

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

**Substantive Hearing
Tuesday 3 May 2022 – Thursday 5 May 2022**

Virtual Hearing
Nursing and Midwifery Council

Name of registrant:	Mr Keith Richard David Intes-Campbell
NMC PIN:	82Y2791E
Part(s) of the register:	Registered Nurse – Sub Part 1 (20 July 1994) Sub Part 2 (12 August 1985)
Area of registered address:	West Midlands
Type of case:	Misconduct
Panel members:	Sue Heads (Chair, lay member) Anne Grauberg (Registrant member) Colin Sturgeon (Lay member)
Legal Assessor:	David Marshall
Hearings Coordinator:	Dylan Easton
Nursing and Midwifery Council:	Represented by Hazel McGuinness, Case Presenter
Mr Intes-Campbell:	Not present and not represented
Facts proved:	Charges 1a, 1b, 1c, 3, 4
Facts not proved:	Charge 2
Fitness to practise:	Impaired
Sanction:	Striking-off order
Interim order:	Interim suspension order (18 months)

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Mr Intes-Campbell was not in attendance and that the Notice of Hearing had been sent to Mr Intes-Campbell's registered email address on 21 March 2022.

Ms McGuinness, 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 allegation, the time, dates and venue of the hearing and, amongst other things, information about Mr Intes-Campbell'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 Intes-Campbell has been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Mr Intes-Campbell

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

Ms McGuinness referred the panel an email from Mr Intes-Campbell, dated 21 March 2022, which included the following:

'I have already replied to two emails from your colleagues indicating that I will Not be attending any hearing.'

[...]

If the hearing goes ahead, it will be in my absence.'

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised '*with the utmost care and caution*' as referred to in the case of *R v Jones (Anthony William)* (No.2) [2002] UKHL 5.

The panel has decided to proceed in the absence of Mr Intes-Campbell. In reaching this decision, the panel has considered the submissions of Ms McGuinness, the representations from Mr Intes-Campbell and the advice of the legal assessor. It had particular regard to the factors set out in the decision of *R v Jones* and *General Medical Council v Adeogba* [2016] EWCA Civ 162 and had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Mr Intes-Campbell;
- There is no reason to suppose that adjourning would secure his attendance at some future date;
- Mr Intes-Campbell has informed the NMC that he has received the Notice of Hearing and made it clear that he has no intention to attend any hearing;
- Witnesses are due to attend today to give live evidence;
- Not proceeding may inconvenience the witnesses and their employers;
- The charges relate to events that occurred in 2019 to which the allegations relate;
- Further delay may have an adverse effect on the ability of witnesses accurately to recall events; and
- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Mr Intes-Campbell in proceeding in his absence. He will not be able to challenge the evidence relied upon by the NMC and will not be able to give evidence on his own behalf. However, in the panel's judgement, this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies. Furthermore, the limited disadvantage is the consequence of Mr Intes-Campbell's decisions to absent himself from the hearing, waive his rights to attend, and/or be represented, and to not provide oral evidence or make oral submissions on his own behalf.

In these circumstances, the panel has decided that it is fair, appropriate and proportionate to proceed in the absence of Mr Intes-Campbell. The panel will draw no adverse inference from Mr Intes-Campbell's absence in its findings of fact. Mr Intes-Campbell provided written representations at an earlier stage of the proceedings and the panel will take these into account.

Details of charge

"That you, a registered nurse:

1. *On or around the 15 June 2019 communicated with Child A by sending inappropriate messages in that;*
 - a) *On one or more occasions asked Child A what colour pyjamas he was wearing.*
 - b) *On one or more occasions asked whether Child A's father was aware of their communication.*
 - c) *On one or more occasions offered Child A your telephone number.*
2. *Your actions in charge 1(a) and/or 1(b) and/or 1(c) were sexually motivated in that you intended to pursue a future sexual relationship with Child A, and/or*

3. *Your actions in charge 1(a) were sexually motivated in that you sought sexual gratification.*
4. *Your conduct in charge 1 (a), (b) and (c) showed a lack of integrity in that you knew that communicating with Child A was inappropriate.*

In light of the above your fitness to practise is impaired by reason of your misconduct.”

Decision and reasons on application for hearing to be held in private

At the outset of the hearing, Ms McGuinness made a request that any reference to Mr Intes-Campbell's health made during this case be heard in private. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

The panel determined to go into private session in connection with Mr Intes-Campbell's health in the event that such issues are raised in order to protect Mr Intes-Campbell's right to privacy.

