin).

The NMC identified the specific, relevant standards where Mr Piccio's actions amounted to misconduct, including breaches of the following provisions of the Code:

'1 Treat people as individuals and uphold their dignity

To achieve this, you must:

1.1 treat people with kindness, respect and compassion

1.3 avoid making assumptions and recognise diversity and individual choice

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

20.2 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

20.6 stay objective and have clear professional boundaries at all times with people in your care (including those who have been in your care in the past), their families and carers

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

In its written submissions, the NMC outlined:

'We consider Mr Piccio's conduct, as detailed in the charges, to fall significantly short of what would be expected of a registered nurse. The areas of concern identified relate to sexual misconduct and harassment. Mr Piccio's actions in failing to maintain professional boundaries for sexual gratification were a significant departure from the fundamental principles of the Code of prioritising people and promoting professionalism and trust. Misconduct of a sexual nature is considered to be so serious that it is likely to undermine the NMC's professional standards and public confidence in the profession.'

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).

In relation to the Grant 'test', the NMC submitted:

'It is the submission of the NMC that points 1-3 can be answered in the affirmative in this case.'

...Limb (a)

Mr Piccio's actions towards Colleague A of unwanted sexual touching and harassment on many occasions show a deep-seated attitudinal issue. His actions had a serious effect on Colleague A, and Colleague A's ability to perform their tasks to their best ability may have been affected. This could impact adversely on patient care.

... Limb (b)

Such actions as set out in the charges are by their very nature capable of bringing the profession into disrepute. Registered professionals occupy a position of privilege and trust in society and are expected at all times to be professional. Members of the public must be able to trust registered professionals with their lives and the lives of their loved ones. Mr Piccio has undoubtedly brought the nursing reputation into disrepute.

... Limb (c)

Upholding the reputation of the profession is one of the fundamental tenets of the Code. It is submitted that by engaging in sexually motivated unwanted touching and harassment of Colleague A, Mr Piccio has breached this fundamental tenet.'

In relation to the approach set out in the case of *R (on application of Cohen) v General Medical Council* [2008] EWHC 581 (Admin), the NMC submitted:

'Mr Piccio has displayed some, although limited insight into his actions. He admitted the regulatory concerns. In a reflective statement, he said:

"I realized that I have overstepped on some professional boundaries that is expected of me a band 6 on the ward. Somehow, I did not realize that my actions would make one of my colleagues feel uncomfortable. I deeply regret that this happened and it was not in my intention to hurt her feelings and make her feel bullied or harassed in any way. Now, I realized that I should have been more sensitive towards the feelings and personal space of my colleague. I have also realized that she want her personal space respected and

because of my jokes and actions I have inadvertently crossed the line into her personal boundaries.’ and ‘.... my wife.... reminded me that I should be mindful of my actions as they can be easily misinterpreted in part due to differences in our views and culture.’

We consider there is a continuing risk to the public due to Mr Piccio’s lack of full insight.’

In addressing the public interest, the NMC submitted:

‘We consider that there is a public interest in a finding of impairment being made in this case to declare and uphold proper standards of conduct and behaviour. It is submitted that members of the public would be appalled to hear of a nurse failing to maintain proper professional boundaries and engaging in misconduct of a sexual nature. Such conduct severely damages and undermines public confidence in the nursing profession and the NMC, as the regulator.’

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

Decision and reasons on misconduct

In coming to its decision, the panel had regard to the case of *Roylance v GMC (No. 2)* [2000] which defines misconduct as a *‘word of general effect, involving some act or omission which falls short of what would be proper in the circumstances.’*

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 Piccio’s actions did fall significantly short of the standards expected of a registered nurse, and that Mr Piccio’s actions amounted to a breach of the Code. Specifically:

‘1 Treat people as individuals and uphold their dignity

To achieve this, you must:

1.1 treat people with kindness, respect and compassion

1.3 avoid making assumptions and recognise diversity and individual choice

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

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

20.6 stay objective and have clear professional boundaries at all times with people in your care (including those who have been in your care in the past), their families and carers

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

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 charges relating to sexual harassment and unwanted sexual touching are intrinsically serious. The panel determined that Mr Piccio's conduct is very serious, and breaches the fundamental tenets of the nursing profession. His behaviour caused distress to his colleagues, and created a real risk of harm to patients. Mr Piccio's conduct toward Colleague A may have impacted her ability to care for patients.

The panel found that Mr Piccio's actions did fall seriously short of the conduct and standards expected of a nurse and amounted to serious misconduct.

Decision and reasons on impairment

The panel next went on to decide if as a result of the misconduct, Mr Piccio'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 March 2023, 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. 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 finds that both patients and colleagues were put at risk of harm by Mr Piccio's misconduct. Mr Piccio's misconduct caused emotional distress to Colleague A, and risked impacting her ability to properly care for patients as his behaviour was upsetting her while she was working. Mr Piccio's misconduct breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

The panel was of the view that sexually motivated harassment and unwanted sexual touching is very serious, and Mr Piccio's actions in the charges found proved breached several fundamental tenets of the nursing profession, including treating colleagues with dignity and respect.

