

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

**Substantive Hearing
Monday, 20 October 2025 – Friday, 24 October 2025**

Nursing and Midwifery Council
10 George Street, Edinburgh, EH2 2PF

Name of Registrant:	Julie McKinney
NMC PIN:	0911710S
Part(s) of the register:	Registered nurse (Adult nursing) Sub part 1 – 3 September 2012
Relevant Location:	Edinburgh
Type of case:	Misconduct
Panel members:	George Duff (Chair, Lay member) Vickie Glass (Registrant member) Shazad Amin (Lay member)
Legal Assessor:	Graeme Dalglish
Hearings Coordinator:	Catherine Blake
Nursing and Midwifery Council:	Represented by Euan Bruce, Case Presenter
Miss McKinney:	Not present and not represented in the hearing
Facts proved:	Charges 1a, 1b, 1c, 1e, 1f, 2, 3 (in its entirety), 4, 5, 6 (in its entirety), and 7
Facts not proved:	Charge 1d
Fitness to practise:	Impaired
Sanction:	Striking-off order
Interim order:	Interim suspension order (18 months)

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Miss McKinney was not in attendance and that the Notice of Hearing letter had been sent to Miss McKinney's registered email address by secure email on 19 September 2025.

Mr Bruce, on behalf of the Nursing and Midwifery Council (NMC), submitted that it had complied with the requirements of Rules 11 and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the allegation, the time, dates and venue of the hearing and, amongst other things, information about Miss McKinney's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

The panel also took notice of the email correspondence Miss McKinney has had with the NMC in respect of this hearing.

In the light of all of the information available, the panel was satisfied that Miss McKinney has been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Miss McKinney

The panel next considered whether it should proceed in the absence of Miss McKinney. It had regard to Rule 21 and heard the submissions of Mr Bruce who invited the panel to continue in the absence of Miss McKinney.

Mr Bruce referred the email from Miss McKinney dated 27 June 2025:

'To clarify, I won't be in attendance at the hearing.'

Mr Bruce further referred the panel to the email from Miss McKinney dated 5 October 2025 in response to an email containing the exhibit bundles:

'I can confirm I won't be attending and happy for things to proceed in my absence'

Mr Bruce submitted that, in light of this correspondence, Miss McKinney had voluntarily absented herself. He invited the panel to proceed in the absence of Miss McKinney.

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised with caution.

The panel has decided to proceed in the absence of Miss McKinney. In reaching this decision, the panel has considered the submissions of Mr Bruce, and the advice of the legal assessor. It has had particular regard to the factors set out in the decision of *R v Jones (Anthony William)* (No.2) [2002] UKHL 5 and *General Medical Council v Adeogba* [2016] EWCA Civ 162 and had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Miss McKinney;
- Miss McKinney has informed the NMC that she has received the Notice of Hearing and confirmed she is content for the hearing to proceed in her absence;
- There is no reason to suppose that adjourning would secure her attendance at some future date;

- Two witnesses are due to attend on the first two days of the hearing to give live evidence;
- Not proceeding may inconvenience the witnesses, their employer(s) and, for those involved in clinical practice, the clients who need their professional services;
- Further delay may have an adverse effect on the ability of witnesses accurately to recall events; and
- There is a strong public interest in the expeditious disposal of the case.

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

In these circumstances, the panel has decided that it is fair to proceed in the absence of Miss McKinney. The panel will draw no adverse inference from her absence in its findings of fact.

Details of charge

That you, a registered nurse:

1. On or around 10 April 2024:
 - a. Slapped Resident A around the face **[PROVED]**

- b. Told one or more of your colleagues that you had slapped Resident A around the face **[PROVED BY ADMISSION]**
 - c. With reference to Resident A, said to Colleague A '*she is lucky it was that fucking hand that bit because if it was her other hand I would have punched her*' or words to that effect **[PROVED BY ADMISSION]**
 - d. Did not administer Patient A one of her medications as prescribed. **[NOT PROVED]**
 - e. Inaccurately completed an incident form relating to the incident with Resident A in that you stated there were two members of staff were present and they had opened Resident A's mouth to release your fingers when that did not happen. **[PROVED BY ADMISSION]**
 - f. Your conduct at charge 1(e) was dishonest in that you stated that two members of staff were present during the incident with Resident A when you knew they were not. **[PROVED BY ADMISSION]**
2. On an unknown date, said to Resident A that she '*never shuts up all night*' and '*screams all the time*' or words to that effect. **[PROVED BY ADMISSION]**
3. Said words to the effect of one or more of the following to and/or about one or more residents on dates unknown:
- a. '*Fucking fat cock sucker*' **[PROVED]**
 - b. '*Fucking sick of you*' **[PROVED BY ADMISSION]**
 - c. '*Fat lazy cock*' **[PROVED]**

