

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

**Substantive Hearing
Monday, 3 August 2026 – Friday, 7 August 2026
Monday, 10 August 2026 – Friday, 14 August 2026
Monday, 17 August 2026**

Virtual Hearing

Name of Registrant:	Steven David Wenman
NMC PIN:	07H2833E
Part(s) of the register:	Registered Nurse – Sub Part 1 Adult Nursing – 24 September 2007
Relevant Location:	Blackpool
Type of case:	Misconduct
Panel members:	John Millar (Chair, Lay member) Patience McNay (Registrant member) Carson Black (Lay member)
Legal Assessor:	Nicholas Baldock
Hearings Coordinator:	Bethany Seed
Nursing and Midwifery Council:	Represented by Tom Hoskins, Case Presenter
Mr Wenman:	Present and represented by Alejandra Tascon, instructed by the Royal College of Nursing (RCN) Not present and represented (12 – 17 August 2026)
Facts proved by admission:	Charges 11, 12, 13, 14 and 16
Offered no evidence:	Charges 3, 6, 7, 8, 10 (in respect of charges 6, 7 and 8)
No case to answer:	4c and 15c

Facts proved:	Charges 1b, 2, 9, 10 (in respect of charge 9), 15a, 15b, 15d and 17
Facts not proved:	Charges 1a, 4a, 4b, 4d and 5
Fitness to practise:	Impaired
Sanction:	Striking-off order
Interim order:	Interim suspension order (18 months)

Decision and reasons on application to admit hearsay evidence of Colleague A and Colleague B

The panel heard an application made by Mr Hoskins, on behalf of the Nursing and Midwifery Council (NMC), under Rule 31 of the Nursing and Midwifery (Fitness to Practise) Rules 2004 (the Rules), to allow the hearsay evidence of Colleague A and Colleague B into evidence. Despite numerous attempts, the NMC had not been able to obtain signed, written statements of Colleague A and Colleague B.

Mr Hoskins submitted that Colleague A and Colleague B gave evidence during the local investigation into these matters. He submitted that other witnesses who are due to give evidence at this hearing refer to information sourced from Colleague A and Colleague B at a local level. He submitted that the panel's decision on this hearsay evidence may have a knock-on effect on the other evidence before this panel.

Mr Hoskins submitted that charges 1 – 5 relate to Colleague A's hearsay evidence. He submitted that the evidence could be broken down into categories; charges 1 – 3 refer to the predicate factual allegations of what is alleged to have been said or messaged by you. He submitted that charges 4 – 5 are the nature of those allegations, for example your alleged motivation or the alleged effect those charges had on Colleague A. He further submitted that some of the allegations relate to things said in person, and some are related to words you are alleged to have said in the course of your disciplinary investigation.

Mr Hoskins submitted that charges 6 – 10 rely on the hearsay evidence of Colleague B. He submitted that these allegations can also be grouped; charges 6 – 9 relate to what was allegedly said to Colleague B, and charge 10 relates to the nature of these allegations, namely bullying. He submitted that Colleague B's hearsay evidence is significant, and for the most part can be considered as sole and decisive. He submitted that the hearsay evidence of Colleague B in respect of charge 9 is corroborated by the evidence of Colleague C in her witness statement.

Mr Hoskins submitted that as a starting point, a panel may decide to admit hearsay evidence under Rule 31 of the Rules where it is fair and relevant to do so. He submitted that the above outlined evidence of Colleagues A and B is clearly relevant to numerous charges, in particular charges 1 – 5 in respect of Colleague A, and charges 6 – 10 in respect of Colleague B. He submitted that it is a matter for the panel to determine whether it is fair to admit this hearsay evidence. He referred the panel to the case of *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 (Admin). In particular, Mr Hoskins outlined the factors that the panel may wish to take into account when determining whether it is fair to admit the hearsay evidence.

Mr Hoskins submitted that in relation to Colleague A's hearsay evidence, this is not the sole or decisive evidence except in respect of charge 4a and 4d. He submitted that in relation to charge 4d, this may be a matter that could be decided on based on the surrounding information and using the panel's professional judgment. He submitted that in respect of the other charges that Colleague A's hearsay evidence speaks to, there is other supporting evidence. He submitted that your account of the factual allegations is contained in the exhibits for this case, and further reference is made in the statements of Ms Sarah Fowler and Ms Kerry Howell to the allegations that were raised in the local investigation.

Mr Hoskins submitted that broadly, your response to the allegations appears to be that you admit sending messages and making comments towards Colleague A, but you deny the motivation behind it. He submitted that you have argued that the comments made were "*banter*" or non-sexual and low level in terms of the seriousness of effect or intent. He submitted that in light of your account at a local level, which is the basis for charge 2, and the text messages provided which form the basis of charge 1, Colleague A's account is not sole nor decisive to most of the allegations or to the overarching mischief. He submitted that this limits any unfairness of adducing the evidence as there is other supporting evidence. He further submitted that you do not appear to challenge the factual allegations and the challenge that you give in your account is that what you said has been misinterpreted. He submitted that consequently, there is an element of fairness in

submitting Colleague A's account and the way it was received in light of your account that Colleague A has interpreted your intentions incorrectly.

Mr Hoskins submitted that another factor for the panel to consider is whether there is any reason for the fabrication of the allegations. He acceded that the Colleague A's account was written down in Ms Fowler's notes of an investigation, but Colleague A has not attested to the accuracy of them. He submitted that there is relevant context which underpins that these allegations are not fabricated. He submitted that the notes taken were done in the course of a formal investigation process. He submitted that Colleague A sat down with her supervisor and was asked formal questions regarding the allegations. He submitted therefore that the formality of the process mitigates the risk of fabrication as it would have been clear to Colleague A the seriousness with which her comments were to be taken.

In relation to the seriousness of the charges, Mr Hoskins submitted that the charges are serious. He submitted that any allegations of power imbalances, bullying and sexual harassment are significant. He accepted that an adverse finding on these serious charges may have a profound impact on you.

Mr Hoskins next addressed whether there are good and cogent reasons for Colleague A's non-attendance. He explained that between November 2024, and March 2025, the NMC made repeated attempts to communicate with Colleague A. After initial contact, Weightmans (the NMC's solicitors), were able to interview Colleague A. On 22 January 2025, Colleague A was contacted by Weightmans explaining next steps and no issues were identified. The NMC also provided further information regarding the Public Support Service (PSS) and the support that could be offered to Colleague A to give her best evidence.

After repeated efforts, the NMC was informed that Colleague A was reluctant to engage due to stress in her personal life which was exacerbated by these proceedings. Notwithstanding this, further attempts were made to re-engage Colleague A, and on 22

March 2025, Colleague A advised she no longer wanted to continue engaging with the Fitness to Practise process. Following the Case Examiner's decision to refer your case to the Fitness to Practise Committee, the NMC made further attempts to re-engage Colleague A. Mr Hoskins informed the panel that on 27 July 2026, Colleague A emailed the NMC asking for further information regarding this hearing and explained that she was unsure how she could help as her recollection had deteriorated. The NMC responded to this email but subsequently, there has been no further response from Colleague A.

Mr Hoskins submitted that that in the first instance, there was a good reason for Colleague A's non-engagement, in that it was causing stress in her personal life. He submitted that Colleague A also has a good reason for non-attendance more recently, as her recollection has deteriorated over time. He further submitted that all reasonable efforts have been made by the NMC to secure her attendance.

Mr Hoskins submitted that prior notice was given to you that a hearsay application was going to be made in respect of Colleague A and Colleague B's evidence. He further submitted that the evidence of Colleague A is demonstrably reliable as you do not deny the factual allegations, rather you deny the motivation aspect of the allegations. He submitted that the formality of the local investigation process, during which Colleague A reported the allegations gives a good basis upon which to reach conclusions of the reliability of Colleague A's evidence. He submitted that Ms Fowler will also attend to give evidence at this hearing, and it was to her that Colleague A reported the comments.

Therefore, he submitted that other than the charges being serious, there is no reason not to submit the hearsay evidence of Colleague A.

In relation to the hearsay evidence of Colleague B, Mr Hoskins submitted that other than charge 9, which is corroborated by other supporting evidence, it is sole and decisive evidence. Nonetheless, Mr Hoskins invited the panel to consider other factors in determining whether it is fair to admit Colleague B's evidence in respect of charges 6 - 10.

Mr Hoskins submitted that in relation to the nature and challenge to the contents of the evidence, the panel has not yet heard evidence to determine to what extent this is disputed. He drew the panel's attention to your resignation letter and submitted that whilst it does not state that the allegations made against you are the reason for your resignation, from the context in the letter, this could be inferred. He submitted that in the letter, you make reference to staff's use of mental health to excuse them from job responsibilities, which could relate to the allegations of bullying made by Colleague B or on Colleague B's behalf. In relation to the challenge of these allegations, he submitted that there is some suggestion that you made the comments light-heartedly. He submitted that you do not appear to challenge the fact of comments being made, but rather that there is a generational difference in interpretation.

Mr Hoskins submitted that there is no reason to suggest that Colleague B has fabricated these allegations. He noted that these are serious allegations that could have adverse implications for you. In particular, he submitted that allegations of bullying are serious, and in the context of the case as a whole, the potential for adverse findings is profound. He submitted therefore, that anxious scrutiny of the evidence is needed.

