

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

**Substantive Meeting
Monday, 3 November 2025 – Friday, 7 November 2025**

Virtual Meeting

Name of Registrant:	Stewart Alexander Worton
NMC PIN	88Y0361S
Part(s) of the register:	Registered Nurse – Sub Part 1 Mental Health Nursing (RN3) - 13 May 1998 General Nursing (RN7) Level 2 - 16 June 1990
Relevant Location:	Fife
Type of case:	Misconduct
Panel members:	Caroline Rollitt (Chair, lay member) Jason Flannigan-Salmon (Registrant member) Emma Foxall (Lay member)
Legal Assessor:	John Donnelly
Hearings Coordinator:	Stanley Udealor
Facts proved:	Charges 1a, 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 2a, 2b, 2c, 2d, 2e, 2f, 3a, 3b, 3c, 3d, 4, 5, 6, 7, 8, 9a, 9b, 9c, 10a, 10b, 10c, 11, 12, 13a, 13b, 14a, 14b, 14c, 15a, and 15b
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 Meeting

The panel was informed at the start of this meeting that the Notice of Meeting had been sent to Mr Worton's registered email address by secure email on 18 August 2025.

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, dates and the fact that this meeting was heard virtually.

In the light of all of the information available, the panel was satisfied that Mr Worton 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) Between August 2021 and July 2022 in respect of Colleague A:
 - a) Asked questions about her sex life and/or sexual fantasies.
 - b) Told her how much you loved sex.
 - c) Told her you "*would love to bend her over a desk*" and "*sit her on a desk*" or words to that effect.
 - d) Told her she was "*boring*" and "*vanilla*" for not engaging in certain sexual fantasies or conversations with you.
 - e) During a walk/s, asked her to tense her muscles, including her biceps and/or bottom and/or legs.
 - f) Made comments about her bottom and/or breasts and/or general appearance on a regular basis.
 - g) During a walk smacked her on the bottom.

- h) Told her “*She was a “C” student, but she could be an “A” student*” or words to that effect.
 - i) Told her “*I have you like putty in my hand, I could snap my fingers and you would coming running to me*” or words to that effect.
 - j) Told her she was “*nothing but his experiment and his guinea pig as his life was about to change*” or words to that effect.
- 2) On or around 21 April 2022 in respect of Colleague A:
- a) Told her to come to your house.
 - b) Told her she was “*vanilla*” if she did not come to your house.
 - c) Told her “*Why don’t you come up. Come upstairs and chat to me on the bed. Get under the covers it’s freezing*” or words to that effect.
 - d) Asked her why she still had her clothes on when she got into your bed.
 - e) Touched her body.
 - f) Told her she was “*boring and vanilla*” when she did not reciprocate your advances.
- 3) Some or all of your conduct at charge 1 and/or 2 amounted to:
- a) Unprofessional behaviour.
 - b) Harassment.
 - c) Coercive control.
 - d) Inappropriate behaviour.
- 4) Some or all of your conduct at charge 1 and/or 2 was sexually motivated in that it was carried out in pursuit of sexual gratification and/or in pursuit of a sexual relationship with Colleague A.
- 5) On a date unknown between May and July 2022 engaged in sexual intercourse with Colleague A.
- 6) Your conduct at charge 5 was unprofessional.

- 7) In or around September 2022, told Colleague A that you could destroy her career because of your awareness of an allegation that she had taken drugs.
- 8) Your conduct at charge 7 was designed to encourage and/or coerce Colleague A to continue a relationship with you.
- 9) On 10 October 2022 in respect of Colleague B:
 - a) Said "*Hypothetically, would you have sex on that desk. Right here, right now*", or words to that effect.
 - b) Put your hand on her leg and/or rubbed it.
 - c) Told her or insinuated you had had sexual intercourse with Colleague A.
- 10) Your conduct at some or all of charge 9:
 - a) Was unwanted.
 - b) Was sexual in nature.
 - c) Created an intimidating and/or degrading and/or harassing and/or humiliating environment for Colleague B.
- 11) Some or all of your conduct at charge 9 was sexually motivated in that it was carried out in pursuit of sexual gratification and/or in pursuit of a sexual relationship with Colleague B.
- 12) On 24 October 2022 placed your hands on Colleague C's shoulders and/or neck from behind.
- 13) Your conduct at charge 12 amounted to:
 - a) Inappropriate behaviour.
 - b) Unprofessional behaviour.
- 14) On 24 October 2022:
 - a) [PRIVATE]
 - b) [PRIVATE]

- c) Said to Colleague B “*You were probably sexually active at that age*” or words to that effect

15) Your conduct at some or all of charge 14 amounted to:

- a) Inappropriate behaviour.
- b) Unprofessional behaviour.

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

Background

The charges arose whilst Mr Worton was employed as a Band 5 Addiction Nurse at Fife Health and Social Care Partnership (“the Trust”). The Nursing and Midwifery Council (NMC) received a referral from the Trust relating to Mr Worton’s alleged conduct towards colleagues, including two student nurses.

In 2022, the two student nurses, Colleague A and Colleague B, made allegations about Mr Worton’s behaviour towards them, namely inappropriate comments of a sexual nature, unwanted sexual advances and/or that an inappropriate sexual relationship had developed. Colleague A was a first-year Mental Health nursing student on placement with the Trust. Mr Worton was Colleague A’s mentor from week one into her placement and therefore in a position of trust and responsibility in respect of her mentorship. The alleged inappropriate conduct appears to have commenced very quickly into her placement.

Colleague B was a third-year Mental Health nursing student nurse on placement with the Trust during October/November 2022. Mr Worton held no supervisory responsibilities over her.

It was alleged that Mr Worton groomed Colleague A for a prolonged period of time during her placement, which culminated into consensual sexual intercourse, after the completion of Colleague A’s six-week placement.

During the Trust's local investigation, Colleague C also made allegations of inappropriate and/or unprofessional comments made in respect of [PRIVATE], and an isolated incident of inappropriate touching towards her.

Mr Worton was suspended pending an investigation on 18 November 2022. In his local responses during the Trust's investigation, Mr Worton admitted that he had groomed Colleague A and had abused his position of trust and authority for his own sexual gratification. He however contended that his relationship with Colleague A was consensual. Mr Worton also stated that his conduct and comments towards Colleagues B and C were taken out of context.

Following completion of the investigation, the Trust commenced its conduct hearing on 29 June 2023. Mr Worton was dismissed for gross misconduct with effect from 5 March 2024.

Decision and reasons on facts

In reaching its decisions on the facts, the panel took into account all the documentary evidence in this case together with the representations made by the NMC and from Mr Worton.

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 had regard to the written statements of the following witnesses on behalf of the NMC:

- Witness 1: Clinical Service Manager at the Trust at the time of the incidents and the initial investigation manager into the incidents.

- Witness 2/Colleague C: Band 5 Addiction Staff Nurse at the Trust at the time of the incidents.

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor.

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

Charges 1a, 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, and 1j

- 1) Between August 2021 and July 2022 in respect of Colleague A:
 - a) Asked questions about her sex life and/or sexual fantasies.
 - b) Told her how much you loved sex.
 - c) Told her you *“would love to bend her over a desk”* and *“sit her on a desk”* or words to that effect.
 - d) Told her she was *“boring”* and *“vanilla”* for not engaging in certain sexual fantasies or conversations with you.
 - e) During a walk/s, asked her to tense her muscles, including her biceps and/or bottom and/or legs.
 - f) Made comments about her bottom and/or breasts and/or general appearance on a regular basis.
 - g) During a walk smacked her on the bottom.
 - h) Told her *“She was a “C” student, but she could be an “A” student”* or words to that effect.
 - i) Told her *“I have you like putty in my hand, I could snap my fingers and you would coming running to me”* or words to that effect.
 - j) Told her she was *“nothing but his experiment and his guinea pig as his life was about to change”* or words to that effect.

