

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

**Substantive Meeting
Thursday, 23 April 2026**

Virtual Meeting

Name of Registrant:	Sean Brian Patrick Kelly
NMC PIN:	23B1441E
Part(s) of the register:	Nurses part of the register Sub part 1 RNA: Adult nurse, level 1
Relevant Location:	West Sussex
Type of case:	Conviction
Panel members:	Clara Cheetham (Chair, lay member) Richard Curtin (Registrant member) Barry Greene (Lay member)
Legal Assessor:	William Hoskins
Hearings Coordinator:	Tyra Andrews
Consensual Panel Determination:	Accepted
Facts proved:	Charges 1, 1a) and 1b)
Facts not proved:	Not applicable
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 Kelly's registered email address by secure email on 10 March 2026.

Further, the panel noted that the Notice of Meeting was also sent to Mr Kelly's representative at the Royal College of Nursing (RCN) on 10 March 2026.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, date and the fact that this was to be dealt with by way of a meeting.

In the light of all of the information available, the panel was satisfied that Mr Kelly 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 4 March 2025, at Worthing Magistrates' Court were convicted of the following offences:
 - a) Between 3 January 2024 and 6 January 2024 at Worthing, West Sussex, being a person aged 18 or over, for the purpose of obtaining sexual gratification, intentionally attempted to communicate with a person under 16 who you did not reasonably believe to be 16 or over, the communication being sexual, namely sending images of an erect penis and discussing sexual acts contrary to section 1(1) of the Criminal Attempts Act 1981.

- b) On 11 December 2023 at Worthing, Sussex made an indecent photograph, namely Category A Image, of a child contrary to sections 1(1)(a) and 6 of the Protection of Children Act 1978.

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

Consensual Panel Determination

At the outset of this meeting, the panel was made aware that a provisional agreement of a Consensual Panel Determination (CPD) had been reached with regard to this case between the Nursing and Midwifery Council (NMC) and Mr Kelly.

The agreement, which was put before the panel, sets out Mr Kelly's full admissions to the facts alleged in the charges and that his fitness to practise is currently impaired by reason of his conviction. It is further stated in the agreement that an appropriate sanction in this case would be a striking off order.

The panel has considered the provisional CPD agreement reached by the parties.

That provisional CPD agreement reads as follows:

'The Nursing & Midwifery Council ("the NMC") and Sean Brian Patrick Kelly ("Mr Kelly"): PIN 23B1441E ("the Parties") agree as follows:

- 1. Mr Kelly is content for his case to be dealt with by way of a CPD meeting. Mr Kelly does not intend to participate in the hearing and is content for it to proceed in his absence. Mr Kelly will make himself available by telephone should clarification on any point be required or should the panel wish to make any amendments to the provisional agreement. Mr Kelly understand that if the panel wishes to make amendments to the provisional agreement which he does not*

agree with, the panel will reject the CPD and refer the matter to a substantive hearing.

The Charge

2. *Mr Kelly admits the following charge:*

That you, a registered nurse:

1) *On 4 March 2025, at Worthing Magistrates' Court, were convicted of the following offences:*

Between 3 January 2024 and 6 January 2024 at Worthing, West Sussex, being a person aged 18 or over, for the purpose of obtaining sexual gratification, intentionally attempted to communicate with a person under 16 who you did not reasonably believe to be 16 or over, the communication being sexual, namely sending images of an erect penis and discussing sexual acts contrary to section 1(1) of the Criminal Attempts Act 1981.

a) *On 11 December 2023 at Worthington, Sussex made an indecent photograph, namely Category A Image, of a child contrary to sections 1(1)(a) and 6 of the Protection of Children Act 1978.*

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

The Facts

3. *Mr Kelly has appeared on the register of nurses, midwives and nursing associates maintained by the NMC as an Adult Registered Nurse since 7 November 2023.*

4. *Mr Kelly was employed by University Hospitals Sussex NHS Foundation Trust as a Band 5 Nurse in the surgical ward. He was also employed by St John's Ambulance.*