Decision and reasons on facts

In reaching its decisions on the disputed facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Ms McGuinness on behalf of the NMC and written representations by Mr Intes-Campbell.

The panel has drawn no adverse inference from the non-attendance of Mr Intes-Campbell.

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: Vice Principal at Swalcliffe Park School Trust ('the School') at the time of the incidents.
- Witness 2: Local Authority Designated Officer (LADO) who contacted the School in relation to the allegations against Mr Intes-Campbell

Background

On 23 October 2019, Witness 1, Vice Principal of the School made a referral to the NMC in relation to Mr Intes-Campbell's fitness to practise at the time he was working for the School as a Healthcare Manager. The School is a residential school for boys with autism. The alleged facts are as follows:

On 4 October 2019, Witness 2 told the School that she had been contacted by the National Crime Agency ('NCA') about Mr Intes-Campbell.

The NCA was aware that Mr Intes-Campbell had allegedly sent inappropriate text messages to a 14-year-old boy ('Child A'). The boy was not a patient or a pupil at the School. The NCA had concerns about the content of the messages, which included asking him what colour his pyjamas were and also saying to him, "does your dad know we chat?" When Child A responded that he did not think so, Mr Intes-Campbell replied, "probably a good thing. He might object, lol".

The School conducted an investigation on 9 October 2019 and at a disciplinary meeting on 16 October 2019, Mr Intes-Campbell accepted that he had sent the messages which were the subject of the NCA's concerns. Mr Intes-Campbell accepted that Child A's parents had not been aware of the contact, and that it was inappropriate.

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 Intes-Campbell.

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

Charge 1a)

“That you, a registered nurse:

1. On or around the 15 June 2019 communicated with Child A by sending inappropriate messages in that;

a) On one or more occasions asked Child A what colour pyjamas he was wearing.”

This charge is found proved.

In reaching this decision, the panel took into account all of the evidence provided, including the screenshots of text messages between Mr Intes-Campbell and Child A. In the text messages, there are three occasions in which Mr Intes-Campbell asks Child A what colour pyjamas he was wearing. The text messages are as follows:

‘what color pj’s [...] hehehe’

[...]

'No black pj's tonight? [...] hehe'

[...]

'What colour? If I may ask' [Sic]

The panel determined, in light of these text messages, Mr Intes-Campbell did ask Child A what colour pyjamas he was wearing on more than one occasion, and that these messages were inappropriate. The panel found charge 1a proved.

Charge 1b)

"b) On one or more occasions asked whether Child A's father was aware of their communication."

This charge is found proved.

In reaching this decision, the panel took into account all of the evidence provided, including the screenshots of text messages between Mr Intes-Campbell and Child A. In these text messages, Mr Intes-Campbell asked Child A:

'Does dad know we chat?' To which Child A replied *'No'*. Mr Intes-Campbell then replied:

'Probably a good thing'

'He might object, lol.'

In another message, Mr Intes-Campbell also asked:

'Does your dad know we chat?'

In light of these text messages, the panel determined that Mr Intes-Campbell did ask Child A whether his father was aware of their communication and that this was inappropriate. The panel found charge 1b proved.

Charge 1c)

"c) On one or more occasions offered Child A your telephone number."

This charge is found proved.

In reaching this decision, the panel took into account all of the evidence provided, including the screenshots of text messages between Mr Intes-Campbell and Child A. It considered a text message from Mr Intes-Campbell stating the following:

'You want my number' followed by a text message including his telephone number as shown in the NMC register.

In light of these text messages, the panel is satisfied that Mr Intes-Campbell did offer Child A his telephone number and that this was inappropriate. The panel found charge 1c proved.

Charge 2)

"2. Your actions in charge 1(a) and/or 1(b) and/or 1(c) were sexually motivated in that you intended to pursue a future sexual relationship with Child A"

This charge is found NOT proved.

In reaching this decision, the panel took into account all of the evidence before it, including the oral evidence from Witness 2 and the screenshots of text messages between Mr Intes-Campbell and Child A.

The panel considered Witness 2's evidence. In her evidence she stated that, in her experience as a LADO, these text messages could indicate the early stages of grooming. She made particular note of the 'child-like' language Mr Intes-Campbell used, such as 'hehe' which can be used as a grooming tool.