In relation to whether there is a good and cogent reason for Colleague B's non-attendance, Mr Hoskins highlighted efforts made by Weightmans to engage Colleague B in late 2024 and early 2025. He submitted that there appears to have been a mix up as two individuals had the same name at Alexandra Care Home ('the Home'). He submitted that on 14 February 2025, this issue was brought to the attention of Weightmans, and further enquiries being made to contact the correct Colleague B. He submitted that this did not result in any witness statement being drafted, and there was no direct contact made between Colleague B and Weightmans.

Mr Hoskins submitted that efforts were made by the NMC, both by email and telephone, to re-engage Colleague B. He submitted that Colleague B was successfully contacted on 24 July 2026. Colleague B asked about what would be required of her as a witness and provided further context on why she had been unable to engage, namely that she had had

a baby. She further explained that she would not be able to engage with the hearing given [PRIVATE]. Mr Hoskins conceded that there was no medical evidence before the panel but submitted that the NMC has a duty of care to protect parties during the hearing. He submitted that all reasonable steps had been taken to secure Colleague B's attendance.

Mr Hoskins also submitted that you had been provided with adequate notice that the NMC would be applying for Colleague B's evidence to be admitted as hearsay.

In relation to the reliability of the evidence, Mr Hoskins referred to transcripts of the investigation meetings which are not signed. He submitted that Colleague B's account was taken as part of a formal local investigation where her answers were recorded. He further submitted that Colleague B described in her own words her feelings about the alleged comments. He submitted that taking matters in the round, there are means by which to test the reliability of the evidence.

The legal assessor raised the issue of opinion and further hearsay evidence contained in the witness statement of Ms Howell. Mr Hoskins confirmed that any opinion evidence will be redacted regardless of the outcome of the hearsay application. He submitted that any further hearsay will be examined by both himself and Ms Tascon and removed.

Ms Tascon, on your behalf, submitted that the NMC's application to admit the hearsay evidence is opposed in full, on the basis that to admit the evidence would be unfair to you. At the outset of her submissions, Ms Tascon indicated that there is no suggestion that Colleague A and Colleague B's accounts are fabricated and so she will not address this further. In addition, she further acceded that the NMC did inform you that Colleague A and Colleague B's evidence would form the basis of a hearsay application at this hearing.

Ms Tascon submitted that neither Colleague A nor Colleague B are witnesses in this case, and there are no good or cogent reasons for their non-attendance at this hearing. In respect of Colleague A, she submitted that simply stating "*personal reasons*" for her non-engagement does not give the panel fair and proper explanation as to why she

disengaged from these proceedings. In relation to Colleague B, she submitted that again, there is a clear absence of a good and cogent reason for her non-attendance. She submitted that whilst matter of Colleague B's [PRIVATE] should be taken into consideration, there is no medical evidence to corroborate this assertion. She submitted that in any event, the panel has the power to impose special measures to assist Colleague B in giving her evidence, and to mitigate any difficulties with giving evidence that may impact her [PRIVATE]. In light of the above, she submitted that there is an apparent absence of good and cogent reasons by both complainants, leaving you at a significant detriment as you cannot challenge the veracity of their accounts, or challenge the possibility of ambiguity and misunderstanding.

Ms Tascon further submitted that another factor for the panel to consider is the nature and extent of the challenge to the charges. In relation to charge 1, she submitted that it is denied that the messages were suggestive or flirtatious. In relation to charge 2, she submitted that neither Colleague A nor Colleague B can give evidence on this as they were not there when any alleged comments were made. She submitted that in relation to charges 3 - 6, those charges are disputed in their entirety. As a caveat to charge 6, she submitted that whilst the charge is disputed, you will in due course give evidence that the comment is taken out of context and is not as it has been pleaded in the charge. She submitted that charges 7 - 10 are also disputed in their entirety.

Ms Tascon submitted that Colleague B's evidence is sole and decisive in relation to charges 6 – 10. She submitted that Colleague A's evidence is sole and decisive in respect of charge 3. She submitted that whilst Colleague A's evidence is not sole and decisive in respect of charges 1, 2 and 4, Colleague A's subjective view of the allegations is highly important and relevant.

In light of the challenges outlined above, Ms Tascon submitted that there is robust challenge to Colleague A and Colleague B's accounts which cannot be tested during this hearing.

Ms Tascon submitted that in light of the above, it is difficult, or perhaps impossible to have a fair hearing if the accounts of Colleague A and Colleague B are admitted. She submitted that the allegations are serious and will have severe repercussions on your practice. She submitted that you should have an opportunity to cross-examine complainants who have made serious allegations against you. She submitted that hearing other witnesses accounts is simply insufficient. She submitted that the witnesses, who received the hearsay accounts, cannot comment on the veracity, the reliability or truthfulness of the statements.

Ms Tascon submitted that there is some agreement on your part to the nature of the underlying factual allegations, however there is disagreement to the mechanics of the allegations, namely that things have been taken out of context, misunderstood, mis-relayed or misinterpreted. She submitted that therefore, the only fair way for the panel to consider the reliability of Colleague A and Colleague B would be through cross-examination.

Ms Tascon submitted that this is not a case whereby the accounts of Colleague A and Colleague B can be tested through surrounding evidence, as their accounts are sole and decisive as to how they personally perceived and interpreted your intentions, and whether that amounted to bullying, harassment and whether it was unwanted. She submitted that these are not matters that can be spoken to by other witnesses because they are subjective considerations of Colleague A and Colleague B.

Ms Tascon submitted that these allegations were not made in isolation; the complaints were not made as and when the alleged behaviour was taking place. She submitted that the evidence of Colleague C and Colleague D demonstrate clear communication between all of the complainants in this case, bearing in mind that they all seem to know about the behaviour that's being alleged by the others. She submitted that there is a possibility that there was some degree of collusion in respect of you intention and motive.

In summary, Ms Tascon submitted that the admission of Colleague A and Colleague B is unfair as there are no witness statements, signed or otherwise from Colleague A or Colleague B. She submitted that there are no accounts from these complainants containing a declaration of truth setting out the consequences of submitting accounts that are untrue. She submitted that neither Colleague A nor Colleague B will attend this hearing, and therefore their accounts cannot be tested in cross-examination and there are no other methods to test this evidence. She submitted that the local investigation notes are not verbatim transcripts and are not signed with declarations of truth. She further submitted that as they are not attending to give evidence, the panel are not able to assess their demeanour in giving evidence.

In respect of relevance, Ms Tascon submitted that there is no dispute in relation to the relevance of this evidence. However, she submitted that the focus remains on fairness, and that it would be unfair to adduce the hearsay evidence for the reasons detailed above.

As a point of clarification, Mr Hoskins conceded that Colleague A's evidence is sole and decisive in respect of charge 3. He submitted that the words alleged to have been said orally emanates from the reporting of Colleague A in the investigation interview which is exhibited by another witness and therefore is hearsay evidence.

The panel heard and accepted the legal assessor's advice on the issues it should take into consideration in respect of this application. This included that Rule 31 of the Rules provides that, so far as it is '*fair and relevant*', a panel may accept evidence in a range of forms and circumstances, whether or not it is admissible in civil proceedings. The legal assessor referred to the case of *Thorneycroft and Mansaray v NMC* [2023] EWHC 730.

The panel first considered the matter of relevance. The panel was satisfied that the hearsay evidence of Colleague A and Colleague B was relevant insofar as it underpins the allegations at charges 1 – 10 in this case. Therefore, the panel moved onto the matter of fairness.

The panel next considered whether it would be fair to admit the evidence of Colleague A. Whilst the panel cannot make a decision as to whether the evidence is sole or decisive, the panel could determine that it is important and central evidence, rather than being peripheral to the charge. In light of this, the panel determined to consider Colleague A's evidence globally, and the other relevant factors set out in *Thorneycroft*.

The panel considered that the charges you face are very serious, and will have a profound impact on your career, financial position and reputation if an adverse finding is made. The panel noted that the challenge to Colleague A's allegations is comprehensive and the basis of your case is that any comments you may have made have been misinterpreted. The panel considered that Colleague A's evidence is highly relevant to the allegations at charges 1 – 5, and therefore it is important that this evidence can be tested. It bore in mind that there are significant challenges to the nature and extent of the allegations. In her absence, your representative and the panel will not be able to test this evidence. The panel could not see any other recourse for challenging this evidence as Colleague A will not attend these proceedings.

The panel was not satisfied that there is a good and cogent reason for Colleague A's non-attendance. The panel was of the view that reasonable steps were not taken to engage Colleague A in these proceedings, giving the large gap of time between Colleague A's disengagement in March 2025, and then her later re-engagement in July 2026. Whilst the panel was cognisant that Colleague A has cited her lack of engagement is a result of her [PRIVATE], it also noted Ms Tascon's submission that there is no medical evidence before this panel in support of Colleague A's position.

On the basis of fairness, the panel concluded that it would be unfair to you to admit the evidence of Colleague A as hearsay.