5. *Mr Kelly made a self-referral to the NMC on 1 February 2024.*

6. *The parties agree the following facts in relation to the charges:*
7. *Between 4 January 2024 and 31 January 2024, Mr Kelly engaged in sexual communications with a child. Mr Kelly sent the child images of an erect adult penis and discussed sexual acts with the child.*
8. *Separately on 11 December 2023, Mr Kelly made an indecent photograph of a child.*
9. *Mr Kelly was arrested on 31 January 2024. During his police interview he admitted to the conversations and sending the images. He claimed either through his mental health conditions or not wearing his glasses he must have misread the boy's age as he did not engage in sexual communications with anyone under 16 years. He accepted that in one of the sent photographs, he was seen wearing his glasses and he confirmed he sent a message which said words to the effect of the child being too young for him. He was subsequently bailed pending further enquiries.*
10. *Mr Kelly was interviewed again on 18 September 2024 and further arrested for possession of indecent images. On 25 October 2024, Mr Kelly was released on bail under investigation.*
11. *Mr Kelly was summonsed to appear at Worthing Magistrates Court on 4 March 2025. where pleaded guilty to the following offences:*
 1. *Offence 1: Between 3 January 2024 and 6 January 2024 at Worthing, West Sussex, being a person aged 18 or over, for the purpose of obtaining sexual gratification, intentionally attempted to communicate with a person under 16 who you did not reasonably believe to be 16 or over, the communication being sexual, namely sending images of an erect penis and discussing sexual acts contrary to section 1(1) of the Criminal Attempts Act 1981.*

2. *Offence 2: On 11 December 2023 at Worthington, Sussex made an indecent photograph, namely Category A Image, of a child contrary to sections 1(1)(a) and 6 of the Protection of Children Act 1978.*

12. *Mr Kelly was remanded on unconditional bail to appear at Crawley Magistrates Court on 25 April 2025 where he was sentenced to 9 months imprisonment suspended for 18 months for each offence to run concurrently with the following requirements:*

- I. *Rehabilitation Activity Requirement of 15 days.*
- II. *Requirement to register with the police in accordance with the Sexual Offences Act 2003 from 25 April 2025 for 10 years.*

13. *There was a Deprivation Order under section 143 of the Powers of Criminal Courts (Sentencing) Act 2000/Section 155 of the Sentencing Act 2020 Order depriving Mr Kelly of the phone used to commit the offences and he was made subject to a Sexual Harm Prevention Order for 5 years and ordered to pay a victim surcharge of £187.00 and costs of £85.00*

Impairment

14. *The parties agree that Mr Kelly's fitness to practise is currently impaired by reason of his conviction.*

15. *Impairment is conceptually forward looking and therefore the question for the panel is whether Mr Kelly is impaired as at today's date per Cohen v General Medical Council (2008) EWHC 581 (Admin) and Zgymunt v General Medication Council (2008) EWHC 2643 (Admin).*

16. *The NMC's guidance (DMA-1) explains that impairment is not defined in legislation but is a matter for the Fitness to Practise Committee to decide and the question that will help decide whether a professional's fitness to practice is impaired is whether a professional on our register can practise as a nurse, midwife or nursing associate safely and effectively without restriction. This*

involves a consideration of both the nature of the concern and the public interest.

17. The parties agree that consideration of the nature of the concern of the conduct involves looking at the factors set out by Dame Janet Smith in her Fifth Report from Shipman, approved in the case of Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant [2011] EWHC 927 (Admin) by Cox J and these are instructive and are incorporated into the NMC Guidance.

18. The factors to consider when determining impairment are set out in DMA-1:

- a) has the professional in the past acted and/or is liable in the future to act so as to put a person receiving care at unwarranted risk of harm; and/or*
- b) has the professional has in the past brought and/or is liable in the future to bring the profession into disrepute; and/or*
- c) has the professional in the past committed a breach of one of the fundamental tenets of the nursing profession and/or is liable to do so in the future; and/or*
- d) has the professional in the past acted dishonestly and/or is liable to act dishonestly in the future?*

19. The parties agree that limbs a), b) and c) are engaged in this case.

20. Mr Kelly's conviction was for attempting to engage in sexual communications with a child and making an indecent photograph of a child. This would put future patients at unwarranted risk of harm. He has clearly, in this case by the nature of the convictions, brought and is liable in the future to bring the profession into disrepute.

