

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

**Substantive Order Review Meeting  
Tuesday, 14 April 2026**

Virtual Meeting

**Name of Registrant:** Darin Keith Burghes

**NMC PIN:** 88E0161S

**Part(s) of the register:** Registered Nurse, Sub Part 1  
RN1: Adult nurse, level 1 (20 August 1991)

**Relevant Location:** Angus

**Type of case:** Misconduct

**Panel members:** Tracy Stephenson (Chair, lay member)  
Genevieve Nwanze (Registrant member)  
Tracy Jane Jones (Lay member)

**Legal Assessor:** Graeme Henderson

**Hearings Coordinator:** Ekaette Uwa

**Order being reviewed:** Suspension order (12 months)

**Fitness to practise:** Impaired

**Outcome:** **Striking-Off order to come into effect at the end of 23  
May 2026 in accordance with Article 30 (1)**

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

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Mr Burghes's registered email address by secure email on 4 March 2026.

The panel took into account that the Notice of Meeting provided details of the review that the review meeting would be held no sooner than 6 April 2026 and inviting Mr Burghes to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mr Burghes 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).

## **Decision and reasons on review of the current order**

The panel decided to impose a striking off order. This order will come into effect at the end of 23 May 2026 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 8 April 2025.

The current order is due to expire at the end of 23 May 2026.

The panel is reviewing the order pursuant to Article 30(1) of the Order.

The charges found proved which resulted in the imposition of the substantive order were as follows:

*'That you, a registered nurse:*

- 1) On 19 July 2020:
  - a) Shouted at Patient A
  - b) Shouted “bastard” towards Patient A
  - c) Banged a glass bottle on the table in Patient A’s room
  
- 2) Your conduct in one or more of Charges 1(a) – (c) created an intimidating and / or hostile and / or degrading and / or humiliating environment for Patient A.

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

The original panel determined the following with regard to impairment:

*‘The panel bore in mind 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 first considered the extent to which Mr Burghes has demonstrated insight into his misconduct. It noted that Mr Burghes has not provided any written reflections, statements or submissions in the course of these proceedings. The panel had sight of the documentation from the local investigation, in which Mr Burghes accepted that he may have raised his voice but denied using the word “bastard” towards Patient A or banging anything on the table. It noted that Mr Burghes’ account in that context did not acknowledge the impact of his behaviour on Patient A, his colleagues or the wider public. The panel was therefore of the view that Mr Burghes has demonstrated limited insight into the seriousness of his actions and their wide-ranging consequences.*

*The panel next considered whether Mr Burghes has taken any steps to remediate his misconduct. It noted that no evidence of remediation has been provided, and Mr Burghes had failed to engage with the regulatory process. Although the panel acknowledged that Mr Burghes' lack of engagement may be attributable to [PRIVATE], there was no indication that Mr Burghes has undertaken any relevant training, reflective practice, [PRIVATE]. In the absence of such evidence, the panel concluded that Mr Burghes has not demonstrated remediation.*

*The panel went on to consider whether there is risk of repetition. In light of Mr Burghes' limited insight in the disciplinary hearing and the absence of evidence on remedial action, the panel determined that there remains a real risk of repetition.*

*[PRIVATE].*

*The panel determined that without recognition of the seriousness of his conduct, meaningful reflection or remedial steps to manage his emotional wellbeing, there was nothing to indicate that Mr Burghes is currently able to practise safely. The panel, therefore, determined that public protection concerns are engaged in this case.*

*In light of the above, the panel considered that Mr Burghes' fitness to practise is currently impaired.*

*The panel considered whether a finding of impairment is necessary on public interest grounds. It reminded itself that nurses occupy a position of trust and are expected to uphold high standards of conduct and behaviour.*

*The panel considered that Mr Burghes conduct involved serious breach of those standards, including a failure to treat a vulnerable patient with dignity and respect. It found that public confidence in the profession, and in the NMC as a regulator, would be undermined if a finding of impairment were*

*not made in the circumstances of this case. The panel therefore concluded that a finding of impairment is also necessary in the wider public interest.*

*Having regard to all of the above, the panel was satisfied that Mr Burghes' fitness to practise is currently impaired. '*

The original panel determined the following with regard to sanction:

*' The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register. The panel was of the view that the seriousness of the case required temporary removal from the register. It took into account the long-standing career of the registrant and the positive comments made by his colleagues, regarding his clinical practice outside of this incident. The seriousness of the misconduct in question and the lack of engagement by the registrant within these proceedings meant the panel recognised that there are some features of the case which supported it giving careful consideration as to whether a striking-off order is the most appropriate sanction in this matter. However, after having given careful consideration to all the circumstances of this case, the panel was nevertheless satisfied that the most appropriate and proportionate sanction in this matter is a suspension order.*