The panel next considered whether it would be fair to admit the evidence of Colleague B. Whilst the panel cannot make a decision as to whether the evidence is sole or decisive, the panel could determine that it is important and central evidence, rather than being

peripheral to the charge. In light of this, the panel determined to consider Colleague B's evidence globally, and the other relevant factors set out in *Thorneycroft*.

The panel considered that the allegations are very serious, relating to bullying in the workplace which may have an adverse impact on you if found proved. The panel considered that the nature and extent of your challenge to these allegations was not, at the first instance, clear. It considered that you resigned from your position prior to any local investigation being conducted, and in your resignation letter, you do not address in detail your challenge to the allegations. However, the panel bore in mind Ms Tascon's submissions that you robustly and significantly challenge these allegations broadly.

In considering whether there is a good and cogent reason for Colleague B's non-attendance, the panel was satisfied that the NMC took reasonable steps to engage Colleague B. However, the panel considered the reasons given by Colleague B for their lack of engagement were insufficient. It considered that at the time of Weightman's first contact, Colleague B had just had a baby. It further considered that Colleague B has declined to engage in this hearing due to childcare commitments. The panel was of the view that steps could have been taken to facilitate Colleague B to give evidence at this hearing, and therefore there is not a good and cogent reason for her non-attendance.

Therefore, the panel was of the view that it would be unfair to admit the hearsay evidence of Colleague B.

In these circumstances the panel refused the application and determined that the hearsay evidence of Colleagues A and B should not be admitted. The panel was satisfied that it could put the evidence it has seen, but that has not been admitted as hearsay, from its mind during its decision making.

Details of charge

That you, a registered nurse:

- 1) Between 7 July 2023 and 9 September 2023 breached professional boundaries in that you sent messages to Colleague A:
 - a) Outside of reasonable hours, namely between 7.00pm and 7.00am, and/or **[NOT PROVED]**
 - b) That were suggestive and/or flirtatious **[PROVED]**
- 2) On 14 September 2023, during an investigation meeting, said in relation to Colleague A that “*She is like my daughter only my daughter doesn't have face piercings thankfully*” or words to that effect **[PROVED]**
- 3) On 11 September 2023 said to Colleague A “*if you wear a dress, I would definitely go out*” or words to that effect. **[OFFER NO EVIDENCE]**
- 4) Your conduct at Charge 1 and/or Charge 3 amounted to sexual harassment in that it was:
 - a) Unwanted by Colleague A **[NOT PROVED]**
 - b) Of a sexual nature **[NOT PROVED]**
 - c) Intended to violate Colleague A's dignity and/or create an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. **[NO CASE TO ANSWER]**

Or

 - d) Had the effect of violating Colleague A's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. **[NOT PROVED]**
- 5) Your conduct at Charge 1 and/or Charge 3 were sexually motivated in that you were in pursuit of a sexual relationship with Colleague A. **[NOT PROVED]**

- 6) On an unknown date, made inappropriate comments regarding Colleague B's pregnancy in that you said *"if you carry on smoking your baby will end up on ICU and my wife will end up looking after it, the baby will come early and have complications"* or words to that effect. **[OFFER NO EVIDENCE]**
- 7) On one or more occasions told Colleague B that she's unfit to be here because she is pregnant or words to that effect. **[OFFER NO EVIDENCE]**
- 8) On one or more occasions shouted at Colleague B. **[OFFER NO EVIDENCE]**
- 9) On one or more occasions ignored Colleague B. **[PROVED]**
- 10) Your conduct at Charge 6 and/or Charge 7 and/or Charge 8 and/or Charge 9 amounted to bullying of Colleague B. **[OFFER NO EVIDENCE, in respect of Charges 6, 7, and 8] [PROVED, in respect of Charge 9]**
- 11) On 27 June 2024, texted Colleague C *"I found the secret message that you left on your desk for me, Just tell me where and when."* **[PROVED BY ADMISSION]**
- 12) On 15 June 2024 sent a text to Colleague C that she *"can pay me with your body."* **[PROVED BY ADMISSION]**
- 13) On or around July 2024, made the comment to Colleague C that *"you can pay me with your body"* or words to that effect **[PROVED BY ADMISSION]**
- 14) On one or more occasions called Colleague C *"hun"* **[PROVED BY ADMISSION]**
- 15) Your conduct at Charge 11 and/or Charge 12 and/or Charge 13 and/or Charge 14 amounted to sexual harassment in that it:
 - a) Was unwanted by Colleague C **[PROVED]**
 - b) Was of a sexual nature **[PROVED]**

- c) Was intended to violate Colleague C's dignity and/or create an intimidating, hostile, degrading, humiliating or offensive environment for Colleague C. **[NO CASE TO ANSWER]**

Or

- d) Had the effect of violating Colleague C's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague C. **[PROVED]**

- 16) On one or more occasions, when making Colleague D a cup of coffee, said to Colleague D *"It won't be as good as I made you in bed this morning"* or words to that effect. **[PROVED BY ADMISSION]**

- 17) Your conduct at Charge 16 was inappropriate in that it was sexual in nature. **[PROVED]**

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

Background

The charges firstly arose whilst you were employed as a registered nurse by Alexandra Care Home ('the Home'). The Home is a residential care home, and you were employed as a Deputy Manager from March 2023 until September 2023.

It is alleged that concerns were raised about your conduct and professionalism within this role to Ms Sarah Fowler. It is alleged that you sent inappropriate messages to Colleague A that breached professional boundaries in that they were sent outside of working hours and were flirtatious or sexual in nature.

It is further alleged that an investigation meeting was held which was attended by both you and Ms Fowler. During this meeting, it is alleged that you accepted sending these

messages but denied that there was any sexual motivation or malice. It is alleged that during this meeting, you stated that you considered Colleague A to be like a daughter to you, but that she did not have any face piercings.

On 25 September 2023, a disciplinary hearing was held, attended by you and your representative, and chaired by Ms Kerry Howell who was the Home Manager. It is alleged that during this hearing, you accepted that you sent the text messages to Colleague A and that the alleged comment you made about face piercing may be considered as judgmental. You denied that this created a degrading or offensive or humiliating environment, or that the comments had a sexual motivation behind them.

On 15 October 2023, you started working at the Nightingale Care Home ('Nightingale') initially as a clinical lead. You were later promoted to Deputy Manager on 1 April 2024. It is alleged that you told Ms Carole Harrison, the Home Manager at Nightingale, that you were dismissed from your previous employment. It is alleged that you characterised your dismissal as being for trying to help someone.

It is alleged that during your employment at Nightingale, concerns were raised in relation to your conduct and professionalism towards female colleagues. Colleague C was asked about your treatment of her, and what she had witnessed towards other colleagues. It is alleged that you sent messages to Colleague C that were inappropriate and made Colleague C feel uncomfortable. It is further alleged that Colleague C raised concerns about your conduct towards Colleague B, which she suggested was bullying.

It is alleged that during the investigation at Nightingale, Colleague D was interviewed and disclosed that you interacted with her in a jovial and jokey manner. However, it is alleged that the nature of the comments, the disparity in your seniority with these colleagues and in the full context of these allegations, give rise to the concerns.

It is alleged that you made advances toward female colleagues that were intended to, or had the effect of, creating an intimidating, hostile, degrading, humiliating or offensive environment.

Application by NMC to offer no evidence in respect of charges 3, 6, 7, 8 and 10

Mr Hoskins submitted that in relation to charges 3, 6, 7, 8 and 10 as it relates to these charges, was based upon the hearsay evidence of Colleague A and Colleague B. He submitted that reference to the hearsay evidence has now been removed from the documentation before the hearing. He submitted that for this reason, there is no longer sufficient evidence before the panel to make a safe finding of fact.

Mr Hoskins referred the panel to the NMC guidance DMA-3 *Offering no evidence* (last updated: 1 September 2025) and the case of *Professional Standards for Health and Social care v NMC & X* [2018] EWHC 70 (Admin). He submitted that offering no evidence may be appropriate where there is no realistic prospect of the factual charges being found proved. He submitted that it is not in the public interest for the NMC to pursue factual charges if there is not enough evidence before this panel to prove them.

Mr Hoskins submitted that in light of the panel's findings on the admissibility of the hearsay evidence of Colleague A and Colleague B, the status of the evidence in support of the charges has changed. He submitted that the charges listed above rely on the evidence of witnesses who cannot attend the hearing, and the application for their statements to be admitted as hearsay evidence has been rejected.

Mr Hoskins submitted that this panel has a statutory duty to protect the public, and as such the panel has investigative powers that it should consider exercising. He submitted that the NMC had not applied for a witness summons for either Colleague A or Colleague B. However, he submitted that in light of Colleague A indicating that she had a poor recollection of the events, there may be little utility in summoning her to give evidence at

this stage. He submitted that in light of Colleague A and Colleague B's lack of engagement, there is no public interest in pursuing their evidence any further at this time.

Mr Hoskins submitted that in light of the panel's decision to not admit the evidence of Colleague A and Colleague B, the NMC offers no evidence in respect of charges 6, 7, 8 and 10.

The application was not opposed by Ms Tascon on your behalf.

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

The panel took into account the submission of Mr Hoskins, the NMC Guidance and the advice of the legal assessor. The panel bore in mind its previous decision regarding adducing the evidence of Colleague A and Colleague B, as well as the circumstances of this case.