- d. *'Shut the fuck up'* **[PROVED BY ADMISSION]**
 - e. *'Fat bastard'* **[PROVED BY ADMISSION]**
 - f. *'Cunt'* **[PROVED BY ADMISSION]**
 - g. *'Fat cunt'* **[PROVED]**
4. On dates unknown, on one or more occasion during handover, said words to the effect of *'are they not dead yet?'* in relation to one or more resident. **[PROVED BY ADMISSION]**
5. On an date unknown in relation to Resident F, said words to the effect of *'he would get a slap in the fucking mouth if he does it the next time'* **[PROVED BY ADMISSION]**
6. On dates unknown, said one or more of the following about one or more member of staff:
- a. *'Fat bastard'* **[PROVED BY ADMISSION]**
 - b. *'Stupid cunt'* **[PROVED BY ADMISSION]**
 - c. *'Lazy bastard'* **[PROVED BY ADMISSION]**
 - d. *'Lazy fucking bitch'* **[PROVED]**
 - e. *'A fat lazy cunt'* **[PROVED BY ADMISSION]**
7. Your conduct at any or all of the charges 2-6 was offensive and/or derogatory. **[PROVED BY ADMISSION]**

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

Decision and reasons on application to amend the charge

The panel heard an application made by Mr Bruce to amend the wording of charge 1d.

The proposed amendment was to change 'Patient A' to 'Resident A'. It was submitted by Mr Bruce that this was a typographical error, as the charges pertain to residents in a care home, and not patients:

'That you, a registered nurse:

1. On or around 10 April 2024:

...

*d. Did not administer ~~Patient A~~ **Resident A** one of her medications as prescribed.*

...

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

The panel accepted the advice of the legal assessor and had regard to Rule 28 of 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

The panel was of the view that such an amendment, as applied for, was in the interest of justice. The panel was satisfied that there would be no prejudice to Miss McKinney and no injustice would be caused to either party by the proposed amendment being allowed. It was therefore appropriate to allow the amendment, as applied for, to ensure clarity and accuracy.

Decision and reasons on application to admit hearsay evidence of Witness 1 and Witness 3

The panel heard an application made by Mr Bruce under Rule 31 to allow the written and signed statement of Witness 3 into evidence. Witness 3 was not present at this hearing and, whilst the NMC had made sufficient efforts to ensure that this witness was present, she has ceased engaging with the NMC and her attendance could not be secured. Mr Bruce submitted that Miss McKinney had seen Witness 3's statement and was aware of its contents and raised no objection to it. Mr Bruce submitted there would be no unfairness to Miss McKinney in admitting this signed and written statement into evidence.

Mr Bruce made a further application under Rule 31(1) to admit the hearsay evidence of Witness 1 in respect of the interviews carried out as part of her investigation. Mr Bruce submitted that Witness 1 was the investigating officer at the Home, and that her evidence is comprised of what was said to her by the witnesses to the alleged behaviour in interview. Witness 1 did not witness any of the alleged behaviour directly.

Mr Bruce submitted that Witness 1's evidence was put to Miss McKinney and she indicated that she had no objection to it being before the panel. Accordingly, Mr Bruce submitted that there would be no unfairness to Miss McKinney in admitting Witness 1's evidence.

The panel heard and accepted the advice of the legal assessor, which included reference to the case of *Thorneycroft v NMC [2014] EWHC 1565 (Admin)*.

The panel gave both applications serious consideration.

In respect of Witness 3's statement the panel noted it had been prepared in anticipation of being used in these proceedings and contained the paragraph, '*This statement ... is true to the best of my information, knowledge and belief*' and signed by Witness 3.

The panel considered whether Miss McKinney would be disadvantaged by the change in the NMC's position of moving from reliance upon the live testimony of Witness 3 to that of a written statement. The panel considered that as Miss McKinney had been provided with a copy of Witness 3's statement and, as the panel had already determined that she had chosen voluntarily to absent herself from these proceedings, she would not be in a position to cross-examine this witness in any case.

The panel considered that Witness 3's statement is relevant and is supported by other evidence in the bundle and is not sole or decisive in respect of any of the charges. The panel also considered there was strong public interest in the issues in this case being explored fully, and determined that this supported the admission of Witness 3's evidence into the proceedings.

In these circumstances, the panel came to the view that it would be fair and relevant to accept into evidence the written statement of Witness 3 but would give what it deemed appropriate weight once the panel had heard and evaluated all the evidence before it.

In respect of Witness 1's evidence, the panel considered the nature of the local investigation into the allegations. The panel considered Witness 1's evidence to be a contemporaneous record of her interviews with each witness, and consistent with their exhibited statements. The panel considered Witness 1's statement is not sole or decisive in respect of any of the charges.

The panel also bore in mind Miss McKinney's email dated 29 September 2025 in which she states '*I have no objections to anything*'. The panel noted that Miss McKinney had been sent copies of Witness 1's evidence by this time and referred by the NMC to the guidance on hearsay. Although the panel note that Miss McKinney did not specifically agree to hearsay evidence, it was satisfied that, having received copies of Witness 1's hearsay evidence by that time, her statement was broad enough to indicate that she was not objecting to it and was content for the hearsay to be admitted.

The panel also considered that it would not have been fair or proportionate for the NMC to call all seven witnesses contained within Witness 1's report to give live evidence.

The panel also considered there was strong public interest in the issues in this case being explored fully, and determined that this supported the admission of Witness 1's evidence into the proceedings.