21. Mr Kelly's actions breached fundamental tenets of the profession. In particular:

- 1. Treat people as individuals and uphold their dignity*

To achieve this, you must:

1. treat people with kindness, respect and compassion

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.

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

20.4 keep to the laws of the country in which you are practising.

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

22. As set out in DMA-1, although not all breaches of the Code require a finding of impairment, where a breach of the Code involves breaching a fundamental tenet of the profession, the Fitness to Practise Committee would be entitled to conclude that a finding of impairment is required.

23. In terms of the working environment, given that the offences occurred outside of the Registrant's practise, the NMC considers there are no elements of a working environment or culture that would explain, justify or mitigate Mr Kelly's actions.

24. The parties considered Cohen v General Medical Council [2008] EWHC 581 (Admin) in which the court set out three matters which it described as being 'highly relevant' to the determination of the question of current impairment;

a) Whether the conduct that led to the charge(s) is easily remediable.

b) Whether it has been remedied.

c) Whether it is highly unlikely to be repeated.

25. in considering whether the conduct is remediable, the NMC refers to the guidance at FTP-15a. This guidance states that examples of conduct which may not be possible to address, and where step such as training courses or

supervision at work are unlikely to address the concerns include criminal convictions for specified offences (including sexual offences against children) or convictions that led to custodial sentences, inappropriate personal or sexual relationships and sexual misconduct which took place either inside or outside professional practise. Given that Mr Kelly's conduct falls within several categories of conduct, it is unlikely that it would be possible to address. Mr Kelly has not provided information to the NMC towards insight or remediation. There has been no reflection from Mr Kelly to demonstrate an understanding of the impact of his conduct on members of the public and the profession. As such, he remains at risk of repeating this behaviour.

26. Mr Kelly's convictions for these 'specified offences' are by definition serious.

Where an individual is convicted of such an offence, this raises fundamental questions about a nurse's ability to uphold the standards and values set out in the Code.

27. Mr Kelly remains liable in the future to act in a way which would put those receiving care at unwarranted and unacceptable risk of harm. Allowing Mr Kelly to continue practising would therefore expose the public to serious harm

28. A finding of impairment is also necessary on public interest grounds.

29. In Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant [2011] EWHC 927 (Admin) at paragraph 74 Cox J commented that:

"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."

30. *Consideration of the public interest therefore requires the Fitness to Practise Committee to decide whether a finding of impairment is needed to uphold proper professional standards and conduct and/ or to maintain public confidence in the profession.*
31. *In upholding proper professional standards and conduct and maintaining public confidence in the profession, the Fitness to Practise Committee will need to consider whether the concern is easy to put right. For example, it might be possible to address clinical errors with suitable training. A concern which has not been put right is likely to require a finding of impairment to uphold professional standards and maintain public confidence.*
32. *However, there are types of concerns that are so serious that, even if the professional addresses the behaviour, a finding of impairment is required to uphold proper professional standards and conduct or to maintain public confidence in the profession.*
33. *The NMC Guidance at FTP-2c-1 details that:*
- “Specified offences are offences which are, by definition, particularly serious. The nature of these convictions would raise fundamental questions about a nurse, midwife or nursing associate’s ability to uphold the standards and values set out in the Code.”*
34. *Mr Kelly’s convictions for serious sexual offences against children, amount to a specified offence. The duty on professionals to comply with the law is of central importance to a registered professional’s practice. Mr Kelly committed offences of a sexual nature involving children, who are necessarily vulnerable because of their age. For these reasons Mr Kelly’s conduct was particularly serious.*
35. *A finding of impairment on public interest grounds is required to mark the unacceptability of Mr Kelly’s behaviour, emphasize the importance of the*

fundamental tenets breached and to reaffirm the proper standards of behaviour and maintain public confidence in the profession and the professional regulator.

