Nursing and Midwifery Council
Fitness to Practise Committee

Substantive Meeting
Thursday, 29 October 2026

Virtual Meeting

Name of Registrant:	**Joseph Castro James Justin**
NMC PIN:	19I0577O
Part(s) of the register:	Registered Nurse - Sub part 1 Adult Nurse (23 September 2019)
Relevant Location:	Camden
Type of case:	Conviction
Panel members:	Shaun Donnellan (Chair, Lay member) Anne Sharpe (Registrant member) Chris Wroe (Lay member)
Legal Assessor:	Caroline Hartley
Hearings Coordinator:	Eyram Anka
Facts proved:	Charges 1a and 1b
Fitness to practise:	Impaired
Sanction:	**Striking-off order**
Interim order:	**Interim suspension order (18 months)**
Final outcome:	**FTP impaired - striking off order**

Decision and reasons on service of Notice of Meeting

The panel was informed at the start of this meeting that the Notice of Meeting had been sent to Mr Justin's registered email address by secure email on 24 September 2026.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, date and the fact that this meeting was heard virtually.

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

Details of charge

That you, a registered nurse,

1. On 10 July 2025 at Wood Green Crown Court, were convicted of two counts of sexual assault, contrary to section 3 of the Sexual Offences Act 2003, as follows:
    a. On the 18th of August 2020 intentionally touched Patient A, the circumstances being that the touching was sexual namely touching her vagina, and Patient A did not consent to it, and you did not reasonably believe that Patient A consented. **[PROVED]**

    b. On the 18th of August 2020 intentionally touched Patient A, the circumstances being that the touching was sexual namely touching her breasts, and Patient A did not consent to it, and you did not reasonably believe that Patient A consented. **[PROVED]**

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

Background

On 20 June 2024 the NMC received a self-referral from Mr Justin informing the NMC that he had been charged with a criminal offence relating to an allegation of sexual assault that arose on 18 August 2020. The allegations arose whilst Mr Justin was employed by University College London Hospitals ("the Hospital") and working as a registered nurse in the Accident and Emergency department (A&E).

It is alleged that on 18 August 2020, a female patient accused Mr Justin of carrying out an inappropriate examination which included touching her vagina and breasts. Mr Justin was subsequently arrested by the police on 26 August 2020.

Mr Justin attended the Magistrates Court on 25 April 2024, and he entered a plea of 'not guilty'.

Following the trial, Mr Justin was convicted of two counts of sexual assault at Wood Green Crown Court on 10 July 2025 and was sentenced to a period of imprisonment of five years and six months, along with a requirement to register on the sex offenders register for an indefinite period. Mr Justin is currently serving his sentence at HMP Maidstone and has since been dismissed from the Trust.

Decision and reasons on facts

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

> *'**31.**— (2) Where a registrant has been convicted of a criminal offence—*
>
> *(a) a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and*
>
> *(b) the findings of fact upon which the conviction is based shall be admissible as proof of those facts.*

(3) The only evidence which may be adduced by the registrant in rebuttal of a conviction certified or extracted in accordance with paragraph (2)(a) is evidence for the purpose of proving that she is not the person referred to in the certificate or extract.'

Fitness to practise

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

Representations on impairment

The NMC requires the panel to bear in mind its overarching objective to protect the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Grant* [2011] EWHC 927 (Admin) and *Ronald Jack Cohen v General Medical Council* [2008] EWHC 581 (Admin).

Decision and reasons on impairment

The panel next went on to decide if as a result of the conviction, Mr Justin's 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. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

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

'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'

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

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

a) *has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*

b) *has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*

c) *has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*

d) *...'*

The panel determined that limbs (a), (b) and (c) of the Grant test are engaged in relation to Mr Justin's past conduct which resulted in his conviction.

