

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

**Substantive Meeting  
Wednesday 30 November 2022**

Virtual Meeting

**Name of registrant:** Paul Neil Grayson

**NMC PIN:** 9613358E

**Part(s) of the register:** Registered Nurse, sub part 1  
RNA: adult nurse, level 1 (09 October 1999)

**Relevant Location:** Sheffield

**Type of case:** Conviction

**Panel members:** Nicholas Rosenfeld (Chair, Lay member)  
Jane Jones (Registrant member)  
Linda Redford (Lay member)

**Legal Assessor:** Michael Levy

**Hearings Coordinator:** Tyrena Agyemang

**Facts proved:** Charges 1 and 2

**Fitness to practise:** 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 Mr Grayson was not in attendance and that the Notice of Meeting had been sent to Mr Grayson by way of email to his registered email address and post to his current residence at HMP Doncaster by recorded delivery on 25 October 2022.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, the time, date and venue of the meeting.

In the light of all of the information available, the panel was satisfied that Mr Grayson 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**

### **Charges**

*That you, a registered nurse:*

*1) On 4 February 2022 in the Sheffield Magistrates Court were convicted of the following offences:*

- 1. Observe a person doing a private act*
- 2. Voyeurism – install equipment, construct/adapt a structure*
- 3. Take an indecent photograph/pseudo-photograph of a child*
- 4. Observe a person doing a private act*
- 5. Record image under clothing to observe another without consent*
- 6. Observe a person doing a private act*
- 7. Observe a person doing a private act*
- 8. Observe a person doing a private act*
- 9. Sexual assault on a female*
- 10. Observe a person doing a private act*
- 11. Observe a person doing a private act*
- 12. Sexual assault on a female*
- 13. Sexual assault on a female*
- 14. Observe a person doing a private act*
- 15. Observe a person doing a private act*
- 16. Observe a person doing a private act*
- 17. Observe a person doing a private act*

*2) On 2 March 2022 in the Crown Court at Sheffield were convicted of the following offences:*

- 1. Voyeurism – recording a private act*
- 2. Voyeurism – recording a private act*
- 3. Voyeurism – recording a private act*

4. *Make indecent photograph/pseudo-photograph of a child*
5. *Make indecent photograph/pseudo-photograph of a child*
6. *Make indecent photograph/pseudo-photograph of a child*

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

The charges concern Mr Grayson'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.'*

## Background

On 4 December 2020, the NMC received a referral from Sheffield Teaching Hospital NHS Foundation Trust (“the Trust”) in relation to Mr Grayson. Mr Grayson was employed as a Staff Nurse at the Trust and was based within the operating department at The Royal Hallamshire Hospital (“the Hospital”) from 1999 until December 2020.

[PRIVATE]. [PRIVATE] reported Mr Grayson’s conduct to the police and on the 2 December 2020, Mr Grayson was arrested at the Hospital on suspicion of offences of voyeurism.

Following a police investigation Mr Grayson was charged with offences of voyeurism relating to [PRIVATE] that he had covertly filmed in the bathroom, and other locations. These offences had taken place when [PRIVATE] was 17 and had continued for a significant period.

Examination of his electronic devices revealed that Mr Grayson had installed recording equipment in the in the women’s staff toilets at the Hospital and covertly filmed his female colleagues.

It was also discovered that Mr Grayson had recorded videos of the intimate area of four female patients, whilst in the recovery room at the Hospital. Mr Grayson had sexually assaulted three of these patients in order to record the images. Furthermore, Mr Grayson’s devices also held indecent images of children.

Mr Grayson pleaded guilty to 14 counts of voyeurism, four counts of taking or possessing of indecent images of children, three counts of sexual assault, one count of up skirting and one count of installing equipment to enable viewing a person doing a private act.

On the 10 May 2022, Mr Grayson was sentenced to a period of 16 years imprisonment, consisting of 12 years immediate imprisonment with a four-year extended licence

period, a sexual harm prevention order and a requirement to register as a sex offender for life. Mr Grayson is currently serving the sentence of imprisonment.