36. *Mr Kelly's fitness to practice is impaired on public protection and public interest grounds.*

Sanction

37. *The parties agree that the appropriate sanction in this case is a striking off order. The parties have considered the NMC's sanction guidance in reaching this agreement.*

38. *The parties agree the aggravating factors in this case include:*

- a. Absence of or limited insight*
- b. Premeditated behaviour*
- c. Predatory behaviour*

39. *The mitigating factor in this case is Mr Kelly's admission of the facts.*

40. *The NMC's sanctions guidance at SAN-4 states that some concerns are particularly serious and are likely to attract the strongest sanctions and this includes cases involving sexual misconduct. Sexual misconduct is likely to create a risk to people receiving care and to colleagues as well as undermining public trust and confidence. This is the case even if the victim is not a colleague or someone receiving care. This is because it calls into question the professional's understanding of personal boundaries. SAN-4 tells us that the Fitness to Practise to Committee should be mindful of the following aggravating factors which apply in this case:*

- a) situations where the nurse has been registered as a sex offender. In such cases, the Committee should consider whether it is appropriate for the professional to return to unrestricted (or any) practice whilst still registered as a sex offender;*

b) *Convictions for sexual offences, including other offences relating to images or videos involving child sexual abuse or exploitation. These offences gravely undermine the public's trust in the professions. Any such conviction makes it highly unlikely the professional can uphold the standards and values set out in the Code.*

41. *Taking the least serious sanctions first, taking no further action or imposing a caution would not be appropriate given the seriousness and the nature of the allegations against Mr Kelly.*

42. *A Conditions of Practice Order is neither appropriate nor proportionate in this case. The Order is insufficient to meet the public protection and public interest concerns. There are also no suitable or appropriate conditions which could be imposed to address the concerns and protect patients.*

43. *A suspension order is only appropriate where the impairment is very serious but not fundamentally incompatible with continuing to be a registered professional and an outcome less severe than strike-off would satisfy the over-arching objective. This is not the case here. The nature of Mr Kelly's convictions are fundamentally incompatible with continuing to be a registered professional and a suspension order would not go far enough to satisfy the over-arching objective to protect the public.*

44. *The parties agree that a striking off order is the only sanction that will be sufficient to protect patients and the public and to maintain professional standards. The regulatory concerns raise fundamental questions about Mr Kelly's professionalism and public confidence cannot be maintained unless he is struck off from the register.*

Interim order

45. *An interim order is required in this case. The interim order is necessary for the protection of the public and otherwise in the public interest for the reasons given*

above. The interim order should be for a period of 18 months, in the event that Mr Kelly seeks to appeal the panel's decision. The interim order should take the form of an interim suspension order.

46. The Parties understand that this provisional agreement cannot bind a panel, and that the final decision on findings impairment and sanction is a matter for the panel. The Parties understand that, in the event that a panel does not agree with this provisional agreement, the admissions to the charges and the agreed statement of facts set out above, may be placed before a differently constituted panel that is determining the allegation, provided that it would be relevant and fair to do so.'

Here ends the provisional CPD agreement between the NMC and Mr Kelly. The provisional CPD agreement was signed by Mr Kelly on 26 February 2026 and the NMC on 2 March 2026.

Decision and reasons on the CPD

The panel decided to accept the CPD.

The panel accepted the legal assessor's advice. Mr Hoskins referred the panel to the 'NMC's guidance on Consensual Panel Determinations'. He reminded the panel that they could accept, amend or outright reject the provisional CPD agreement reached between the NMC and Mr Kelly. Further, the panel should consider whether the provisional CPD agreement would be in the public interest. This means that the outcome must ensure an appropriate level of public protection, maintain public confidence in the professions and the regulatory body, and declare and uphold proper standards of conduct and behaviour.

The panel noted that Mr Kelly admitted the facts of the charges. Accordingly, the panel was satisfied that the charges are found proved by way of Mr Kelly admissions as set out in the signed provisional CPD agreement.

Decision and reasons on impairment

The panel then went on to consider whether Mr Kelly's fitness to practise is currently impaired. Whilst acknowledging the agreement between the NMC and Mr Kelly, the panel has exercised its own independent judgement in reaching its decision on impairment.

The panel was satisfied that Mr Kelly's actions breached the following sections 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

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*

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

20.4 keep to the laws of the country in which you are practising

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

Before making its decision on impairment, the panel had regard to the NMC guidance on 'DMA-1: Impairment' in which the following is stated:

'Being fit to practise is not defined in our legislation but for us it means that a professional on our register can practise as a nurse midwife or nursing associate safely and effectively without restriction.'

