

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

**Substantive Hearing**

**Tuesday 7 August 2024 & Wednesday 8 August 2024**

Virtual Hearing

**Name of Registrant:** Paul Nicholas Riozzi

**NMC PIN** 10F1305E

**Part(s) of the register:** Registered Nurse – Sub Part 1  
Adult Nursing – Level1 – 8 September 2010

**Relevant Location:** London

**Type of case:** Conviction

**Panel members:** Louise Fox (Chair, Lay member)  
Susan Elizabeth Ball (Registrant member)  
Alex Forsyth (Lay member)

**Legal Assessor:** Juliet Gibbon

**Hearings Coordinator:** Sophie Cubillo-Barsi

**Nursing and Midwifery Council:** Represented by Stephanie Stevens, Case Presenter

**Mr Riozzi:** Not present and unrepresented

**Facts proved:** Charge 1

**Facts not proved:** None

**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 Riozzi was not in attendance and that the Notice of Hearing letter had been sent to Mr Riozzi's registered email address by secure email on 4 July 2024.

Ms Stevens, 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 that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mr Riozzi'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 Riozzi 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 Riozzi**

The panel next considered whether it should proceed in the absence of Mr Riozzi. It had regard to Rule 21 and heard the submissions of Ms Stevens. Ms Stevens told the panel that no application has been made to adjourn today's hearing and that there is no reason to suggest that adjourning the hearing would secure Mr Riozzi's attendance at a future date. Ms Stevens informed the panel that Mr Riozzi has disengaged with these regulatory proceedings and that the only engagement received by the NMC from Mr Riozzi was in June 2023, when the case was first referred to the NMC.

Ms Stevens submitted that all reasonable efforts have been made by the NMC to contact Mr Riozzi including two telephone calls on 24 July 2024 and 5 August 2024 and two emails on 21 May 2024 and 5 August 2024. Additionally, Ms Stevens told the panel that the NMC requested a 'trace' to be carried out in order to confirm Mr Riozzi's address. The NMC received the results of the trace on 30 July 2024, at which time it was confirmed that no alternative address could be identified for Mr Riozzi.

Ms Stevens submitted that there is a strong public interest in dealing with this case as expeditiously as possible, in order to protect the public and maintain confidence in the nursing profession and the NMC as a regulator. In light of this, Ms Stevens invited the panel to proceed in Mr Riozzi's 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 50.

The panel has decided to proceed in the absence of Mr Riozzi. In reaching this decision, the panel 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 Riozzi;
- Mr Riozzi has not engaged with the NMC and has not responded to any of the emails sent to him about this hearing;
- Mr Riozzi has not provided the NMC with details of how he may be contacted other than his registered address and email address;
- There is no reason to suppose that adjourning would secure Mr Riozzi's attendance at some future date; and

- There is a strong public interest in the expeditious disposal of the case.

There is some disadvantage to Mr Riozzi in proceeding in his absence. Although the evidence upon which the NMC relies will have been sent to him at his registered email address, Mr Riozzi has made no response to the allegations. Mr Riozzi 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 by the evidence of what Mr Riozzi said about his offending behaviour, and his reasons for it, to both the police and the probation service.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Mr Riozzi. The panel will draw no adverse inference from Mr Riozzi's absence.

### **Details of charge**

That you, a registered nurse:

1. On 7th June 2023 at Central London Magistrates Court were convicted of three charges of:
  - a) Make indecent photograph/ pseudo-photograph of a child.

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

### **Background**

On 7 May 2023, Mr Riozzi was arrested by police officers from the Online Child Sex Abuse and Exploitation Unit, for being in possession of indecent images of children and

was cautioned, to which he made no reply. A number of his electronic devices were seized.

Mr Riozzi was interviewed and admitted to having, and seeing, indecent category A images and videos of children. He denied that he had done anything physical with children and stated he had not been left alone with any children in the past. Mr Riozzi told police that he viewed the images [PRIVATE] and that seeing the images made him feel sick. Mr Riozzi was bailed to appear back at Walworth Police Station.

On 7 June 2023, Mr Riozzi appeared at Central London Magistrates Court and was convicted of three counts of making indecent photographs/pseudo photographs of children, after entering guilty pleas.

On 17 August 2023, at the Inner London Crown Court, Mr Riozzi was sentenced to eight months imprisonment suspended for 12 months. He was also made subject to a notification requirement for ten years. Additionally, Mr Riozzi was ordered to complete 100 hours of unpaid work, attend rehabilitation activities for up to 30 days, pay a victim surcharge of £156 and have all his electronic items seized.

### **Decision and reasons on facts**

The charge concerns Mr Riozzi'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 practice**

Having announced its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Mr Riozzi's fitness to practise is currently impaired by reason of his conviction. There is no statutory definition of fitness to practise. However, the NMC's guidance suggest that the question a panel should ask itself is whether a registrant can practise kindly, safely and professionally.