The panel was therefore satisfied that it was fair and relevant to accept into evidence the written statement of Witness 1, and would give what it deemed appropriate weight once the panel had heard and evaluated all the evidence before it.

Decision and reasons on application for the panel to issue directions to compel attendance of Witness 2

In the middle of witness evidence, the panel was made aware that Witness 2, who was due to attend the hearing to give live evidence, was no longer able or willing to do so. On the first day of the hearing, contact was made with Witness 2 who advised that she was in training for a new job this week and unable to attend. The Case Officer contacted her and confirmed she would be able to attend the second day of the hearing in the afternoon, however she did not attend.

The Hearings Coordinator confirmed the attempts made to secure her attendance, including numerous emails and phone calls, all of which remained unanswered by the third day of the hearing.

Mr Bruce submitted that Witness 2 was essential to the NMC's case as she is the only direct witness to some of the disputed facts. He submitted that without her live evidence the NMC case rests on hearsay.

Mr Bruce referred the panel to Rule 22 (5) and invited the panel to issue a direction that Witness 2 attend the hearing at 9am on the morning of the fourth day.

The panel accepted the advice of the legal assessor, who reminded the panel that not to attend without reasonable excuse would amount to a criminal offence by Witness 2.

The panel considered the application carefully. The panel determined it was not fair, appropriate nor proportionate to issue the direction as applied for.

The panel bore in mind the multiple attempts made to contact the witness across numerous different modes of contact, and that the NMC was still unable to get in contact with Witness 2. The panel was not satisfied that Witness 2 would see a direction if one was made.

The panel also bore in mind that Witness 2 informed the NMC that she had started a new job this week.

The panel was also concerned of the value of Witness 2's evidence if she did attend on the panel's direction, and bore in mind the NMC Guidance on supporting people to give evidence in hearings:

'We don't want the nature of the experience to interfere with a person's ability to give their evidence effectively.'

The panel also noted that Miss McKinney has made multiple and significant admissions to many of the charges, and considered that there is other evidence before it which may determine the disputed facts. The panel did not consider that Witness 2's evidence was so vital to determining the facts of this case to justify issuing the direction as applied for.

The panel also considered that there were other options available to the NMC at this juncture, including an application to adjourn or to admit Witness 2's evidence as hearsay.

Accordingly, the panel considered it was not fair or proportionate in the circumstances to issue this direction and refused the application.

Decision and reasons on application to adjourn

In light of its decision not to issue directions, Mr Bruce invited the panel to adjourn until the morning of the fourth day to allow a final opportunity for Witness 2 to attend the hearing.

The legal assessor reminded the panel to consider the interests of fairness to all parties in making their decision.

The panel bore in mind that the hearing has already suffered significant delays due to witness non-attendance, and that there has been no communication from the witness for over a day. However, the panel considered that it was in the overall interest of justice and fairness to allow the NMC one last chance to secure Witness 2's attendance, or otherwise allow Witness 2 to re-engage and attend to give evidence.

Accordingly, the panel determined that it would be fair to allow the adjournment until the morning of the fourth day of the hearing.

Decision and reasons on application for the panel to issue directions

On the morning of the fourth day of the hearing, Mr Bruce informed the panel that Witness 2 was not in attendance and had not responded to any of the attempts to contact her.

For the same reasons as before, Mr Bruce submitted that Witness 2's live evidence was necessary for the NMC's case. He made an application under Rule 22(5) for the panel to issue directions to compel Witness 2 and to adjourn to a time which better suits her schedule to attend.

The legal assessor referred the panel to the advice given for the previous application for directions.

The panel bore in mind its decision above. The panel noted Mr Bruce's submissions that Witness 2's live evidence was necessary for the NMC's case. However, taking into account the significant admissions already made, and the evidence it has already seen, the panel considered that while Witness 2's live evidence might be preferable it was not necessary for the NMC's case.

The panel considered it has allowed more than 48 hours for Witness 2 to engage and she has not. There was nothing to suggest that Witness 2 would attend if the directions were issued. The panel determined that there had been no material change in circumstances since the previous application that would justify issuing a direction pursuant to Rule 22(5).

Accordingly, the panel did not consider directions to be fair or proportionate and so refused the application.

Decision and reasons on application to admit hearsay evidence of Witness 2

The panel heard an application made by Mr Bruce under Rule 31 to allow the written and signed statement of Witness 2 into evidence. Witness 2 was not present at this hearing and, whilst the NMC had made sufficient efforts to ensure that this witness was present, she had ceased engaging with the NMC and her attendance could not be secured.

Mr Bruce submitted that Miss McKinney had seen Witness 2's statement and was aware of its contents and raised no objection to it. Mr Bruce submitted that the panel has seen notes of Witness 2's investigation interview with Witness 1, and that the contents of her statement could be supported by Witness 1's evidence.

Mr Bruce submitted that Witness 2's evidence is not sole or decisive in respect of any of the charges. He submitted there would be no unfairness to Miss McKinney in admitting this signed and written statement into evidence.

The panel heard and accepted the advice of the legal assessor and was mindful of fairness and the factors in *Thorneycroft*.