The NMC guidance goes on to set out the questions formulated by Dame Janet Smith in the fifth Shipman report, namely:

- ‘1. has the professional in the past acted and/or is liable in the future to act as so to put those receiving care at unwarranted risk of harm; and/or*
- 2. has the professional in the past brought and/or is liable in the future to bring the profession into disrepute; and/or*
- 3. has the professional in the past committed a breach of one of the fundamental tenets of the [nursing/midwifery] profession and/or is liable to do so in the future and/or*
- 4. has the professional in the past acted dishonestly and/or is liable to act dishonestly in the future.’*

The panel determined that the first three limbs of the test are engaged in this case.

The panel had regard to NMC guidance ‘FTP-2c: Criminal convictions and cautions’ (last updated 6 May 2025) and ‘FTP-2c-1: Directly referring specified offences to the Fitness to Practise Committee’ (last updated 27 February 2024). This guidance stipulates that a serious crime is classified by the NMC as a specified offence, which includes sexual offences. It states that sexual offences include *‘crimes such as rape or sexual assault.’*

The panel determined that Mr Kelly’s conviction for attempting to engage in sexual communications with a child and making an indecent photograph of a child are extremely serious offences and would put future patients at unwarranted risk of harm. It found that Mr Kelly’s actions breached fundamental tenets of the profession.

The panel also had regard to NMC guidance SAN-4, in particular:

- a) ‘situations where the nurse has been registered as a sex offender. In such cases, the Committee should consider whether it is appropriate for the*

- professional to return to unrestricted (or any) practice whilst still registered as a sex offender;*
- b) Convictions for sexual offences, including other offences relating to images or videos involving child sexual abuse or exploitation. These offences gravely undermine the public's trust in the professions. Any such conviction makes it highly unlikely the professional can uphold the standards and values set out in the Code.'*

The panel was therefore satisfied that the finding of impairment is necessary on the ground of public protection.

The panel noted that Mr Kelly is currently serving a suspended prison sentence and is required to register with the police in accordance with the *Sexual Offences Act 2003* from 25 April 2025 for 10 years. It considered that a well-informed member of the public would be concerned to know that Mr Kelly is able to practise without restriction in light of his actions and conviction. The panel determined that a finding of impairment on public interest grounds is required to mark the gravity of the offending behaviour and the extent to which the fundamental tenets of the nursing profession have been breached. The panel determined that a finding of impairment on public interest grounds is also required to promote and maintain public confidence in the nursing profession and in the NMC as a regulator, and to uphold proper professional standards for members of the profession.

In this respect, the panel endorsed paragraphs 14 to 36 of the provisional CPD agreement and found impairment on the grounds of public protection and public interest.

Decision and reasons on sanction

Having found Mr Kelly'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 identified aggravating features:

- Absence of or limited insight
- Premeditated behaviour
- Predatory behaviour

The panel also took into account the following identified mitigating features:

- Mr Kelly's admission to the facts

The panel had regard to NMC guidance 'SAN-2: Considering sanctions for particularly serious cases' (last updated 6 May 2025), which states:

'Panels deciding on sanction in cases about sexual misconduct will, as in all cases, need to start their decision-making with the least severe sanction, and work upwards until they find the appropriate outcome. However, as these behaviours can have a particularly severe impact on public confidence, a professional's ability to uphold the standards and values set out in the Code, and the safety of people receiving care, any nurse, midwife or nursing associate who is found to have behaved in this way will be at risk of being removed from the register.'

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of this case and the clear public protection issues identified. 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 Kelly'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 Kelly's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate. 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 Kelly'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 which occurred outside of his professional practice. The nature of Mr Kelly's conviction is not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Mr Kelly's registration would not adequately address the seriousness of this case and would not protect the public.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:

- *A single instance of misconduct but where a lesser sanction is not sufficient;*
- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *No evidence of repetition of behaviour since the incident;*
- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*

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

Decision and reasons on interim order

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 Kelly's own interest. The panel accepted the advice of the legal assessor.

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interests. 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 agreed with the CPD 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 cover the period of any appeal due to the public protection and public interest concerns identified, and the extremely serious nature of Mr Kelly's actions and conviction.

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

That concludes this determination.