

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

Substantive Hearing

**Monday, 20 January 2025 – Wednesday, 29 January 2025
Tuesday, 26 August 2025 – Friday, 29 August 2025
Monday, 15 September 2025 – Tuesday 16 September 2025
Monday, 23 February 2026 – Thursday, 26 February 2026**

Virtual Hearing

Name of Registrant: Jiby Jose

NMC PIN: 04J09340

Part(s) of the register: Nurses part of the register Sub part 1
RN3: Mental health nurse, level 1 (27 October 2004)

Relevant Location: North Tyneside

Type of case: Misconduct

Panel members: Elliott Kenton (Chair, lay member)
Helen Chrystal (Registrant member) **(20 January 2025 – 29 January 2025, 26 August 2025 – 29 August 2025, 15 September 2025 – 16 September 2025)**
Diane Gow (Registrant member) **(23 February 2026 – 26 February 2026)**
Keith Murray (Lay member)

Legal Assessor: Jayne Wheat

Hearings Coordinator: Amira Ahmed (20 – 29 January 2025, 26 – 29 August 2025)
Emma Norbury-Perrott (15 - 16 September 2025)
Samara Baboolal (23 February 2026 – 26 February 2026)

Nursing and Midwifery Council: Represented by Neair Maqboul, Case Presenter (20 January 2025 – 29 January 2025, 26 August 2025 – 29 August 2025, 15 September 2025 – 16 September 2025)

Vida Simpeh, Case Presenter (23 February 2026 – 26 February 2026)

Mr Jose: Present and represented by Thomas Buxton, counsel instructed by the Royal College of Nursing (RCN)

Facts proved: 1a), 1b), 1c), 1d), 1e), 1f), 1g), 1h), 1i), 1j), 1k), 1l), 3 in relation to 1a) – 1h), 4 in relation to 1a) – 1h), 5 a), 5c), 5e) 6 in relation to 5a), 5c) and 5e) and 7 in relation to 5a), 5c) and 5e)

Facts not proved: 2, 3 in relation to 1i) - 1l), 4 in relation to 1i) – 1l), 5b) and 5d), 6 in relation to 5b) and 5d), 7 in relation to 5b) and 5d)

Fitness to practise: **Impaired**

Sanction: **Striking off order**

Interim order: **Interim suspension order (18-months)**

Decision and reasons on application to amend the charge

The panel heard an application made by Ms Maqboul, on behalf of the Nursing and Midwifery Council (NMC), to amend charge 5 to include charge 5 (e) and to amend charge 7 to also include reference to charge 5 (e).

The proposed amendment was to include a new sub-charge to charge 5 and to amend charge 7 to include reference to charge 5 (e). It was submitted by Ms Maqboul that the proposed amendments would provide clarity and more accurately reflect the evidence. She submitted that Colleague B will now be attending the hearing this week to give evidence, and this new sub-charge is in her written evidence.

Ms Maqboul submitted that the amended charges would state:

“e. sat on her bottom and pressed your genitalia against her.

7. Your actions at charge 5a and/ 5b, and/or 5c, and/or 5d, **and/or 5e** above were sexually motivated in that you were pursuing sexual gratification.”

Mr Buxton submitted that the new charge has been previously put to you during the investigation by Northumbria Healthcare NHS Foundation Trust (the Trust) in a meeting in November 2022. He submitted that it is therefore not a new allegation but one that is already stated in the evidence provided to the panel.

The panel accepted the advice of the legal assessor and had regard to Rule 28 of ‘Nursing and Midwifery Council (Fitness to Practise) Rules 2004’, as amended (the Rules).

The panel was of the view that such amendments, as applied for, were in the interest of justice. The panel was satisfied that there would be no prejudice to you and no injustice would be caused to either party by the proposed amendments being allowed. It

determined that it was therefore appropriate to allow the amendments, as applied for, to ensure clarity and accuracy.

Details of charge (as amended)

That you, a registered nurse:

1. On dates unknown between February 2022 and 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague A in that you:
 - a. cuddled them from behind in the medication room
 - b. slapped their bottom
 - c. bent them over a table and rubbed against them
 - d. put your hands down their top
 - e. asked about their breast size
 - f. asked about their periods
 - g. asked if they were sexually active
 - h. asked them to sit on your knee
 - i. asked them out for drink
 - j. sent text messages to their personal mobile
 - k. contacted them on Facebook messenger
 - l. suggested you visit them at home
2. On an unknown date took Colleague A's mobile number from the ward manager's office.
3. Your actions at charges 1a, and/or 1b, and/or 1c, and/or 1d, and/or 1e, and/or 1f, and/or 1g, and/or 1h, and/or 1i and/or , 1j, and/or 1k, and/or 1l, and/or 2 above were sexually motivated in that you were pursuing sexual gratification.
4. Your conduct at charge 1 amounted to harassment of Colleague A in that:

- a. It was unwanted conduct of a sexual nature, and
 - b. It had the purpose and effect of:
 - i. violating Colleague A's dignity
 - ii. creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A
5. On the night shift of 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague B in that you:
- a. placed both hands on their waist from behind without consent
 - b. slide your hand across their bottom
 - c. pressed your groin against their leg whilst they were seated at the computer
 - d. made inappropriate comments of sexual nature
 - e. sat on her bottom and pressed your genitalia against her**
6. Your conduct at charge 5 amounted to harassment of Colleague B in that:
- a. It was unwanted conduct of a sexual nature, and
 - b. It had the purpose and effect of:
 - i. violating Colleague B's dignity
 - ii. creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague B
7. Your actions at charge 5a and/ 5b, and/or 5c, and/or 5d, **and/or 5e** above were sexually motivated in that you were pursuing sexual gratification.

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

Decision and reasons on application for special measures

The panel considered an application from Ms Maqboul on special measures for Colleague A and Colleague B. This application was made under Rule 23 (1) (e) which relates to vulnerable witnesses and states:

‘(e) any witness, where the allegation against the registrant is of a sexual nature and the witness was the alleged victim’

Ms Maqboul submitted that there are two parts to her application on special measures. The first is that when the witnesses are giving their evidence you have your camera turned off, so they are not able to see you. She submitted that the nature of the charges are sensitive and that the volume of charges said to have occurred against Colleague A and B are significant. She also explained that Colleague B in particular will be supported by the NMC witness support service so there will be an additional person present in the hearing when they give their evidence.

Ms Maqboul submitted that the second part of the application is that when Colleagues A and B give their evidence, it should be done in private bearing in mind the number of allegations and the sensitive nature of the conduct that is alleged to have occurred.

Mr Buxton submitted that he does not oppose the application to you turning your camera off during Colleague A and B’s witness evidence. He submitted that he supports the application to hear Colleague A and B’s evidence in private.

The panel took account of the submissions made and accepted the advice of the legal assessor. The legal assessor referred the panel to Rule 19 and Rule 23 (3) (d) of the Rules in relation to the application to hear Colleague A and B’s evidence in private.

The panel decided to grant the special measures application due to the vulnerable witnesses and the nature of the allegations in this case. It also determined to hear the witness evidence of Colleague A and B in private under Rule 19 and Rule 23 (3) (d).

Decision and reasons on application for further special measures

On day 3 of the hearing, Ms Maqboul asked the panel for a variation of the special measures application that was previously granted for Colleague B. She submitted that Colleague B as a vulnerable witness has been feeling very anxious about giving evidence so it would assist them if you were dial in to the hearing so that you were not able to see them give evidence as you would not have access to the video link for the hearing and they would also not be able to see you or your name on screen. Ms Maqboul also submitted that the allegations relate to sexual misconduct and are serious.

Mr Buxton on your behalf made no objections to the application for a variation to the special measures in place and submitted that he remained neutral.

The panel accepted the advice of the legal assessor.

The panel determined to grant the application as it would allow Colleague B to give best evidence.

Application to adjourn the hearing

During the hearing, Colleague A gave partial evidence. However, on cross-examination, she became distressed and communicated with the NMC that she no longer wanted to give evidence. The panel were sighted with an email from her employer expressing the same position which stated:

‘ ...

Colleague A has also really tried to support the NMC and this process, Colleague A was willing and had every intention of doing so. Colleague A has been so brave through this process and has fully engaged with the Trust at every point of contact.

Colleague A had no idea as the victim how this process would make her feel or what memories she has tried to move on from would be brought back and how this would make her feel. Following giving evidence yesterday she spoke with her matron for an hour as unfortunately the hearing brought the trauma back and she was very upset and emotionally drained.

...

In my professional opinion and that also of her Matron, Colleague A is emotionally drained and it is not in her best interest for her well-being and reigniting the trauma to support this process going forward.'

Following the conclusion of the evidence of Colleague B, Ms Maqboul made an application under Rule 22 (5) to compel Colleague A to give evidence and Rule 32 (2) to adjourn the hearing. She submitted that Rule 22 (5) gives the panel the power to compel a witness to attend the hearing and give evidence. She submitted that Colleague A should be compelled to give evidence as she has started giving her evidence already and was being cross examined when she decided she was no longer going to attend the hearing.

