

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

**Substantive Order Review Hearing
Friday, 6 March 2026**

Virtual Hearing

Name of Registrant: Carlo Frederico Spatola

NMC PIN: 14J0255C

Part(s) of the register: Registered Nurse – Sub part 1
Adult Nursing – 14 October 2014

Relevant Location: London

Type of case: Misconduct

Panel members: Shaun Donnellan (Chair, Lay member)
Amanda Revill (Registrant member)
Ray Salmon (Lay member)

Legal Assessor: Caroline Hartley

Hearings Coordinator: Bethany Seed

Nursing and Midwifery Council: Represented by Iwona Boesche, Case Presenter

Mr Spatola: Not present and unrepresented

Order being reviewed: Suspension order (6 months)

Fitness to practise: Impaired

Outcome: **Suspension order (6 months) to come into effect on 16 April 2026 in accordance with Article 30 (1)**

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Mr Spatola was not in attendance and that the Notice of Hearing had been sent to Mr Spatola's registered email address by secure email on 5 February 2026.

Ms Boesche, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the substantive order being reviewed, the time, date, and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mr Spatola's right to attend, be represented and call evidence, as well as the panel's power to proceed in his absence.

In light of all of the information available, the panel was satisfied that Mr Spatola has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Mr Spatola

The panel next considered whether it should proceed in the absence of Mr Spatola. The panel had regard to Rule 21 of the Rules and heard the submissions of Ms Boesche who invited the panel to continue in the absence of Mr Spatola. She submitted that Mr Spatola had voluntarily absented himself.

Ms Boesche submitted that there had been no engagement at all by Mr Spatola with the NMC in relation to these proceedings and, as a consequence, there was no reason to believe that an adjournment would secure his attendance on some future occasion. She submitted that it was in the public interest to review this case expeditiously and therefore invited the panel to proceed in Mr Spatola's absence.

The panel accepted the advice of the legal assessor.

The panel decided to proceed in the absence of Mr Spatola. In reaching this decision, the panel considered the submissions of Ms Boesche and the advice of the legal assessor. It had particular regard to relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Mr Spatola;
- Mr Spatola has not engaged with the NMC and has not responded to any of the emails sent to him about this review hearing;
- There is no reason to suppose that adjourning would secure his attendance at some future date; and
- There is a strong public interest in the expeditious review of the case.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Mr Spatola.

Decision and reasons on review of the substantive order

The panel decided to confirm the current suspension order for a further six months.

This order will come into effect at the end of 16 April 2026 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the first review of a substantive suspension order originally imposed for a period of six months by a Fitness to Practise Committee panel on 18 September 2025.

The current order is due to expire at the end of 16 April 2026.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

The charges found proved which resulted in the imposition of the substantive order were as follows:

'That you, a registered nurse:

1. On or around 19 February 2021:

- a. Sent Patient A a Facebook friend request*
- b. Sent a follow request to Patient A on Instagram*
- c. Messaged Patient A on Instagram without any clinical justification*
- d. 'Liked' one of Patient A's photos on Instagram*

2. Your conduct in any or all of charge 1 was a breach of professional boundaries.

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

The original panel determined the following with regard to impairment:

'The panel determined that limbs b and c of the "test" are engaged. It determined that although Patient A does not specifically outline that she suffered harm as a result of Mr Spatola's actions, it was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to breaching professional boundaries to be serious.

The panel determined that Mr Spatola demonstrated a lack of sufficient insight into his misconduct. The panel accepted the submissions of the NMC in that Mr Spatola accepts that he had a 'lapse of professionalism'. However, it noted that in Mr Spatola's investigation meeting he states that he did not think a 'simple message' would cause a problem. The panel determined that Mr Spatola's actions demonstrated a lapse in professionalism, and he did not fully appreciate the seriousness of his behaviour, or the potential impact it may have on a patient. The panel also noted that this demonstrated a lack of insight into his misconduct.

The panel also noted that Mr Spatola has shown no remorse into his conduct. The panel determined that there was no evidence before it of any meaningful reflections or attempts to strengthen his practice. The panel has no evidence before it to suggest that Mr Spatola has remediated.

The panel acknowledged that this may have been a one-off incident and noted that Mr Spatola made admissions to his behaviour and did not pursue further contact with Patient A once she had blocked him. However, the panel noted Mr Spatola's lack of engagement with these proceedings and his failure to provide any evidence of reflection or further insight beyond his limited admissions made during the local investigation meeting.

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.

Having found very limited insight, no evidence of remorse, reflection or strengthening of practice, the panel therefore determined that there remains a future risk of repetition and that a finding of impairment is necessary on the grounds of public interest.

It determined that members of the public would be concerned to learn of Mr Spatola's conduct and his lack of meaningful remediation. The panel was satisfied that a finding of impairment is required to uphold the professional standards and to maintain confidence in the nursing profession.

Having regard to all of the above, the panel was satisfied that Mr Spatola's fitness to practise is currently impaired.'

