

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

**Substantive Order Review Hearing
Friday, 11 September 2026**

Virtual Hearing

Name of Registrant:	Carlo Federico Spatola
NMC PIN:	14J0255C
Part(s) of the register:	Nurses part of the register Sub part 1 RN1: Adult nurse, level 1 (14 October 2014)
Relevant Location:	London
Type of case:	Misconduct
Panel members:	Linda Owen (Chair, Lay member) Sally Hatt (Registrant member) Mitchell Parker (Lay member)
Legal Assessor:	Caroline Hartley
Hearings Coordinator:	Anya Sharma
Nursing and Midwifery Council:	Represented by Ishaq Usama, Case Presenter
Mr Spatola:	Not present and unrepresented
Order being reviewed:	Suspension order (6 months)
Fitness to practise:	Impaired
Outcome:	Striking-Off order to come into effect at the end of 16 October 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 10 August 2026.

Mr Usama, 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, dates 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 the 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 and heard the submissions of Mr Usama who invited the panel to continue in the absence of Mr Spatola.

Mr Usama submitted that Mr Spatola has had sufficient time to contact the NMC and inform them that he is unable to attend the hearing. He submitted that Mr Spatola has not made any contact with the NMC for any of these purposes.

Mr Usama submitted that the NMC has complied with all reasonable efforts made to serve notice to Mr Spatola, and it would be fair and reasonable to proceed in his absence, considering that Mr Spatola has failed to engage previously.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mr Spatola. In reaching this decision, the panel has considered the submissions of Mr Usama, and the advice of the legal assessor. It has had particular regard to any 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 letters sent to him about this 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 replace the current suspension order with a striking off order.

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

This is the second 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. This was reviewed on 6 March 2026, where the suspension order was confirmed for a further six months.

The current order is due to expire at the end of 16 October 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 first reviewing panel determined the following with regard to impairment:

'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.'

The first reviewing panel determined the following with regard to sanction:

'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.'*

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 Mr Usama on behalf of the NMC.

Mr Usama provided the panel with a background to the case and referred it to the relevant parts of the NMC bundle, including the written decision of the previous reviewing panel dated 6 March 2026.

Mr Usama submitted that it is the NMC's position that Mr Spatola's fitness to practise remains impaired and invited the panel to consider extending the current suspension order, or alternatively imposing a striking-off order.

Mr Usama also referred the panel to the charges, which relate to Mr Spatola's conduct towards a patient on 19 February 2021, when he sent the patient a Facebook friend request, sent her a follow request on Instagram, messaged the patient on Instagram without clinical justification and liked one of her Instagram posts. Mr Usama informed the panel that the original substantive panel had determined that Mr Spatola's conduct amounted to misconduct.

Mr Usama referred the panel to the case of *Ibrahim v General Medical Council* ([2022] EWHC 2936 (Admin)) and submitted that there is a persuasive burden on Mr Spatola to demonstrate that his fitness to practise is no longer impaired. He submitted that, in the absence of any engagement from Mr Spatola, there is no evidence before this panel that he has undertaken any education or training, developed insight into his conduct, or otherwise addressed the concerns identified by the previous reviewing panel. Mr Usama submitted that this is particularly significant given that the findings are regarding Mr Spatola's attitudinal concerns and lack of insight.

Mr Usama informed the panel that it is required to determine whether Mr Spatola's fitness to practise remains impaired and whether a substantive order remains necessary to protect the public, maintain public confidence in the nursing profession and declare and uphold proper professional standards.

Mr Usama submitted that an extension of the suspension order, at a minimum, is necessary to protect the public from the risk of harm presented by Mr Spatola and to maintain public confidence in the nursing profession. He also invited the panel to consider whether a striking-off order is now appropriate, given the passage of time of approximately one year and the absence of any evidence of improvement, insight, reflection or remediation on Mr Spatola's part. In this regard, Mr Usama referred the panel to the NMC Guidance on Striking-off Order (SAN-2e). He submitted that the conduct found proved raises fundamental concerns about Mr Spatola's professionalism, as he had abused a position of trust by contacting a patient in an unprofessional manner for personal reasons. Mr Usama submitted that such conduct is capable of undermining public confidence in the nursing profession.