Ms Maqboul submitted that there are special measures currently in place to make the giving evidence process go smoothly for the witness and although there has been talks with Colleague A to try to get her to re-engage with the hearing, but she has declined to do so. Ms Maqboul submitted that Colleague A is a band 5 nurse and has a duty to give evidence under the NMC code of conduct. She submitted that to obtain a witness summons would mean this hearing would need to be adjourned for now to allow time to allow the summons to be sought by the NMC.

Ms Maqboul submitted that current situation could be made easier for the witness and might allow her to re-engage if there were set finish and start times for the hearing, regular breaks and to put questions to her from Mr Buxton before the start of the hearing so that she is not 'blindsided'.

Mr Buxton submitted you would like to put your case to Colleague A and that the panel would need to consider the most expedient way to do so. Mr Buxton submitted that given Colleague A was entrenched in her view not to attend, the panel may have little option other than to compel the witness to give evidence. He submitted that the nature of this case and the issues it involves means that any questions would not be able to be able to be sent in advance to Colleague A and he strongly opposed that measure being taken.

Mr Buxton submitted that he agrees that Colleague A should attend the hearing by a witness summons or by any other method.

The panel accepted the advice of the legal assessor who referred it to Rule 22 (5) on requiring witnesses to attend to give evidence and Rule 32 on adjournments. She stated:

“When considering applications to adjourn, the panel should strike a balance between fairness to the registrant and the public interest.

This includes having regard to factors such as the efficient progress of proceedings and use of resources, the history of the case and the particular circumstances of the application and whether an adjournment would, in this case, result in the participation of the witness, Colleague A.

The panel should consider whether, if an adjournment is not granted, the NMC and the registrant will be able fully to present their defence/submissions/case and, if they will not be able to do so, the degree to which their ability to do so is compromised.

The overall test for granting or refusing an adjournment is one of procedural fairness.”

The panel took account of the submissions in relation to this application. It noted both parties are in broad agreement that they do need Colleague A present to complete their witness evidence. It also noted that Colleague A is a vulnerable witness under the Rules who has explained that she does not want to return to the hearing due to having anxiety over giving evidence. It also noted the email from the Director of Nursing at the Trust who further explained that Colleague A has made best efforts to assist the hearing but is now unable to continue giving evidence due to the significant impact it has on them.

The panel also noted that you do not want a delay in this case if the hearing was to adjourn.

The panel weighed and balanced all the factors it has identified as relevant to this application to adjourn. It bore in mind its overarching objective of public protection. The panel considered that the allegations faced by you are serious and numerous. It determined that your ability to present your defence would be compromised by not being able to test the evidence of Colleague A, the maker of several allegations against you. In addition, the NMC cannot properly put their case without the witness attending to complete her evidence.

The panel were concerned about the vulnerability of Colleague A, especially in light of the email from her Director of Nursing. However, the panel is of the opinion that the significant special measures in place, and any other suitable measures which could be sought, would greatly assist in mitigating the anxiety of Colleague A in giving her evidence.

The panel considered its primary role of public protection and maintaining public confidence in the nursing profession, along with fairness to all parties and considered this outweighed the withdrawal of Colleague A from continuing to give evidence at this hearing.

The panel determined that under Rule 22 (5) it is requiring Colleague A to attend the hearing.

The panel directs that it expects the NMC to make every effort to secure Colleague A's attendance at the hearing to continue giving evidence, before it makes an application for a witness summons at the relevant Court. The panel decided it is in the interest of all parties to adjourn the hearing to allow time for the NMC to secure their witness.

The panel were mindful of the remaining hearing time that could be utilised. Therefore, this hearing will adjourn until 10am on Tuesday, 28 January 2025 when the panel will require an update from the NMC at this time in regard to whether they have been able to secure Colleague A to attend the hearing. The position in relation to special measures is reserved, pending any further substantive update from the NMC in relation to Colleague A.

Background

The charges arose whilst you were employed as a registered nurse by Northumbria Healthcare NHS Foundation Trust (the Trust).

It is alleged that on unknown dates unknown between February 2022 and 29 June 2022 you behaved in an inappropriate and/or unprofessional manner towards Colleague A. The allegations include cuddling Colleague A from behind in the medication room, slapping their bottom, bending them over a table and rubbing against them, putting your hands down their top, asking about their breast size, asking about their periods, asking if they were sexually active, asking them to sit on your knee and asking them out for drink.

It is also alleged that you sent text messages to Colleague A's personal mobile, contacted them on Facebook messenger and suggested you visit them at home.

On an unknown date it is alleged that you took Colleague A's mobile number from the ward manager's office.

It is alleged that your actions above were sexually motivated in that you were pursuing sexual gratification. It is also alleged that your conduct in the allegations above amounted to harassment of Colleague A in that it was unwanted conduct of a sexual nature, and it had the purpose and effect of violating Colleague A's dignity. You are also alleged to have created an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A.

On the night shift of 29 June 2022, it is alleged that you behaved in an inappropriate and/or unprofessional manner towards Colleague B. The allegations include placing both hands on their waist from behind without consent, sliding your hand across their bottom, pressing your groin against their leg whilst they were seated at the computer, making inappropriate comments of a sexual nature, sitting on their bottom and pressing your genitalia against them.

It is alleged that your actions above were sexually motivated in that you were pursuing sexual gratification. Your conduct above is alleged to have amounted to harassment of Colleague B in that it was unwanted conduct of a sexual nature, and it had the purpose and effect of violating Colleague B's dignity. You are also alleged to have created an intimidating, hostile, degrading, humiliating or offensive environment for Colleague B.

Decision and reasons on facts

In reaching its decisions on the facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Ms Maqboul and by Mr Buxton.

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

The panel heard live evidence from the following witnesses called on behalf of the NMC:

- Witness 1: Operational Services Manager at the Trust at the time of events
- Colleague A: Band 5 Staff Nurse at the Trust at the time of events
- Colleague B: Healthcare Assistant at the Trust at the time of events

The panel also heard evidence from you under oath.

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

In reaching its decisions on the facts of the allegations, the panel took into account that you are of good character, and the effect that good character has on assessing your oral evidence and of the likelihood of you acting in the way alleged when you have not acted this way in the past.

In making its decisions on the particulars of the allegations, the panel considered whether or not the evidence from one complainant's allegations could be cross admissible in respect of the other complainant's allegations. It bore in mind the NMC's submission that both of the two ways in which evidence may be cross admissible were relevant in this case. That is, where the evidence either rebuts coincidence or establishes a propensity to commit the type of conduct alleged. It also took account of Mr Buxton's submission that collusion had taken place and therefore the relevant evidence was not cross-admissible.

In relation to both grounds, the panel took into account the guidance in the case of *Professional Standards Authority for Health and Social Care v The General Medical Council (Garrard)* [2025] EWHC 318 (Admin) as set out by the Legal Assessor and it adopted that approach.

In relation to the ground of rebutting coincidence, the panel acknowledged that there was no requirement for it to find proved one complainant's allegations before relying on their evidence in support of the other complainant's allegations. What was necessary was for the panel to consider all the incidents together, holistically rather than sequentially, and to decide if it could exclude collusion or contamination as an explanation for the similarities.

Therefore, the panel first considered if there was a sufficient connection and similarity between the facts of the two complainant's allegations. It concluded there was. Both complainants made allegations of intimate, unwanted physical touching/contact and of inappropriate, sexualised comments or questions.

Having considered the evidence on this point, the panel was satisfied, on the balance of probabilities, that there had been no collusion or contamination of evidence between Colleague A and Colleague B.

It was not disputed that the two complainants had worked together, shared lifts with each other and that they had talked to each other about some of the incidents they allege happened to them individually. The panel was satisfied that talking to each other was not the same as colluding with each other to fabricate or strengthen evidence. They both gave evidence, which the panel accepted, that they had decided, after the night shift of 29-30 June 2022, to report what they say had been happening. Both complainants ultimately reported very fact specific incidents that they say had happened to them individually, in the absence of the other. Whilst the complaints of Colleagues A and B were similar in nature, they were different in their specific facts. The panel acknowledged that Colleague A did give evidence relevant to your proximity in relation to one of the matters alleged by Colleague B, and that Colleague B had first told the Trust about some of the allegations

Colleague A had made in relation to you. However, the panel found that there was no attempt by either witness to bolster the other's account. The panel noted a number of minor inconsistencies in their accounts, in particular around the manner of reporting the allegations to the Trust, but determined that, if anything, these discrepancies supported an absence of any collusion or contamination.

Therefore, the panel acknowledged that the fact of two complainants making such allegations reduces the likelihood of there being an innocent explanation for them and took this into account when determining the factual allegations.

In relation to propensity, the panel determined that unless it found any matters alleged by Colleague A proved, it was inappropriate to consider that ground at this stage.