In reaching this conclusion, the panel considered the serious nature and circumstances of Mr Justin's offences. It noted that his conduct involved the sexual assault of Patient A, a particularly vulnerable patient, and that the assaults had caused her significant psychological harm. The panel also took into account the sustained nature of the offending and the fact that Mr Justin's actions ceased only when he was interrupted. The panel had particular regard to the sentencing remarks of Judge Blackwell, dated 20 August 2025, in which she stated:

> *'For the avoidance of doubt, the elements of your offending which have led to severe psychological harm amount to the eating disorder, the self-harm and the fact that [Patient A] became a virtual recluse for many months and lost her care-free adolescence.'*

The panel considered that Mr Justin's convictions for two counts of sexual assault against a vulnerable patient represents a serious departure from the standards expected of a registered nurse. It determined that his conduct brought the nursing profession into disrepute and breached fundamental tenets of the nursing profession, particularly the duties to preserve safety and promote professionalism and trust.

The panel next considered whether the limbs of the *Grant* test are engaged as to the future. In this regard, the panel considered the case of *Cohen* in which the Court addressed the issue of impairment with regard to the following three considerations:

a. *'Is the conduct that led to the charge easily remediable?*

b. *Has it in fact been remedied?*

c. *Is it highly unlikely to be repeated?'*

The panel considered the gravity and nature of Mr Justin's convictions. It noted that he has been convicted of two counts of sexual assault, contrary to section 3 of the Sexual Offences Act 2003, involving intentional sexual touching without consent and without reasonable belief that she was consenting. The panel determined the nature of Mr Justin's offences is indicative of a deep-seated attitudinal issue, which is extremely difficult to remediate.

Furthermore, the panel noted the absence of evidence demonstrating insight, reflection or remorse. There is no evidence that Mr Justin has developed an understanding of the harm caused to Patient A, why his conduct was fundamentally unacceptable, or the adverse impact of his actions on public confidence in the nursing profession.

In light of these considerations, the panel reviewed the *Grant* test and concluded that Mr Justin is liable in the future to place those receiving care at an unwarranted risk of harm, bring the profession into disrepute and breach fundamental tenets of the profession. Accordingly, the panel determined that a finding of impairment is necessary on public protection grounds.

The panel bore in mind that the overarching objectives of the NMC are to protect, promote and maintain the health safety and well-being of the public and patients, and to uphold/protect the wider public interest, which includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel determined that public confidence in the nursing profession would be seriously undermined if a finding of impairment were not made in this case. This is due not only to the public protection concerns identified, but also to the seriousness of the charges found proved, which include a criminal conviction of sexual assault. The panel considered that an informed member of the public would be extremely concerned if a registered nurse convicted of such offences were not found to have impaired fitness to practise. The panel

concluded that the nature of Mr Justin's misconduct necessitates a finding of impairment on public interest grounds in order to uphold proper professional standards of conduct.

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

Sanction

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Mr Justin off the register. The effect of this order is that the NMC register will show that Mr Justin has been struck off the register.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had regard to the NMC Guidance on *'The sanctions available'* (Reference: SAN-2 Last Updated: 28/01/2026).

The panel accepted the advice of the legal assessor.

Decision and reasons on sanction

Having found Mr Justin's 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 panel had regard to the NMC Guidance on *'The sanctions available'* (Reference: SAN-2 Last Updated: 28/01/2026). The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Abuse of a position of trust
- Conduct which deliberately put people receiving care at risk of suffering harm
- Lack of insight
- Vulnerability of the person receiving care
- Predatory behaviour and isolation within a clinical space

- Continued to rationalise his behaviour under the guise of legitimate medical procedure
- Sustained assault

The panel did not identify any mitigating features in this case.

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.

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 Mr Justin's misconduct was 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 Mr Justin's 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.

The panel next considered whether to place a conditions of practice on Mr Justin's registration. 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).

The panel considered that Mr Justin's convictions were as a result of serious sexual offences against a vulnerable patient and did not concern deficiencies in his clinical knowledge or competence. Rather, the panel identified deep-seated attitudinal concerns

arising from Mr Justin's conduct and determined that conditions of practice would not adequately address the nature and seriousness of those concerns. The panel could not identify relevant, proportionate, workable or measurable conditions that could be formulated to protect patients and to uphold professional standards.