These charges are found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of

Colleague A, the note of the investigation meeting with Colleague A, the note of the investigation meeting with Mr Worton, screenshots of WhatsApp chats between Mr Worton and Colleague A, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

In respect of charges 1a – 1h, the panel took into account that Colleague A was clear and consistent in her local statement, the Trust investigation meeting and in the Conduct hearing, that the incidents alleged in charges 1a -1h had occurred. The panel took into consideration that Mr Worton admitted in the Trust investigation meeting and in the Conduct hearing that the alleged incidents had occurred and that he was flirtatious towards Colleague A throughout the duration of her placement. However, Mr Worton stated that his relationship with Colleague A was consensual and should be interpreted based on the context of their interactions at the time. The panel noted that Mr Worton attended and was represented at the Trust investigation meeting and in the Conduct hearing.

In this regard, based on the evidence of Colleague A and the admission of Mr Worton at the Trust investigation meeting and Conduct hearing, the panel was satisfied that it was more likely than not that the incidents outlined in charges 1a – 1h had occurred. Accordingly, it found charges 1a -1h proved.

In relation to charges 1i and 1j, the panel took into account that Colleague A was clear and consistent in her local statement, the Trust investigation meeting and in the Conduct hearing, that the incidents alleged in charges 1i -1h had occurred. The panel took into consideration that Mr Worton denied that he had made those comments to Colleague A as he stated that it was Colleague A who made those comments to him.

The panel considered the surrounding circumstances of the case. It took into account that at the time of the incidents, Mr Worton was the mentor of Colleague A during her placement at the Trust. The panel took into consideration that Mr Worton admitted during the Trust investigation meeting and in the Conduct hearing that there was a power imbalance as he had abused his position of trust and power over Colleague A. The panel noted that Mr Worton also admitted to making inappropriate flirtatious comments to

Colleague A, and it had sight of the screenshot of a WhatsApp conversation where Mr Worton told Colleague A that he had groomed her.

Given the context of the relationship between Mr Worton and Colleague A, Mr Worton's admissions to making other inappropriate comments to her and that he had groomed her, the panel accepted the account of the incidents by Colleague A. In this regard, the panel was satisfied that it was more likely than not that the incidents outlined in charges 1i and 1j had occurred. Accordingly, it found charges 1i and 1j proved.

Charges 2a, 2b, 2c, 2d, 2e and 2f

2) On or around 21 April 2022 in respect of Colleague A:

- a) Told her to come to your house.
- b) Told her she was "*vanilla*" if she did not come to your house.
- c) Told her "*Why don't you come up. Come upstairs and chat to me on the bed. Get under the covers it's freezing*" or words to that effect.
- d) Asked her why she still had her clothes on when she got into your bed.
- e) Touched her body.
- f) Told her she was "*boring and vanilla*" when she did not reciprocate your advances.

These charges are found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague A, the note of the investigation meeting with Colleague A, the note of the investigation meeting with Mr Worton, screenshots of WhatsApp chats between Mr Worton and Colleague A, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into account that Colleague A was clear and consistent in her local statement, the Trust investigation meeting and in the Conduct hearing, that the incidents alleged in charges 2a - 2f had occurred. The panel took into consideration that Mr Worton

admitted in the Trust investigation meeting and in the Conduct hearing that the alleged incidents had occurred and that he was flirtatious towards Colleague A throughout the duration of her placement. However, Mr Worton stated that his relationship with Colleague A was consensual and should be interpreted based on the context of their interactions at the time. The panel noted that Mr Worton attended and was represented at the Trust investigation meeting and in the Conduct hearing.

In this regard, based on the evidence of Colleague A and the admission of Mr Worton at the Trust investigation meeting and Conduct hearing, the panel was satisfied that it was more likely than not that the incidents outlined in charges 2a – 2f had occurred. Accordingly, it found charges 2a -2f proved.

Charge 3a

- 3) Some or all of your conduct at charge 1 and/or 2 amounted to:
 - a. Unprofessional behaviour.

This charge is found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague A, the note of the investigation meeting with Colleague A, the note of the investigation meeting with Mr Worton, screenshots of WhatsApp chats between Mr Worton and Colleague A, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into consideration that at the time of the incidents, Colleague A was a student nurse on placement at the Trust under Mr Worton's mentorship. The panel took into account that Mr Worton admitted during the Trust investigation meeting and in the Conduct hearing that there was a power imbalance as he had abused his position of trust and power over Colleague A. However, he maintained that the relationship was consensual.

The panel had regard to the NMC Code: Professional standards of practice and behaviour for nurses and midwives 2018 (the Code). The panel was of the view that, given the nature of Mr Worton's conduct towards Colleague A as outlined in charges 1a-1j and charges 2a - 2f, it was clear that he had failed to maintain a mentor/student professional relationship with clear professional boundaries. The panel determined that Mr Worton's conduct breached sections 20.1, 20.3, 20.5, 20.6 and 20.8 of the NMC Code which required Mr Worton to uphold the reputation of the nursing profession, maintain professional boundaries and act as a role model of professional behaviour for students to aspire to.

Based on the evidence before it, the panel was satisfied on the balance of probabilities that all of Mr Worton's conduct in charges 1a -1j and charges 2a – 2f amounted to unprofessional behaviour. Accordingly, it found charge 3a proved.

Charge 3b

- 3) Some or all of your conduct at charge 1 and/or 2 amounted to:
 - b. Harassment.

This charge is found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague A, the note of the investigation meeting with Colleague A, the note of the investigation meeting with Mr Worton, screenshots of WhatsApp chats between Mr Worton and Colleague A, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel considered '*harassment*' in the definition provided in Section 26 of the Equality Act 2010 which states that a person (A) harasses another (B) if A engages in unwanted conduct related to a relevant protected characteristic, and the conduct has the purpose or effect of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B. Person A also harasses B if A engages in unwanted conduct of a sexual nature, and the conduct has the purpose or effect of violating B's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

The panel took into consideration that Mr Worton had denied this allegation as he stated that his relationship with Colleague A was consensual and should be interpreted based on the context of their interactions at the time.

In examining whether Mr Worton's conduct in charges 1a -1j and charges 2a – 2f amounted to harassment, the panel considered the nature and surrounding circumstances of the incidents. The panel took into consideration that at the time of the incidents, Colleague A was a student nurse on placement at the Trust under Mr Worton's mentorship. The panel noted that it was expected that Mr Worton should maintain a mentor/student professional relationship with clear professional boundaries with Colleague A.

The panel considered that in the WhatsApp conversation between Colleague A and Mr Worton, Colleague A had described the impact of their relationship had made her feel '*so worthless and fragile*', '*a piece of shit*' and '*can't live another day being used and abused*'. The panel noted that the nature of Mr Worton's conduct was inherently degrading and humiliating as for example, Mr Worton had smacked Colleague A's bottom during a walk and had also made comments about her breasts and bottom on a regular basis. The panel was of the view that Mr Worton's conduct towards Colleague A as outlined in charges 1a - 1j and charges 2a – 2f falls within the definition of harassment as contained in Section 26 of the Equality Act 2010.

In this regard, the panel was satisfied on the balance of probabilities that all of Mr Worton's conduct in charges 1a -1j and charges 2a – 2f amounted to harassment. Accordingly, it found charge 3b proved.

Charge 3c

- 3) Some or all of your conduct at charge 1 and/or 2 amounted to:
 - c. Coercive control.

This charge is found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague A, the note of the investigation meeting with Colleague A, the note of the investigation meeting with Mr Worton, screenshots of WhatsApp chats between Mr Worton and Colleague A, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel considered '*coercive control*' in the definition provided in Section 76(1) of the Serious Crimes Act 2015 which creates an offence of '*controlling or coercive behaviour*'. Such behaviour must be either repeated or continuous and must have a serious effect on but need not necessarily involve any assault or the threat or infliction of any physical harm or violence. The offence targets psychological abuse or mental cruelty in which one partner to a relationship coerces and controls the life of the other, without necessarily or frequently resorting to threats or violence.