The panel noted that Colleague A has expressed that she is unable to recall the events, and therefore a witness summons would have limited effect. In respect of Colleague B, the panel considered that any further attempts to obtain evidence from Colleague B would cause undue delay to these proceedings. The panel considered that further delay to this hearing would be unfair to you.

In the absence of the hearsay evidence of Colleague A and Colleague B, the panel accepted the NMC's application to offer no evidence in respect of charges 3, 6, 7, 8 and 10 as it relates to these charges.

Decision and reasons on application of no case to answer

The panel considered an application from Ms Tascon that there is no case to answer in respect of charges 1b, 4a-d, 5, 9, 10, 15a-d and 17. Ms Tascon provided written submissions, which she adopted in open session. This application was made under Rule

24(7) and 24(8) of the Rules. She invited the panel to first determine that there is no evidence, or that the evidence is so weak or tenuous, that a panel properly directed could not make a finding of fact. She further submitted that the panel should also consider whether the remaining charges would amount to misconduct by its statutory definition in these proceedings. She referred the panel to NMC Guidance DMA-6 *Evidence* (last updated: 9 June 2025), and to the cases of *R v Galbraith* [1981] 1 WLR 1039, *Roylance v General Medical Council (No 2)* [2001] 1 AC 311 and *Nandi v GMC* [2004] EWHC 2317 (Admin).

In respect of charges 1b, Ms Tascon submitted that taking the NMC's evidence at its highest, there is a clear absence of evidence suggesting that the messages sent by you to Colleague A were suggestive or flirtatious. She submitted that Ms Howell gave evidence that the messages were "*inappropriate*" but this differs from flirtatious. She submitted that the panel heard evidence from Colleague C and Colleague D that you looked after your staff, you joked and bantered with them, but that ultimately you were a good clinical lead and deputy manager. She further submitted that the panel has evidence before it that you considered Colleague A to be "*like your daughter*", and that you were just trying to boost her confidence.

In relation to charges 4a – d, Ms Tascon referred the panel to NMC Guidance FTP-2a-ii *Sexual Misconduct* (last updated: 31 July 2026). She submitted that the NMC has failed to present clear and cogent evidence of sexual harassment towards Colleague A by its definition in s.26 Equality Act 2010. She submitted that during the local investigation, you gave explanations to Mr Lewis Platt regarding your messages to Colleague A that you were trying to boost her confidence. Ms Tascon submitted that this fails to meet the threshold for sexual harassment.

In light of the above, she invited the panel to determine that there is no case to answer in respect of the factual allegations contained at charges 1b and 4a – d.

In respect of charge 5, Ms Tascon submitted that the NMC has failed to provide evidence that the messages sent to Colleague A were sent in the pursuit of a sexual relationship. She submitted that the messages, taken at their highest, do not demonstrate that you were making efforts to arrange sexual or romantic meetings, or making sexual advances towards Colleague A. She submitted that the panel has not heard anything to this effect from Colleague A. She further submitted that your responses during the local investigation were clear that there was no sexual motivation and that you considered Colleague A to be like your daughter. She therefore submitted that there is no case to answer in respect of charge 5.

In respect of charge 9, Ms Tascon submitted that the panel has heard evidence from Colleague C that there may have been multiple occasions where behaviour of this description may have happened. However, Colleague C only recalled one main incident as being noteworthy. She submitted that when this alleged incident occurred, Colleague C had already been told by Colleague B about her own experiences with you, and she accepted that she may have viewed the interaction with some degree of “*bias*”. She further submitted that Colleague C appeared to accept that there could have been an innocent explanation for your lack of interaction with Colleague B. She submitted that in light of this, there is no evidence to support that there is a case to answer in respect of charge 9.

In respect of charge 10, Ms Tascon drew the panel’s attention to NMC Guidance FtP-2a-iv *Discrimination, bullying, harassment and victimisation* (last updated: 31 July 2026). She submitted that the NMC has failed to bring evidence that your actions amounted to bullying. She submitted that the panel has not heard evidence from Colleague B to establish the charge. Therefore, she submitted that there is no case to answer in respect of charge 10.

In respect of charge 15, Ms Tascon referred the panel to the definition of sexual harassment contained in the NMC guidance as above. She submitted that in respect of this charge, Colleague C gave evidence that she knew you were joking, and that this was

your type of humour. She further submitted that Colleague D gave evidence which was useful context about your personality and humour. She submitted that Colleague C was clear that she did not take offence to you referring to her as “*hun*” and that this was just how you spoke. In light of this, Ms Tascon invited the panel to determine that there no evidence of sexual harassment in relation to charges 11, 12, 13 and 14, and therefore there is no case to answer in respect of charge 15.

In respect of charge 17, Ms Tascon submitted that the panel had heard evidence from Colleague D that at no point did she believe your comment was sexual in nature or sexually inappropriate. She submitted that the panel had heard evidence that Colleague D thought the comment was funny and did not consider it to be anything other than funny. In light of this, Ms Tascon invited the panel to determine there is no case to answer in respect of this charge.

Ms Tascon further submitted that if the panel determines that there is a case to answer in respect of these charges, it must then determine whether there is a real prospect that the remaining charges will amount to serious professional misconduct. She submitted that in all the circumstances, even if the panel was of the view that there was some misconduct arising out of the facts of this case, the conduct alleged is not so serious as to amount to misconduct at the standard required by the statutory ground. She invited the panel to bear in mind the comments made by all of the witnesses in this case about you being a good and highly skilled nurse, and a well-liked member of the teams at the Home and Nightingale.

In respect of current impairment, Ms Tascon submitted that in considering the facts of this case, no reasonable panel could properly conclude that your fitness to practise is currently impaired. She submitted that in light of your remorse, your previous good character and otherwise unblemished career and the numerous positive testimonials, the panel can be satisfied that there is a low risk of repetition in this case. She submitted that in light of the evidence given by all the witnesses and accounts given by you during the investigations into these matters, there is no risk of harm to public confidence in the profession. She

submitted that no reasonable panel could properly conclude that your fitness to practise is currently impaired.

Mr Hoskins submitted that the NMC opposes the application made by Ms Tascon pursuant to Rule 24(7) and 24(8) on both limbs. He provided the panel with written submissions which he adopted in session.

Mr Hoskins submitted that NMC Guidance DMA-6 states:

“Where the strength or weakness of our evidence depends on the weight it should be given, a submission that there is no case to answer is likely to fail. That issue is best considered after all the evidence has been heard.”

Mr Hoskins submitted that in respect of Rule 24(7) as it pertains to the factual allegations in this case, the NMC has the burden of proof by the ordinary civil standard. He submitted that at this stage, the NMC must have produced sufficient evidence to allow a properly directed panel to properly find the matters proved.

Mr Hoskins submitted that this case has been opened, and it has been agreed that you have no previous regulatory or disciplinary findings against you, and therefore you should be regarded as not having demonstrated a propensity towards the conduct alleged.

Mr Hoskins outlined the legal framework and referred to the cases of *Suddock v NMC* [2015] EWHC 3612 (Admin), *PSA v HCPC and Ren-Yi Yong* [2021] EWHC 52 (Admin), *Basson v GMC* [2018] EWHC 505 (Admin), *Meadow v GMC* [2007] 1 All ER 1 and *Remedy UK Ltd v GMC* [2010] EWHC 1245 (Admin).

Mr Hoskins submitted that charge 1a is admitted by you, except for the fact that it amounted to a breach of professional boundaries. In relation to charge 1b, he submitted that the language used in the message exchanges is suggestive of a closer relationship than that of work colleagues and was flirtatious. In particular, the messages included “xx”

in reference to kisses, messages about Colleague A's physical appearance and the use of "babe" as a term of endearment. He further submitted that in the context of the difference in seniority between you and Colleague A, the disparity of age and the fact of Colleague A's vulnerability arising from [PRIVATE], the NMC asserts that these exchanges are evidently capable of being suggestive and flirtatious.

In respect of whether this conduct breached professional boundaries, he submitted that this is a matter for the panel to exercise common sense and apply the panel's knowledge and experience of the workplace. He submitted that Ms Fowler and Ms Howell gave evidence regarding this conduct within the workplace, and whether it may be inappropriate or breach professional boundaries. He submitted that Ms Tascon's submissions ignore this evidence and prioritises the evidence of you, assuming the credibility of your evidence. He submitted that if the credibility of evidence is to be assessed, this should be done at the conclusion of all the evidence, and therefore there remains a case to answer.

In relation to charge 4, he submitted that this charge now exclusively refers to the conduct alleged at charge 1. He submitted that the panel must consider the purpose and effect of this alleged conduct. He submitted that there is evidence before this panel that the alleged conduct at charges 1a and 1b was unwanted by Colleague A. He submitted that there is evidence that the messages were of a sexual nature, in that they were flirtatious for the reasons already identified. He further submitted that the panel must consider the terms of dignity, hostility, degradation, humiliation or offensive conduct; namely the intention and effect. He submitted that your reliance on your response locally should not be assumed as credible and should not be accepted without being tested.