The panel adopted a neutral view in relation to the fact that Colleague A was initially reluctant to continue giving evidence during cross-examination, given that she returned after an adjournment. The panel drew no inferences, positive or negative, from this.

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

Charge 1a)

1. *'On dates unknown between February 2022 and 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague A in that you:*
 - a. *cuddled them from behind in the medication room'*

This charge is found proved.

In reaching this decision, the panel took into account the Trust interview notes from 24 October 2022 in which Colleague A stated:

“When I do medications and stuff, he can come into the medication room and cuddles me from behind as he is walking past...”

In Colleague A’s oral evidence she explained that she does not recall the date in which this took place. She said that it would have been between 20:30 - 22:00, that you cuddled her from behind and made her feel uncomfortable.

The panel determined that this evidence from Colleague A is consistent with contemporaneous evidence in the October 2022 Trust interview notes and in cross examination. The panel found Colleague A to have given clear, consistent evidence, which was reliable.

The panel took into account the contextual evidence you gave in relation to this charge which you denied.

The panel therefore found that you did cuddle Colleague A from behind in the medication room.

The panel determined that this non-consensual, intimate physical contact in the workplace was clearly inappropriate and unprofessional.

The panel decided that you had behaved in an inappropriate and unprofessional manner towards Colleague A by cuddling them from behind in the medication room. It therefore found this charge proved.

Charge 1b)

1. *‘On dates unknown between February 2022 and 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague A in that you:*

b. slapped their bottom’

This charge is found proved.

In reaching this decision, the panel took into account the Trust interview notes from 24 October 2022 in which Colleague A stated:

“When I do medications and stuff, he can come into the medication room and cuddles me from behind and as he is walking past he slaps my bum.”

The panel noted Colleague A’s oral evidence was consistent with the Trust interview notes. She explained that you slapping her bottom would occasionally happen when you were both walking up the corridor and that it was not done in front of anyone else. She further explained in response to questioning that she didn’t say anything to you about it because she was uncomfortable and had to work a shift with you. She went on to say that as much as she wanted to escalate it, she just felt like she couldn’t as you were a well-known and well liked member of staff on the ward.

The panel considered that Colleague A’s evidence at the Trust interview is consistent with her oral evidence. The panel noted that you denied this allegation and stated *“I didn’t do that”* in your oral evidence.

The panel found Colleague A to have given clear, consistent evidence, which was reliable. The panel therefore found that you had slapped Colleague A’s bottom.

The panel determined that this non-consensual, intimate physical contact in the workplace was clearly inappropriate and unprofessional.

On the balance of probabilities, the panel found that you had behaved in an inappropriate and unprofessional manner towards Colleague A by slapping their bottom. It therefore found this charge proved.

Charge 1c)

1. *'On dates unknown between February 2022 and 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague A in that you:*

c. *bent them over a table and rubbed against them'*

This charge is found proved.

The panel took account of the Trust interview notes from 24 October 2022 in which Colleague A stated:

"I was just wiping the dining room table, he just came in cuddled me from behind and bent me over the table and rubbed himself against me."

The panel took into account the fact that Colleague A in the Trust interview was prompted by the interviewer on this allegation. However, the panel considered that the account given by Colleague A was consistent with her oral evidence as the one given in her Trust interview. She gave a detailed account of what she said happened. The panel noted that she explained she was wiping down the tables, helping out with the Healthcare Assistant jobs and she was bent over the table and 'froze' when the incident took place. She explained that she pushed herself back up and saw that you were smiling.

The panel noted that you completely denied the allegation when asked in oral evidence about the bending over and whether it was true, you said 'no' and in your Trust interview you also stated that nothing like this had happened.

The panel found Colleague A to have given clear, consistent evidence, which was reliable. The panel therefore found that you did bend Colleague A over a table and rubbed against them.

The panel determined that this non-consensual, intimate physical contact in the workplace was clearly inappropriate and unprofessional.

On the balance of probabilities, the panel found that you had behaved in an inappropriate and unprofessional manner towards Colleague A in bending her over the table and rubbing against her. The panel therefore found this charge proved.

Charges 1d), 1e), 1f) and 1g)

1. *'On dates unknown between February 2022 and 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague A in that you:*

- d. put your hands down their top*
- e. asked about their breast size*
- f. asked about their periods*
- g. asked if they were sexually active'*

These charges are found proved.

The panel noted that all of the sub charges above arise from one incident and that charge 1 e), f) and g) happened before charge 1 d) in the sequence of events.

In reaching this decision, the panel took into account of the Trust interview notes from 24 October 2022 in which Colleague A stated:

"It was around the isolation area. I was doing observations sat in the chair, he come and sat next to me on the chair. He was watching in the mirrors and kept saying 'what size boobs have you got'. I said I don't have them – I literally don't I was just to the point in my response. He said 'you need to prove it' I was saying absolutely not.

Then he started asking me about my periods 'are you on your periods? How often do you have a period? Are you sexually active? What am I supposed to say to that?

He was laughing. I was sat playing candy crush on my phone and he got off the chair walked behind the chair and put his hand down my top". [sic]

The panel took into account Colleague A's oral evidence that she had told Colleague B about this happening but no one else at work because it was 'clikey' and they were all older and she was 23 years old at the time.

The panel also noted that she said that she had told her 'mam' but did not report it internally. The panel considered Colleague A's very detailed account of the allegations. It noted that you denied these charges at the Trust interview and in oral evidence.

You explained that in your oral evidence that you never ask colleagues inappropriate questions.

The panel found Colleague A to have given detailed, cogent and consistent evidence, which was reliable when tested under cross examination and during questioning from the panel.

The panel therefore found that you did ask about Colleague A's breast size, ask about their periods, ask if they were sexually active and put your hand down their top.

The panel determined that this non-consensual, intimate physical contact and uninvited intrusive personal questions in the workplace was clearly inappropriate and unprofessional.

The panel determined that you did behave in an inappropriate and unprofessional manner towards Colleague A in charges 1d, 1e, 1f and 1g. it therefore found these charges proved.

Charge 1h)

1. *'On dates unknown between February 2022 and 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague A in that you:*

h. asked them to sit on your knee'

This charge is found proved.

In reaching this decision, the panel took into account of the Trust interview notes from 24 October 2022 in which Colleague A stated:

"You know the mirrors at the top of the ward he has been sat doing observations there and he has got someone to watch his observation and said I needed to go and see [Colleague A]. Then he has come where I am and sat on the arm of the chair saying can you come and sit on my knee, can you just come and do this, and I have said no absolutely not."

In cross examination, Colleague A corroborated the account given to the Trust as evidenced from the Trust's interview notes. The panel found that she was consistent in her evidence surrounding this charge.

The panel acknowledged that you denied this charge took place.

The panel therefore preferred the detailed and consistent evidence of Colleague A and found that it was more likely than not that you did ask Colleague A to sit on your knee.

The panel determined that this invitation for intimate physical contact in the workplace was clearly inappropriate and unprofessional.

Therefore, the panel found you did behave in an inappropriate and unprofessional manner towards Colleague A by asking her to sit on your knee. The panel therefore found this charge proved.

Charge 1i)

1. *'On dates unknown between February 2022 and 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague A in that you:*

i. asked them out for drink'

This charge is found proved.

In reaching this decision, the panel took into account of the Trust interview notes from 24 October 2022 in which the interviewer explained to Colleague A that:

"Colleague B said that you had also asked Colleague A out for a drink on that particular shift at the end of June?"

In response to the interviewer's question Colleague A stated:

"Yes, he asked me what I like to drink and then said I will take you for a drink then.

...

I laughed and said no thanks.

He is dead pushy, he was like the same with the insurance thing he is dead persistent. He was like 'come on why, I will drive to yours, I will drive to your area where do you live.'

The panel took into account Colleague A's evidence which was consistent in her Trust interview answers and in her oral evidence that you did ask her out for a drink.

The panel took account of your oral evidence in which you stated you never asked Colleague A to go out for a drink and your Trust interview where you also denied asking any member of staff to go out.

The panel preferred the detailed and consistent evidence of Colleague A and found that it was more likely than not that you did ask Colleague A to go out for a drink.

The panel determined that your persistency to your work colleague who had made it clear she did not want to go for a drink with you was clearly inappropriate and unprofessional.

The panel on the balance of probabilities determined that you did behave in an inappropriate and unprofessional manner towards Colleague A by asking them out for a drink and therefore found this charge proved.

Charges 1j) and 1k)

1. *'On dates unknown between February 2022 and 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague A in that you:*

j. sent text messages to their personal mobile

k. contacted them on Facebook messenger'

These charges are found proved.

The panel noted that you admitted these charges factually but not to the stem of the charge that the behaviour was inappropriate or unprofessional towards Colleague A.

The panel took account of the contemporaneous evidence it had in relation to the text messages and the Facebook messenger messages. It noted Colleague A at the Trust's interview in October 2022 stated:

“Yes I did rely [to registrant text messages] to say I was with a patient. [sic]

...