The panel also took into account the text messages between Mr Intes-Campbell and Child A. It concluded that, due to the secretive nature of the conversations, the tone of the language used and the inappropriate questioning regarding the colour of Child A's pyjamas, the text messages were sexually motivated. The panel also took into account, having found charge 1c proved, that Mr Intes-Campbell did give Child A his telephone number which may have been for the purposes of future communication.

However the panel noted that there were no records that Mr Intes-Campbell intended to meet Child A. The panel is therefore of the view that there is insufficient evidence to show that Mr Intes-Campbell intended to pursue a future sexual relationship with Child A. In light of this, the panel found charge 2 not proved.

Charge 3)

"3. Your actions in charge 1(a) were sexually motivated in that you sought sexual gratification."

This charge is found proved.

In reaching this decision, the panel took into account all of the evidence before it, including the oral evidence from Witness 2 and the screenshots of text messages between Mr Intes-Campbell and Child A.

The panel was of the view that, for reasons which are outlined above, that the text message conversations between Mr Intes-Campbell and Child A were sexually motivated. It was of the view that Mr Intes-Campbell asking what colour pyjamas Child A was wearing was sufficient to infer that these questions were asked for his sexual gratification.

The panel considered that Mr Intes-Campbell has stated in the School's investigatory meeting notes, dated 9 October 2019, that asking Child A what colour his pyjamas were was '*just banter*' however the panel does not accept this reason. It also considered that Mr Intes-Campbell had accepted that these text messages could be perceived as grooming as shown in the disciplinary hearing notes, dated 16 October 2019. The panel found it difficult to identify any other likely motivation for the intimate nature of the text messages other than sexual gratification. No other motive was suggested by Mr Intes-Campbell. In his written representations, he said '*Even now, I cannot explain why I asked such questions*'.

In light of this, the panel was of the view that, on the balance of probabilities, Mr Intes-Campbell's actions in charge 1a were sexually motivated in that he sought sexual gratification and it found charge 3 proved.

Charge 4)

"4. Your conduct in charge 1 (a), (b) and (c) showed a lack of integrity in that you knew that communicating with Child A was inappropriate."

This charge is found proved.

In reaching this decision, the panel took into account all of the evidence before it, including a written statement from Mr Intes-Campbell.

The panel considered the written statement from Mr Intes-Campbell. It had particular regard to the following:

'11. I accept and take responsibility that the content of the communication was inappropriate and I should know better. It was wrong and very irresponsible of me'

[...]

'21. I take full responsibility for my actions. I admit that it was wrong and inappropriate.'

In light of this statement, it concluded that Mr Intes-Campbell knew the messaging of Child A was inappropriate.

The panel considered the standard of behaviour expected from a registered nurse. Having found that some of the content of the messages sent between Mr Intes-Campbell and Child A were sexually motivated and inappropriate, the panel determined that Mr Intes-Campbell's conduct set out in charges 1a, 1b and 1c showed a lack of integrity and it found charge 4 proved.

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 Mr Intes-Campbell's 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 suitability to remain on the register unrestricted.

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, Mr Intes-Campbell's 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 McGuinness invited the panel to take the view that the facts found proved amount to misconduct. The panel had regard to the terms of 'The Code: Professional standards of practice and behaviour for nurses and midwives (2015)' (the Code) in making its decision.

Ms McGuinness identified the specific, relevant standards where Mr Intes-Campbell's actions amounted to misconduct.

Ms McGuinness submitted that Mr Intes- Campbell conduct did fall significantly short of the standards expected of a registered nurse and amounted to multiple breaches of the Code. Specifically:

'1 - Treat people as individuals and uphold their dignity

To achieve this, you must:

1.1 - Treat people with kindness, respect and compassion

20 - Uphold the reputation of your profession at all times

To achieve this, you must:

20.1 - Keep to and uphold the standards and values set out in the Code.

20.2 - Act with honesty and integrity at all times, treating people fairly and without discrimination, bullying or harassment.

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'

Ms McGuinness submitted that Mr Intes-Campbell's conduct demonstrated a complete lack of respect for Child A's dignity when he asked him what colour his pyjamas were for his own sexual gratification. Further, she submitted that Mr Intes-Campbell was a family friend of the boy's father therefore he was in a position of trust.

Ms McGuinness submitted that Mr Intes-Campbell was sending messages to a vulnerable child and influencing the behaviour of Child A to conceal from his family that he was messaging Mr Intes-Campbell.

