

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

**Substantive Meeting
Tuesday 23 September – Wednesday 24 September 2025**

Virtual Meeting

Name of Registrant:	Randy Tirbanie
NMC PIN	05G0574O
Part(s) of the register:	Registered Nurse – Sub Part 1 Mental Health Nurse (19 July 2005)
Relevant Location:	Sussex
Type of case:	Conviction
Panel members:	David Hull (Chair, Lay member) Zoe Wernikowski (Registrant member) Sam Wade (Lay member)
Legal Assessor:	Tracy Ayling KC
Hearings Coordinator:	Rene Aktar
Facts proved:	All charges
Facts not proved:	N/A
Fitness to practise:	Impaired
Sanction:	Striking-off order
Interim order:	Interim suspension order (18 months)

Decision and reasons on service of Notice of Meeting

The panel was informed at the start of this meeting that that the Notice of Meeting had been sent to Mr Tirbanie's registered email address by secure email on 12 August 2025. The panel also noted that a notice had been sent to His Majesty's Prison (HMP) Lewes.

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, dates, and the fact that this meeting was heard virtually.

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

Details of charge

That you, a registered nurse:

1) On 16 August 2024, at Lewes Crown Court, were convicted of the following offences:

- a.) Rape of a female aged 16 years or over on 16 February 2024, contrary to section 1 of the Sexual Offences Act 2003.
- b.) Rape of a female aged 16 years or over on 16 February 2024, contrary to section 1 of the Sexual Offences Act 2003.
- c.) Intentional Suffocation on 16 February 2024, contrary to section 75 A (1) (b) of the Serious Crime Act 2015.

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

Background

On 16 February 2024, Mr Tirbanie, a registered nurse, was arrested for an offence of rape [PRIVATE].

[PRIVATE].

Mr Tirbanie was charged with 2 counts of rape and 1 count of intentional suffocation [PRIVATE]. Following his arrest, Mr Tirbanie was remanded in custody to the trial date. On 16 August 2024, Mr Tirbanie was found guilty after trial of all three counts on the indictment.

On 27 September 2024, Mr Tirbanie was sentenced at Lewes Crown Court to a total sentence of 12 years and 6 months imprisonment. He was also made subject to the Sex Offenders Register for life, a Sexual Harm Prevention Order for life and an automatic bar from working with children.

Decision and reasons on facts

The charges concern Mr Tirbanie's conviction and, having been provided with a copy of the certificate of conviction, the panel finds that the facts are found proved in accordance with Rule 31 (2) and (3). These state:

- '31.—** (2) *Where a registrant has been convicted of a criminal offence—*
- (a) *a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and*

- (b) *the findings of fact upon which the conviction is based shall be admissible as proof of those facts.*
- (3) *The only evidence which may be adduced by the registrant in rebuttal of a conviction certified or extracted in accordance with paragraph (2)(a) is evidence for the purpose of proving that she is not the person referred to in the certificate or extract.'*

The panel found the conviction proved.

Fitness to practise

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

Representations on impairment

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 cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin) and *Meadows & The General Medical Council* [2006] EWCA Civ 1390, *The 5th Shipman Report* and *Roland Jack Cohen v General Medical Council* [2008] EWHC 581 (Admin).

The panel considered the NMC's Notice of Meeting which formed part of the Substantive Meeting bundle.

In its statement the panel was referred to the comments of J Cox in *Grant* at paragraph 101. The NMC submitted that three of the four limbs were engaged a), b) and c) and had been satisfied in this case.

The NMC submitted that Mr Tirbanie is liable to bringing the profession into disrepute should he be allowed to practise now or at any point in the future. He has committed the most serious sexual offences against a vulnerable child [PRIVATE] during a sustained violent attack [PRIVATE] whilst intoxicated. The lengthy custodial sentence reflects the seriousness of the conviction and clearly displays behaviour not expected of a nurse.