The original panel determined the following with regard to sanction:

The panel next considered whether placing conditions of practice on Mr Spatola's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel took into account the SG, in particular:

- No evidence of harmful deep-seated personality or attitudinal problems;*
- Identifiable areas of the nurse or midwife's practice in need of assessment and/or retraining;*
- No evidence of general incompetence;*
- Potential and willingness to respond positively to retraining;*
- The nurse or midwife has insight into any health problems and is prepared to agree to abide by conditions on medical condition, treatment and supervision;*
- Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- The conditions will protect patients during the period they are in force; and*
- Conditions can be created that can be monitored and assessed.*

The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case and the lack of engagement by Mr Spatola. The misconduct identified in this case was not something that can only be addressed through retraining. The panel determined that Mr Spatola's full cooperation and engagement in developing his insight and strengthening his practice would be required.

Furthermore, the panel concluded that the placing of conditions on Mr Spatola's registration would not adequately address the seriousness of this case and would not protect the public.

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

- *A single instance of misconduct but where a lesser sanction is not sufficient;*
- *No evidence of repetition of behaviour since the incident;*

The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register.

It did go on to consider whether a striking-off order would be proportionate but, taking account of all the information before it, and of the mitigation provided, the panel concluded that it would be disproportionate. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in Mr Spatola's case to impose a striking-off order.

Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction.

The panel noted the hardship such an order will inevitably cause Mr Spatola. However, this is outweighed by the public interest in this case.

The panel considered that this order is 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.

The panel determined that a suspension order for a period of 6 months was appropriate in this case to mark the seriousness of the misconduct.'

Decision and reasons on current impairment

The panel has considered carefully whether Mr Spatola's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as the ability of a professional on our register to practise as a nurse midwife or nursing associate safely and effectively without restriction. In considering this

case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel has had regard to all of the documentation before it, including the NMC bundle. It has taken account of the submissions made by Ms Boesche on behalf of the NMC.

Ms Boesche submitted that there has been no response to the invitation to this hearing, and no meaningful engagement from Mr Spatola, and therefore the level of risk remains the same as previously identified by the original panel. She submitted that this panel has no evidence before it regarding any development in Mr Spatola's insight, remorse or any strengthened practice. She submitted that a further six-month period of suspension would be fair and proportionate in these circumstances. She therefore invited the panel to impose a suspension order for a period of six months.

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

In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether Mr Spatola's fitness to practise remains impaired.

The panel noted that the original panel found that Mr Spatola had insufficient insight. At this hearing, the panel noted that it had no evidence before it of any development in Mr Spatola's level of insight or remorse. In its consideration of whether Mr Spatola has taken steps to strengthen his practice, the panel took into account that it had seen no new evidence in respect of any strengthened practice undertaken by Mr Spatola.

The original panel determined that Mr Spatola was liable to repeat matters of the kind found proved. Today's panel has received no new information to undermine this decision. In light of this, this panel determined that Mr Spatola remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the ground of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel was of the view that Mr Spatola's lack of engagement with these proceedings demonstrates an attitudinal issue that has not yet been addressed. The panel considered that public confidence in the profession would be damaged if Mr Spatola were permitted to return to unrestricted practice given the lack of sufficient insight or strengthened practice. The panel determined that, in this case, a finding of continuing impairment on the ground of public interest is also required.

For these reasons, the panel finds that Mr Spatola's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr Spatola's fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the 'NMC's Sanctions Guidance' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

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

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Mr Spatola's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise, but the Committee wants to mark that what happened was unacceptable and must not happen again.'* The panel considered that Mr Spatola's misconduct was not at the lower end of the spectrum and that a caution order

would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice on Mr Spatola's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel noted that the charges found proved and Mr Spatola's non-engagement with these proceedings demonstrates an attitudinal issue that is difficult to address with conditions of practice. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mr Spatola's misconduct.

The panel considered the imposition of a further period of suspension. It was of the view that at this time, Mr Spatola has been suspended from practice for six months only. The panel noted that the misconduct had the potential to be remediated by Mr Spatola. The panel was of the view that a further period of suspension would allow Mr Spatola further time to fully reflect on his previous misconduct, to provide evidence of insight and strengthened practice and to engage with these proceedings before any future review.

The panel also considered whether Mr Spatola's conduct overall was sufficient reason to impose a striking off order. The panel was of the view that a striking off order would be disproportionate and too punitive at this stage but noted that this option remains open to a future panel, if Mr Spatola fails to address the regulatory concerns.

The panel concluded that a further six-month suspension order would be the appropriate and proportionate response which would continue to both protect the public and satisfy the wider public interest. It considered that this would afford Mr Spatola adequate time to further develop his insight and take steps to strengthen his practice.

Accordingly, the panel determined to impose a suspension order for the period of six months. This suspension order will take effect upon the expiry of the current suspension order, namely the end of 16 April 2026 in accordance with Article 30(1).

Before the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- Evidence of any reflection, insight or strengthened practice completed by Mr Spatola.
- Mr Spatola's engagement with the NMC, and his future attendance at any review hearing.

This will be confirmed to Mr Spatola in writing.

That concludes this determination.