## **Submissions on impairment**

Ms Stevens addressed the panel on the issue of impairment and reminded the panel to have regard to protecting the public and the wider public interest. She referred the panel to the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* [2011] EWHC 927 (Admin). 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) has in the past acted dishonestly and/or is liable to act dishonestly in the future.’*

Ms Stevens invited the panel to find that the first three limbs of the test are engaged in Mr Riozzi’s case. She stated that despite the conviction relating to Mr Riozzi’s private life, convictions of this nature present a wider risk of harm to the public. Ms Stevens submitted that Mr Riozzi’s conduct has the potential to cause damage to the reputation of the nursing profession, both now and in the future. She stated that whilst the behaviour did not occur at work, the seriousness of the conviction is such that it calls into question the continuing suitability of Mr Riozzi to remain on the register without restriction. Ms Stevens further submitted that Mr Riozzi’s behaviour breached fundamental tenets of the nursing profession and referred the panel to the Code: Professional standards of practice and behaviour for nurses and midwives (2015) (“the Code”) in this regard.

Ms Stevens next referred the panel to the NMC’s guidance on ‘Criminal convictions and cautions’ (FTP-2c) and ‘Directly referring specified offences to the Fitness to Practise Committee’ (FTP-2c-1).

Ms Stevens submitted that Mr Riozzi's conviction is a specified offence and therefore is not easily remediable. Whilst Ms Stevens acknowledged that it may be considered that Mr Riozzi has, in the past, demonstrated some insight into his behaviour by way of his early guilty pleas, she reminded the panel that Mr Riozzi has failed to meaningfully engage with the NMC and has not produced any additional evidence of any developing insight. In light of this, Ms Stevens submitted that the concerns have not been remediated and that there is a risk of repetition due to Mr Riozzi's lack of engagement.

Ms Stevens invited the panel to make a finding of current impairment on public protection grounds in light of the ongoing risk of harm to patients, in particular children and teenagers. She also invited the panel to make a finding of impairment on public interest grounds, in order to declare and uphold proper standards of conduct and behaviour expected of registered nurses.

The panel accepted the advice of the legal assessor.

### **Decision and reasons on impairment**

The panel next went on to decide if as a result of his convictions, Mr Riozzi's fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the Fitness to Practise Library, updated on 27 March 2023, which states:

*'The question that will help decide whether a professional's fitness to practise is impaired is:*

*"Can the nurse, midwife or nursing associate practise kindly, safely and professionally?"*

*If the answer to this question is yes, then the likelihood is that the professional's fitness to practise is not impaired.'*



Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. 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 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*. The panel determined that the first three limbs of the test are engaged in Mr Riozzi's case. It was satisfied that Mr Riozzi's conduct, which resulted in his convictions, placed patients and the wider public at a risk of unwarranted risk of harm. The panel determined that his behaviour brought the nursing profession into disrepute, breaching fundamental tenets of the nursing profession. The panel was of the view that Mr Riozzi's convictions breached the following aspects of the Code:

***'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*

*20.4 keep to the laws of the country in which you are practising*

*20.5 treat people in a way that does not take advantage of their vulnerability or cause them upset or distress'*

The panel acknowledged Mr Riozzi's early guilty pleas to the offences and the sentencing remarks of the Judge in this regard. However, the panel did not have before it any evidence of any developing insight on the part of Mr Riozzi. To the contrary, Mr Riozzi has completely ceased to engage with the NMC, his regulator.

The panel noted that Mr Riozzi's convictions relate to images of children and pubescent females, including one category A image. It considered the fact that Mr Riozzi admitted he had been viewing this material for over a year and noted the Judge's sentencing remarks, namely that the pre-sentence report assessed him as being a 'medium risk of sexual harm to children'. As such, the panel found that Mr Riozzi's criminal conduct would be very difficult to remediate and, in any event, it did not have before it any evidence of remediation nor any evidence to suggest that Mr Riozzi has completed his community service and/or rehabilitation activity. Given the seriousness of the behaviour exhibited by Mr Riozzi, and in the absence of any insight and/or remediation, the panel determined that there is a high risk of his behaviour being repeated and 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 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 a fully informed member of the public would expect a finding of impairment to be made given Mr Riozzi's extremely serious and sexually motivated behaviour which occurred over a period of 12 months. To do otherwise would seriously undermine the public's confidence in the nursing profession and the NMC as a regulator. The panel therefore concluded that, in this case, a finding of impairment on public interest grounds was also required.

Having regard to all of the above, the panel was satisfied that Mr Riozzi'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 Riozzi off the register. The effect of this order is that the NMC register will show that Mr Riozzi 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 Stevens invited the panel to impose a striking off order. She highlighted what, in the NMC's view, were aggravating and mitigating factors in Mr Riozzi's case.

Ms Stevens submitted that taking no further action, or imposing a caution order, would not be appropriate in this case and would be insufficient to protect the public and uphold the public confidence in the nursing profession.