The panel took into consideration that Mr Worton had denied this allegation as he stated that his relationship with Colleague A was consensual and should be interpreted based on the context of their interactions at the time.

In examining whether Mr Worton's conduct in charges 1a -1j and charges 2a – 2f amounted to coercive control, the panel considered the nature and surrounding circumstances of the incidents. The panel took into consideration that at the time of the incidents, Colleague A was a student nurse on placement at the Trust under Mr Worton's mentorship. The panel noted that it was expected that Mr Worton should maintain a mentor/student professional relationship with clear professional boundaries with Colleague A.

The panel considered that in the WhatsApp conversation between Colleague A and Mr Worton, Colleague A had, in describing the impact of their relationship, stated:

'...I'm only going to find myself deeper in this hole and find it harder to walk away from this bad cycle we're in & It's time I protect myself from toxicity',

‘... i am nothing to you at the end of the day, but I deserve so much more than that. I can’t live another day being used and abused’

The panel noted that the nature of Mr Worton’s conduct was inherently coercive and controlling, as for example, Mr Worton had told Colleague A that *‘I have you like putty in my hand, I could snap my fingers and you would coming running to me’* and that she was *‘nothing but his experiment and his guinea pig as his life was about to change’*. The panel was of the view that given the nature of Mr Worton’s conduct towards Colleague A and the comment of Colleague A in the WhatsApp conversation, it was reasonable to infer that Mr Worton’s conduct caused psychological abuse to Colleague A. Therefore, the panel determined that Mr Worton’s conduct towards Colleague A as outlined in charges 1a -1j and charges 2a – 2f falls within the definition of *controlling or coercive behaviour* as contained in Section 76(1) of the Serious Crimes Act 2015.

In this regard, the panel was satisfied on the balance of probabilities that all of Mr Worton’s conduct in charges 1a -1j and charges 2a – 2f amounted to coercive control. Accordingly, it found charge 3c proved.

Charge 3d

- 3) Some or all of your conduct at charge 1 and/or 2 amounted to:
 - d. Inappropriate behaviour.

This charge is found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague A, the note of the investigation meeting with Colleague A, the note of the investigation meeting with Mr Worton, screenshots of WhatsApp chats between Mr Worton and Colleague A, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into consideration that at the time of the incidents, Colleague A was a student nurse on placement at the Trust under Mr Worton’s mentorship. The panel took

into account that Mr Worton admitted during the Trust investigation meeting and in the Conduct hearing that there was a power imbalance as he had abused his position of trust and power over Colleague A. However, he maintained that the relationship was consensual.

The panel had regard to the NMC Code. The panel was of the view that, given the nature of Mr Worton's conduct towards Colleague A as outlined in charges 1a-1j and charges 2a - 2f, it was clear that he had failed to maintain a mentor/student professional relationship with clear professional boundaries. The panel determined that Mr Worton's conduct breached sections 20.1, 20.3, 20.5, 20.6 and 20.8 of the NMC Code which required Mr Worton to uphold the reputation of the nursing profession, maintain professional boundaries and act as a role model of professional behaviour for students to aspire to.

Based on the evidence before it, the panel was satisfied on the balance of probabilities that all of Mr Worton's conduct in charges 1a -1j and charges 2a – 2f amounted to inappropriate behaviour. Accordingly, it found charge 3d proved.

Charge 4

- 4) Some or all of your conduct at charge 1 and/or 2 was sexually motivated in that it was carried out in pursuit of sexual gratification and/or in pursuit of a sexual relationship with Colleague A.

This charge is found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague A, the note of the investigation meeting with Colleague A, the note of the investigation meeting with Mr Worton, screenshots of WhatsApp chats between Mr Worton and Colleague A, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into consideration that at the time of the incidents, Colleague A was a student nurse on placement at the Trust under Mr Worton's mentorship. The panel took

into account that Mr Worton admitted during the Trust investigation meeting and in the Conduct hearing that there was a power imbalance as he had abused his position of trust and power over Colleague A. However, he maintained that the relationship was consensual.

The panel was of the view that Mr Worton's conduct in charges 1a -1j and charges 2a – 2f were wholly inappropriate, and when viewed in totality, they formed a pattern of behaviour in which Mr Worton consistently breached the professional boundaries between him and Colleague A. The panel noted that the nature of Mr Worton's conduct demonstrated a sexual motivation, as for example, Mr Worton told Colleague A how much he loved sex and that he would love to bend her over a desk.

The panel was of the view that, based on the inappropriate nature and the totality of Mr Worton's conduct towards Colleague A throughout her placement, it was reasonable to infer that Mr Worton's conduct was carried out in pursuit of sexual gratification/sexual relationship with Colleague A. The panel noted that a sexual relationship between Mr Worton and Colleague A occurred after the completion of her placement.

Accordingly, the panel was satisfied on the balance of probabilities that all of Mr Worton's conduct in charges 1a -1j and charges 2a – 2f was sexually motivated in that it was carried out in pursuit of sexual gratification/sexual relationship with Colleague A. The panel therefore found charge 4 proved.

Charge 5

- 5) On a date unknown between May and July 2022 engaged in sexual intercourse with Colleague A.

This charge is found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague A, the note of the investigation meeting with Colleague A, the note of the investigation meeting with Mr Worton, screenshots of WhatsApp chats between Mr Worton

and Colleague A, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into account that Colleague A was clear and consistent in her local statement, the Trust investigation meeting and in the Conduct hearing, that Mr Worton had engaged in sexual intercourse with her after the completion of her placement. The panel took into consideration that Mr Worton admitted in the Trust investigation meeting and in the Conduct hearing that he had engaged in sexual intercourse with Colleague A after the completion of her placement. However, Mr Worton maintained that it was consensual. The panel noted that Mr Worton attended and was represented at the Trust investigation meeting and in the Conduct hearing.

In this regard, based on the evidence of Colleague A and the admission of Mr Worton at the Trust investigation meeting and Conduct hearing, the panel was satisfied that it was more likely than not that Mr Worton had engaged in sexual intercourse with Colleague A between May and July 2022. Accordingly, it found charge 5 proved.

Charge 6

- 6) Your conduct at charge 5 was unprofessional.

This charge is found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague A, the note of the investigation meeting with Colleague A, the note of the investigation meeting with Mr Worton, screenshots of WhatsApp chats between Mr Worton and Colleague A, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into consideration that at the time of the incidents, Colleague A was a student nurse and had completed a placement at the Trust under Mr Worton's mentorship. The panel took into account that Mr Worton admitted during the Trust investigation meeting and in the Conduct hearing that there was a power imbalance as he had abused

his position of trust and power over Colleague A. However, he maintained that the relationship was consensual.

The panel had regard to the NMC Code. The panel was of the view that, given the power imbalance between Mr Worton and Colleague A in which Mr Worton was her mentor during her placement, his conduct in engaging in sexual intercourse with Colleague A after the completion of her placement amounted to a breach of professional boundaries. The panel determined that Mr Worton's conduct breached sections 20.1, 20.3, 20.5, 20.6 and 20.8 of the NMC Code which required Mr Worton to uphold the reputation of the nursing profession, maintain professional boundaries and act as a role model of professional behaviour for students to aspire to.

Based on the evidence before it, the panel was satisfied on the balance of probabilities that Mr Worton's conduct in charge 5 amounted to unprofessional behaviour. Accordingly, it found charge 6 proved.

Charge 7

- 7) In or around September 2022, told Colleague A that you could destroy her career because of your awareness of an allegation that she had taken drugs.

This charge is found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague A, the note of the investigation meeting with Colleague A, the note of the investigation meeting with Mr Worton, screenshots of WhatsApp chats between Mr Worton and Colleague A, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into account that Colleague A was clear and consistent in her local statement, the Trust investigation meeting and in the Conduct hearing, that Mr Worton had told her that he could destroy her career due to his awareness of an allegation that she had taken drugs. The panel took into consideration that Mr Worton stated in the Trust

investigation meeting that he did not say *'I could destroy your career'*. Mr Worton stated that his recollection was that he said, *'Rumours and allegations, true or not true could follow you and affect your career.'* Mr Worton asserted that Colleague A was using different wording as he did not believe that he would have been that scathing with what he said to Colleague A.