In relation to charge 5, he submitted that Ms Tascon's submission that there is no evidence in support of this charge relies upon the credibility of your account which has not been given the opportunity of being tested. He accepted that there has been no account given by Colleague A, but that does not rule out entirely the possibility of the evidence, taken at its highest, being sufficient to make a finding of fact. He submitted that this charge is capable of being found proved by: the respective professional seniorities of Colleague A

and you, there being no professional requirement for interaction between you and Colleague A, the respective age difference between you both, the apparent vulnerability of Colleague A, the position of trust and responsibility you occupied as deputy manager, the nature of the text messages and the effort to conceal the publicity of contact within the messages. He submitted that the above list, taken at its highest, could be evidence of you seeking in future to pursue a sexual relationship.

In relation to charge 9, Mr Hoskins submitted that the witness statement and oral evidence of Colleague C is sufficient to determine that there is a case to answer. He submitted that Ms Tascon's submission that there could be an alternative explanation for the conduct alleged reverses the threshold of the test in *Galbraith*. He submitted that there are potentially competing explanations of the reason for the alleged conduct, which is a matter of credibility, and as such, should be left to the conclusion of all the evidence.

In relation to charge 10, Mr Hoskins submitted that the allegation of bullying is supported by the disparity in treatment of Colleague B described by Colleague C. He identified in Nightingale's Anti-Bullying Policy that bullying can include "*being unfriendly and excluding and ignoring.*" He submitted that Colleague C gave evidence that this was not the only instance of the alleged conduct, which supports the allegation of bullying behaviour in this charge.

In relation to charge 15, Mr Hoskins submitted that these messages were unwanted by Colleague C who gave evidence that she did not seek the messages, that she was shocked by them and wanted them to stop but did not know how to address this. He submitted that there is no evidence that these were wanted messages. He submitted that the messages were of a sexual nature, and were perceived as such by Colleague C, though she also considered them to be a joke. He submitted that the use of "*hun,*" whilst a term of endearment, could also be perceived as being sexual nature given the age difference between you and Colleague C, and that Colleague D could not recall you using the word towards her.

Mr Hoskins submitted that your intentions regarding sending the messages are proved by the fact that they were disappearing messages, and that you apologised after the issue had been raised on 23 July 2024. He submitted that there were relevant contextual factors that demonstrate your intentions, such as the seniority and age disparity between you and Colleague C, and that you returned to Nightingale to speak with Colleague C when you knew there would not be a manager present. He submitted that in terms of the effect you sending the messages had on Colleague C, she has been vocal about being very uncomfortable about the comments. Colleague C gave evidence that she was concerned about the perception of others inside and outside Nightingale and was worried about the impact on the working relationships. He therefore submitted that there was evidence before this panel in respect of charge 15 in full. He submitted that charge 15 is not charged as there being any sexual motivation by you towards Colleague C, and therefore the allegation could be found proved.

Mr Hoskins submitted that Ms Tascon submitted that the comments were “*funny*” rather than sexual. He submitted that this view fails to appreciate that being funny, which is not accepted by the NMC, does not negate the fact of their being sexual. He submitted that the implication of waking up in the morning in bed with someone and offering them a coffee is evidently sexual in nature and was perceived as such by Colleague D.

Mr Hoskins then addressed whether the remaining charges could amount to a finding of misconduct. He submitted that in relation to charge 2, the panel may consider that this charge falls outside of the suggestion of bullying, harassment and being of a sexual nature. However, he submitted that the mischief of this allegation was evidenced by Ms Harrison in her evidence. He further submitted that this allegation must be considered in the broader context of the case, which alleges a course of conduct involving communication and treatment of multiple women. He therefore submitted that charge 2 is capable of being proved to constitute misconduct.

Mr Hoskins further submitted that in respect of charge 14, this charge alone may not constitute misconduct, however it should be assessed in the context of the evidence in its

totality. He submitted that it is capable of being misconduct by its repetition and the context of the conversations more broadly.

Mr Hoskins invited the panel to consider the evidence globally in respect of misconduct, as submitted that this is not disputed by you. He submitted that the NMC takes issue with Ms Tascon's submission that the text messages sent by you were not sexual in nature, as the panel is yet to make a finding on this. He further submitted that the NMC takes issue with Miss Tascon's submission that your sending of the messages was not misconduct as you stopped sending them. He submitted that you stopped sending the messages due to disciplinary intervention at the Home. He also submitted that your messages to Colleague C stopped, according to her evidence, as a result of disciplinary action taken at Nightingale.

Mr Hoskins submitted that the allegations taken globally are capable of amounting to misconduct because:

- There was repetition; to the same people, on multiple occasions and in different workplaces over a period of time;
- There was a difference in seniority between you and other colleagues;
- Your position as Deputy Manager required a higher degree of professionalism so as to render jokes less appropriate;
- There was a disparity in age, except for Colleague D;
- There is cogent evidence of negative effects in respect of Colleagues A and C. Colleague D gave evidence that she recognised the inappropriateness of what was said, albeit subjectively it is conceded that she did not take offence;
- It was contrary to the policies of anti-bullying and harassment at Nightingale;
- There is evidence of avoiding publicity – such as asking for a photo of you to be deleted, disappearing messages and visiting Colleague C after your resignation.

In respect of impairment, Mr Hoskins submitted that the panel has evidence of historic alleged conduct from 2024 that in your account, you term as just jokes and banter. He

submitted that the panel has evidence regarding your employment history since 2024, but no evidence of remediation in a relevant setting at this stage. He submitted that as such, there is an arguable case on impairment by virtue of misconduct. He submitted that in respect of public interest, one view of the evidence is that the nature of the alleged misconduct is such that there can properly be imposed a finding of impairment on this ground, given the nature and extent of the alleged misconduct.

Having read Mr Hoskins' submissions, Ms Tascon responded with the following oral submissions. She submitted that there are some assumptions being made by Mr Hoskins about the messages between you and Colleague A. She submitted that these messages should have no evidential value, as the panel has not heard from Colleague A.

In relation to charge 5, in particular in relation to alleged sexual motivation and pursuing a relationship with Colleague A, she submitted that Mr Hoskins' submission about the disparity of seniority is not indicative of you pursuing a relationship with Colleague A. She submitted that there is nothing in the text messages to suggest that you were in pursuit of a relationship.

Ms Tascon also submitted that Colleague C gave evidence that you referred to her as "*hun*" and that she took no issue with it. She submitted that this is evidence that the word "*hun*" was commonly used by you and was indiscriminate.

The panel took account of the submissions made and heard and accepted the advice of the legal assessor. In reaching its decision, the panel has made an initial assessment of all the evidence that had been presented to it at this stage. The panel was solely considering whether sufficient evidence had been presented, such that it could find the facts proved and therefore whether you had a case to answer. The panel was not making a final determination on the facts at this stage.

In respect of charge 1a and 1b, the panel bore in mind that you made a partial admission to this charge, namely that you accepted sending messages outside of reasonable

working hours, but you do not accept that you breached professional boundaries or that the messages were suggestive or flirtatious.

The panel considered that it has seen no direct evidence from Colleague A, and she did not appear as a witness in this case. The panel considered that it has the text messages between yourself and Colleague A, and the evidence of Ms Fowler and Ms Howell. It considered that there is evidence of the notes of an investigation meeting with you and Ms Fowler on 14 September 2023. The panel also has before it the notes of the disciplinary hearing on 25 September 2023, attended by Ms Fowler and Ms Howell. It noted that whilst Ms Fowler gave very little evidence in respect of this, Ms Howell gave evidence that you accepted that you had acted inappropriately, and that you made a comment that you considered Colleague A to be like your daughter.

In respect of the text messages, the panel considered that these show the times the messages were sent, and the content of the messages. The panel noted that the times were outside of working hours. It then considered whether the texts sent would be considered suggestive or flirtatious. The panel considered the words suggestive and flirtatious by reference to their ordinary meaning.

The panel considered the evidence outlined above. Whilst it does not have direct evidence from Colleague A, the panel noted that you have accepted sending those messages and given contextual information surrounding it. The panel considered that it heard evidence from other witnesses about whether these text messages may have been inappropriate. In light of the above, the panel considered that it could make a determination on the factual allegations at this charge, namely that you breached professional boundaries. The panel also considered that the text messages, taken at their highest, could be construed as suggestive or flirtatious.

Therefore, the panel determined that there is a case to answer in respect of charges 1a and 1b.

In respect of charge 2, the panel noted that there is no specific submission from Ms Tascon on whether there is a case to answer. However, even if there had been a submission of no case to answer, and given the evidence this panel has heard, it considered that there was a case to answer in respect of this charge.

In respect of charge 4a – d, the panel noted that the NMC offered no evidence in respect of charge 3. It solely considered whether there is a case to answer at charge 4 in relation to charge 1a and 1b.

The panel first considered whether the NMC has provided evidence that the conduct alleged at charges 1a and 1b was unwanted by Colleague A. The panel accepted Mr Hoskins' submission, that Colleague A's polite responses and the lack of response could demonstrate that your messages towards Colleague A were unwanted. The panel was satisfied that the NMC had provided some evidence, which taken at its highest, could demonstrate that there is a case to answer in respect of charge 4a.