Then he moved to Facebook messenger because I had ignored him for quite a while. He started talking about coming to my house to talk about insurance.”

The panel noted that Colleague A did not respond to the messages about the non-work related questions but did respond to the questions that were work related. The panel also noted that you tried to contact Colleague A via text message and Facebook Messenger.

It determined that the messages you sent Colleague A were inappropriate and unprofessional because they were repeated and were not replied to by Colleague A and your language used with Colleague A was over familiar. The panel decided that it was inappropriate also because of the language used in the messages such as ‘darling’ and ‘silly girl’.

The panel decided that you did behave in an inappropriate and unprofessional manner towards Colleague A in charges 1j) and 1k). It therefore found these charges proved in their entirety.

Charge 1l)

1. On dates unknown between February 2022 and 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague A in that you:
 - I. suggested you visit them at home

This charge is found proved.

The panel noted that this sub charge derives from contemporaneous evidence of text messages in which you asked to visit Colleague A's home and first made the suggestion on 2 June 2022 at 14:49 and then when you received no response from Colleague A you texted again the following morning at 07:16. You accepted that you factually had asked to visit Colleague A at home but that this was only in relation to your other job relating to insurance.

The panel took account of Colleague A's oral evidence on this where she explained that she did not agree for you to come to her home but felt very stuck when you continued to suggest it, which is why she said we will have to re-arrange, as she didn't want it to be awkward between you two. The panel decided that Colleague A's evidence was plausible and reliable on this charge.

The panel determined that this behaviour was unprofessional and inappropriate due to your repeated suggestion to go to a work colleagues' (Colleague A) home.

The panel therefore found this charge proved.

Charge 2)

2. *'On an unknown date took Colleague A's mobile number from the ward manager's office.'*

This charge is found NOT proved.

The panel noted the contemporaneous evidence that there was common use of mobile numbers of colleagues on the ward.

Your evidence was that it was common practice for colleagues to communicate via their personal numbers. The panel also noted that your evidence was that Colleague A had given you, their number.

The panel noted that Colleague A said that she 'believed' it had been from the Ward Manager's office and that she knows that she did not give her number to you.

The panel determined that there was not enough evidence to suggest you took Colleague A's mobile number from the ward manager's office. It therefore found this charge not proved.

Charge 3)

3. *'Your actions at charges 1a, and/or 1b, and/or 1c, and/or 1d, and/or 1e, and/or 1f, and/or 1g, and/or 1h, and/or 1i and/or , 1j, and/or 1k, and/or 1l, and/or 2 above were sexually motivated in that you were pursuing sexual gratification.'*

This charge is found proved in relation to charges 1a) to 1h).

This charge is found NOT proved in relation to charges 1i) to 1l).

The panel took account of the nature of the charges found proved at charge 1. It noted that sub charges 1a) to 1h) in particular involved you inappropriately physically touching Colleague A and asking her personal intimate questions.

The panel determined that your actions in relation to sub charges 1a) to 1h) were sexually motivated in that you were pursuing sexual gratification. This is because uninvited intimate physical touching and asking intrusive sexual questions are inherently sexual in nature with no other plausible explanation. The panel considered your good character and the testimonials received from individuals that you have worked with, but determined that the nature and extent of the charges found proved in these particular circumstances

outweighed the weight it could place on subjective testimonials. It therefore found charge 3 proved in relation to these charges.

The panel did not find charge 1i) which was about you asking Colleague A to go for a drink to be sexually motivated in the pursuit of sexual gratification as alleged in charge 3. This is because there may be a number of explanations or motivations in inviting someone out for a drink.

In relation to sub charges 1j) to 1l) the panel noted that they were about the text messages, the Facebook messages and you asking to go to Colleague A's home. The panel decided that although these sub charges were inappropriate and unprofessional in nature there was no sexual motivation. This is because the messages related primarily to signing up Colleague A to insurance and asking about shifts. There was nothing inherently sexual about the messages and no obvious pursuit of sexual gratification so as to infer a sexual motivation as alleged in charge 3.

The panel therefore determined that charge 3 in relation to the sub charges 1i) to 1l) was not found proved.

Charges 4a) and 4b)

4. *'Your conduct at charge 1 amounted to harassment of Colleague A in that:*
 - a. *It was unwanted conduct of a sexual nature, and*
 - b. *It had the purpose and effect of:*
 - i. *violating Colleague A's dignity*
 - ii. *creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A'*

This charge is found proved in its entirety in relation to charges 1a) to 1h).

For the sub charges 1i) to 1l), the panel did not find these were sexually motivated pursuant to charge 3. It therefore follows that these sub charges do not constitute harassment related to unwanted conduct of a sexual nature. Therefore for these sub charges the panel do not find charge 4 proved.

The panel first considered the evidence in respect of the sub charges 1a) to 1h) in relation to 4a) holistically. It took account of Colleague A's evidence that she went 'bright red' and that she 'froze', and had also told her 'mam' about the incidents. The panel considered Colleague A's evidence was that your behaviour led her to call in sick to work. The panel took into consideration that when Colleague A was asked about calling in sick she explicitly stated:

"I don't feel safe when he's around".

The panel next considered for each sub charge specifically 1a) to 1h) whether the actions found proved were unwanted conduct of a sexual nature, violated Colleague A's dignity and created the environment as set out in the charge.

The panel considered its findings that these sub charges were sexually motivated and that it is not necessary for a person to say that they do not consent to being touched in a sexual manner.

In relation charge 1a) the panel found that this conduct was inappropriate and unprofessional. The panel also found that this was unwanted as Colleague A's evidence was that she did not invite this behaviour. Therefore, the panel determined that the conduct was unwanted and of a sexual nature.

The panel next considered whether your conduct in charge 1a) had the purpose and the effect of violating Colleague A's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. The panel found that your conduct at charge 1a) both violated Colleague A's dignity and created an intimidating, hostile,

degrading, humiliating or offensive environment for Colleague A. Colleague A subjectively did not invite this conduct of a sexual nature based on her evidence. The panel considered that it was objectively reasonable that a person would find sexual conduct of this nature to violate their dignity and create an environment that was intimidating, hostile, degrading, humiliating or offensive. It therefore follows that this conduct had the purpose and effect of violating Colleague A's dignity and creating the environment as set out in the charge. The panel therefore found charge 4 proved in relation to charge 1a).

In relation charge 1b) the panel found that this conduct was inappropriate and unprofessional. The panel also found that this behaviour was part of a sequence of incidents which were of a sexual nature. The conduct was unwanted as Colleague A's evidence was that she did not invite this behaviour. Therefore, the panel determined that the conduct was unwanted and of a sexual nature.

The panel next considered whether your conduct in charge 1b) had the purpose and the effect of violating Colleague A's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. The panel found that your conduct at charge 1b) both violated Colleague A's dignity and created an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. Colleague A subjectively did not invite this conduct of a sexual nature based on her evidence. The panel considered that it was objectively reasonable that a person would find sexual conduct of this nature to violate their dignity and create an environment that was intimidating, hostile, degrading, humiliating or offensive. It therefore follows that this conduct had the purpose and effect of violating Colleague A's dignity and creating the environment as set out in the charge. The panel therefore found charge 4 proved in relation to charge 1b).

In relation charge 1c) the panel found that this conduct was inappropriate and unprofessional. The panel also found that this behaviour was part of a sequence of incidents which were of a sexual nature. The panel considered that bending Colleague A over a table and rubbing against them was inappropriate physical touching. This is evidenced by Colleague A describing how she 'froze' and how you were smiling after the

incident. The conduct was unwanted as Colleague A's evidence was that she did not invite this behaviour. Therefore, the panel determined that the conduct was unwanted and of a sexual nature.

The panel next considered whether your conduct in charge 1c) had the purpose and the effect of violating Colleague A's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. The panel found that your conduct at charge 1c) both violated Colleague A's dignity and created an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. Colleague A subjectively did not invite this conduct of a sexual nature based on her evidence. The panel considered that it was objectively reasonable that a person would find sexual conduct of this nature to violate their dignity and create an environment that was intimidating, hostile, degrading, humiliating or offensive. It therefore follows that this conduct had the purpose and effect of violating Colleague A's dignity and creating the environment as set out in the charge. The panel therefore found charge 4 proved in relation to charge 1c).

In relation to sub charges 1d) to 1g) the panel took account of the fact that they all relate to one incident. It noted Colleague A's evidence that it was unwelcome behaviour as she stated in her Trust interview in October 2022:

"I was doing observations sat in the chair, he come and sat next to me on the chair. He was watching in the mirrors and kept saying 'what size boobs have you got'. I said I don't have them – I literally don't I was just to the point in my response. He said 'you need to prove it' I was saying absolutely not.

Then he started asking me about my periods 'are you on your periods? How often do you have a period? Are you sexually active? What am I supposed to say to that?

