

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

**Substantive Meeting  
Tuesday, 29 October 2024**

Virtual Meeting

**Name of Registrant:** Fevrier Sevilleno

**NMC PIN** 01D1586O

**Part(s) of the register:** Registered Nurse – Adult (2019)

**Relevant Location:** Cambridgeshire

**Type of case:** Conviction

**Panel members:** Adrian Smith (Chair, lay member)  
Alison Thomson (Registrant member)  
James Carr (Lay member)

**Legal Assessor:** Joseph Magee

**Hearings Coordinator:** Leigham Malcolm

**Facts proved:** Charges 1a and 1b

**Fitness to practise:** Currently impaired

**Sanction:** **Striking-off order**

**Interim order:** **Interim suspension order (18 months)**

## **Decision and reasons on service of Notice of Meeting**

The panel was informed at the start of this meeting that that the Notice of Meeting had been sent to Mr Sevilleno's registered email address by secure email on 23 September 2024.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegations along with a timeframe during which Mr Sevilleno's case would be heard at a virtual meeting, specifically on or after 22 October 2024.

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

## **Details of charge**

That you, a registered nurse:

- 1) On 17 April 2023, at Huntingdon Magistrates Court, were convicted of the following offences:
  - a) On 17/07/2022 at Cherry Hinton, Cambridge in the county of Cambridgeshire, assault occasioning actual bodily harm;
  - b) Between 01/08/2021 and 11/08/2022 at Cambridge in the county of Cambridgeshire repeatedly or continuously engaged in behaviour which was controlling or coercive, namely verbally and physically abuse, towards a person, to whom, at the time of the behaviour, you were personally connected, that

behaviour having a serious effect on them and you knew or ought to have known that the behaviour would have a serious effect on them.

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

## **Background**

Mr Sevileno entered the NMC register on 11 April 2001.

Mr Sevileno referred himself to the NMC on 14 December 2022 providing details of criminal charges brought against him for the following offences:

- Assaulting a person thereby occasioning actual bodily harm (“ABH”)
- engaging in controlling/coercive behaviour in an intimate/family relationship

At that time Mr Sevileno was employed by Cambridge University Hospitals NHS Foundation Trust (“the Trust”) as a registered nurse.

Initially, Mr Sevileno pleaded not guilty, however, he appeared at Huntingdon Magistrate Court on 17 April 2023 and pleaded guilty to both charges. Mr Sevileno was subsequently suspended from the Trust on 15 May 2023 pending the conclusion of the Trust’s internal disciplinary process.

Mr Sevileno’s case was sent to Cambridge Crown Court for sentencing as the Magistrates’ Court determined that their sentencing powers were insufficient. On 15 January 2024, Mr Sevileno was sentenced for both charges; for the first charge of ABH, Mr Sevileno was sentenced to custody for 8 months, suspended for 18 months and for the second charge of controlling and coercive behaviour, he received a custodial sentence of 12 months, suspended for 18 months.

Mr Sevileno was dismissed from the Trust on the grounds of gross misconduct effective 23 August 2023. Mr Sevileno appealed his dismissal, but it was upheld following an appeal hearing on 29 November 2023.

## Decision and reasons on facts

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), which state:

- ‘31.—** (2) *Where a registrant has been convicted of a criminal offence—*
- (a) *a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and*
  - (b) *the findings of fact upon which the conviction is based shall be admissible as proof of those facts.*
- (3) *The only evidence which may be adduced by the registrant in rebuttal of a conviction certified or extracted in accordance with paragraph (2)(a) is evidence for the purpose of proving that she is not the person referred to in the certificate or extract.’*

## Fitness to practise

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

The NMC requires the panel to bear in mind its overarching objective to protect the public and the wider public interest. This includes the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. The panel has referred to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin).

## Decision and reasons on impairment

The panel next went on to decide if as a result of the conviction, Mr Sevileno'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* in reaching its decision. In paragraph 74, she said:

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

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

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

- a) has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or*
- b) has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or*
- c) has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or*
- d) ...*

The panel reached the view that Mr Sevilleno's behaviour for which he received a conviction did amount to a breach of fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

The panel accepted the NMC's submission that Mr Sevilleno's behaviour breached the following sections of The Code: Professional standards of practice and behaviour for nurses and midwives (2018) ('the Code'):

***1 Treat people as individuals and uphold their dignity***

*To achieve this, you must:*

*1.1 treat people with kindness, respect and compassion*

*1.5 respect and uphold people's human rights*

## ***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...*

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

*20.8 act as a role model of professional behaviour for students and newly qualified nurses to aspire to*

The panel had regard to Mr Sevilleno's reflective statement. It considered Mr Sevilleno's reflective statement to demonstrate an alarming lack of understanding, insight and remorse into his behaviour. Instead of taking accountability, Mr Sevilleno failed to acknowledge or appreciate the impact of his actions upon the victim and sought to blame the victim for his behaviour.

The panel noted that Mr Sevilleno's behaviour was controlling, coercive and violent which persisted over a prolonged period, causing physical and psychological harm. The panel also noted the sentencing remarks dated 15 January 2024 in which the judge refers to the use of a weapon. Further, Mr Sevilleno received two suspended sentences for his behaviour. In view of the evidence before it, the panel reached the view that Mr Sevilleno's behaviour was extremely serious and must be recognised as such.

The panel is of the view that there is a risk of repetition based on Mr Sevilleno's lack of understanding, insight and remorse into his behaviour. It determined that in the absence of any insight at all, Mr Sevilleno was liable to behave equally as poorly in future. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel also 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 was of the view that the public would be deeply concerned by the details of Mr Sevilleno's conviction. It therefore determined that a finding of impairment on public interest grounds was also required in order to maintain public confidence in the nursing profession.

Having regard to all of the above, the panel was satisfied that by Mr Sevilleno'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 Sevilleno off the register. The effect of this order is that the NMC register will show that Mr Sevilleno 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.

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

Having found Mr Sevilleno'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 identified the following aggravating features:



- Mr Sevilleno's behaviour resulted in physical and psychological harm
- He received a criminal conviction and two suspended sentences
- He has demonstrated no insight or remorse into his behaviour
- He sought to blame the victim for his behaviour.

The panel identified the following mitigating feature:

- Although at a late stage, Mr Sevilleno changed his plea from not guilty to guilty at Court, thereby admitting culpability.

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 and violent nature of the case, and the public protection issues identified, an order that does not restrict Mr Sevilleno'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 the violent and abusive behaviour for which Mr Sevilleno received a conviction 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 Sevilleno'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 violent nature and seriousness of the concerns in this case. Furthermore, the panel concluded that the placing of conditions on Mr Sevilleno's registration would not reflect the seriousness of the case and would not be sufficient to satisfy the public interest.

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:

- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*

The panel determined that neither of the above circumstances applied on this case.

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 Sevilleno's conviction is fundamentally incompatible with him 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 Sevilleno'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 case demonstrate that Mr Sevilleno's violent and abusive 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 these factors and after considering 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 matters it identified, the effect of Mr Sevileno'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 Sevileno in writing.

### **Decision and reasons on 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 Sevileno's own interests until the striking-off sanction takes effect. The panel had regard to the submissions of the NMC and accepted the advice of the legal assessor.

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

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim suspension order for a period of 18 months to allow for any potential appeal period.

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

That concludes this determination.