In respect of Witness 2's statement the panel noted it had been prepared in anticipation of being used in these proceedings and contained the paragraph, '*This statement ... is true to the best of my information, knowledge and belief*' and signed by Witness 2.

The panel considered whether Miss McKinney would be disadvantaged by the change in the NMC's position of moving from reliance upon the live testimony of Witness 2 to that of a written statement. The panel considered that as Miss McKinney had been provided with a copy of Witness 2's statement and, as the panel had already determined that she had chosen voluntarily to absent herself from these proceedings, she would not be in a position to cross-examine this witness in any case.

The panel considered that Witness 2's statement is relevant and is supported by other evidence in the bundle, including the notes of her interview with Witness 1, and is not sole or decisive in respect of any of the charges. The panel also considered there was strong public interest in the issues in this case being explored fully, and determined that this supported the admission of Witness 2's evidence into the proceedings. The panel was also mindful of the admissions already made by Miss McKinney.

In these circumstances, the panel came to the view that it would be fair and relevant to accept into evidence the written statement of Witness 2 but would give what it deemed appropriate weight once the panel had heard and evaluated all the evidence before it.

Background

Miss McKinney was employed by [PRIVATE] (the Home) from 20 April 2020 until 17 May 2024. Miss McKinney was initially employed as a Staff Nurse, before being promoted to Senior Staff Nurse on 2 October 2023.

On 10 April 2024, an anonymous complaint was made to the Care Inspectorate (“CI”) regarding an allegation of abuse of a resident. At this stage the anonymous complaint did not name any staff members.

The CI did not investigate themselves, however, an investigation was commenced by Witness 1, during which 16 staff members were interviewed, and the following concerns were identified with regard to Miss McKinney:

- Miss McKinney informed members of staff that she had slapped Resident A across the face when Resident A bit her finger on 10 April 2024;
- Miss McKinney informed two members of staff that she took Resident A’s pain medication for her finger, instead of administering it to Resident A;
- Miss McKinney completed an incident form with false information, stating that two members of staff were present during the biting incident with Resident A, when they were not;
- Miss McKinney used offensive language towards residents and colleagues; and
- Miss McKinney used offensive language about residents during handover.

Resident A was not spoken to as part of the local investigation as she does not have mental capacity, and as no one else was present for the alleged slapping incident, Witness 1 concluded that she was unable to determine whether Resident A had been slapped.

A disciplinary hearing took place on 17 May 2024, at which Miss McKinney denied slapping Resident A, using offensive language towards residents and taking Resident A’s medication. Miss McKinney admitted to falsifying the incident report and using offensive language during handovers.

NMC submissions on facts

At the outset of the hearing, the panel noted the email from Miss McKinney dated 30 September 2025 in which she made full admissions to charges 1b, 1c, 1e, 1f, 2, 4, 5, 6a, 6b, 6c, 6e, and 7.

In respect of charges 3b, 3d, 3e, 3f, Mr Bruce submitted that Miss McKinney admitted these to the extent that she said the alleged words about the residents but not to them. The panel noted the wording of the stem of charge 3 that these words were said *‘to and/or about one or more residents’*. Accordingly, the panel was satisfied that Miss McKinney’s admission that these words were said about residents was sufficient to find the charges proved by admission.

In respect of charge 6, Mr Bruce submitted that this charge was proved in its entirety. He noted the stem of the charge that *‘one or more of the following’* was said. Therefore, on the basis of Miss McKinney’s admissions to four of charge 6’s subcharges, Mr Bruce invited the panel to find charge 6 proved in its entirety.

Decision and reasons on facts

The panel considered Mr Bruce’s submissions and paid close attention to the wording of the charge. Although the panel accepted there was room for alternative interpretations of the charges given the wording, the panel determined the subcharges to be individual charges, and therefore determined charge 6 to be proved to the extent of charges 6a, 6b, 6c, and 6e, but not proved in respect of 6d.

The panel therefore finds charges 1b, 1c, 1e, 1f, 2, 3b, 3d, 3e, 3f, 4, 5, 6a, 6b, 6c, 6e, and 7 proved in their entirety, by way of Miss McKinney’s admissions.

In reaching its decisions on the disputed facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Mr Bruce.

The panel has drawn no adverse inference from the non-attendance of Miss McKinney.

The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that a fact will be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

The panel heard live evidence from the following witness called on behalf of the NMC:

- Witness 1: Investigating Officer

The panel also considered the hearsay evidence from the following witnesses:

- Witness 2: Care Assistant at the Home at the time of the charges
- Witness 3: Care Assistant at the Home at the time the charges

Before making any findings on the facts, the panel heard and accepted the advice of the legal assessor. It considered the witness and documentary evidence provided, and was cautious in respect of the assessment of the hearsay evidence.

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

Charge 1a

‘That you, a registered nurse, on or around 10 April 2024, slapped Resident A around the face.’

This charge is found proved.

In reaching this decision, the panel took into account the oral and documentary evidence of Witness 1, and the documentary evidence in the bundle.