The panel next considered whether the NMC has provided sufficient evidence for the panel to determine whether your conduct alleged at charge 1a and 1b was sexual in nature. The panel considered that based on the evidence that has been provided, in particular the text messages, it could make a determination that the messages were sexual in nature. Therefore, the panel determined that there is a case to answer in respect of charge 4b.

The panel considered whether the NMC has provided sufficient evidence for the panel to determine that you intended to violate Colleague A's dignity and/or create an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. The panel noted that intention in s.26 of the Equality Act 2010 is expressed as "*having the purpose of.*" The panel considered that it has no direct evidence from Colleague A. The panel also considered that you have denied intending to harass Colleague A both locally and in these proceedings. The panel also considered the strength of the words intimidating, hostile, degrading, humiliating and offensive. It was not satisfied that if it found charges 1a and 1b

proved, based on the evidence before it at this stage, that it could determine that you intended to create this environment. Therefore, it determined that there is no case to answer in respect of charge 4c.

The panel considered the evidence before it outlined above. The panel was of the view that taking all of the evidence provided by the NMC in totality, there is a realistic prospect of it finding that your alleged actions had the effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A. Therefore, the panel determined that there is a case to answer in respect of charge 4d.

The panel considered whether there is a case to answer in respect of charge 5. The panel noted that the NMC offered no evidence in respect of charge 3. It solely considered whether there is a case to answer at charge 5 in relation to charge 1a and 1b.

The panel considered that there is a case to answer in respect of charges 1a and 1b, meaning that the panel has decided that the NMC has provided sufficient evidence for the panel to make a determination on whether the text messages were suggestive or flirtatious. The panel considered that taken at its highest, it is sufficient for the panel to determine that your alleged actions at 1a and 1b were conducted in pursuit of a sexual relationship. It therefore determined that there is a case to answer.

The panel next considered whether there is a case to answer in respect of charge 9. The panel noted that it has no direct evidence from Colleague B. The panel considered that it has before it the witness statement and oral evidence of Colleague C who speaks in support of this charge. The panel considered that it also has before it the Transcript of Meeting between Ms Harrison and Colleague C and your resignation letter dated 15 August 2024. The panel was satisfied that the evidence provided by the NMC, taken at its highest, could be sufficient evidence for the panel to find this charge proved. Therefore, the panel determined that there is a case to answer in respect of charge 9.

The panel considered whether there is a case to answer in respect of charge 10. The panel noted that the NMC offered no evidence for this charge in respect of charges 6, 7 and 8. It therefore solely considered if there is a case to answer at charge 10 in relation to charge 9.

The panel considered that it has before it the Anti-Bullying Policy and Procedure from Nightingale. It bore in mind that this policy defined bullying as:

“bullying is categorised as offensive, (intimidating, malicious or insulting behaviour involving the misuse of power that can leave an employee feeling vulnerable, upset, humiliated, undermined or threatened.”

The panel further considered that it has heard evidence from Colleague C, in particular how she perceived your alleged interaction with Colleague B on one particular occasion. The panel therefore considered that there is sufficient evidence for the panel to make a finding on this charge, and there is a case to answer.

The panel considered whether there is a case to answer in respect of charge 15. The panel noted that you made admissions to charges 11, 12, 13 and 14. The panel considered that it has heard direct evidence from Colleague C, in which she addressed how your conduct at charges 11 – 14 made her feel. The panel also considered that it has before it the Harassment Policy and Procedure from Nightingale. The panel therefore determined that the NMC has provided sufficient evidence to make a determination on whether the conduct was unwanted by Colleague C. Therefore, the panel determined that there is a case to answer in respect of charge 15a. The panel considered the conduct proved by admission at charges 11 -14, taken at its highest, could be considered as sexual in nature. The panel therefore determined that there is a case to answer in respect of charge 15b.

The panel considered the evidence that the NMC has presented at this stage. It noted that Colleague C has given evidence, but it has no information at this stage regarding your

intentions at the time. The panel considered that you were not interviewed at the time, and that you have denied this allegation during these proceedings. Therefore, the panel was not satisfied that the NMC has provided sufficient evidence for this charge to be found proved. Therefore, the panel determined that there is no case to answer in respect of charge 15c.

The panel considered the evidence before it outlined above. The panel was of the view that taking all of the evidence provided by the NMC in totality, there is a realistic prospect of it finding that your alleged actions had the effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague C. Therefore, the panel determined that there is a case to answer in respect of charge 15d.

The panel considered whether there is a case to answer in respect of charge 17. The panel bore in mind that it has heard live evidence from Colleague D regarding your admission at charge 16. It further noted that it has before it the Transcript of Meeting between Ms Harrison and Colleague D dated 5 August 2024. The panel noted that whilst Colleague D considered you stating that *"It won't be as good as I made you in bed this morning"* was a joke, it considered that taken at its highest, the implication of being in bed together in the morning was sexual in nature. The panel also considered that this type of comment being made in the workplace could be found to be inappropriate. Therefore, the panel determined that there is a case to answer in respect of charge 17.

The panel next went on to consider whether the remaining charges could amount to a finding of misconduct and/or impairment. The panel took in account the contextual factors described by the NMC in this case, for example: the repetitive nature of the alleged conduct in two workplaces after having been dismissed from the first Home, the disparity in age and seniority between yourself and the relevant colleagues and your position of trust as a Deputy Manager. The panel also considered that some of the remaining charges are sexual in nature and relate to sexual harassment. The panel was of the view that if one or more of these charges are found proved, it may determine that your alleged actions amount to misconduct.

On the matter of impairment, the panel considered that if the charges are found proved, and a finding of misconduct is made, there is insufficient evidence before it of your current level of insight and remediation. The panel considered that impairment is a forward-thinking exercise, and at this time, it has not heard evidence from you or seen any evidence of steps you may have taken to strengthen your practice. In light of this, the panel determined that there is a realistic prospect that it may make a finding of current impairment.

The panel was of the view that, except for charges 4c and 15c, there had been sufficient evidence to support the charges at this stage and, as such, it was not prepared, based on the evidence before it, to accede to an application of no case to answer. What weight the panel gives to any evidence remains to be determined at the conclusion of all the evidence.

Decision and reasons on application for hearing to be held partly in private

Prior to you giving evidence in this case, Ms Tascon made a request that your evidence be held in private on the basis that proper exploration of your case involves reference to your [PRIVATE]. The application was made pursuant to Rule 19 of the Rules.

Mr Hoskins did not oppose your application.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

The panel determined to go into private session in connection with [PRIVATE] when such issues are raised in order to protect your right, [PRIVATE], to privacy.

Decision and reasons on facts

At the outset of the hearing, the panel heard from Ms Tascon, on your behalf, who informed the panel that you made full admissions to charges 11, 12, 13, 14 and 16.

The panel therefore finds charges 11, 12, 13, 14 and 16 proved in their entirety, by way of your admissions.

The panel subsequently accepted the NMC's application to offer no evidence in respect of charges 3, 6, 7, 8 and 10 (in relation to charges 6, 7 and 8).

The panel also determined that there is no case to answer in respect of charges 4c and 15c.

Accordingly, the panel considered only the remaining charges in its deliberations.

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 Hoskins, on behalf of the NMC and by Ms Tascon, on your behalf.

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 witnesses called on behalf of the NMC:

- Sarah Fowler: Domestic Supervisor at the Home at the time of the alleged incidents.

- Kerry Howell: Home Manager at the Home at the time of the alleged incidents.
- Carole Harrison: Home Manager at Nightingale at the time of the alleged incidents.
- Colleague C: Registered Nurse at Nightingale at the time of the alleged incidents.
- Colleague D: Care Home Assistant Practitioner ('CHAPS') at Nightingale at the time of the alleged incidents.

The panel also heard evidence from you under affirmation.

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 by both the NMC and you. It excluded from its consideration the evidence it has found inadmissible and the charges in relation to which it found no case to answer and those in relation to which no evidence was offered.

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

Charge 1a

“That you, a registered nurse:

- 1) Between 7 July 2023 and 9 September 2023 breached professional boundaries in that you sent messages to Colleague A:
 - a) Outside of reasonable hours, namely between 7.00pm and 7.00am, and/or”

This charge is found NOT proved.

In reaching this decision, the panel took into account the text messages between you and Colleague A, your evidence and your partial admission.

In particular, the panel noted that you accepted that you sent text messages to Colleague A. It further noted that the screenshots of the text messages include timestamps for when the messages were sent, namely 19:38, 21:26, 00:11 and 01:42 on 7 July and 12 August 2023 respectively. The panel was therefore satisfied that the NMC has provided sufficient evidence that the text messages were sent between 19:00 and 07:00.

The panel was of the view that this charge is unclear. However, the panel considered that there is an element of charge 1a which requires to be proved, namely that the messages were sent outside of reasonable hours.

The panel therefore considered whether this conduct was outside of reasonable hours. In its deliberations, the panel considered the matter of reasonableness, taking into account the context that you have provided in your evidence, and the evidence of the text messages themselves. The panel noted that during these time periods, which the NMC has presented as unreasonable, Colleague A was responding to your messages. The panel also noted that in some instances, Colleague A was the person sending messages to you outside of the alleged reasonable hours. The panel considered the wider context, in that you were messaging Colleague A whilst she was on a night out, and she was responding to you.