Ms McGuinness submitted that Mr Intes-Campbell recognises in his own written representations that he may have caused emotional harm to the boy and distress not only to the boy but also his family. She had particular regard to the following:

'I am wholly to blame for my actions and for any emotional harm I have caused the boy.'

[...]

'Truly sorry for the harm and distress that I have caused them during this trying time.'

Ms McGuinness submitted that, that while not all inappropriate conduct may amount to serious misconduct the conduct in this case, having found charges 1 and 3 proved amounts to sexual misconduct. She submitted that sexual misconduct, of any description, is so serious as to breach the fundamental tenets of upholding dignity and acting professionally.

Ms McGuinness submitted that it is clear that fellow practitioners would view such conduct as reprehensible. She submitted that Mr Intes-Campbell's conduct falls far below the standards which would be considered acceptable and that the facts found proved amount to misconduct.

Submissions on impairment

Ms McGuinness 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 cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin) and *Meadow & the General Medical Council* [2006] EWCA Civ 1390.

Ms McGuinness submitted that, while it is acknowledged that there are no allegations of patient harm caused by Mr Intes-Campbell's conduct, or indeed any clinical concerns raised with his practice, his conduct does put patients at unwarranted risk of harm. She submitted that, although the child was not a patient, the behaviour of Mr Intes-Campbell has the potential to cause harm to vulnerable patients in his care.

Ms McGuinness submitted that a finding of sexual misconduct would seriously undermine public trust in nurses, midwives and nursing associates. She submitted that a nurse inappropriately communicating with a child and for sexual gratification may discourage patients from seeking treatment and therefore has the potential to cause harm. Further, she submitted that, if Mr Intes-Campbell's behaviour were to be repeated

towards a member of the public, a patient or a relative of patient, there is a real potential for harm.

Ms McGuinness submitted that Mr Intes-Campbell's conduct would be viewed very dimly by the public and his fellow professionals. She submitted that his conduct has brought the profession into disrepute. Further, she submitted that confidence in the profession would be undermined if the NMC as a regulator took no action.

Ms McGuinness invited the panel to consider the NMC guidance on 'Remediation and Insight', which states:

'Examples of conduct which may not be possible to remedy, and where steps such as training courses or supervision at work are unlikely to address the concerns include:

- *inappropriate personal or sexual relationships with patients, service users or other vulnerable people'*

Ms McGuinness submitted that the communication with Child A may be described as an inappropriate personal relationship with a vulnerable person and that the text message conversations with Child A were sexually motivated in that Mr Intes-Campbell asking what colour pyjamas Child A was wearing, was for Mr Intes-Campbell's sexual gratification. As such, Ms McGuinness submitted that his conduct is very difficult to remedy.

Ms McGuinness submitted that Mr Intes-Campbell's admissions demonstrate an acknowledgment of his actions with respect to him sending inappropriate messages and

he acknowledged that the contact was inappropriate. He did admit to sending the messages at an early stage during the local investigation and he has apologised and expressed remorse. However, Ms McGuinness submitted that he has not acknowledged that his actions amounted to sexual misconduct. She referred the panel to his statement in which he states the following:

'I understand completely the concerns and appreciate how they can be viewed as grooming.

[...]

Even now, I cannot explain why I asked such questions.'

Ms McGuinness submitted that Mr Intes-Campbell does show some insight in that he accepts that the existence of the messages would be concerning for parents and staff at the school and that he would have lost the trust and confidence of the public as a result. However, she submitted that he demonstrates a lack of insight into the content of the messages and the relationship he had with the child and that his reflection does not address in any detail the reasons for his contact with Child A, nor why he encouraged Child A to conceal the communication from his parents.

Ms McGuinness told the panel that Mr Intes-Campbell has indicated that he has made a change to his behaviour in that he has taken steps to ensure that he does not contact anyone under the age of 21 through social media in future. However, she submitted that he has not provided any evidence to show he has engaged in any further training in relation to safeguarding or professional boundaries. In light of this, Ms McGuinness submitted that, due to the lack of full insight and evidence that Mr Intes-Campbell has taken steps to strengthen his practice, there is a risk of repetition.

Ms McGuinness submitted that, although there is no actual evidence of harm, exposing vulnerable children to this type of inappropriate behaviour could risk significant psychological harm to them. Ms McGuinness submitted that Mr Intes-Campbell does

acknowledge the potential for harm in his own submissions as seen through the following:

'I am wholly to blame for my actions and for any emotional harm I have caused the boy.'