The NMC submitted that a finding of impairment is necessary on both public protection and public interest grounds. The NMC consider there is a public interest in a finding of impairment being made in this case to declare and uphold proper standards of conduct and behaviour. Mr Tirbanie's conduct engages the public interest because members of the public would be appalled to hear of a nurse committing the most serious sexual offences being permitted to continue to work.

There were no representations from Mr Tirbanie.

The panel accepted the advice of the legal assessor.

Decision and reasons on impairment

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

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

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

'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the

public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'

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

'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/their fitness to practise is impaired in the sense that S/He/They:

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

The panel finds that a vulnerable person was put at risk and was caused serious physical and emotional harm as a result of Mr Tirbanie's actions.

Mr Tirbanie's conviction had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

Mr Tirbanie's conviction also breached several paragraphs of the NMC Code. The panel took this into account when considering Mr Tirbanie's impairment.

Regarding insight, the panel considered that Mr Tirbanie has not engaged with the NMC. The panel has no evidence of insight, remorse or remediation from Mr Tirbanie in response to his behaviour. The panel also find no evidence of any strengthening of practice or remediation since the conviction. The panel also noted that Mr Tirbanie pleaded not guilty at his trial. Consequently, the panel found that there is a risk of repetition in this case.

The panel decided that this conviction is at the highest end of the spectrum of seriousness due to the grave nature of the facts of the convictions.

The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC are to protect, promote and maintain the health safety and well-being of the public and patients, and to uphold/protect the wider public interest, which includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions. A member of the public in full possession of all the facts would be concerned that a nurse convicted of this offence was not found impaired.

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

Decision and reasons on sanction

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

Having found Mr Tirbanie'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 decided that the following aggravating features apply in this case:

- Criminal conviction
- Specified serious sexual offences
- Offences where the victim is a child
- Current twelve-and-a-half-year custodial sentence.

The panel found that there were no mitigating factors.

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 Tirbanie'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 concluded that Mr Tirbanie's conviction was at the highest end of the spectrum of seriousness 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 Tirbanie'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 convictions in this case were not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Mr Tirbanie'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 a suspension order may be appropriate in cases where the misconduct is not fundamentally incompatible with the nurse, midwife or nursing associate continuing to be a registered professional, and our overarching objective may be satisfied by a less severe outcome than permanent removal from the register.

The convictions were 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 Tirbanie's actions is fundamentally incompatible with Mr Tirbanie remaining on the register. Having considered the various factors in the sanctions guidance where it is appropriate to impose a suspension order, the panel was of the view that those factors did not apply to this case.

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?*

The panel had sight of the NMC's submissions on facts where it stated:

"[PRIVATE]

Mr Tirbanie was charged with 2 counts of rape and 1 count of intentional strangulation [PRIVATE]. Following his arrest, Mr Tirbanie was remanded in custody to the trial date. On 16 August 2024, Mr Tirbanie was found guilty after trial of all 3 counts on the indictment."

Mr Tirbanie'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 Tirbanie's actions were of the utmost seriousness 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 Tirbanie'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 Tirbanie 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 Tirbanie's own interests until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

Representations on interim order

The panel took account of the representations made by the NMC that should Mr Tirbanie's fitness to practise be found impaired on a public protection basis and a restrictive sanction imposed, then the panel should consider an interim order in the same terms as the substantive order, that it is necessary for the protection of the public and otherwise in the public interest.

The NMC also submit that if a finding is made that Mr Tirbanie's fitness to practise is impaired on a public interest only basis and that his conduct was fundamentally incompatible with continued registration, the NMC consider that an interim order of suspension should be imposed on the basis that it is otherwise in the public interest.

Decision and reasons on interim order

The panel was satisfied that an interim order is necessary only in the public interest. The panel was of the view that there is no real risk to the public in this case as Mr Tirbanie is incarcerated for a substantial period of time. The panel took account of the fact that the imposition of an interim order on public interest grounds alone required a very high bar to be met. However, given the seriousness of this case and the grave nature of the convictions, that high bar was met.

The panel had regard to 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.

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

That concludes this determination.