He was laughing. I was sat playing candy crush on my phone and he got off the chair walked behind the chair and put his hand down my top"

The panel noted that Colleague A made it clear that she was uncomfortable about this incident and had told her 'mam' about it at the time it had happened. The panel decided that this was unwanted conduct of a sexual nature based on Colleague A's account throughout all her evidence.

The panel next considered whether your conduct in charges 1d) to 1g) had the purpose and the effect of violating Colleague A's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. The panel found that your conduct at charges 1d) to 1g) both violated Colleague A's dignity and created an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. Colleague A subjectively did not invite this conduct of a sexual nature based on her evidence. The panel considered that it was objectively reasonable that a person would find sexual conduct of this nature to violate their dignity and create an environment that was intimidating, hostile, degrading, humiliating or offensive. It therefore follows that this conduct had the purpose and effect of violating Colleague A's dignity and creating the environment as set out in the charge. The panel therefore found charge 4 proved in relation to charges 1d) to 1g).

In relation to sub charge 1h) and you asking Colleague A to sit on your knee, the panel has already determined that this was unprofessional and inappropriate. It found that this constitutes unwanted conduct of a sexual nature as Colleague A in evidence said that she had said 'no' in response to you asking.

The panel next considered whether your conduct in charge 1h) had the purpose and the effect of violating Colleague A's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. The panel found that your conduct at charge 1h) both violated Colleague A's dignity and created an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. Colleague A subjectively did not invite this conduct of a sexual nature based on her evidence. The panel considered that it was objectively reasonable that a person would find sexual conduct of this nature to violate their dignity and create an environment that was intimidating, hostile, degrading,

humiliating or offensive. It therefore follows that this conduct had the purpose and effect of violating Colleague A's dignity and creating the environment as set out in the charge. The panel therefore found charge 4 proved in relation to charge 1h).

The panel therefore found charge 4 proved in its entirety in relation to charges 1a) to 1h).

Having found some matters proved in relation to the allegations made by Colleague A, the panel considered it appropriate to consider the cross admissibility of those matters found proved in relation to its consideration of the allegations made by Colleague B, under the ground of propensity. The panel reminded itself that it had also found there was no collusion between Colleagues A and B. It concluded that, as a result of its findings of fact in relation to Colleague A, it was more likely that Mr Jose acted in a similar way towards Colleague B, having found proved the majority of the allegations made by Colleague A, including that his actions in relation to charges 1a) to 1h) were both sexually motivated and constituted harassment.

Charge 5a)

'On the night shift of 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague B in that you:

a. placed both hands on their waist from behind without consent'

This charge is found proved.

In reaching this decision the panel took account of Colleague B's NMC witness statement which she stated:

"Jibby has been very touchy feely with many people, he was constantly hugging people..."

The panel noted that this evidence was corroborated in the Trust interview notes of 30 June 2022 and in the further interview notes of 24 October 2022.

The panel accepted the multiple consistent accounts from Colleague B on this charge. It also noted the 30 June 2022 Trust interview took place at the end of the shift in question and therefore was contemporaneous evidence which the panel found to be reliable.

The panel determined that on 29 June 2022 you behaved in an inappropriate and unprofessional manner towards Colleague B by placing both your hands on her waist from behind without her consent as this was uninvited, intrusive and intimate touching in the workplace.

On the balance of probabilities, the panel found this charge proved.

Charge 5b)

5. *‘On the night shift of 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague B in that you:*

b. slide your hand across their bottom‘

This charge is found NOT proved.

The panel found that some of the comments from Colleague B were generalisations in relation to your behaviour. It noted that in the Trust interview notes of 30 June 2022, Colleague B stated:

“Then he will move from your waist and slide his hand across your bum”.

The panel noted that this comment was not specifically referring to the incidents on the night shift of 29 June 2022. The panel also noted that Colleague B did not say you slid

your hand across her bottom in the interview of October 2022, instead when referring to the night shift of 29 June 2022 she stated:

“He didn’t grope my bum but it was around that area.”

The panel determined that the NMC has not discharged their burden of proof on the balance of probabilities that the incident happened as outlined in the charge as there was a lack of consistent evidence.

The panel therefore found this charge not proved.

Charge 5c)

5. *‘On the night shift of 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague B in that you:*

c. pressed your groin against their leg whilst they were seated at the computer’

This charge is found proved.

In reaching its decision the panel took account of the Trust interview notes of 30 June 2022 in which Colleague B stated:

“I was on the PC I think doing a urine sample and I was sat at the computer with one leg bent up on the chair. He was looking at the computer showing me something, his body was facing me and he was pressing his bits up against my leg. There have been loads of other staff coming up to me just in general conversation saying things about him.

...

“I was sitting with my knee up on the chair, so he was pressing against my leg.”

In the Trust interview notes of 24 October 2022, Colleague B’s evidence corroborated the incident and stated:

“He was showing me what to do and how to send it, my leg was up on the chair and he was on the left of me and he was pushing himself against me and then he was talking down on me calling me a stupid girl as I didn’t know what I was doing. He kept leaning into me.”

The panel preferred Colleague B’s account as it was contemporaneous evidence provided on the afternoon after the incident occurred. Colleague A and Colleague B’s evidence were both consistent in your positioning at the nurse’s station, although the panel noted that Colleague A did not see the alleged incident occur. For example, Colleague A stated in her Trust interview in October 2022:

“I was next to the door. [Colleague B] was sat at the computer and he was over the top of her showing her how to do it.”

It noted that your evidence in relation to this charge was not consistent in that you explained for the first time in your oral evidence that you were shouting instructions to Colleague B whilst outside the nurses station which the panel did not find plausible. The panel considered it unlikely that you would be shouting during a night shift, whilst patients were sleeping.

The panel determined that on 29 June 2022 you behaved in an inappropriate and unprofessional manner towards Colleague B when you pressed your groin against her leg whilst she was seated at the computer as this was uninvited, intrusive and intimate touching in the workplace.

The panel determined that you behaved in an inappropriate and unprofessional manner in relation to this charge and it therefore found this charge proved.

Charge 5d)

5. *'On the night shift of 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague B in that you:*

d. made inappropriate comments of sexual nature'

This charge is found NOT proved.

In reaching this decision the panel took account of Colleague B's initial Trust interview on 30 June 2022 where she stated:

"...last night he said 'oh no I have got really fat fingers' and he has said something like 'you prefer skinny fingers'. He made it quite sexual."

The panel also considered the Trust interview notes of 24 October 2022 which stated:

"[Witness 1] You made some comments about a conversation that included the words 'fat or thin fingers'

[Colleague B] Oh god.

[Witness 1] We know that it's not nice to talk about but it is important. Can you remember that and what was said?

[Colleague B] I think it may have been the same night but I am unsure. He asked what I prefer 'fat or thin fingers' just in a conversation.

[Witness 1] What do you feel he was alluding to?

[Colleague B] I assumed he meant during intercourse,

[Witness 1] Did he say that specifically?

[Colleague B] No”

The panel also noted that in Colleague B’s oral evidence and in response to panel questioning she stated that she doesn’t remember why this comment came up but she thought it was in relation to intercourse but was not sure. The panel determined that the evidence from Colleague B in relation to this charge contained inconsistencies and was based upon assumption.

The panel determined that the NMC has not discharged their burden of proof on the balance of probabilities that the incident happened as outlined in the charge.

Charge 5e)

5. *‘On the night shift of 29 June 2022 behaved in an inappropriate and/or unprofessional manner towards Colleague B in that you:*
 - e. *sat on her bottom and pressed your genitalia against her’*

This charge is found proved.

In reaching its decision, the panel took account of Colleague B’s NMC witness statement in which she stated:

“The incident in question related to the situation that occurred when the place was really quiet and there was no one else around. I took a break to type up the notes

and did so whilst lying flat on the floor. We spend a lot of time walking and sitting that I grabbed the chance to stretch. Jiby came up behind me, sat on my bum, and pressed himself onto me.”

The panel also took into account the Trust interview notes of 24 October 2022 which stated:

“ [Colleague B] Something else I didn’t tell you last time. I was doing my notes on the floor lying on my front on my belly flat, and he came over and sat on me.

... So you were lying flat and he came and sat over the top of you?

[Witness 1] Were his legs over you one on each side, was he straddled over you?

[Colleague B] Yes

... Was he sat up doing that or did he lie down?

[Colleague B] He was sat up

[Witness 1] You didn’t know that was going to happen, he didn’t say anything he just came over?

[Colleague B] No he just did it.

[Witness 1] Did he just sit down, or did he do any other actions?

[Colleague B] No, he just laughed

[Witness 1] He sat down and laughed.

[Colleague B] I could feel him on me, I could feel his bits on me and then he just got up,

... He never said anything?

[Colleague B] No”

It noted that Colleague B was consistent about her account of this incident after she disclosed the incident to the Trust in October 2022.

The panel determined that on 29 June 2022 you behaved in an inappropriate and unprofessional manner towards Colleague B when you sat on Colleague B’s bottom and pressed your genitalia against her as this was uninvited, intrusive and intimate touching in the workplace.