The panel considered the evidence of Witness 1 and determined it to be consistent and cogent throughout. The panel bore in mind that Witness 1 did not know Miss McKinney, and her evidence was compiled in the course of an investigation into the alleged incidents. The panel also bore in mind that as a registered nurse, Witness 1 is governed by the NMC Code of Conduct, which requires nurses to act with honesty and integrity at all times. The panel was therefore satisfied of the credibility and reliability of Witness 1's evidence and gave it significant weight.

The panel reviewed all the evidence before it and determined that it is not clear how this incident occurred on 10 April 2024. In particular the panel noted there is no direct evidence of Miss McKinney slapping Resident A, and no facial marks were observed on Resident A by a healthcare assistant (HCA 1) who attended to Resident A shortly after the biting incident.

The panel took into account the following from Witness 1's interview notes with HCA 1:

'Julie said 'I tried to give medication, she [Resident A] asked for help, grabbed her [sic] hand and bit my finger, I just slapped her'.'

The panel also took into account the following from Witness 3's written statement:

'I half stopped and I heard Ms McKinney say words to the effect of "[Resident A] bit my fucking finger, I had to slap her to let go".'

The panel also noted Witness 1's notes of her interview with Miss McKinney on 13 May 2024, in which Miss McKinney said that she only joked about slapping Resident A with colleagues. She also suggested other staff had asked her if she had had to slap the Resident A to remove her fingers, and denied slapping anyone.

This is supported by the minutes of the disciplinary hearing held 17 May 2024:

‘Julie states this was only a joke and she has and would not ever do this to a resident. This was only a joke to staff.’

The panel understood that dark humour could be a coping mechanism among staff working in high stress environments, however the panel considered that the physical abuse of a resident was beyond the ambit of humorousness in this case.

The panel also considered the evidence regarding Miss McKinney’s emotional state at the time of the incident. In the disciplinary hearing Miss McKinney described the incident as *‘the most painful thing ever and was angry’* and also *‘in severe pain and angry’*. Miss McKinney also stated in her interview with Witness 1 on 13 May 2024 *‘I wrote the incident form while I was still angry not a slap like was said’*. The panel considered that at the time of being bitten Miss McKinney would likely have been in a heightened state of emotion.

The panel noted the following from Witness 1’s interview notes with a principal carer, who reported that at handover Miss McKinney had reported to her:

‘If the girls hadn’t managed to get her mouth open, she would have had to slap her face, she said she wouldn’t have had a choice’

The panel was of the view that this indicates slapping Resident A was something that Miss McKinney considered as a possibility at the time.

The panel also noted the following from the notes of a meeting between Witness 1 and a Staff Nurse regarding a previous incident:

‘Julie had her breast grabbed by [Resident F]...’ Julie said he “would get a slap in the fucking mouth if he does it the next time’.

The panel were concerned that this tended to indicate a propensity towards considering slapping residents.

The panel noted that Resident A bit Miss McKinney's fingers was not in dispute. The panel has seen no evidence there were witnesses to this incident. However, Miss McKinney's recall of this incident is inconsistent, and she could not remember how she got her fingers out of Resident A's mouth, only maintaining that she did not slap her. The panel determined that it was not credible that Miss McKinney would be able to recall not slapping Resident A, yet not recall how she removed her fingers from Resident A's mouth.

The panel further considered the question of Miss McKinney's credibility. It noted that she has admitted to charge 1e and 1f about dishonestly completing an incident form. The panel was concerned about why Miss McKinney would falsify the incident form stating that two other members of staff were present when they were not. It noted her explanation for doing so in the minutes of the disciplinary meeting, '*Reason behind statement was to release finger from residents [sic] mouth and wanted [local mental health services] to take more notice.*' The panel did not consider this explanation to be a justification for a registered nurse to falsify the incident form. The panel determined Miss McKinney would have no reason to falsify the records unless she was covering something up.

The panel was not satisfied of the veracity of Miss McKinney's denial of slapping Resident A. It found her account of the incident to be inconsistent and not credible, and noted she has admitted to dishonesty.

On the balance of probabilities, the panel determined it was more likely than not that Miss McKinney did slap Resident A across the face. Accordingly, the panel find this charge proved.

Charge 1d

'That you, a registered nurse, on or around 10 April 2024, did not administer Resident A one of her medications as prescribed.'

This charge is found NOT proved.

In reaching this decision, the panel took into account the oral and documentary evidence of Witness 1, and the documentary evidence in the bundle, in particular Resident A's Medication Administration Record (MAR) chart.

As above, the panel was satisfied of the reliability of Witness 1's evidence.

At the disciplinary hearing, Miss McKinney denied not administering all medications as prescribed.

The panel has seen Resident A's MAR chart in which all prescribed medication was signed as administered on 10 April 2024 at either 20:00 or 21:00, although it could not be confirmed which member of staff gave which medication.

The panel has seen evidence from Witness 1's interview with HCA 1 that states:

'Julie asked [HCA 1] to give her, her medication'

The evidence states that HCA 1 then went on to administer the medication to Resident A:

'...the medication was in a pot. She took the tablets with no issue'

There is no information as to which medication this was or what time it was given.