The panel was not satisfied that in these circumstances, it was unreasonable to send messages within the window of 19:00 and 07:00. It therefore determined that this charge is not proved.

In any event, even if the panel determined that 19:00 to 07:00 was outside of reasonable hours, it was not satisfied that sending messages to a work colleague during this time would amount to breaching professional boundaries given the surrounding context.

Charge 1b

“That you, a registered nurse:

1) Between 7 July 2023 and 9 September 2023 breached professional boundaries in that you sent messages to Colleague A:

b) That were suggestive and/or flirtatious”

This charge is found proved.

In reaching this decision, the panel took into account the text messages between you and Colleague A, and your evidence.

The panel first considered whether the messages could be termed as “*suggestive*.” The panel considered that your casual use of words such as “*hun*” and “*babe*,” considering the context of the disparity of seniority and age between yourself and Colleague A, was suggestive. The panel considered that “*hun*” as a shortening of “*honey*” and “*babe*” which is commonly used between partners was suggestive of a personal relationship between yourself and Colleague A. The panel also considered that your message “*Haha do you need a hug and some paracetamol*” was suggestive. It was of the view that the use of the word “*hug*” implied a physical intimacy, which in the context described above would be improper and suggestive.

The panel next considered whether any of the messages could be considered “*flirtatious*.” The panel considered that your use of “*hun*” and “*babe*,” though colloquially used, have connotations of a personal relationship and therefore were flirtatious. The panel also

considered that comments such as “*Yes, can’t wait to see your smiling face again xx,*” “*Aw wish I was there. Message me when you’re drunk then lol,*” “*You looked nice tonight Hun*” and “*Haha do you need a hug and some paracetamol*” are flirtatious. The panel considered that these comments refer to Colleague A’s appearance and appear to suggest physical intimacy between you both. Therefore, the panel was of the view that these messages are flirtatious.

The panel next considered whether the messages, which were suggestive and flirtatious, would amount to a breach of professional boundaries. The panel was of the view that sending these messages, particularly to a junior female colleague whereby there was a power imbalance, would be a breach of boundaries.

Charge 2

“That you, a registered nurse:

- 2) On 14 September 2023, during an investigation meeting, said in relation to Colleague A that “*She is like my daughter only my daughter doesn’t have face piercings thankfully*” or words to that effect”

This charge is found proved.

In reaching this decision, the panel took into account the Investigation Meeting Notes dated 14 September 2023, your partial admission and the evidence of Ms Howell.

The panel considered that the Investigation Meeting Notes record you having made this comment contemporaneously. The panel also considered that Ms Howell gave evidence that this was an accurate recollection, and that she could recall you saying this comment.

The panel considered that you admit to having said that Colleague A was like your daughter, but you do not recall saying that your daughter did not have face piercings “*thankfully*.” The panel bore in mind that due to the passage of time, it is a reasonable inference that your memory of the investigation meeting may have degraded. The panel therefore placed more weight on the contemporaneous note of the meeting.

In these circumstances, the panel determined that this charge is found proved.

Charge 4a, 4b and 4d

“That you, a registered nurse:

- 4) Your conduct at Charge 1 and/or Charge 3 amounted to sexual harassment in that it was:
 - a) Unwanted by Colleague A
 - b) Of a sexual nature
 - c) ...
 - d) Had the effect of violating Colleague A's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A.”

This charge is found NOT proved.

The panel noted that the NMC's application to offer no evidence was accepted in respect of charge 3 and it has not found charge 1a proved. Therefore, it considered charge 4a, 4b and 4d in relation to charge 1b only. The panel took into account the messages between you and Colleague A, the Investigatory Meeting Notes dated 14 September 2023, and the Disciplinary Hearing Notes dated 25 September 2023.

The panel first considered the messages sent, as it has no further direct evidence from Colleague A. The panel noted that Colleague A appears to have responded to your messages, and at times messaged you unprompted. The panel also noted that no mention is made in the Investigation Meeting Notes or the Disciplinary Meeting Notes as to whether the messages were unwanted by Colleague A. The panel considered the evidence of Ms Fowler, who described Colleague A's demeanour during their meeting. However, the panel was not satisfied that this evidence was sufficient to find the charge proved as it was unable to hear from Colleague A herself.

In light of the above, the panel was not satisfied that on the balance of probabilities, the conduct was unwanted by Colleague A.

The panel therefore did not need to consider elements 4b and 4d of the charge given that it has not found that the conduct was unwanted by Colleague A.

In the absence of sufficient direct evidence from Colleague A and having not found on the balance of probabilities that the conduct was unwanted by Colleague A, the panel could not be satisfied that charge 4 is proved in its entirety, in that the requirements for proving sexual harassment have not been made out.

Charge 5

"That you, a registered nurse:

- 5) Your conduct at Charge 1 and/or Charge 3 were sexually motivated in that you were in pursuit of a sexual relationship with Colleague A."

This charge is found NOT proved.

The panel noted that the NMC's application to offer no evidence was accepted in respect of charge 3 and it has not found charge 1a proved. Therefore, it considered charge 5 in relation to charge 1b only.

The panel took into account the messages between yourself and Colleague A and its previous finding that the messages were suggestive and flirtatious. The panel considered that these messages were sexual in nature.

However, the panel next considered whether your actions were in pursuit of a relationship with Colleague A. The panel considered that it has heard no direct evidence from Colleague A, and it has no further evidence before it that you were pursuing a sexual relationship with her. Therefore, the panel could not be satisfied on the balance of probabilities that charge 5 is proved.

Charge 9

"That you, a registered nurse:

- 9) On one or more occasions ignored Colleague B."

This charge is found proved.

In reaching this decision, the panel took into account Colleague C's evidence and the Transcript of Meeting with Colleague C dated 1 August 2024.

In particular, the panel considered Colleague C's witness statement, in which she stated that there were at least a few occasions where she felt you had ignored Colleague B. The panel noted that Colleague C was credible and consistent in her oral evidence on this point. In oral evidence, Colleague C described one particular occasion where she and

Colleague B were preparing a medication round in the treatment room, and you entered and spoke with Colleague C, but did not interact with Colleague B.

The panel also took into account the Transcript of the Meeting with Colleague C, which is a contemporaneous record of the complaint at the time. In this transcript, Ms Harrison asked Colleague C if she had witnessed you ignoring Colleague B, and Colleague C said she had done on three or four occasions.

The panel noted that Colleague C accepted in evidence that she may have been biased, as she was friends with Colleague B. However, the panel was of the view that Colleague C gave clear and fair evidence and could recall at least one occasion that stood out to her.

In light of the contemporaneous record made, and Colleague C's consistent evidence, the panel was satisfied that on at least one occasion, you ignored Colleague B, and therefore this charge is found proved.

Charge 10

"That you, a registered nurse:

10) Your conduct at Charge 6 and/or Charge 7 and/or Charge 8 and/or Charge 9 amounted to bullying of Colleague B."

This charge is found proved.

The panel bore in mind that it accepted Mr Hoskin's application to offer no evidence in relation to charges 6, 7, and 8. Accordingly, it has only considered charge 10 in relation to charge 9.

In reaching this decision, the panel took into account Nightingale's Anti-Bullying Policy and Procedure, the Transcript of Meeting Notes with Colleague C and Colleague C's evidence.

In particular, the panel considered the definition of bullying in the Anti-Bullying Policy and Procedure, which states:

“Bullying is categorised as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can leave an employee feeling vulnerable, upset, humiliated, undermined or threatened. Bullying can be:

- *Emotional – being unfriendly, excluding and ignoring, tormenting...*”

The panel also considered the NMC Guidance FtP-2a-iv *Discrimination, bullying, harassment and victimisation* (last updated: 31 July 2026)

“Bullying can be described as unwanted behaviour from a person or a group of people that is either offensive, intimidating, malicious or insulting. It can be an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone. It can be a regular pattern of behaviour or a one-off incident and can happen face-to-face, on social media or over emails or telephone calls.”

The panel was of the view that as you were a Deputy Manager, ignoring Colleague C would have amounted to being an abuse of power which had the impact of upsetting, undermining or humiliating Colleague B. Whilst the panel acknowledged that it had no direct evidence from Colleague B, it did have evidence from Colleague C, who stated that you clearly liked her, and not Colleague B.

The panel considered the wider context of your relationship with Colleague B. The panel referred to the Transcript of Meeting Notes between Colleague C and Ms Harrison. In this meeting, Colleague C stated that:

“Only in my supervision he said don’t be giving [Colleague B] any special treatment as you are friends. I appreciate that we are friends; however, she is heavily pregnant, and I wanted some clarity of what she could do and what she couldn’t.

...

His reply was she has been told what she can and can't do and if she is not comfortable, she can get a letter off her midwife."

The panel also took into account your resignation email to Ms Harrison, dated 15 August 2024 which states:

"Many staff now seem to use mental health, discrimination or physical health to excuse them from what is expected in their daily duties, and when challenged put in complaints about staff and bullying."

The panel noted that it had heard no direct evidence from Colleague B, however it was satisfied that your conduct towards Colleague B amounted to bullying. The panel considered that the evidence of Colleague C, and the wider context given by her and in your resignation letter was persuasive. Therefore, the panel determined that this charge is found proved.