### **Fitness to practise**

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

### **Representations on impairment**

The NMC requires the panel to bear in mind its overarching objective to protect the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. The panel has referred to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin) R (on application of Cohen) v General Medical Council [2008] EWHC 581 (Admin) and it referred to the NMC Guidance titled: "Insight and strengthened practice".

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 GMC* [2004] EWHC 2317 (Admin), and [GMC v Meadow \[2007\] QB 462 \(Admin\)](#).

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

The panel next went on to decide if, as a result of the conviction, Mr Grayson's fitness to practise is currently impaired.

The panel determined that 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/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 finds that patients, family members and members of the public were put at risk and were caused physical and emotional harm as a result of Mr Grayson's conduct. Mr Grayson's conduct and conviction has breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

The panel had regard to the Nursing and Midwifery Council's Code of Conduct ("the Code"). The panel found that the following provisions of the Code have been breached in this case:

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

*To achieve this, you must:*

*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 ... integrity at all times, treating people fairly and without ... harassment*

*20.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people*

*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*

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

The panel determined that sexual assault and voyeurism are a very serious breach of the trust and confidence placed in Mr Grayson as a professional. The patients, families and colleagues affected by Mr Grayson's conduct have suffered extensively. The panel considered in one case, a patient has been reluctant to obtain treatment and delayed doing so because of their experience. The panel determined that Mr Grayson's



conviction for sexual offences could also prevent future patients accessing care due to fear of being a victim of abuse.

Furthermore, the panel determined that Mr Grayson's actions are a serious departure from the standards expected of a registered professional. It noted that Mr Grayson has been convicted of multiple offences which resulted in a custodial sentence of 16 years, which is currently being served. The panel was of the view that registered professionals occupy a position of privilege and trust in society and are expected at all times to be professional. Patients and families must be able to trust registered professionals with their lives and the lives of their loved ones. Mr Grayson's convictions raise questions about his overall integrity which may undermine public confidence in the profession.

Regarding insight, the panel considered that Mr Grayson made admissions to the criminal charges and pleaded guilty to the offences, but no further insight has been displayed by him as the NMC has not received a response from him nor has he engaged with the NMC process.

In its consideration of whether Mr Grayson has taken steps to strengthen his practice, the panel had no information to consider as Mr Grayson has not had been able to practice as a nurse and therefore has had no opportunities to remediate.

The panel is of the view that there is a risk of repetition based on the number of years over which the misconduct took place and the number of incidents. The panel determined that a conviction of this serious nature is indicative of grave underlying attitudinal concerns, which are difficult to put right and are likely to lead to restrictive regulatory action.

The panel went on to consider the sentencing remarks of the Judge, who stated:

*Not only have you brought shame upon yourself but you have also betrayed the nursing profession by your criminal conduct and brought a level of shame upon that profession too.*

In his sentencing remarks, the Judge stated that Mr Grayson was a “*danger to the public*” and a “*dangerous offender*” and that attempts to address his behaviour were at an early stage and not guaranteed to be successful. 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 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, in this case, a finding of impairment on public interest grounds was required, to declare and uphold proper standards of conduct and behaviour. The public expect nurses to act with integrity so that patients and their family members can trust registered professionals.

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

## **Representations on sanction**

The panel noted that in the Notice of Meeting, dated 25 October 2022, the NMC had advised Mr Grayson that it would seek the imposition of a striking-off order if it found Mr Grayson's fitness to practise currently impaired.

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

Having found Mr Grayson'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:

- Very serious criminal offences
- Conduct over a prolonged period
- Gross breach of trust
- Risk of serious harm to the public
- Risk of serious damage to reputation of the profession
- Substantial length of custodial sentence

The panel determined that there were no mitigating features in this case.

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to take no further action.

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 Grayson'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 Grayson'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 a conditions of practice order on Mr Grayson'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 a conditions of practice order on Mr Grayson'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 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 Grayson's actions is fundamentally incompatible with Mr Grayson 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 Grayson'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 Grayson'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 matters it identified, in particular the effect of Mr Grayson's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct themselves, 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 Grayson 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 Grayson's own interest until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

## **Decision and reasons on interim order**

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

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

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

That concludes this determination.