Ms McGuinness submitted that Mr Intes-Campbell's behaviour demonstrates a significant departure from the standards expected of a registered nurse and that he has brought the reputation of the profession into disrepute. She submitted that his behaviour is likely to seriously undermine public trust in nurses, midwives and nursing associates. She submitted that a fully informed member of the public would be concerned if a finding of impairment was not found in this case. Further, she submitted that the public would lose confidence in the profession, and the NMC as its regulator, if it did not make a finding of impairment, considering the circumstances of this case. She submitted that it is important to show both the public and fellow professionals that the highest standards are being upheld. In light of this, Ms McGuinness submitted that a finding of current impairment is necessary on public interest grounds.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Roylance v General Medical Council* (No 2) [2000] 1 A.C. 311, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), and *General Medical Council v Meadow* [2007] QB 462 (Admin).

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 Mr Intes-Campbell's actions did fall significantly short of the standards expected of a registered nurse, and that Mr Intes-Campbell's actions amounted to a breach of the Code. The panel considered submissions from Ms McGuinness in relation to part 1 of the Code and it determined that this is linked to the treatment of those receiving care. The panel noted that the misconduct did not take

place in the course of practice by Mr Intes-Campbell as a registered nurse and there is no evidence to show that he has abused his position of trust in his work. Therefore, it found that part 1 of the Code was not applicable in this case. However, the panel considered part 20 of the Code, specifically the following:

'20 - Uphold the reputation of your profession at all times

To achieve this, you must:

20.1 - Keep to and uphold the standards and values set out in the Code.

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

20.5 - 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. However, the panel was of the view that the conduct found proved is serious as this case involves sexual misconduct involving a vulnerable child. It was of the view that the conduct found proved displays a lack of judgement and that his behaviour did fall seriously short of the conduct and standards expected of a nurse. In light of this, the panel found that Mr Intes-Campbell's actions amounted to misconduct.

Decision and reasons on impairment

The panel next went on to decide if as a result of the misconduct, Mr Intes-Campbell's fitness to practise is currently impaired.

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, nurses must be honest and open and act with integrity. 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 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) ...'

The panel found that a vulnerable child was put at risk and there was potential for emotional harm as a result of Mr Intes-Campbell's misconduct. The panel considered that whilst the allegations do not relate specifically to his practice and the concerns occurred outside of his professional life, it was of the view that Mr Intes-Campbell's misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. It was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to sexual misconduct extremely serious.

Regarding insight, the panel considered that Mr Intes-Campbell has made some early and subsequent admissions and he has demonstrated some understanding of how his actions put Child A at a risk of harm. It was of the view that he has demonstrated an understanding that what he did was wrong, he has apologised for his misconduct and has indicated in his written representations how he would handle the situation differently in the future. However, the panel determined that Mr Intes-Campbell has shown limited insight into his misconduct as he did not fully accept the sexual nature of the interactions with Child A in that he did not provide an alternative explanation for his actions.

The panel determined that it is difficult but not impossible to remedy the conduct of the kind found proved. However the panel has very limited evidence as to how Mr Intes-Campbell has addressed these concerns.

The panel considered public protection in this case and the need to protect patients, colleagues and others. It considered that there is a real risk of harm to the public should conduct of the kind found proved be repeated. Further, the panel was of the view that there is a risk of repetition based on the lack of evidence that Mr Intes-Campbell has taken steps to address his misconduct. The panel therefore decided that a finding of impairment is necessary on the grounds 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 determined that a finding of impairment on public interest grounds is required to uphold proper standards of conduct. In addition, the panel concluded that public confidence in the profession and the NMC as a regulator would be undermined if a finding of impairment were not made in this case and therefore also finds Mr Intes-Campbell's fitness to practise impaired on the grounds of public interest.

Having regard to all of the above, the panel was satisfied that Mr Intes-Campbell'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 Intes-Campbell off the register. The effect of this order is that the NMC register will show that Mr Intes-Campbell 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 careful regard to the Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

Submissions on sanction

Ms McGuinness informed the panel that in the Notice of Hearing, dated 21 March 2022, the NMC had advised Mr Intes-Campbell that it would seek the imposition of a striking-off order if the panel found Mr Intes-Campbell's fitness to practise currently impaired.

Ms McGuinness submitted that the appropriate sanction in this case is a striking-off order. She submitted that the aggravating factors in this case are as follows:

- Breach of trust;
- Lack of professionalism and integrity;
- Sexual motivation; and
- Lack of full insight.