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.'*

The panel acknowledged that a suspension order would temporarily prevent Mr Justin from practising and would therefore provide protection to patients for the duration of the order. However, it considered that temporary removal from the register would not adequately address the seriousness of his offences or the wider public interest concerns.

The panel placed significant weight on the nature and circumstances of Mr Justin's conviction. It considered that his conduct represents a profound breach of the trust placed in him as a registered nurse and demonstrates a serious disregard for patient safety. Further, the panel considered that there is no evidence before it to suggest that Mr Justin has recognised the seriousness of his actions, understood the harm caused to Patient A or taken meaningful steps to address the underlying concerns.

In light of this, the panel is not satisfied that a period of suspension would provide a realistic prospect of Mr Justin developing sufficient insight and remediation to enable him to return to unrestricted practice safely. The panel considered that the concerns are not easily remediable and there is no evidential basis upon which to conclude that the identified risks would be sufficiently reduced following a period of suspension, given that Mr Justin is currently serving a five-year prison sentence. The panel concluded that a suspension order would not be a sufficient, appropriate or proportionate sanction.

The panel went on to consider whether a striking-off order is necessary and proportionate. In doing so, it had regard to the NMC Guidance on *'Sanctions for the highest risk cases'* (Reference SAN-4 Last Updated: 28/01/2026). The panel noted the following:

> *'Sexual misconduct likely to create a risk to people receiving care and to colleagues as well as undermining public trust and confidence. This is the case even if the victim is not a colleague or someone receiving care. This is because it calls into question the professional's understanding of personal boundaries. The Committee should always consider the duration of the conduct, the professional's relationship to those involved and the vulnerabilities of anyone subject to the alleged conduct.*
>
> *The Committee should consider the following aggravating factors (although other aggravating factors may also be present):*

- *where the professional has abused a position of trust or power they hold, either as a registered professional or otherwise. This is particularly so for cases involving cruelty, exploitation and predatory behaviour. All people receiving care will be vulnerable to some extent in their relationship with a professional, but the degree of vulnerability will depend on the person and relationship.*
- *long-term or repeated conduct.*
- *sexual misconduct towards people receiving care or colleagues. […] Sexual misconduct towards colleagues may indirectly risk public safety through creating an unsafe workplace environment. It also risks the dignity of colleagues.*
- *in general, where a professional has been convicted of a serious criminal offence or offences they should not be permitted to resume practice until they have satisfactorily completed their sentence. […]*
- *situations where the professional has been registered as a sex offender. In such cases, the Committee should consider whether it is appropriate for the professional to return to unrestricted (or any) practice while still registered as a sex offender.*
- *Convictions for sexual offences […] These offences gravely undermine the public's trust in the professions. Any such conviction makes it highly unlikely the professional can uphold the standards and values set out in the Code.'*

The panel considered that Mr Justin's conduct falls within the category of the highest risk cases, given the nature and seriousness of his sexual offences, the vulnerability of Patient A and the significant breach of trust.

The panel also took into account the sustained nature of the offending, the fact that the assault only ceased when he was interrupted, and the psychological harm suffered by Patient A, as identified in the sentencing remarks of Judge Blackwell.

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 determined that Mr Justin's conviction raised fundamental questions about his professionalism. It found that Mr Justin's actions were significant departures from the standards expected of a registered nurse and are fundamentally incompatible with him remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Mr Justin's actions were serious and to allow him to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

Having regard to the nature of Mr Justin's criminal offences, together with the absence of any insight or reflection, the panel concluded that there is no realistic prospect that a period of suspension would sufficiently address the underlying concerns or reduce the risk of harm to patients should Mr Justin return to practice.

Having regard to the matters it identified, in particular the effect of Mr Justin's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct himself, the panel concluded that nothing short of a striking-off order would be sufficient 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.

This will be confirmed to Mr Justin in writing.

Interim order

As the striking-off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Mr Justin's own interests until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

Decision and reasons on interim order

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest. The panel had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months to allow for the time that may be taken before an appeal can be heard. Not to do so would be inconsistent with the sanction imposed.

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

That concludes this determination.