The panel took into account the submissions of Mr Bruce that the medication was not given at the time it was supposed to. The panel considered, in light of being bitten by Resident A, that it would be reasonable, given that Miss McKinney was reportedly in pain and angry, that she would not then have immediately tried to re-administer the medication herself but ask that a colleague administer it on her instruction. The panel was not satisfied that such a consequent short delay would reasonably amount to a finding that the medication was not 'administered'.

In determining this, the panel paid close attention to the wording of the charge, and determined that to 'administer' medication would constitute directing an HCA to give a certain medication to a patient.

In oral evidence, Witness 1 was able to confirm that the medication had been signed for on the MAR chart but could not confirm who signed for it.

The panel was not satisfied that Miss McKinney did not administer Resident A's medication on the day in question. Accordingly, on the balance of probabilities, the panel find this charge not proved.

Charge 3a, 3c and 3g

'That you, a registered nurse, said words to the effect of one or more of the following to and/or about one or more residents on dates unknown:

a. Fucking fat cock sucker'

...

c. Fat lazy cock'

...

g. Fat cunt'

This charge is found proved.

In reaching this decision, the panel took into account the oral and documentary evidence of Witness 1, and the documentary evidence in the bundle,

The panel was mindful of the stem of this charge in that the phrases in each sub-charge do not need to be made out exactly as phrased. Therefore, the panel took a holistic view of the evidence in determining these charges. It considered each charge separately but will present its findings together.

The panel noted that Miss McKinney has admitted to the other sub-charges in charge 3, and considered that all the alleged language is of a similar character. On the basis of these admissions, the panel noted that Miss McKinney is not adverse to using the words 'fat' or 'cunt' to refer to people.

In respect of charge 3a, the panel note that Miss McKinney has said that she would never say 'cock sucker'. However, it noted the evidence of Witness 2:

'Ms McKinney called a resident (Resident B) a "fucking fat cock sucker" to his face. I witnessed this directly.'

This was supported by Witness 1's interview notes with Witness 2.

The panel bore in mind Miss McKinney's previous admission of dishonesty. On balance, the panel preferred the evidence of Witness 2 and were satisfied that Miss McKinney likely used the words 'cock sucker' to refer to a resident.

In respect of charge 3c, the panel considered the following from Witness 2's written statement:

'Ms McKinney also said the following to residents:

...

ii. "fat lazy cock"...

As above, the panel preferred the evidence of Witness 2 and was satisfied that Miss McKinney likely used the words 'fat lazy cock' to refer to a resident.

In respect of charge 3g the panel considered the following from Witness 3's written statement:

'Similarly Ms McKinney frequently called Resident D a "fat bastard", "cunt" and "fat cunt".'

This was supported in the notes of Witness 3's interview with Witness 1:

'Of [Resident D] she would say 'shes' a fat cunt'...'

As above, the panel preferred the evidence of Witness 3 and was satisfied that Miss McKinney likely used the words 'fat cunt' to refer to a resident.

On the balance of probabilities, the panel was satisfied that Miss McKinney would have used words to the effect of those charged to refer to one or more residents. Accordingly, this charge is found proved.

Charge 6d

'That you, a registered nurse, on dates unknown, said one or more of the following about one or more member of staff:

...

d. Lazy fucking bitch'

This charge is found proved.

In reaching this decision, the panel took into account the documentary evidence of Witness 2 and Witness 3, in particular their signed written statements.

The panel took into account the following from Witness 3's written statement:

‘A short while afterwards, Ms McKinney approached me again in Unit 1 when I was in the bathroom getting PPE. Ms McKinney stated that [Witness 2] was a “lazy fucking bitch”...’

The panel considered the following from Witness 2’s written statement:

‘I was informed later on by ... [Witness 3] that Ms McKinney called me a “fucking lazy bitch” and that I was “doing nothing”. I was told to sit outside room by Ms McKinney and even if I was not sat there, Ms McKinney locked the doors for residents and she had the keys, so I could not do anything anyway.’

The panel considered that this was largely consistent and supportive of Witness 3’s statement. It noted that the words are the same but in a different order in Witness 2’s account, however the panel did not consider this discrepancy to be critical in determining this charge as the order does not affect the meaning. Given Witness 2’s account it is more likely than not that Miss McKinney did refer to a member of staff as a ‘lazy fucking bitch’. It also noted Miss McKinney has already admitting to using this language in other contexts.

As above, panel preferred the evidence of Witness 2 and Witness 3. Taking into account the charges found proved, and those admitted, the panel was satisfied that Miss McKinney likely described a member of staff as a ‘lazy fucking bitch’.

Accordingly, the panel find this charge 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 Miss McKinney’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 ability to practise kindly, safely and professionally.

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, Miss McKinney's fitness to practise is currently impaired as a result of that misconduct.

Submissions on misconduct

In coming to its decision, the panel had regard to the case of *Roylance v General Medical Council (No. 2)* [2000] 1 AC 311 which defines misconduct as a '*word of general effect, involving some act or omission which falls short of what would be proper in the circumstances.*'

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

Mr Bruce identified the specific, relevant standards where Miss McKinney's actions amounted to misconduct. In particular he submitted that Miss McKinney's actions were in breach of the following codes from the Code: 1.1, 1.2, 1.5, 8.2, 10.3, 20.1, 20.3, 20.5, and 20.8.