Ms McGuinness submitted that the mitigating factors in this case are:

- Mr Intes-Campbell's acceptance that the conduct was inappropriate;
- He has shown remorse and regret;
- It was an isolated incident; and
- He has engaged with the School's investigation and the NMC.

Ms McGuinness submitted that taking no further action would not be appropriate as this matter is too serious and would not protect the public, nor uphold the public interest.

Ms McGuinness referred the panel to the NMC sanction guidance which states that a caution order may be appropriate if the misconduct found was on the lower end of the spectrum. However, she submitted that Mr Intes-Campbell's misconduct was not at the lower end of the spectrum and a caution order would be inappropriate in view of the seriousness of the case.

Ms McGuinness next turned to the possibility of a conditions of practice order. She submitted that the misconduct found proved does not relate to Mr Intes-Campbell's clinical practice. She submitted that it is not clear how conditions could be devised in order to adequately protect the public and to satisfy the public interest.

Ms McGuinness submitted that a suspension order temporarily suspending Mr Intes-Campbell from practising would not be a sufficient, appropriate or proportionate sanction. She submitted that this is a case which raises serious and fundamental concerns about Mr Intes-Campbell's professionalism and integrity and that a

suspension order would not adequately address the public interest due to the seriousness and sexual nature of the misconduct involving a vulnerable child. Ms McGuinness submitted that public confidence in the profession would be undermined if Mr Intes-Campbell were not removed from the register and there would be serious damage caused to the nursing profession and the NMC as a regulator.

Ms McGuinness submitted that Mr Intes-Campbell's actions were a significant departure from the standards expected of a registered nurse and breached fundamental tenets of the profession. In light of this, she submitted that the sexual nature of the misconduct and the serious breach of the fundamental tenets of the profession evidenced by Mr Intes-Campbell's actions is fundamentally incompatible with Mr Intes-Campbell remaining on the register.

Ms McGuinness submitted that a member of the public's view of how a registered nurse should conduct themselves is adversely affected by the conduct of Mr Intes-Campbell in this case. She submitted that the findings in this particular case are such that to allow Mr Intes-Campbell to continue to practise as a registered nurse would undermine public confidence in the profession and in the NMC as a regulatory body.

Ms McGuinness submitted that the position of the NMC is that a striking-off order is the only proportionate order in this case.

Decision and reasons on sanction

Having found Mr Intes-Campbell's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. The panel has borne in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. The panel had careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Lack of integrity;
- Sexually motivated conduct;
- Lack of full insight into his misconduct; and
- Conduct which put a vulnerable child at risk of suffering harm.

The panel also took into account the following mitigating features:

- Early admissions of the facts;
- No previous NMC findings;
- Has shown some insight into his conduct; and
- Has apologised and has shown remorse for conduct.

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 Intes-Campbell's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that Mr Intes-Campbell's misconduct was not at the lower end of the spectrum and that a caution order 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 impose a caution order.

The panel next considered whether placing conditions of practice on Mr Intes-Campbell's registration would be a sufficient and appropriate response. The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case. The misconduct identified in this case was not something that can be addressed through retraining. Furthermore, the panel

concluded that the placing of conditions on Mr Intes-Campbell'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 there is:

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

The panel however concluded that the behaviour of Mr Intes-Campbell did indicate an attitudinal problem and the panel was not satisfied that Mr Intes-Campbell had insight into his behaviour and thus it was of the view there was a risk of repeating this behaviour.

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

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

Finally, in looking at a striking-off order, the panel took note of the following paragraphs of the SG:

- *Do the regulatory concerns about the nurse or midwife raise fundamental questions about their professionalism?*

- *Can public confidence in nurses and midwives be maintained if the nurse or midwife is not removed from the register?*
- *Is striking-off the only sanction which will be sufficient to protect patients, members of the public, or maintain professional standards?*

Mr Intes-Campbell'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 Intes-Campbell'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.

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 Mr Intes-Campbell's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct himself, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.

This will be confirmed to Mr Intes-Campbell 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 Intes-Campbell's own

interest until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

Submissions on interim order

The panel took account of the submissions made by Ms McGuinness. She submitted that in light of the seriousness of the facts found proved and the public protection and public interest issues identified that an interim suspension order is necessary.

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 due to the public protection and public interest issues identified.

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

That concludes this determination.