The panel considered the surrounding circumstances of the case. It took into account that Mr Worton was the mentor of Colleague A during her placement at the Trust. The panel took into consideration that Mr Worton admitted during the Trust investigation meeting and in the Conduct hearing that there was a power imbalance as he had abused his position of trust and power over Colleague A. The panel had also found proved that Mr Worton had made similar threatening words to Colleague A, and it had sight of the screenshot of a WhatsApp conversation where Mr Worton told Colleague A that he had groomed her. The panel noted that Mr Worton did not entirely deny making the comment to Colleague A but stated that he had used different wordings.

Given the context of the relationship between Mr Worton and Colleague A, that Mr Worton had made similar threatening words to her and that he had groomed her, the panel accepted the account of the incident by Colleague A. In this regard, the panel was satisfied that it was more likely than not that, in or around September 2022, Mr Worton had told Colleague A that he could destroy her career due to his awareness of an allegation that she had taken drugs. Accordingly, it found charge 7 proved.

Charge 8

- 8) Your conduct at charge 7 was designed to encourage and/or coerce Colleague A to continue a relationship with you.

This charge is found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague A, the note of the investigation meeting with Colleague A, the note of the investigation meeting with Mr Worton, screenshots of WhatsApp chats between Mr Worton

and Colleague A, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel considered ‘*coercive control*’ in the definition provided in Section 76(1) of the Serious Crimes Act 2015 which creates an offence of ‘*controlling or coercive behaviour*’. Such behaviour must be either repeated or continuous and must have a serious effect on but need not necessarily involve any assault or the threat or infliction of any physical harm or violence. The offence targets psychological abuse or mental cruelty in which one partner to a relationship coerces and controls the life of the other, without necessarily or frequently resorting to threats or violence.

The panel took into consideration that Mr Worton had denied this allegation as he stated that he did not believe that he would have been that scathing with what he said to Colleague A.

In examining whether Mr Worton’s conduct in charge 7 was designed to be coercive, the panel considered the nature and surrounding circumstances of the incidents. The panel took into consideration that Colleague A was a student nurse on placement at the Trust under Mr Worton’s mentorship. The panel noted that it was expected that Mr Worton should maintain a mentor/student professional relationship with clear professional boundaries with Colleague A.

The panel considered that Colleague A stated in the Trust investigation meeting that Mr Worton’s words implied that:

‘...he would use this against me if anything was to be said or if things didn’t go his way in the nature of our relationship and continued to use this against me for the remainder of our relationship even knowing the extent of my upset whenever this would be brought up.... He implied that he could destroy me as a student and my career’.

The panel noted that Colleague A stated that Mr Worton had continued to repeat the same comment to her at various times and it made her feel that they had to continue their relationship. Therefore, the panel determined that Mr Worton’s comment towards

Colleague A falls within the definition of *controlling or coercive behaviour* as contained in Section 76(1) of the Serious Crimes Act 2015.

The panel was of the view that given the nature of Mr Worton's comment towards Colleague A in charge 7, it was reasonable to infer that Mr Worton's comment was designed to encourage and coerce Colleague A to continue a relationship with him.

In this regard, the panel was satisfied on the balance of probabilities that Mr Worton's conduct in charge 7 was designed to encourage and/or coerce Colleague A to continue a relationship with him. Accordingly, it found charge 8 proved.

Charges 9a, 9b, and 9c

9) On 10 October 2022 in respect of Colleague B:

- a) Said "*Hypothetically, would you have sex on that desk. Right here, right now*", or words to that effect.
- b) Put your hand on her leg and/or rubbed it.
- c) Told her or insinuated you had had sexual intercourse with Colleague A.

These charges are found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague B, the note of the investigation meeting with Colleague B, the note of the investigation meeting with Mr Worton, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into account that Colleague B was clear and consistent in her local statement, the Trust investigation meeting and in the Conduct hearing, that the incidents alleged in charges 9a - 9c had occurred. The panel took into consideration that Mr Worton admitted in the Trust investigation meeting and in the Conduct hearing that he had made the comments alleged by Colleague B and '*they were 100% not appropriate*'. Mr Worton

stated that it was a gross breach of the nurse/student relationship, and he had apologised to Colleague B.

However, in respect of charge 9b, Mr Worton stated that he could not recall touching Colleague B's leg in an inappropriate manner, but he could not say that he did not put the outside of his hand on her leg. Mr Worton asserted that he was 100% certain that he did not rub Colleague B's leg. He further stated that he did not have that kind of feeling towards Colleague B but is not in denial that he did not touch her whilst in conversation.

In relation to charge 9c, Mr Worton stated that he could not recall ever mentioning Colleague A's name to Colleague B in that context and he could not recall being specific about a student. The panel noted that Mr Worton attended and was represented at the Trust investigation meeting and in the Conduct hearing.

In respect of charge 9a, based on the evidence of Colleague B and the admission of Mr Worton at the Trust investigation meeting and in the Conduct hearing, the panel was satisfied that it was more likely than not that on 10 October 2022, Mr Worton has said to Colleague B "*Hypothetically, would you have sex on that desk. Right here, right now*", or words to that effect. Accordingly, it found charge 9a proved.

In relation to charge 9b, the panel took into account that Mr Worton was vague and inconsistent in his account of the incident as on one hand, he admitted that he put the outside of his hand on Colleague B's leg, on the other hand, he denied that he rubbed her leg but he is not in denial that he did not touch her whilst in conversation.

In contrast, the panel noted that Colleague B was clear and consistent in her local statement, the Trust investigation meeting and in the Conduct hearing, that Mr Worton had put his hand on her leg and rubbed it. The panel therefore accepted the account of the incident by Colleague B. The panel was satisfied that it was more likely than not that on 10 October 2022, Mr Worton had put his hand on her leg and rubbed it. Accordingly, it found charge 9b proved.

In respect of charge 9c, the panel took into account that Mr Worton did not expressly deny the allegation but stated he could not recall being specific about a student at the time. The

panel was of the view that it was reasonable to infer that Mr Worton was referring to Colleague A at the time as Mr Worton had admitted that he had a consensual sexual relationship with Colleague A, who was a student nurse under his mentorship during her placement. The panel further noted that Colleague B was clear and consistent in her local statement, the Trust investigation meeting and in the Conduct hearing, that Mr Worton had told her or insinuated that he had had sexual intercourse with Colleague A. The panel therefore accepted the account of the incident by Colleague B. The panel was satisfied that it was more likely than not that on 10 October 2022, Mr Worton had told her or insinuated that he had had sexual intercourse with Colleague A. Accordingly, it found charge 9c proved.

Charges 10a, 10b, and 10c

10) Your conduct at some or all of charge 9:

- a) Was unwanted.
- b) Was sexual in nature.
- c) Created an intimidating and/or degrading and/or harassing and/or humiliating environment for Colleague B.

These charges are found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague B, the note of the investigation meeting with Colleague B, the note of the investigation meeting with Mr Worton, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into consideration that Mr Worton admitted in the Trust investigation meeting and in the Conduct hearing that he had made the comments alleged by Colleague B and '*they were 100% not appropriate*'. Mr Worton stated that it was a gross breach of the nurse/student relationship, and he had apologised to Colleague B.

In examining whether Mr Worton's conduct in charges 9a, 9b and 9c amounted to unwanted sexual conduct, the panel considered the nature and surrounding circumstances of the incident. The panel took into consideration that at the time of the incident, Colleague B was a student nurse on placement at the Trust where Mr Worton was working as a nurse. The panel noted that it was expected that Mr Worton should maintain a nurse/student professional relationship with clear professional boundaries with Colleague B.