Submissions on impairment

Mr Bruce moved on to the issue of impairment and addressed the panel on the need to have regard to protecting the public and the wider public interest. This included the need

to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. This included reference to the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin).

Mr Bruce referred the panel to the Home's internal policy, and submitted that the standards of behaviour expected of employees reflected those in the Code.

Mr Bruce submitted that the misconduct in this case was continuous and likely to be repeated. He submitted that Miss McKinney's behaviour put patients and colleagues at risk of suffering emotional and physical harm, and that her behaviour brought the profession into disrepute.

Mr Bruce submitted that Miss McKinney's admitted dishonesty demonstrates impairment. He submitted that dishonesty cuts deeply to the integrity of a nurse's professionalism and fitness to practice.

Mr Bruce also highlighted the context of the charges and the suggestion in the evidence that there was a culture of using derogatory language among staff members at the Home. He reminded the panel that this is disputed. Mr Bruce submitted that, even if this was the case, Miss McKinney was the senior nurse on shift at the times of the charges, and was therefore under a duty to uphold the standards of professionalism expected of a registered nurse but did not do so.

Mr Bruce submitted that while Miss McKinney has made full admissions to some of the charges, there is no information that she has taken steps to remediate her behaviour. He referred the panel to Miss McKinney's email to the NMC on 29 May 2024 in which she accepts that working in a patient-facing role would not be appropriate for her. However, Mr Bruce submitted that besides this acknowledgement there has been no change in circumstances since the charges.

Mr Bruce next referred the panel to Miss McKinney's statement dated 4 September 2025 which stated:

'I am prepared to accept all other allegations and as such accept that this affects my fitness to practice'

Mr Bruce submitted that this indicates an acknowledgment from Miss McKinney that her fitness to practice is currently impaired.

Mr Bruce submitted, in light of the facts found proved and the lack of remediation, that Miss McKinney cannot practice kindly, safely and professionally. He invited the panel to find her fitness to practice currently impaired.

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, and *Nandi v General Medical Council* [2004] EWHC 2317 (Admin).

Decision and reasons on misconduct

When determining whether the facts found proved amount to misconduct, the panel had regard to the terms of the Code.

The panel was of the view that Miss McKinney's actions did fall significantly short of the standards expected of a registered nurse, and that Miss McKinney's actions amounted to a breach of the Code. Specifically:

1 Treat people as individuals and uphold their dignity

To achieve this, you must:

1.1 treat people with kindness, respect and compassion

1.2 make sure you deliver the fundamentals of care effectively

1.5 respect and uphold people's human rights

3 Make sure that people's physical, social and psychological needs are assessed and responded to

To achieve this, you must:

3.1 pay special attention to promoting wellbeing, preventing ill health and meeting the changing health and care needs of people during all life stages

3.4 act as an advocate for the vulnerable, challenging poor practice and discriminatory attitudes and behaviour relating to their care

8 Work co-operatively

To achieve this, you must:

8.2 maintain effective communication with colleagues

10 Keep clear and accurate records relevant to your practice

This applies to the records that are relevant to your scope of practice. It includes but is not limited to patient records.

To achieve this, you must:

10.3 complete records accurately and without any falsification, taking immediate and appropriate action if you become aware that someone has not kept to these requirements

17 Raise concerns immediately if you believe a person is vulnerable or at risk and needs extra support and protection

To achieve this, you must:

17.1 take all reasonable steps to protect people who are vulnerable or at risk from harm, neglect or abuse

17.3 have knowledge of and keep to the relevant laws and policies about protecting and caring for vulnerable people

19 Be aware of, and reduce as far as possible, any potential for harm associated with your practice

To achieve this, you must:

19.1 take measures to reduce as far as possible, the likelihood of mistakes, near misses, harm and the effect of harm if it takes place

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

20.8 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.

However, in relation to charge 1a, 1b and 1c the panel found these charges amounted to misconduct. The panel was of the view that physical assault of a resident was at the most serious end of the spectrum, contravened the Code and fell far below the standards of professional conduct expected of a registered nurse. In respect of these charges, the panel found that Miss McKinney's actions did fall far short of the conduct and standards expected of a nurse and amounted to misconduct.

In relation to charges 2, 3, 4, 5, 6 and 7 pertaining to offensive and derogatory language, the panel found these charges amounted to misconduct. The panel was of the view that Miss McKinney's behaviour demonstrated deep-seated attitudinal issues with the potential to cause extensive emotional and psychological harm to colleagues and residents as a result of her repeated use of offensive and derogatory language. In respect of these charges, the panel found that Miss McKinney's actions did fall far short of the conduct and standards expected of a nurse and amounted to misconduct.

In relation to charge 1f pertaining to dishonesty, the panel found this charge amounted to misconduct. The panel was of the view that this behaviour goes to professional integrity and undermines trust in the nursing profession. The panel considered dishonesty to be a serious breach of the standards expected and one that cannot be excused or explained by error or oversight. The panel determined that Miss McKinney intended to mislead in submitting an incident form she knew to be incorrect. Therefore, in respect of this charge, the panel found that Miss McKinney's actions 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, Miss McKinney's fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the NMC Guidance on ‘Impairment’ (Reference: DMA-1 Last Updated: 03/03/2025) in which the following is stated:

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

“Can the nurse, midwife or nursing associate practise kindly, safely and professionally?”