*The panel noted the hardship such an order will inevitably cause Mr Burghes. However, this is outweighed by the public interest in this case.*

*The panel considered that this order is 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.*

*In making this decision, the panel carefully considered the submissions of the NMC in relation to the sanction that the NMC was seeking in this case.*

*[PRIVATE]*

*The panel determined that a suspension order for a period of 12 months was appropriate in this case to mark the seriousness of the misconduct.*

*At the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.*

*Any future panel reviewing this case would be assisted by:*

- *[PRIVATE]*
- *A reflective piece demonstrating insight into the impact of his behaviour on Patient A, his practice and behaviour towards patients, its impact on specifically, the profession, and public confidence*
- *[PRIVATE]*

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

The panel has considered carefully whether Mr Burghes's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as the ability of a professional on our register to practise as a nurse, midwife or nursing associate safely and effectively without restriction. In considering this case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel has had regard to all of the documentation before it, including the NMC bundle.

The panel heard and accepted the advice of the legal assessor.

In reaching its decision, the panel was mindful of the need to protect the public, maintain public confidence in the profession and to declare and uphold proper standards of conduct and performance.

The panel considered whether Mr Burghes's fitness to practise remains impaired.

The panel took into account Mr Burghes' lack of engagement with the regulatory process. It had regard to the multiple attempts by the NMC, inviting him to engage with these proceedings and to complete consent forms [PRIVATE]. Mr Burghes has failed to respond to these communications.

In its consideration of whether Mr Burghes has taken steps to strengthen his practice, the panel has seen no evidence of insight, remorse, remediation, strengthened practice in the areas of concern identified, despite being given clear steer on this from the original panel.

Additionally, the panel has no evidence as to how [PRIVATE], or how such concerns are being managed. Therefore, the panel determined that there remains a risk of repetition in this case and a finding of impairment is necessary on the grounds of public protection.

The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel determined that, in this case, a finding of continuing impairment on public interest grounds is also required.

For these reasons, the panel finds that Mr Burghes's fitness to practise remains impaired.

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

Having found Mr Burghes fitness to practise currently impaired, the panel then considered what, if any, sanction it should impose in this case. The panel noted that its powers are set out in Article 30 of the Order. The panel has also taken into account the 'NMC's Sanctions Guidance' (SG) and has borne in mind that the purpose of a sanction is not to be punitive, though any sanction imposed may have a punitive effect.

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

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Mr Burghes'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, but the Committee wants to mark that what happened was unacceptable and must not happen again'*. The panel considered that Mr Burghes's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice on Mr Burghes's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind the seriousness of the facts found proved at the original meeting and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mr Burghes's misconduct.

The panel next considered imposing a further suspension order. The panel noted that Mr Burghes has been subject to a period of suspension and has failed to engage at any stage during that period. He has not provided any information requested by the original panel nor has he demonstrated any attempts to address the concerns identified. The panel was of the view that considerable evidence would be required to show that Mr Burghes no longer posed a risk to the public. The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances.

In considering a striking-off order, the panel had regard to the NMC Guidance entitled *'Striking-off order'* (Reference: SAN-2e Last Updated; 28/01/2026):

- *Do the charges found proved raise fundamental questions about their professionalism?*
- *Can public confidence in the profession be maintained if the professional is not removed from the Register?*

- *Is there any amount of insight and reflection which could keep people receiving care and members of the public safe, maintain public confidence in the profession, and uphold professional standards?*
- *Is there a realistic prospect that, after suspension, the professional will have gained insight and strengthened their practice such that the risk they pose will have reduced?*

The panel also took into account the following passage from SAN 3 – *‘Deciding between suspension and strike off.’*:

- *‘Professionals are under an obligation to cooperate with their regulator.<sup>4</sup> Where professionals have failed to engage with the fitness to practise process, it won’t usually be appropriate to use a suspension order as a means of giving them a ‘last chance’ to engage, reflect or show insight.’*

In light of Mr Burghes non-engagement with the process the panel considered that required to follow this clear and unambiguous direction.

The panel considered that Mr Burghes’ has demonstrated a sustained lack of engagement and has failed to comply with the expectations of the original panel. It concluded that there remains a real risk of repetition and determined that it was necessary to take action to prevent Mr Burghes from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 25 May 2026 in accordance with Article 30(1)

This decision will be confirmed to Mr Burghes in writing.

That concludes this determination.