The panel considered that in the Trust investigation meeting, Colleague B had described the impact of the incident on her as she stated that she felt very uncomfortable, ...

'It just felt weird. I thought it would be better to change the subject or get him off subject. I was sitting against a wall on a chair. Had to laugh and keep up the chat with him so as not to show how inappropriate it felt. I felt awful. Felt like it wasn't very nice to be put in that situation'.

The panel noted that the description of the impact of the incident by Colleague B demonstrated that all of Mr Worton's conduct in charges 9a, 9b, and 9c was unwanted. The panel was of the view that the Mr Worton's conduct was inherently sexual in nature given that he had made inappropriate sexual comments to Colleague B and had also placed his hand on Colleague B's leg and rubbed it.

Based on the evidence before it, the panel was satisfied on the balance of probabilities that all of Mr Worton's conduct in charges 9a, 9b, and 9c was unwanted and sexual in nature. Accordingly, it found charges 10a and 10b proved.

The panel considered whether Mr Worton's conduct in charges 9a, 9b, and 9c created an intimidating and/or degrading and/or harassing and/or humiliating environment for Colleague B.

The panel considered that in the Trust investigation meeting, Colleague B had described the impact of the incident on her as she stated that she felt very uncomfortable, ...

'It just felt weird. I thought it would be better to change the subject or get him off subject. I was sitting against a wall on a chair. Had to laugh and keep up the chat with him so as not to show how inappropriate it felt. I felt awful. Felt like it wasn't very nice to be put in that situation'.

The panel noted that the description of the impact of the incident by Colleague B demonstrated that she felt degraded, harassed, humiliated and intimidated. The panel bore in mind that the definition of harassment as contained in Section 26 of the Equality Act 2010, and it was of the view that Mr Worton's conduct falls under this definition.

In this regard, the panel was satisfied on the balance of probabilities that all of Mr Worton's conduct in charges 9a, 9b, and 9c created an intimidating, degrading, harassing and humiliating environment for Colleague B. Accordingly, it found charge 10c proved.

Charge 11

- 11) Some or all of your conduct at charge 9 was sexually motivated in that it was carried out in pursuit of sexual gratification and/or in pursuit of a sexual relationship with Colleague B.

This charge is found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the Trust Investigation report dated 25 May 2023 including the local statement of Colleague B, the note of the investigation meeting with Colleague B, the note of the investigation meeting with Mr Worton, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into consideration that Mr Worton admitted in the Trust investigation meeting and in the Conduct hearing that he had made the comments alleged by Colleague B and *'they were 100% not appropriate'*. Mr Worton stated that it was a gross breach of the nurse/student relationship, and he had apologised to Colleague B.

The panel took into consideration that at the time of the incident, Colleague B was a student nurse on placement at the Trust where Mr Worton was working as a nurse. The panel noted that it was expected that Mr Worton should maintain a nurse/student professional relationship with clear professional boundaries with Colleague B.

The panel was of the view that Mr Worton's conduct in charges 9a, 9b and 9c were wholly inappropriate, and when viewed in totality, they formed a pattern of behaviour in which Mr Worton consistently breached the professional boundaries between him and Colleague B. The panel noted that the nature of Mr Worton's conduct demonstrated a sexual motivation, as for example, Mr Worton told Colleague B "*Hypothetically, would you have sex on that desk. Right here, right now*", placed his hand on her leg and rubbed it.

The panel further considered that given that similar allegations had been made against Mr Worton with respect to another student nurse (Colleague A), there appears to be a pattern of behaviour relating to blurring of professional boundaries towards female student nurses.

The panel was of the view that, based on the inappropriate nature and the totality of Mr Worton's conduct towards Colleague B, it was reasonable to infer that Mr Worton's conduct was carried out in pursuit of sexual gratification/sexual relationship with Colleague B. The panel noted that a sexual relationship between Mr Worton and another student nurse (Colleague A) had occurred after the completion of her placement.

Accordingly, the panel was satisfied on the balance of probabilities that all of Mr Worton's conduct in charges 9a, 9b, and 9c was sexually motivated in that it was carried out in pursuit of sexual gratification/sexual relationship with Colleague B. The panel therefore found charge 11 proved.

Charge 12

- 12) On 24 October 2022 placed your hands on Colleague C's shoulders and/or neck from behind.

This charge is found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the witness statement of Colleague C/Witness 2, the Trust Investigation report dated 25 May 2023 including the note of the investigation meeting with Colleague C/Witness 2, the note of the investigation meeting with Mr Worton, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into account that Colleague C/Witness 2 was clear and consistent in her witness statement, the Trust investigation meeting and in the Conduct hearing, that Mr Worton had placed his hands on her shoulders and neck from behind on 24 October 2022. The panel took into consideration that this account was unchallenged by Mr Worton. It noted that Mr Worton stated during the Trust investigation meeting that he had a very good relationship with Colleague C/Witness 2 and on the day of the incident, they were having a laugh.

In this regard, based on the evidence of Colleague C/Witness 2, the panel was satisfied that it was more likely than not that on 22 October 2022, Mr Worton had placed his hands on her shoulders and neck from behind. Accordingly, it found charge 12 proved.

Charges 13a and 13b

13) Your conduct at charge 12 amounted to:

- a) Inappropriate behaviour.
- b) Unprofessional behaviour.

These charges are found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the witness statement of Colleague C/Witness 2, the Trust Investigation report dated 25 May 2023 including the note of the investigation meeting with Colleague C/Witness 2, the note of the investigation meeting with Mr Worton, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into consideration that at the time of the incident, Colleague C/Witness 2 was Mr Worton's colleague nurse at the Trust. The panel noted that it was expected that

Mr Worton should maintain a professional relationship with clear professional boundaries with Colleague C/Witness 2.

The panel had regard to the NMC Code. The panel noted that Colleague C/Witness 2 stated that Mr Worton's conduct '*was a bit odd*', and he had not touched her in such way previously. The panel was of the view that, given the nature of Mr Worton's conduct towards Colleague C/Witness 2 in charge 12, it was clear that he had failed to maintain a professional relationship with clear professional boundaries. The panel determined that Mr Worton's conduct breached sections 20.1, 20.3, 20.5, and 20.6 of the NMC Code which required Mr Worton to uphold the reputation of the nursing profession and maintain professional boundaries with his colleagues.

Based on the evidence before it, the panel was satisfied on the balance of probabilities that Mr Worton's conduct in charge 12 amounted to inappropriate and unprofessional behaviour. Accordingly, it found charges 13a and 13b proved.

Charges 14a, 14b and 14c

14) On 24 October 2022:

- a) Said to Colleague C that you thought her daughter "*would be going off with all the Turkish men*" or words to that effect.
- b) Said to Colleague C in respect of her daughter "*Loads of twelve year olds are sexually active*", or words to that effect.
- c) Said to Colleague B "*You were probably sexually active at that age*" or words to that effect

These charges are found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the witness statement of Colleague C/Witness 2, the Trust Investigation report dated 25 May 2023 including the note of the investigation meeting with Colleague C/Witness 2, the note of the investigation meeting with Mr Worton, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into account that Colleague C/Witness 2 was clear and consistent in her witness statement, the Trust investigation meeting and in the Conduct hearing, that Mr Worton had made those comments towards her as outlined in charges 14a, 14b, and 14c. The panel noted that this account was supported by Colleague B in her local statement and in the Trust investigation meeting.

The panel took into consideration that Mr Worton admitted in the Trust investigation meeting and in the Conduct hearing that the alleged incidents had occurred. It noted that Mr Worton stated during the Trust investigation meeting that he had a very good relationship with Colleague C/Witness 2 and that on the day of the incident, they were having a laugh when he made those comments.

In this regard, based on the evidence of Colleague C/Witness 2 and the admission of Mr Worton at the Trust investigation meeting and Conduct hearing, the panel was satisfied that it was more likely than not that the incidents outlined in charges 14a, 14b and 14c had occurred. Accordingly, it found charge 14a, 14b and 14c proved.