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

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. To justify that trust, nurses must 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" in respect of fitness to practise, which reads as follows:

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

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

The panel determined all four limbs were engaged in this case. The panel finds that patients were put at risk and were caused physical and emotional harm as a result of Miss McKinney's misconduct. Miss McKinney's misconduct breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. It was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to dishonesty extremely serious.

The panel considered the facts found proved was of the view that attitudinal issues and dishonesty may be hard to remediate, but it is not impossible. Accordingly, the panel was satisfied that the misconduct in this case is potentially capable of being addressed and in this circumstance would be difficult to remedy. However, the panel has seen no evidence

that Miss McKinney has taken any steps to remediate such that she is currently capable of safe and effective practice.

The panel has seen some evidence of remorse, reflection and insight from Miss McKinney, but considered this was very limited. It noted her email of 4 September 2025 in which she accepts that her fitness to practice is affected. Notwithstanding this admission, the panel determined that Miss McKinney has not remediated her practice, and is not currently capable of safe and effective practice.

As regards public protection, the panel bore in mind that the charge of causing physical harm to a resident is extremely serious in itself. Additionally, the panel considered that using derogatory language was emotionally harmful. This also indicates deep-seated attitudinal issues, which are difficult to remediate. In light of Miss McKinney's lack of remediation, reflection and insight, the panel determined that there is a real risk of repetition of the misconduct found proved.

The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that the overarching objectives of the NMC; to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case. In reaching this decision the panel bore in mind the need for the public to trust nurses to act with integrity, kindness and professionalism. The panel concluded that Miss McKinney's misconduct formed a pattern of behaviour that occurred over an extended period of time. The panel therefore

determined Miss McKinney's misconduct could seriously impact public confidence in the profession.

The panel determined that a finding of impairment on public interest grounds is required.

Having regard to all of the above, the panel was satisfied that Miss McKinney'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 Miss McKinney off the register. The effect of this order is that the NMC register will show that Miss McKinney has been struck-off the register.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had careful regard to the Sanctions Guidance (SG) published by the NMC. The panel accepted the advice of the legal assessor.

Submissions on sanction

Mr Bruce informed the panel that in the Notice of Hearing, dated 19 September 2025, the NMC had advised Miss McKinney that it would seek the imposition of a striking-off order if it found Miss McKinney's fitness to practise currently impaired.

Mr Bruce submitted that the facts proved could seriously impact on public confidence in the profession. He submitted that as the misconduct in this case was not at the lower end of the spectrum an order that does not restrict Miss McKinney's practice would be inappropriate.

Mr Bruce submitted that there is evidence of deep-seated harmful attitudinal issues, and a high risk of repetition. He therefore submitted that conditions of practice would not be appropriate.

Mr Bruce submitted that there is no evidence of Miss McKinney's willingness to reflect and remediate. He submitted that the facts proved raise fundamental concerns about Miss McKinney's professionalism. He submitted that public confidence in the profession cannot be maintained if Miss McKinney were to remain on the register.

Mr Bruce therefore submitted that a striking-off order was the appropriate sanction.

Decision and reasons on sanction

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

The panel took into account the following aggravating features:

- Lack of insight into failings
- Abuse of a position of trust and seniority
- A pattern of misconduct over a period of time, in relation to offensive and derogatory language
- Conduct which caused a resident to suffer harm
- Conduct which put residents and colleagues at risk of suffering harm
- Misconduct involving vulnerable residents who lacked capacity

The panel also took into account the following mitigating features:

- That Miss McKinney made admissions to some of the charges, even though these admissions were limited and not made immediately
- That Miss McKinney has acknowledged her fitness to practice is affected, and that she should not work in a patient-facing role

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 Miss McKinney'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 Miss McKinney's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the seriousness of the case. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether placing conditions of practice on Miss McKinney'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 gravity and nature of the charges in this case. The misconduct identified in this case was not something that can be addressed through retraining. Furthermore, the panel concluded that the placing of conditions on Miss McKinney's registration would not adequately address the seriousness of this case and would not protect the public.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where 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*
- *The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour*

These factors are not apparent in this case.

The conduct, as highlighted by the facts found proved, was a significant departure from the standards expected of a registered nurse, and demonstrated deep-seated personality or attitudinal problems. The panel noted that the serious breach of the fundamental tenets of the profession evidenced by Miss McKinney's actions is fundamentally incompatible with Miss McKinney 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?*

Miss McKinney's actions were significant departures from the standards expected of a registered nurse, and are fundamentally incompatible with her remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Miss

McKinney's actions were particularly serious and to allow her to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

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

Submissions on interim order

The panel took account of the submissions made by Mr Bruce who invited the panel to impose an interim suspension order to protect the public and meet the public interest until the substantive order comes into effect after. He invited the panel to make this order for a period of 18 months to allow time for any appeal to be resolved.

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 to allow time for any appeal to be resolved.

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

That concludes this determination.