The panel was not satisfied that this misconduct is capable of being addressed, as sexual harassment and unwanted sexual touching over a sustained period of time is suggestive of a harmful, deep-seated attitudinal issue. The panel considered that Mr Piccio has demonstrated some insight into his actions, but as his written reflection was limited, he has not sufficiently mitigated the risk of repetition in this case. 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; 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 determined that a finding of impairment on public interest grounds is required. The misconduct in this case is on the serious end of the spectrum. The panel considered that public confidence in the nursing profession would be seriously undermined if a finding of impairment were not made, given the nature of the misconduct which relates to sexually motivated harassment and unwanted sexual touching of a colleague over a sustained period of time. The panel therefore also finds Mr Piccio's fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Mr Piccio'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 Piccio off the register. The effect of this order is that the NMC register will show that Mr Piccio 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 18 August 2025, the NMC had advised Mr Piccio that it would seek the imposition of a striking off if it found Mr Piccio's fitness to practise currently impaired.

The NMC submitted that the aggravating factors include:

- *Abuse of a position of trust: Mr Piccio was a Band 6 nurse overseeing Colleague A - an unqualified Healthcare Assistant.*
- *Abuse of power and taking advantage of Colleague A who was vulnerable as a junior member of staff.*
- *Sexual misconduct, which poses risks both to people receiving care and colleagues and can seriously undermine public trust and confidence in the nursing profession.*
- *The repetitive nature of Mr Piccio's behaviour over the course of several months, and his behaviour becoming increasingly worse over this time.*

The NMC submitted that the mitigating factors include:

- *Admissions made at a local level.*
- *Some degree of remorse and insight.'*

In relation to the appropriate sanction, the NMC submitted:

'We consider that the proportionate sanction in this case is a striking-off order.

...

With regard to our sanctions guidance the following aspects have led us to this conclusion:

Taking no further action is not suitable as there remains public protection and public interest/confidence concerns that require addressing.

A Caution Order is not suitable as the concerns have not been fully addressed.

A Conditions of Practice Order is not suitable in this case. Any conditions must be workable, measurable and proportionate. The NMC have imposed an Interim Suspension Order on the Registrant's practice, and it is unlikely

that conditions will address the public protection and public interest concerns. There are no workable conditions of practice which could effectively address the concerns.

A Suspension Order would not be sufficient in this case. Sexual misconduct and harassing behaviour towards colleagues is serious misconduct as it places those receiving care as well as colleagues at risk of harm. It also undermines public trust and confidence in the profession. A period of suspension would not be sufficient to protect patients, public confidence in nurses, midwives or nursing associates, or professional standards.

A Striking-off Order is the appropriate and proportionate sanction in this case. The allegations relate to multiple instances of inappropriate, uninvited and harassing behaviour over a significant period of time; this was a pattern of behaviour which was sexually motivated as well as constituting harassment. These actions are incompatible with continued registration. The public interest in nurses not displaying such behaviour and the need to maintain public confidence in the profession and maintain proper standards of behaviour in the profession could therefore also indicate a striking off order is appropriate.'

Decision and reasons on sanction

The panel accepted the advice of the legal assessor.

Having found Mr Piccio'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:

- Abuse of a position of trust, in that Mr Piccio was a Band 6 nurse overseeing Colleague A - an unqualified Healthcare Assistant.
- Abuse of power and taking advantage of Colleague A who was vulnerable as a junior member of staff.
- Sexual misconduct, which poses risks both to people receiving care and colleagues and can seriously undermine public trust and confidence in the nursing profession.
- Mr Piccio's lack of insight into his failings
- Sustained conduct over a period of time, namely over the course of several months with increasingly worsening behaviour.
- Conduct which put patients and colleagues at risk of suffering harm.

The panel took into account the following mitigating features:

- Some degree of remorse and insight.

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 misconduct, and the public protection issues identified, an order that does not restrict Mr Piccio'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 Piccio's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether placing conditions of practice on Mr Piccio's registration would be a sufficient and appropriate response. The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case. The misconduct identified in this case was not something that can be addressed through retraining. Mr Piccio's behaviour involved unwanted sexually

motivated misconduct towards junior colleagues, which is suggestive of a harmful, deep-seated attitudinal issue. Furthermore, the panel concluded that the placing of conditions on Mr Piccio'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; and*
- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour.*

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

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

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

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

Mr Piccio'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 Piccio's actions were serious and to allow him to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel 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 Piccio's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct himself, the panel has concluded that nothing short of this would be sufficient in this case.

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 Piccio's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct himself, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to 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 Piccio 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 Piccio's own interests until the striking-off sanction takes effect.

The panel accepted the advice of the legal assessor.

Representations on interim order

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

'If a finding is made that Mr Piccio's fitness to practise is impaired on a public protection basis and a restrictive sanction imposed, we consider an 18 month interim order in the same terms as the substantive order should be imposed on the basis that it is necessary for the protection of the public and otherwise in the public interest.'

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 protect the public and meet the public interest during the 28-day appeal period and any period of appeal.

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

That concludes this determination.