Charges 15a and 15b

15) Your conduct at some or all of charge 14 amounted to:

- c) Inappropriate behaviour.
- d) Unprofessional behaviour.

These charges are found proved.

In reaching this decision, the panel took into account the witness statement of Witness 1, the witness statement of Colleague C/Witness 2, the Trust Investigation report dated 25 May 2023 including the note of the investigation meeting with Colleague C/Witness 2, the note of the investigation meeting with Mr Worton, and the Conduct hearing meeting notes between 29 June 2023 and 29 February 2024.

The panel took into consideration that at the time of the incident, Colleague C/Witness 2 was Mr Worton's colleague nurse at the Trust. The panel noted that it was expected that

Mr Worton should maintain a professional relationship with clear professional boundaries with Colleague C/Witness 2.

The panel had regard to the NMC Code. The panel noted that Colleague C/Witness 2 stated that she was horrified and found Mr Worton's comments bizarre. The panel was of the view that, given the nature of Mr Worton's conduct towards Colleague C/Witness 2 in charge 12, it was clear that he had failed to maintain a professional relationship with clear professional boundaries. The panel determined that Mr Worton's conduct breached sections 20.1, 20.3, 20.5, and 20.6 of the NMC Code which required Mr Worton to uphold the reputation of the nursing profession and maintain professional boundaries with his colleagues.

Based on the evidence before it, the panel was satisfied on the balance of probabilities that Mr Worton's conduct in charge 14a, 14b and 14c amounted to inappropriate and unprofessional behaviour. Accordingly, it found charges 15a and 15b 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 Worton'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 Worton's fitness to practise is currently impaired as a result of that misconduct.

Representations on misconduct

The NMC provided written representations on misconduct to the panel. In its written representations, the NMC referred the panel to the comments of Lord Clyde in *Roylance v General Medical Council* [1999] UKPC 16 in which misconduct was defined:

'[331B-E] Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rule and standards ordinarily required to be followed by a [nurse] practitioner in the particular circumstances'

The NMC further referred the panel to the comments of Jackson J in *Calheam v GMC* [2007] EWHC 2606 (Admin) and Collins J in *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), respectively:

'[Misconduct] connotes a serious breach which indicates that the doctor's (nurse's) fitness to practise is impaired'.

And

'The adjective "serious" must be given its proper weight, and in other contexts there has been reference to conduct which would be regarded as deplorable by fellow practitioner'.

The NMC submitted that the following parts of the Code are engaged in this case and have been breached. They are sections 1.1, 20.1, 20.3, 20.5, and 20.8.

The NMC submitted that Mr Worton's actions amounted to serious misconduct because his conduct in failing to maintain professional boundaries for sexual gratification was a significant departure from the fundamental principle of the Code in prioritising people and promoting professionalism and trust. The areas of concern identified relate to sexual misconduct; this conduct, as detailed in the charges, fell significantly short of what would be expected of a registered nurse.

The NMC therefore invited the panel to find that the charges amount to misconduct.

Representations on impairment

The NMC provided written representations on impairment to the panel. In its written representations, the NMC stated that its Guidance on Impairment explains that impairment is not defined in legislation but is a matter for the Fitness to Practise Committee to decide. 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.

The NMC submitted that, in considering impairment, the panel should consider the test formulated By Dame Janet Smith in the *Fifth Shipman Report*, quoted in the case of *CHRE v NMC and Grant* [2011] EWHC 927 (Admin). The NMC submitted that limbs a, b, and c of the *Grant* test are engaged in this case when looking at past conduct, and also when looking forward to the future.

The NMC submitted that limb a is engaged because Mr Worton's conduct affected a number of people, with at least two student nurses suffering harm. It asserted that Mr Worton preyed on the staff over whom he held a position of power, and this suggested that he is liable to act the same way against those in his care.

The NMC submitted that limb b is engaged because a member of the public would be shocked by Mr Worton's actions should they learn of a nurse who has groomed a student in his care and committed misconduct of sexual nature.

The NMC submitted that limb c is engaged because Mr Worton's actions breached the fundamental tenets of nursing profession of prioritising people and promoting professionalism and trust in the professions.

With regard to future risk, the NMC referred the panel to the case of *R (on application of Cohen) v General Medical Council* [2008] EWHC 581 (Admin). The NMC considered that Mr Worton has displayed some insight into his misconduct. It highlighted that, in the Response to regulatory concerns, Mr Worton admitted to some of the actions, although he sought to minimise his culpability. In his application for Agreed Removal, Mr Worton admitted that his conduct had fallen short of that expected of a nurse, but he also sought to excuse his actions by citing '*where he was in his life*' at the time.

The NMC highlighted that Mr Worton worked at a care home from 24 April 2024 until his resignation on 26 September 2024. It noted that the care home had provided a positive work reference on behalf of Mr Worton dated 5 July 2024, however, it was unclear whether he has worked as a nurse since then.

The NMC submitted that there is a continuing risk to the public due to Mr Worton's lack of full insight and that he has not had the opportunity to demonstrate strengthened practice through work in a relevant area. A finding of impairment is therefore required on the grounds of public protection.

The NMC highlighted that in the case of *Grant*, Cox J commented that:

'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.'

The NMC submitted that there is a public interest in a finding of impairment being made in this case to declare and uphold proper standards of conduct and behaviour. It asserted that Mr Worton's conduct engages the public interest because members of the public

would be appalled to hear of a nurse failing to maintain proper professional boundaries and, crucially, abusing the position of power for sexual gratification. Such conduct severely damages and undermines public confidence in the nursing profession and the NMC as the regulator. A finding of impairment is therefore required on the grounds of public interest.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments.

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 Worton's actions did fall significantly short of the standards expected of a registered nurse, and that Mr Worton's actions amounted to a breach of the Code. Specifically, the following sections of the Code:

'Practise effectively

1 Treat people as individuals and uphold their dignity

To achieve this, you must:

1.1 treat people with kindness, respect and compassion

Practise effectively

9 Share your skills, knowledge and experience for the benefit of people receiving care and your colleagues

To achieve this, you must:

9.4 support students' and colleagues' learning to help them develop their professional competence and confidence

Promote professionalism and trust

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*

20.6 *stay objective and have clear professional boundaries at all times with people in your care (including those who have been in your care in the past), their families and carers*

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 appreciated that breaches of the Code do not automatically result in a finding of misconduct.

The panel took into consideration that at the time of the incidents, Colleague A was a student nurse on placement at the Trust under Mr Worton's mentorship. The panel noted that it was expected that Mr Worton should maintain a mentor/student professional relationship with clear professional boundaries with Colleague A. However, the panel was of the view that Mr Worton abused his position of trust as a mentor to Colleague A. It noted that Mr Worton was aware of Colleague A's mental health concerns, but he exploited her vulnerability to engage in a consensual sexual relationship with her. The panel was very concerned that Mr Worton abused the power imbalance between him and Colleague A in which he coerced, harassed, and groomed her for his own selfish sexual gratification. The panel determined that Mr Worton's conduct was extremely serious, wholly unacceptable, and amounted to a breach of professional boundaries.

The panel noted that Mr Worton's actions demonstrated a pattern of behaviour/course of conduct, of a sexual predatory nature over an extensive period of time. The panel

considered that Mr Worton demonstrated similar unprofessional behaviour towards Colleague B (a student nurse) and Colleague C (a staff nurse) in which he created an intimidating, degrading, harassing and humiliating environment at the workplace.

The panel noted that Mr Worton's actions caused actual harm to Colleagues A, B and C in terms of emotional and psychological distress. The panel found that, as a result of Mr Worton's conduct, he failed to respect and uphold the dignity of Colleagues A, B and C. The panel noted that Colleague A stated that she felt '*so worthless and fragile*', Colleague B stated that she felt very uncomfortable and did not want to be alone with Mr Worton, and Colleague C felt horrified.