Mr Usama submitted that there has been no meaningful evidence of insight or reflection from Mr Spatola from the outset of the regulatory proceedings to today's review hearing, and there is also no evidence before this panel that Mr Spatola has undertaken relevant education or training.

Mr Usama submitted that Mr Spatola's continued lack of engagement and the absence of any evidence of remediation or training meant that there was no evidence before this panel to demonstrate a realistic prospect that Mr Spatola would develop sufficient insight and strengthen his practice following a further period of suspension so that the risk posed would reduce.

Mr Usama therefore invited the panel to consider an extension of the current suspension order or in light of Mr Spatola's continued non-engagement and lack of progress, a striking-off order.

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 substantive panel found that Mr Spatola had insufficient insight and that the last reviewing panel had no evidence before it of any development in Mr Spatola's level of insight or remorse.

The panel noted that Mr Spatola has not engaged with the NMC since the start of these regulatory proceedings and has provided no evidence of reflection, remorse, insight or remediation. There was also no evidence that he had taken any steps to strengthen his practice or otherwise address the concerns identified by the previous panels.

The panel considered that the concerns identified in this case involved breaches of professional boundaries and are attitudinal in nature. It also considered that such concerns

can be more difficult to remediate and, in the absence of any evidence of developing insight or remediation, the panel determined that the risk of repetition remains.

The panel noted that the original substantive hearing panel had determined that Mr Spatola was liable to repeat conduct of the kind found proved. This panel had received no evidence which would undermine this assessment. The panel therefore determined that there remains a risk of repetition and that a finding of impairment remains necessary on the grounds of public protection.

The panel also considered the public interest. 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 determined that the conduct found proved breached fundamental tenets of the nursing profession and involved important issues concerning professional boundaries and the position of trust held by Mr Spatola. In the absence of sufficient insight, remediation or evidence of strengthened practice, the panel considered that public confidence in the profession and in the NMC as a regulator would be undermined if Mr Spatola were permitted to return to unrestricted practice.

The panel therefore determined that Mr Spatola's fitness to practise remains impaired on both public protection and public interest grounds.

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 was not able to formulate conditions of practice that would adequately address the concerns relating to Mr Spatola's misconduct.

The panel next considered imposing a further suspension order. It noted that Mr Spatola had previously been informed that the suspension order would be reviewed before its expiry and that a reviewing panel could revoke, confirm or replace the existing order with another order. He had also been informed that a striking-off order was available to a future reviewing panel.

This panel noted that the previous reviewing panel had identified that a future reviewing panel would be assisted by evidence of reflection, insight and strengthened practice, as well as Mr Spatola's engagement with the NMC and attendance at any future review hearing. Despite a duty to engage with the NMC as his regulator, the panel noted that Mr Spatola has not complied with this and that none of this had been provided to the NMC in advance of today's substantive review hearing.

The panel next considered whether a further period of suspension would be sufficient to manage the risk in Mr Spatola's case. It first considered whether there was a realistic prospect that, during a further period of suspension, Mr Spatola would develop insight, strengthen his practice and remediate the concerns such that the risk of repetition would reduce.

The panel noted that Mr Spatola had already been afforded a further period of suspension following the previous review panel specifically providing him with an additional opportunity to engage and demonstrate progress. Despite this, Mr Spatola has not engaged with the NMC and had provided no evidence of insight, reflection, remediation, training or strengthened practice.

The panel also took into account the significant passage of time since the underlying incident. It considered that Mr Spatola had been afforded ample opportunity to engage with the regulatory process and address the concerns identified. The panel was of the view that Mr Spatola's continued failure to do so means that there is no realistic prospect that a further period of suspension would result in the necessary development of insight or remediation.

In these circumstances, the panel determined that imposing a further period of suspension would serve no useful purpose and would merely prolong the regulatory proceedings without addressing the continuing risk.

The panel acknowledged that the original concerns were potentially capable of remediation through appropriate insight, reflection and engagement. However, Mr Spatola had provided no evidence that he had taken any steps towards doing so, despite having been afforded sufficient time and opportunity.

The panel determined that it was therefore necessary to take action to prevent Mr Spatola from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 16 October 2026 in accordance with Article 30(1).

This decision will be confirmed to Mr Spatola in writing.

That concludes this determination.