In relation to a conditions of practice order, Ms Stevens submitted that the facts behind the offences are indicative of a deep-seated and harmful attitudinal problem, which is inherently difficult to remediate. Ms Stevens further submitted that there are no identifiable areas of clinical concerns in Mr Riozzi's case, which can be addressed by way of retraining.

In relation to a suspension order, Ms Stevens reminded the panel that Mr Riozzi has been made subject to a notification requirement for a period of ten years. She stated that this period goes far beyond any suspension period which can be imposed by a Fitness to Practise panel and that being subject to such a requirement will, inevitably, have a direct impact on his future employment. Ms Stevens stated that allowing Mr Riozzi to remain on the register would undermine public confidence in the nursing profession, given the serious nature of his convictions.

Ms Stevens next referred the panel to the NMC's guidance on striking off orders, specifically the following paragraph:

*'The courts have supported decisions to strike off healthcare professionals where there has been lack of probity, honesty or trustworthiness, notwithstanding that in other regards there were no concerns around the professional's clinical skills or any risk of harm to the public.<sup>1</sup> Striking-off orders have been upheld on the basis that they have been justified for reasons of maintaining trust and confidence in the professions.'*

Ms Stevens reminded the panel that Mr Riozzi's convictions relate to serious sexual offending, involving the most vulnerable members of society, namely children and teenagers. She submitted that allowing Mr Riozzi to remain on the register would not only place the public at a real risk of harm but would also be seriously damaging to the reputation of the nursing profession. Ms Stevens stated that, additionally, the absence of any engagement, insight and/or remediation from Mr Riozzi, reinforces the position that his actions are incompatible with nursing practice.

### **Decision and reasons on sanction**

Having found Mr Riozzi'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 heard and accepted the advice of the legal assessor.

The panel took into account the following aggravating features:

- Mr Riozzi's sexually motivated offending was extremely serious, relating to vulnerable individuals, namely children and teenagers;

- Mr Riozzi has not engaged with the NMC and has failed to demonstrate any development of his insight and/or remediation of his behaviour;
- His behaviour, which resulted in his convictions, are indicative of a harmful and deep-seated attitudinal problem; and
- Mr Riozzi's conviction resulted in a term of imprisonment, suspended for 12 months.

The panel also took into account the following mitigating features:

- There is no evidence before the panel to suggest that Mr Riozzi's behaviour occurred within a clinical setting; and
- Mr Riozzi pleaded guilty to the offences at the earliest opportunity.

The panel acknowledged the sentencing Judge's remarks that within the pre-sentence report, Mr Riozzi raised issues relating to [PRIVATE] at the time of his offending behaviour. However, the panel did not have any information before it to support those assertions and, in any event, it bore in mind that personal mitigation carries less weight in regulatory proceedings than in criminal proceedings.

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 Riozzi'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 Riozzi's behaviour which led to his conviction was extremely serious and that a caution order

would be wholly inappropriate. 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 Riozzi's registration would be a sufficient and appropriate response. The panel is of the view that there are no practicable or workable conditions that could be formulated, given the nature of Mr Riozzi's convictions and its finding that his behaviour was as a result of a deep-seated attitudinal issue. Mr Riozzi's behaviour, which resulted in his convictions, did not relate to his clinical practice and therefore cannot be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Mr Riozzi's registration would not adequately address the seriousness of this case, would not protect the public nor address the significant public interest concerns identified.

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

- *'A single instance of misconduct but where a lesser sanction is not sufficient;*
- *No evidence of 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 noted that Mr Riozzi's behaviour occurred over a period of 12 months and he was convicted of three offences, so it cannot be considered as a one-off incident. It determined that the nature of Mr Riozzi's offending evidences a harmful and deep-seated attitudinal problem. There is no evidence before the panel to suggest that Mr Riozzi's behaviour has been repeated since he was convicted. However, in the absence of any

evidence as to Mr Riozzi's insight and/or compliance with his community service and/or rehabilitation activity, the panel could not be satisfied that he does not pose a risk of repeating the behaviour which resulted in his convictions. It further considered that a suspension order would not be sufficient to mark the seriousness of Mr Riozzi's offences.

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 Riozzi's behaviour was a significant departure from the standards expected of a registered nurse and is fundamentally incompatible with his remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Mr Riozzi's actions were extremely serious and to allow him to continue practising would not sufficiently protect the public.

Balancing all of these factors and after taking into account all the evidence before it during this hearing, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, in particular the effect of Mr Riozzi's behaviour 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 a striking off order 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 Riozzi 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 Riozzi's own interests until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

### **Representations on interim order**

The panel took account of the representations made by Ms Stevens that an 18- month interim suspension order should be imposed to allow for the possibility of an appeal.

### **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 Mr Riozzi's convictions 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, including the need to protect the public. The panel therefore imposed an interim suspension order for a period of 18 months in



order to allow for the possibility of an appeal and for that appeal to be considered and concluded.

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

That concludes this determination.