The panel found Mr Worton's actions to be extremely serious and that they would be seen as deplorable by other members of the profession and members of the public. It determined that Mr Worton's actions constituted a breach of fundamental aspects of professional conduct and behaviour that a registered nurse is expected to maintain. It concluded that Mr Worton's conduct constituted a serious breach of the fundamental tenets of the nursing profession and to characterise his actions as anything other than misconduct would send the wrong message about the nursing profession.

Consequently, having considered the proven charges individually and in totality, the panel determined that Mr Worton's actions in the charges found proved, did fall seriously short of the conduct and standards expected of a nurse and amounted to misconduct.

Decision and reasons on impairment

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

Registered 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.

The panel had regard to the NMC Guidance on Impairment especially the question which states:

‘Can the nurse, midwife or nursing associate practise kindly, safely and professionally?’

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 first considered whether any of the limbs of the Grant test were engaged in the past. It noted that, at the time of the incidents, Mr Worton’s actions created an intimidating, degrading, harassing and humiliating environment for Colleagues A, B and C. The panel further noted that Mr Worton’s actions caused actual harm to Colleagues A, B and C in terms of emotional and psychological distress. This could have affected the quality of care provided to patients and therefore indirectly placed patients at unwarranted risk of harm.

The panel found that Mr Worton’s misconduct constituted a serious breach of the fundamental tenets of the nursing profession. It determined that Mr Worton failed to uphold the standards and values of the nursing profession, thereby bringing the reputation of the nursing profession into disrepute.

The panel therefore concluded that limbs a, b, and c of the Grant test are engaged in respect of Mr Worton’s past conduct.

The panel next considered whether the limbs of the *Grant* test are engaged as to the future. In this regard, the panel considered the case of *Cohen v GMC* in which the Court addressed the issue of impairment with regard to the following three considerations:

- a. *Is the conduct that led to the charge easily remediable?*
- b. *Has it in fact been remedied?*
- c. *Is it highly unlikely to be repeated?’*

In this regard, the panel also considered the factors set out in the NMC Guidance on Insight and strengthened practice (FTP-15).

The panel first considered whether Mr Worton’s misconduct is capable of being addressed. In the NMC Guidance – Can the concern be addressed (FTP-15a), the panel noted the following paragraph:

'In cases like this, and in cases where the behaviour suggests underlying problems with the nurse, midwife or nursing associate's attitude, it is less likely the nurse, midwife or nursing associate will be able to address their conduct by taking steps, such as completing training courses or supervised practice.'

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

-
- *inappropriate personal or sexual relationships with people receiving care or other vulnerable people or abusing their position as a registered nurse, midwife or nursing associate or other position of power to exploit, coerce or obtain a benefit'*

The panel was of the view that the concerns in this case are difficult to remediate due to the very serious nature and impact of Mr Worton's actions on Colleagues A and B who were student nurses at the time of the incidents. The panel considered that Mr Worton's misconduct was not a one-off incident nor was it a spontaneous action, but instead a deliberate systematic course of conduct towards two student nurses and a colleague over a period of time. Mr Worton's misconduct demonstrated an abuse of power and his position of trust in pursuit of sexual gratification. The panel determined that Mr Worton's misconduct was suggestive of deep-seated attitudinal concerns which are difficult to remediate.

The panel then went on to consider whether the concerns have been addressed and remediated. It had regard to the NMC Guidance – Has the concern been addressed (FTP-15b).

The panel also considered the context of the misconduct. It noted that Mr Worton had stated that [PRIVATE] on occasions and he was extremely stressed from his heavy caseload at the Trust. However, the panel was of the view that these were not reasonable justifications for his misconduct as there was no evidence to support his claims. The panel therefore decided that Mr Worton's conduct did not arise from any unique circumstances.

Regarding insight, the panel considered that Mr Worton made some admissions, showed some remorse and apologised to Colleagues B and C during the Trust investigative meeting and Conduct hearing. The panel took into account that Mr Worton accepted that his actions were inappropriate and unprofessional, an abuse of his position of trust and breached professional boundaries. The panel noted that Mr Worton engaged initially with the NMC at the early stages of its investigation process.

However, the panel noted that Mr Worton did not fully understand the very serious nature of his actions, as on various occasions, he tried to provide excuses and sought to minimise the seriousness of his actions. The panel was concerned that Mr Worton failed to demonstrate sufficient insight into the seriousness of his misconduct and its impact on Colleagues A, B and C, the nursing profession and the wider public. The panel noted that Mr Worton did not set out how he would act to prevent such a situation from re-occurring.

The panel therefore determined that Mr Worton has failed to demonstrate sufficient insight into his misconduct.

In considering whether Mr Worton has strengthened his nursing practice, the panel considered the previous employer reference made on his behalf as well as the list of training courses he had completed. The panel noted that the list of training courses and the previous employer reference were not relevant to the areas of concern in this case and did not demonstrate the steps Mr Worton had taken to remediate his misconduct. The panel therefore could not attach weight to them given that it is considering current impairment.

In light of this, the panel was not satisfied that Mr Worton's misconduct had been remediated, nor has he strengthened his nursing practice. Accordingly, the panel determined that Mr Worton's misconduct is highly likely to be repeated. Therefore, limbs a, b, and c of the *Grant* test are engaged as to the future.

Consequently, the panel concluded 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 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 had regard to the serious nature of Mr Worton's misconduct and the public protection issues it had identified. It determined that public confidence in the profession, particularly as the misconduct involved coercive, unprofessional and sexually motivated behaviour towards student nurses and a colleague as well as breach of professional boundaries, would be undermined if a finding of impairment were not made in this case. The panel was of the view that a well-informed member of the public may be reluctant to receive clinical care if they were aware that a registered nurse had exhibited such behaviour towards their colleagues.

For these reasons, the panel determined that a finding of current impairment on public interest grounds is required. It decided that this finding is necessary to mark the seriousness of the misconduct, the importance of maintaining public confidence in the nursing profession, and to uphold proper professional standards for members of the nursing profession.

Having regard to all of the above, the panel was satisfied that Mr Worton's fitness to practise is currently impaired on both public protection and public interest grounds.

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 Worton off the register. The effect of this order is that the NMC register will show that Mr Worton 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.

Representations on sanction

The NMC provided written representations on sanction to the panel. In its written representations, the NMC submitted that a striking-off order is appropriate and proportionate sanction in this case.

The NMC submitted that the aggravating factors in this case are as follows:

- Vulnerable student nurses. Colleague B (sic: Colleague A) was particularly vulnerable as she had mental health issues (which Mr Worton concedes he was aware of, stating he became part of her 'safety plan.')
- Abuse of power and trust
- Psychological harm was occasioned to Colleagues A and B.
- Negative impact on workplace culture.
- Pattern of behaviour over a sustained period of time (August 2021 to July 2022).
- No evidence of remediation (last practised as a nurse in September 2024/ indicates no intention of returning to nursing).
- Fundamental concerns about professionalism.
- Evidence of grooming using colleague's vulnerabilities to his advantage to pursue sexual relationship over a prolonged period of time.
- Some lack of professional accountability/ insight demonstrated in responses.

The NMC submitted that the mitigating factor in this case is as follows

- Personal mitigation – Mr Worton asserts [PRIVATE]. At the close of his investigatory interview, he referred to [PRIVATE], his excessive work caseload and always having a student to mentor as well as feeling burnt out at work.

The NMC submitted that taking no further action or imposing a caution order would be wholly disproportionate in this case as there remains public protection and public interest concerns that have not been fully addressed.

The NMC submitted that a conditions of practice order is not suitable in this case. It highlighted that any conditions must be workable, measurable and proportionate. The NMC argued that although an interim conditions of practice order was imposed on Mr Worton's nursing practice, he does not appear to have worked since September 2024, and it is unlikely that conditions will address the public protection and public interest concerns. The NMC asserted that there are no workable conditions of practice which could effectively address the concerns.