The panel therefore found charge 5e) proved.

The sequence of the charges in relation to Colleague A were set out in a way that the panel were asked to determine sexual motivation and/or pursuing sexual gratification before considering harassment. Therefore, the panel for consistency firstly considered sexual motivation (charge 7) before turning to harassment (charge 6) in relation to Colleague B.

Charge 7)

‘Your actions at charge 5a and/ 5b, and/or 5c, and/or 5d, and/or 5e above were sexually motivated in that you were pursuing sexual gratification.’

This charge is found proved in relation to 5a), 5c) and 5e).

The panel found charges 5b) and 5d) not proved and therefore did not go on to consider 5b) and 5d) in relation to charge 7.

In relation to charges 5a), 5c) and 5e), the panel considered whether they were sexually motivated and were in pursuit of sexual gratification. The panel noted that these proven charges were overtly sexualised acts and there is no other explanation to them than seeking sexual gratification. The panel further noted that each act involved inappropriate physical touch including rubbing genitalia on Colleague B or intimate unwanted touching.

The panel determined that your actions were sexually motivated in relation to charges 5a), 5c) and 5e) in that you were pursuing sexual gratification.

The panel therefore found charge 7 proved in relation to 5a), 5c) and 5e).

Charges 6a) and 6a)

‘Your conduct at charge 5 amounted to harassment of Colleague B in that:

- a. It was unwanted conduct of a sexual nature, and*
- b. It had the purpose and effect of:*
 - i. violating Colleague B’s dignity*
 - ii. creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague B’*

This charge is found proved in relation to 5a), 5c) and 5e).

The panel found charges 5b) and 5d) not proved and therefore did not go on to consider 5b) and 5d) in relation to charge 6.

In reaching its decision, the panel took account of your conduct at sub charges 5a), 5c) and 5e) which were all found to be inappropriate and unprofessional behaviour. The panel considered that there has been no evidence that your conduct within these sub charges was invited or consented to by Colleague B. Her evidence, viewed holistically, was clear in that all the conduct found proved was unwanted. The panel has already determined that

this conduct was sexually motivated. As such, it constituted unwanted conduct of a sexual nature.

The panel next considered whether your conduct in charges 5a), 5c) and 5e) had the purpose and the effect of violating Colleague B's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague B. The panel found that your conduct at charges 5a), 5c) and 5e) both violated Colleague B's dignity and created an intimidating, hostile, degrading, humiliating or offensive environment for Colleague B. Colleague B subjectively did not invite this conduct of a sexual nature based on her evidence. The panel considered that it was objectively reasonable that a person would find sexual conduct of this nature to violate their dignity and create an environment that was intimidating, hostile, degrading, humiliating or offensive. It therefore follows that this conduct had the purpose and effect of violating Colleague B's dignity and creating the environment as set out in the charge. The panel therefore found charge 6 proved in relation to charges 5a), 5c) and 5e).

Taking into account the evidence before it the panel found that you did violate Colleague B's dignity and created an intimidating, hostile, degrading, humiliating or offensive environment for Colleague B in relation to sub charges 5a), 5c) and 5e) and it therefore amounted to harassment.

The panel therefore found charge 6 proved in relation to sub charges 5a), 5c) and 5e).

Adjournment

Having handed down the determination on the facts of this case, the panel was required to move to stage two of the hearing; the consideration of misconduct and impairment. The registrant panel member was unable to continue to sit after September 2025. The panel invited submissions on the appropriateness of continuing the hearing in the time left allocated and also in relation to the substitution of a member of the panel.

Ms Maqboul stated that the inability for a current panel member to sit beyond September 2025 was unavoidable. She directed the panel to the case of *Michalak v General Medical Council* [2017] UKSC 71 (Admin) and submitted that the panel must ensure procedural fairness at all times.

Ms Maqboul submitted that it was unrealistic that this panel would be able to reasonably complete stage two before the close of business today. She submitted that it would be fair to hear submissions on misconduct and impairment when parties reconvene on a future date, with a replacement panellist in attendance.

Mr Buxton endorsed Ms Maqboul's submissions and her reference to the case of *Michalak*. He referred to the powers available to the panel in these circumstances, as set out in the NMC rules, and stated that justice should be the primary consideration in this matter.

Mr Buxton agreed that it was unrealistic to believe that this panel would be able to complete stage two, and hand down its decision, before the close of business. He submitted that stage two and stage three go '*hand in hand*' and now would be a sensible time to adjourn proceedings, particularly with how fragmented this case has been up to this point. He submitted that it would be fair to reconvene on a future date to hear submissions on misconduct and impairment when a replacement panellist has been secured.

Decision and reasons on application to adjourn

The panel heard and accepted the advice of the legal assessor. The legal assessor directed the panel to the case of *Michalak* and the NMC guidance CMT-7 '*Constitution of panels*'.

The panel had regard to the considerations within Rule 32 of the Rules, the case of *Michalak* and the NMC guidance CMT-7 '*Constitution of panels*'. It also had regard to the public interest in the expeditious disposal of these proceedings.

The panel accepted that the inability of the panellist to sit beyond September 2025 was unavoidable. The panel considered that it was unrealistic that it would be able to reasonably complete the misconduct and impairment stage before the close of business in a procedurally fair and thorough manner.

The panel took account of the parties submissions that it would be fair to hear submissions on misconduct and impairment when parties reconvene on a future date, after a replacement panellist has been secured and is in attendance.

In light of these factors, the panel determined that adjourning the hearing is appropriate and procedurally fair in this case.

The panel acknowledged that all hearings pose a risk of going part-heard at a variety of stages. However, if it were to proceed with the hearing now, knowing that it would be highly likely to be adjourned before the panel had reached its decision on misconduct and impairment, this would have the potential to be unfair to you. To adjourn part-way through the misconduct and impairment stage and then resume again at another time would be highly undesirable. The panel was mindful of the need to deal with matters expeditiously but was satisfied that it would be in the interests of justice to adjourn the hearing at this stage.

The panel therefore decided to adjourn the hearing.

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 your

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 safely and effectively without restriction.

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, your fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct

In coming to its decision, the panel had regard to the case of *Roylance v General Medical Council (No. 2)* [2000] 1 AC 311 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.*'

Ms Simpeh invited the panel to take the view that the facts found proved amount to misconduct. Ms Simpeh directed the panel to the terms of 'The NMC code of professional conduct: standards for conduct, performance and ethics' (the Code).

Ms Simpeh identified the specific, relevant standards where your actions amounted to misconduct. She submitted that your conduct was a "*flagrant*" departure from the Code, namely 1, 1.1, 8, 8.2, 20, 20.1, 20.2, 20.3, 20.5, 20.8, and 20.10.

Ms Simpeh submitted that you are an experienced nurse, and it is expected that someone in your position would have an awareness of the NMC Code. She submitted that your

conduct violated Colleague A and Colleague B's dignity and created an intimidating, hostile, degrading, humiliating, and offensive environment.

Ms Simpeh highlighted the impact that your conduct has had on your colleagues, namely Colleague A, who stated that the situation made it difficult for her to concentrate on her job.

Ms Simpeh submitted that your colleagues were relatively young and were made vulnerable by your conduct.

Mr Buxton submitted that a finding of misconduct is a matter for the panel, and acknowledged that the panel's findings will likely not amount to anything other than misconduct.

Submissions on impairment

Ms Simpeh moved on to the issue of impairment and addressed the panel on the need to have regard to protecting the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. This included reference to the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin).

Ms Simpeh submitted that your fitness to practise is impaired by way of your misconduct. She submitted that sexual misconduct is likely to create a risk to the public receiving care, and to colleagues. She submitted that sexual misconduct undermines public trust and confidence in the nursing profession, and creates difficult work environments for colleagues, which may impact the care received by patients.

Ms Simpeh submitted that your conduct fell far below the standards expected of a nursing professional.

Ms Simpeh submitted that your conduct brought the profession into disrepute. She submitted that nurses occupy a position of privilege and trust in society, and are expected to treat colleagues with respect. She submitted that repeated acts of sexual misconduct against two separate colleagues would bring the profession into disrepute.

Ms Simpeh submitted that there is no evidence of any personal factors which may have influenced your conduct, and there are no personal factors which mitigate the conduct.

Ms Simpeh submitted that there is no evidence of sufficient insight into your conduct. She submitted that you have provided a reflection and training certificates, as well as positive testimonials. However, Ms Simpeh submitted that these reflections provide a broad understanding of the impact of your conduct, but do not go further and fully address the impact on both colleagues.

Ms Simpeh submitted that you have not put in place an action plan, which is imperative to demonstrate what you have learnt from any training, and to demonstrate that you understand how your conduct may have been perceived.

Ms Simpeh submitted that there is a risk of repetition and a finding of impairment is necessary on the grounds of public protection and public interest.

Mr Buxton submitted that you have had a nursing career spanning 20 years and conduct of this kind has never surfaced. He submitted that you provided numerous positive testimonials, who attest that your behaviour as detailed in the charges was wholly out of character and did not align with you as the person they knew.