The NMC referred the panel to the NMC Guidance on Seriousness which states:

'The presence of bullying, harassment (including sexual harassment) and victimisation in the workplace can have an extremely negative effect on the work environment, performance and attendance. This in turn can have an effect on the delivery of care and if not dealt with can affect trust and confidence in the professions.'

The NMC further highlighted that the NMC Guidance on Sanctions states that behaviours in sexual misconduct cases can have a particularly severe impact on public confidence, a professional's ability to uphold the standards and values set out in the Code, and the safety of people receiving care. Any professional found to have behaved in this way will be at risk of being removed from the register.

The NMC submitted that a suspension order is not appropriate due to the sustained nature of the conduct, in particular, the evidence suggestive of grooming in respect of a colleague, which would point to a serious issue in respect of Mr Worton's attitude and/or professionalism.

The NMC asserted that a striking-off order is the only appropriate and proportionate sanction in this case. The NMC highlighted that the charges found proved relate to multiple instances of inappropriate, uninvited and harassing behaviour over a significant period of time; this was a pattern of behaviour which was sexually motivated as well as constituting harassment. The NMC argued that these actions are incompatible with continued registration. It submitted that there is a public interest in

registered nurses not displaying such behaviour and, in the need, to maintain public confidence in the profession and uphold proper standards of behaviour in the profession.

The NMC therefore invited the panel to impose a striking-off order as the most appropriate and proportionate sanction in this case.

The panel accepted the advice of the legal assessor.

Decision and reasons on sanction

Having found Mr Worton'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 factors:

- Colleague A was a vulnerable student nurse under Mr Worton's mentorship. Colleague A was particularly vulnerable as she had mental health concerns at the time (which Mr Worton concedes he was aware of stating he became part of her 'safety plan').
- Mr Worton's conduct in grooming Colleague A by exploiting her vulnerabilities to his advantage to pursue sexual relationship with her over an extensive period of time.
- Mr Worton abused his position of trust as a mentor and exploited the power imbalance between him and Colleagues A and B, who were student nurses.
- Mr Worton's conduct placed Colleagues A, B and C at unwarranted risk of harm and caused actual harm in terms of emotional and psychological distress.
- Mr Worton's actions demonstrate a pattern of predatory behaviour over an extensive period of time.
- Mr Worton's insufficient insight into the concerns and lack of remediation.

- There are fundamental concerns about Mr Worton's professionalism as a registered nurse.
- Mr Worton's conduct may have had a negative impact on workplace culture.

The panel identified the following mitigating features:

- [PRIVATE].
- [PRIVATE].
- Mr Worton stated that he was extremely stressed from his heavy caseload at the Trust at the time of the incidents.

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. It had found that there remains a high risk of repetition, Mr Worton had breached fundamental tenets of the nursing profession, and his misconduct would undermine the public's confidence in the nursing profession if he were allowed to practise without restriction. The panel therefore determined that it would neither be proportionate nor be in the public interest to take no further action.

The panel 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 Worton's nursing practice would not be appropriate in the circumstances. The NMC Sanctions Guidance on Caution order (SAN-3b) 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 Worton'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 therefore determined that a caution order would neither be proportionate nor be in the public interest.

The panel next considered whether placing conditions of practice on Mr Worton's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be relevant, proportionate, measurable and workable. The panel took into account the NMC Sanctions Guidance on Conditions of practice order (SAN-3c), in particular:

‘Conditions may be appropriate when some or all of the following factors are apparent:

- *No evidence of harmful deep-seated personality or attitudinal problems;*
- *Identifiable areas of the nurse or midwife’s practice in need of assessment and/or retraining;*
- *No evidence of general incompetence;*
- *Potential and willingness to respond positively to retraining;*
- *.....*
- *Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- *The conditions will protect patients during the period they are in force;*
and
- *Conditions can be created that can be monitored and assessed.’*

The panel had earlier found that Mr Worton’s misconduct was suggestive of deep-seated attitudinal concerns. It was of the view that these deep-seated attitudinal concerns could not be addressed through retraining and are difficult to remediate.

The panel therefore determined that, given the seriousness of the concerns, their deep-seated attitudinal nature and Mr Worton’s insufficient insight and remediation, there are no relevant, proportionate, workable and measurable conditions that could be formulated. Accordingly, a conditions of practice order would not address the risk of repetition and this poses a risk of harm to patients’ safety and the public. The panel noted that Mr Worton is not currently working as a registered nurse, and he has expressed his intention to not return to the nursing profession. Consequently, the panel decided that any conditions of practice order would not protect the public nor be in the public interest.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The NMC Sanctions Guidance on Suspension order SG (SAN-3d) states that 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 this was not a single instance of misconduct but rather a sustained pattern of misconduct over an extensive period of time. It found that Mr Worton had failed to demonstrate sufficient insight into the severity and impact of his actions and had also failed to strengthen his nursing practice. The panel also found that Mr Worton's misconduct caused actual harm to Colleagues A, B and C in terms of psychological and emotional distress.

Although there is no evidence of repetition of the concerns since the incident, the panel had found that Mr Worton's actions are suggestive of deep-seated attitudinal concerns which heightens the significant risk of repetition. The panel further noted that Mr Worton had not worked as a registered nurse since September 2024 and he did not utilise the opportunity to provide evidence to demonstrate sufficient insight into his actions and to strengthen his nursing practice. Therefore, the panel was not satisfied that a period of suspension would serve any useful purpose.

Accordingly, the panel determined that a period of suspension would not be a sufficient, appropriate or proportionate sanction. It would neither protect the public nor satisfy the public interest consideration in this case.

Finally, in considering a striking-off order, the panel took note of the following paragraphs of the NMC Sanctions Guidance on Striking-off (SAN-3e):

- *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?*

The panel was of the view that all of the criteria as set out above are met in this case. It noted that the NMC Guidance on Considering sanctions for serious cases, in particular, Cases involving sexual misconduct, states:

‘Panels deciding on sanction in cases about sexual misconduct will, as in all cases, need to start their decision-making with the least severe sanction, and work upwards until they find the appropriate outcome. However, as these behaviours can have a particularly severe impact on public confidence, a professional’s ability to uphold the standards and values set out in the Code, and the safety of people receiving care, any nurse, midwife or nursing associate who is found to have behaved in this way will be at risk of being removed from the register.’

The panel had found that Mr Worton’s actions, as highlighted by the facts found proved, constitute a serious misconduct of a sexual predatory nature which posed a risk of harm and caused actual harm to Colleagues A, B and C in terms of psychological and emotional distress. The panel was of the view that the work environment, in which health professionals operate, should be safe and free from inappropriate, intimidating, and sexual predatory behaviours.

The panel concluded that the serious breach of fundamental tenets of the profession, evidenced by Mr Worton’s actions, is fundamentally incompatible with him remaining on the register. The panel was of the view that the findings in this particular case raise serious and significant questions about Mr Worton’s professionalism 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, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the effect of Mr Worton’s actions in bringing the nursing 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 standards of behaviour expected and required of a registered nurse.

This will be confirmed to Mr Worton 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 Worton's own interests until the striking-off sanction takes effect.

Representations on interim order

The panel took account of the representations made by the NMC. The NMC submitted that if a finding is made that Mr Worton's fitness to practise is impaired on a public protection basis and a restrictive sanction imposed, an interim order in the same terms as the substantive order should be imposed on the basis that it is necessary for the protection of the public and otherwise in the public interest.

The NMC submitted that, otherwise, if a finding is made that Mr Worton's fitness to practise is impaired on a public interest only basis and that his conduct was fundamentally incompatible with continued registration, an interim suspension order should be imposed on the basis that it is otherwise in the public interest.

The panel accepted the advice of the legal assessor.

Decision and reasons on interim order

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 was therefore satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest.

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 in order to protect the public and also, in the public interest, during any potential appeal period. The panel determined that not to impose an interim order would be inconsistent with its earlier decisions.

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

That concludes this determination.