Mr Buxton submitted that you have reflected on your conduct, and that you have undertaken training courses, including a sexual harassment awareness training course in January 2025, and a professional boundaries course.

Mr Buxton submitted that your reflection acknowledged the devastating impact that this type of conduct would have on your colleagues, your profession, and the working environment.

Mr Buxton submitted that it is difficult for you to demonstrate strengthened practice as you are currently unable to work.

The panel accepted the advice of the legal assessor.

Decision and reasons on misconduct

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

The panel was of the view that your actions in the facts found proved did fall significantly short of the standards expected of a registered nurse, and that your actions amounted to breaches of the Code. Specifically:

- '1 Treat people as individuals and uphold their dignity*
- 8 Work co-operatively*
- 8.2 maintain effective communication with colleagues*
- 16.5 not obstruct, intimidate, victimise or in any way hinder a colleague, member of staff, person you care for or member of the public who wants to raise a concern*
- 20 Uphold the reputation of your profession at all times*
- 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 (The panel acknowledges that there is no element of dishonesty in this case.)*
- 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'

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct.

The panel considered each of the charges found proved. The panel determined that charges 1(i), 1(j), 1(k), and 1(l) did not amount to serious misconduct. The panel was of the view that while these acts were unprofessional and inappropriate, they did not constitute a serious departure from the conduct and standards expected of a nursing professional. The panel took into account the specific circumstances of these charges, and that the conduct was not found to be sexually motivated and did not constitute sexual harassment.

In relation to charge 1 a), b), c), d), e), f), g), h), charge 3 in relation to 1a) - 1h), charge 4 in relation to 1a) – 1h), charge 5 a), 5c), 5e), charge 6 in relation to 5a), 5c) and 5e) and charge 7 in relation to 5a), 5c) and 5e), the panel determined that your actions amounted to serious misconduct.

Your actions fell significantly short of professional conduct expected of a registered nurse, consisting of multiple sexually motivated acts which took place over a period of months, namely February 2022 through June 2022. Your sustained pattern of conduct involved two junior female colleagues, one of whom was new to the team. These colleagues were made vulnerable by your conduct and were caused emotional distress. Your actions in these charges demonstrated a breach of professional boundaries, through your unwanted conduct which was found to be sexually motivated and constituted sexual harassment.

The panel therefore found that your actions did fall seriously short of the conduct and standards expected of a nurse and amounted to misconduct, which was serious.

Decision and reasons on impairment

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

In coming to its decision, the panel had regard to the NMC Guidance on *'Impairment'* (Reference: DMA-1 Last Updated:28/01/2026) 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.'

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, 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 series of questions, which read 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/ fitness to practise is impaired in the sense that S/He:

- 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) ...'*

When considering the questions in relation to your past conduct, the panel found that your colleagues were put at risk and were caused emotional harm as a result of your misconduct. Your actions were sexually motivated, and your conduct was a very serious breach of professional boundaries. The panel was especially concerned by the physical nature of some of your misconduct, including overt sexual touching of your colleagues, which the panel found very serious and alarming. Further, the panel was of the view that your conduct towards your colleagues may have inadvertently put patients at risk. Your conduct caused emotional harm to Colleagues A and B, which could have impacted their quality of care to patients and therefore put them at an unwarranted risk of harm.

The panel was of the view that your misconduct breached the fundamental tenets of the nursing profession and brought its reputation into disrepute. Your conduct was of a sexual nature, constituting sexual harassment towards your more junior colleagues, who were made vulnerable by your conduct, and was very serious, taking place over several months. Public confidence in the nursing profession would have been seriously

undermined by your conduct, namely a nurse engaging in sexual misconduct against his younger and more junior colleagues, one of whom was new to the ward.

The panel considered whether you are liable in the future to put patients at an unwarranted risk of harm, bring the profession into disrepute, and breach the fundamental tenets of the nursing profession. It took into account whether the misconduct can be remediated, and whether there is a risk of repetition.

The panel considered that the misconduct found proved in this case is attitudinal in nature, which is difficult to remediate. The panel considered that you have over 20 years of experience as a nurse, with no previous regulatory concerns, and that you have provided numerous positive testimonials speaking to your abilities and character. However, it was of the view that the sexual misconduct is very serious, and the scale of your misconduct, namely that it was directed at two colleagues and involved a number of acts over a period of months, signals deep-seated attitudinal issues.

The panel considered whether you have taken steps to strengthen your practice and demonstrate insight. The panel acknowledges your right to deny the charges. The panel took into account your written reflections, and acknowledged that you have reflected in broad terms on the impact of sexual misconduct on colleagues, the workplace, and the reputation of the profession. Your reflection, while demonstrating some developing insight, did not properly address the extent of the impact that your proven conduct had on Colleagues A and B, notwithstanding that you deny the charges. The panel further noted that you have not provided a further, updated reflective piece since August 2025, which was before the panel determined the facts of this case.

The panel took into account that you have provided evidence of relevant training courses. The panel understood that you are unable to put into practice any of the training that you have undertaken due to your suspension from work. It noted that you have not provided any further information or updated evidence on training, since the panel's findings at the facts stage. The panel considered that, while you have made some efforts to remediate

the conduct and demonstrated some insight, the serious and attitudinal nature of your conduct was such that, in the panel's view, it had not been fully remediated.

In light of all the above, the panel was of the view that there is a risk of repetition. As such, you are liable in the future to put the public, which includes patients and colleagues, at an unwarranted risk of harm, breach fundamental tenets of the nursing profession, and bring the profession into disrepute. The panel therefore decided that a finding of impairment is necessary on the ground 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 concluded that public confidence in the profession would be seriously undermined if a finding of impairment were not made in this case. The misconduct is very serious, being of a sexual nature towards two of your more junior colleagues, who were made vulnerable by your conduct. It determined that a finding of impairment would maintain and uphold public confidence in the nursing profession, and the NMC as its regulator. Therefore, the panel also found your fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that your 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 you off the register. The effect of this order is that the NMC register will show that you have 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, the submissions from Ms Simpeh and Mr Buxton, and had regard to the NMC Guidance on *'The purpose of and approach to sanctions'* (Reference: SAN-1 Last Updated: 28/01/2026), *'The sanctions available'* (Reference: SAN-2 Last Updated: 28/01/2026), *'Deciding between suspension and strike off'* (Reference: SAN-3 Last Updated: 28/01/2026) and *'Sanctions for the highest risk cases'* (Reference: SAN-4) Last Updated 28/01/2026).

Submissions on sanction

Ms Simpeh informed the panel that the NMC seek the imposition of a striking-off order.

Ms Simpeh submitted that your conduct has caused your colleagues to become emotionally distressed and uncomfortable. She submitted that this was sexual conduct towards junior colleagues, which indirectly risked public safety, and demonstrated on your part a failure to work collaboratively with your colleagues. Ms Simpeh also submitted that your conduct amounted to an abuse of trust, as you were a more experienced member of staff at the time.

Ms Simpeh acknowledged that you have taken some steps to remediate the risk. However, she submitted that you have insufficient insight into your conduct, and your insight does not fully address the impact that your conduct has had on Colleague A and Colleague B.

Ms Simpeh submitted that, in light of the seriousness and nature of the misconduct, no order would not be appropriate. She submitted that the misconduct is far too serious, and no order would not protect the public or meet the public interest. She further submitted that a caution order would not be appropriate for the same reasons.

Ms Simpeh submitted that a conditions of practice order would not be appropriate in light of the evidence of deep-seated attitudinal concerns. She submitted that a conditions of practice order would not mark the seriousness of the misconduct in this case.

Ms Simpeh submitted that a suspension order would not be appropriate, as your conduct was not a single instance of misconduct, but was repeated over a period of months and directed towards junior colleagues, who were made uncomfortable by your behaviour.

Ms Simpeh submitted that your colleagues were caused emotional harm by your misconduct. She submitted that your insight, although developing, is not sufficient to mitigate the risk of harm and the deep-seated attitudinal issues in this case.

Ms Simpeh submitted that if you were suspended and allowed to return to work after a period of suspension, you would still pose a risk to your colleagues as there is a real risk of repetition, and you have not formulated an action plan.

Ms Simpeh submitted that, in light of all the above, a striking off order is the most appropriate and proportionate sanction.

Ms Simpeh submitted that your conduct was prolonged over a period of months, and caused emotional harm to two of your more junior colleagues, which inadvertently put patients at risk of harm. She submitted that your conduct is indicative of deep-seated attitudinal issues, and you have not properly addressed and mitigated the concerns.

Ms Simpeh submitted that sexual misconduct, according to the NMC Guidance, is likely to create a risk to people receiving care and to colleagues, and undermines public trust in the nursing profession.

Ms Simpeh invited the panel to impose a striking off order. She submitted that this order would adequately mark the seriousness of your misconduct, protect the public from any risk, and meet the public interest.

Mr Buxton submitted that there are mitigating factors in this case. He submitted that you have been working as a registered nurse for over 20 years with, prior to these allegations, no conduct of this kind or concerns raised, and you are currently married. He submitted that you have provided numerous positive testimonials which speak to your ability and professionalism.

Mr Buxton submitted that you have taken steps to remediate the misconduct.

Mr Buxton submitted that there is no historic risk. Mr Buxton submitted that the evidence, namely witness statements, did not reflect that the misconduct went on for months, as indicated by the panel previously.

Mr Buxton accepted that the misconduct is serious, and falls short of what is deemed to be proper. He reminded the panel of proportionality.

Mr Buxton submitted that a suspension order is appropriate and proportionate in the circumstances of this case. He submitted that a suspension order would allow you the time necessary to further develop your insight and reflect on your misconduct. It would allow you time to mitigate the harm before returning to practice. He submitted that you have engaged with these proceedings throughout.

Mr Buxton submitted that a period of suspension would allow you to meaningfully build on your insight, address the concerns, and continue to develop. He submitted that a period of suspension would also adequately protect the public from harm, and meet the public interest.

Mr Buxton invited the panel to impose a suspension order.

The panel accepted the advice of the legal assessor.

Decision and reasons on sanction

Having found your fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose. 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 decision on sanction is a matter for the panel independently exercising its own judgement.

The panel found the following aggravating factors present in this case:

- Abuse of a position of trust in that you were a more experienced nurse established within the team
- Multiple instances of sexual misconduct over a period of months, which involved overtly sexualised physical acts
- Emotional harm and vulnerability caused to both Colleague A and Colleague B
- Multiple breaches of the Code
- Failure to work collaboratively with colleagues through conduct constituting sexual harassment, directed at more junior female colleagues, which was inappropriate and unprofessional

The panel considered an assertion by Mr Buxton that the evidence did not support this conduct taking place over months. The panel had taken into account the date range in the allegation in relation to Colleague A, and her evidence that incidents started to occur not long after she began working with you on the ward in February 2022. The panel acknowledged that in relation to Colleague B, the incidents took place in the context of one night shift on 29 June 2022. Therefore, the panel considered this misconduct taking place over a period of months in relation to Colleague A.

The panel found the following mitigating factors present in this case:

- Nursing career of over 20 years with no previous known concerns of this kind

- Developing insight
- Undertaken and completed some relevant courses
- Numerous positive testimonials attesting to your professionalism and character

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case and the aggravating factors found present. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

The panel next considered a caution order and had regard to the NMC Guidance on ‘*Caution order*’ (Reference: SAN-2b Last Updated: 28/01/2026) in which the following is stated:

‘A caution is only appropriate if the Committee has decided there’s no risk to the public or to people using services that requires the professional’s practice to be restricted. This means the case is at the lower end of the spectrum of impaired fitness to practise, but the Committee wants to mark that what happened was unacceptable and must not happen again.’

The panel considered that your actions were not at the lower end of the spectrum, and it found that there is a risk to patient and public safety. The panel therefore determined that a sanction that does not restrict your practise would not protect the public. The panel also determined that it would be neither proportionate nor in the public interest to impose a caution order in light of the aggravating factors found present.

The panel next considered whether to impose a conditions of practice order on your practice. In considering whether conditions of practice are appropriate, the panel had regard to the factors set out in the NMC Guidance on ‘*Conditions of practice order*’ (Reference: SAN-2c Last Updated: 28/01/2026).

Having found that your misconduct was on the serious end of the spectrum, namely of a sexually motivated nature toward more junior colleagues, the panel determined that a conditions of practice order would not be appropriate in the circumstances. The panel considered that there are no relevant, proportionate, workable or measurable conditions that could be formulated to protect the public, including patients, and to uphold professional standards. The panel took into account that sexual misconduct of this serious nature signals deep-seated attitudinal issues. It bore in mind that it is difficult to formulate conditions to address attitudinal issues.

The panel went on to consider whether a suspension order is appropriate in this case. The panel had regard to the NMC Guidance on ‘*Suspension order*’ (Reference: SAN-2d Last Updated: 28/01/2026) in which the following factors on when a suspension order may be appropriate are set out:

- *‘the impairment is very serious but not fundamentally incompatible with continuing to be a registered professional*
- *an outcome less severe than strike-off would still satisfy the over-arching objective.’*

The panel also had regard to the key considerations as set out in the NMC Guidance to weigh up before imposing a suspension. It noted the following list of circumstances that may make a suspension order an appropriate sanction:

- *‘the charges found proved are at the most serious end of the spectrum and call into question the professional’s suitability to continue practising, either currently or at all*
- *while it is possible that the professional could be fit to practise in future, only a period out of practice would be sufficient to allow them to fully strengthen their practice through reflection, the development of their professional skills and / or development of insight and remediation*
- *there is a risk to the safety of people using services if the professional were allowed to continue to practise even with conditions*

- *what went wrong is so serious that public confidence in the profession and professional standards could not be maintained if the professional were able to continue practising without stopping for a period of time*
- *despite the seriousness of what happened, the professional has engaged in the proceedings and has shown at least some meaningful insight which evidences a realistic possibility that they will continue to develop this insight, address their concerns and return to practice.'*

While you have engaged with the proceedings and shown evidence of some developing insight, the panel has not been provided with any evidence of further reflections from you, or evidence of strengthened practice following the fact-finding stage of this hearing, which was handed down in September 2025. The panel found that your misconduct amounts to a significant departure of the standards expected of a registered nurse.

The misconduct is serious, relating to sexually motivated behaviour constituting harassment of a sexual nature, directed towards two of your more junior female colleagues, one of whom was new to the setting at the time. These colleagues were made vulnerable by your conduct. The panel found that there is a risk of repetition.

The panel considered whether a suspension order would allow you to further reflect and develop your insight. The panel was not satisfied that a period of suspension would allow you to address the findings to such a level where you could return to practise safely, when applying the aggravating factors in this case, and considering the difficulties in addressing findings of this nature.

The panel also took into account the public interest. Your colleagues should be in a safe working environment, and patients should be protected from harm. The panel was of the view that public confidence in the nursing profession would be seriously undermined if you were allowed to return to practising. The panel was of the view that a temporary removal from the register would not be sufficient to uphold public confidence in the profession and

maintain professional standards due to the seriousness and nature of the facts found proved.

In this particular case, taking into account the aggravating factors that the panel has found, which outweigh the mitigating factors, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

In considering a striking-off order, the panel had regard to the NMC Guidance on '*Deciding between suspension and strike off*' (Reference: SAN-3 Last Updated: 28/01/2026) and '*Sanctions for the highest risk cases*' (Reference SAN-4 Last Updated: 28/01/2026). Having regard to all of the above, the panel determined that this case falls within the definition of being a '*highest risk case*' and considered the aggravating features within the guidance to be present in this case, namely abuse of a position of trust and authority, repeated conduct, and sexual misconduct directed towards colleagues.

The panel had regard to the following considerations as set out in the NMC Guidance entitled '*Striking-off order*' (Reference: SAN-2e Last Updated; 28/01/2026):

- *Do the charges found proved raise fundamental questions about their professionalism?*
- *Can public confidence in the profession be maintained if the professional is not removed from the Register?*
- *Is there any amount of insight and reflection which could keep people receiving care and members of the public safe, maintain public confidence in the profession, and uphold professional standards?*
- *Is there a realistic prospect that, after suspension, the professional will have gained insight and strengthened their practice such that the risk they pose will have reduced?*

The panel found that sexual harassment and misconduct towards more junior colleagues, while you were in a position of trust, raises fundamental questions about your

professionalism. Your misconduct was of a very serious nature, caused emotional harm to two of your colleagues, and may have inadvertently put patients at risk of harm as your conduct had the potential to impact the quality of care provided to patients by your two colleagues.

In relation to insight and reflection, the panel has found that you have only shown limited insight into your misconduct. It was not confident that there was a realistic prospect that a period of suspension would allow you to sufficiently address the concerns and reduce the risk of harm and repetition, in light of the very serious nature of the findings, emotional harm caused, and the attitudinal element of the misconduct found proved.

Furthermore, your actions were significant departures from the standards expected of a registered nurse. The panel was of the view that the scale of the aggravating factors in this particular case demonstrate that your actions were very serious and are fundamentally incompatible with you remaining on the register. To allow you to continue practising would not protect the public and would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the effect of your actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct themselves, 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 you 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 your own interests until the striking-off sanction takes effect.

The panel accepted the advice of the legal assessor.

Submissions on interim order

Ms Simpeh submitted that an interim order is necessary to protect the public and meet the public interest during the 28-day appeal period and any other appeal period. She submitted that an interim suspension order of 18-months would adequately protect the public from risk of harm, and uphold and maintain public confidence in the nursing profession.

Mr Buxton did not make submissions on interim order.

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, in order to protect the public and meet the public interest during 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 you are sent the decision of this hearing in writing.

That concludes this determination.