Charge 15a, 15b and 15d

"That you, a registered nurse:

15) Your conduct at Charge 11 and/or Charge 12 and/or Charge 13 and/or Charge 14 amounted to sexual harassment in that it:

- a) Was unwanted by Colleague C
- b) Was of a sexual nature
- c) ...

OR

- d) Had the effect of violating Colleague C's dignity and/or creating and intimidating, hostile, degrading, humiliating or offensive environment for Colleague C."

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague C and the Transcript of Meeting with Colleague C dated 1 August 2024.

The panel took into account Colleague C's evidence in which she described being uncomfortable with you calling her "*hun*", and that you had turned on disappearing messages. She stated that this was why she had started screenshotting the messages Colleague C also described being very uncomfortable with your comments such as "*pay me with your body*" and in reference to the dates on your desk "*I found the secret message that you left on your desk for me, Just tell me where and when.*"

In the Transcript of the Meeting with Colleague C, the panel noted that she was concerned that comments like these were how rumours started and that she wished she had confronted you about the comments which she considered to be going "*too far.*" In this meeting, she stated that you had invited her on a work night out, but that she did not want to go as she was "*unsure given the chance whether he would take up the opportunity.*" The panel considered that this was a contemporaneous record of her feelings at the time.

The panel bore in mind that in oral evidence, Colleague C said that she did feel uncomfortable, but that she did not want to get you in trouble, because clinically you are a good nurse. However, the panel placed more weight on the contemporaneous record of Colleague C's feelings at the time, in particular that she stated:

"I do think he is a fantastic nurse, but he is too flirty, and I am unsure given the chance whether he would take up the opportunity [...] He invited me out on a staff night out, but I don't trust him as I am unsure if he is joking or not."

The panel was satisfied that this was unwanted conduct by Colleague C. It therefore finds charge 15a proved in relation to each of charges 11 – 14 both individually and cumulatively.

The panel was of the view that the comments all have sexual connotations and therefore are sexual in nature. In light of this, the panel determined that charge 15b is found proved in relation to each of the charges 11 – 14, both individually and cumulatively.

The panel next considered whether your conduct in charges 11 – 14 had the effect of violating Colleague C's dignity and/or creating and intimidating, hostile, degrading, humiliating or offensive environment for Colleague C.

The panel considered the evidence of Colleague C, who described being concerned about the impact the comments made may have on her reputation at work. The panel considered that this was noted in the contemporaneous meeting notes, but also in her oral evidence to this panel. The panel was of the view that this could have amounted to violating Colleague C's dignity.

The panel noted that Colleague C started screenshotting messages and described in the meeting with Ms Harrison that she did not trust you on a night out, and she was very uncomfortable with the comments you had been making. Colleague C described being uncomfortable at work, and that comments of a sexual nature were made in front of other colleagues in the workplace. The panel was of the view that this would have created a degrading, humiliating and offensive environment. The panel also considered that your conduct appeared to escalate, with comments being made in the workplace and over social media. The panel also considered the disparity in age and seniority between you and Colleague C, which the panel considered would have had the effect of creating an intimidating environment for Colleague C.

In light of the above, the panel was satisfied that your conduct at charges 11 – 14 had the effect of violating Colleague C's dignity and creating an intimidating, degrading, humiliating

and offensive environment for Colleague C as alleged at charge 15d. The panel was therefore satisfied that your conduct amounted to sexual harassment both individually and cumulatively. Therefore, the panel determined that charge 15 is proved.

Charge 17

“That you, a registered nurse:

17)Your conduct at Charge 16 was inappropriate in that it was sexual in nature.”

This charge is found proved.

In reaching this decision, the panel took into account the evidence of Colleague D, the Transcript of Meeting with Colleague D dated 5 August 2024, the Transcript of Meeting with Colleague C dated 1 August 2024 and your admission to charge 16.

The panel considered that you admitted to saying to Colleague D *“It won’t be as good as I made you in bed this morning.”* The panel considered that this comment has implications of waking up with someone, which is sexual in nature. The panel also considered that Colleague C, in the Transcript of Meeting Notes with Ms Harrison stated:

“I know he has made flirty suggestions towards [Colleague D].”

The panel considered that sexual comments made by a Deputy Manager is inappropriate in the workplace. The panel noted Colleague D’s Transcript of Meeting with Ms Harrison, in which she stated:

“He says things like when he has made me a cup of coffee “It wont be as good as I made you this morning”. He is just joking, its his sense of humour. I think he started to do this more, so he wasn’t single[sic] our [Colleague C], I know about the texts

he has sent her. I appreciate it is inappropriate, as a deputy manager and he should know better but I do think it is his sense of humour.”

The panel considered the evidence of Colleague D, who accepted that the comment was sexual in nature and it was inappropriate, though she stated that she knew this was your sense of humour, and that you are both of a similar generation. She stated that your comments were not said in malice and did not make her feel uncomfortable.

Notwithstanding Colleague D's reception of the comment, the panel was of the view that any comments of a sexual nature in the workplace, in particular where there is a disparity in seniority or where such comments are made in front of colleagues or service users, are inappropriate.

The panel considered that this is a factual charge only, and therefore it was satisfied that the comment made at charge 16 was inherently inappropriate due to it being sexual in nature. Therefore, it determined that this charge is 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 your 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 safely and effectively without restriction.

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, your 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 Hoskins 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 Hoskins identified the specific, relevant standards where your actions amounted to misconduct, namely sections 8, 8.1, 8.2, 8.7, 9.2, 19.1, 19.2, 20, 20.2, 20.5, 20.8, 20.10, 25 and 25.1.

Mr Hoskins submitted that these breaches of the Code are both individually and cumulatively at the more serious end of the spectrum of misconduct. He submitted that the charges found proved include conduct such as sexual harassment and a breach of professional boundaries. He submitted that these charges themselves demonstrate a falling short of what is expected of a regulated professional.

Mr Hoskins further submitted that the conduct found proved is repetitious, involving several colleagues and escalated over time in respect of Colleague C. He submitted that the misconduct involves a disparity in age and seniority. He submitted that your roles as a Senior Nurse, Clinical Lead or Deputy Manager make the conduct found proved particularly serious, in particular how it influenced Colleague C's feelings and behaviour at

Nightingale. He submitted that your bullying behaviour exhibited towards Colleague B is also serious and amounts to misconduct in the circumstances of this case.

Mr Hoskins stated that the panel has heard evidence of your previous good character and that you have previous experience in a well-governed and regulated workplace. He submitted that you were an experienced nurse and should have good awareness on issues such as professional boundaries and the treatment of colleagues. He therefore submitted that either individually or in totality, your conduct amounts to misconduct.

Mr Hoskins submitted that you have given consistent evidence that your conduct was, in your view, a joke and/or banter. He submitted that the evidence of your conduct being a joke is contradicted by some concerning aspects. He submitted that what was concerning in this case was the use of disappearing messages, this panel's finding of escalation in respect of Colleague C, the repetition of the conduct, the disparity of age and seniority in some cases and that the conduct only ended when an investigation was started into your conduct. For these reasons, Mr Hoskins submitted that the conduct was far more sinister than just a joke.

Ms Tascon submitted that whilst you may have breached some tenets of the Code, these breaches are not so serious as to amount to misconduct in these proceedings. She submitted that despite the comments you made, you were able to maintain effective communication with Colleague D. In relation to Colleague C, she submitted that at no point did Colleague C suggest she was unable to communicate with or work alongside you. She submitted that this panel has heard evidence that you are a good nurse, and that you helped staff when they were struggling with their competencies. She submitted that there is no indication that you have disrespected any colleagues' clinical skills.

Ms Tascon submitted that despite the generational humour expressed by you, you did not have an attitudinal issue in respect of your clinical work and practice. She submitted that there is no evidence that your comments increased the likeliness of mistakes by others.

She submitted that your comments, whether perceived as funny or not, were made in an effort to boost morale.

Ms Tascon submitted that the panel has heard no evidence to suggest that your conduct impacted on any person's ability to conduct their work. She submitted that you accept sending the messages and making comments in respect of Colleague A. She submitted that this conduct may be considered as morally disagreeable to some, but it is not so serious that it can be described as deplorable.

Ms Tascon submitted that you accept that the jokes you made were not perceived as you intended them to be due to a generational difference. She submitted that the witnesses in this case to some degree understood that this was part of your personality. In particular, she submitted that Colleague C described being uncomfortable, but that she understood this was part of your personality.

Ms Tascon submitted that in relation to charges 9 and 10, you accept that bullying by its nature is unacceptable. However, she invited the panel to consider the particular circumstances of this case. She submitted that instances of ignoring are very different to instances of targeted victimisation and active actions taken to make someone feel bullied. She submitted that in terms of bullying, your actions were at the lower end of the spectrum.

Ms Tascon submitted that whilst you accept that your behaviour is capable of amounting to some misconduct, your conduct falls short of serious misconduct. She submitted that simply because some of the comments you made were sexual in nature, it does not mean that it reaches the high threshold of serious misconduct. She therefore invited the panel to determine that your conduct does not amount to serious misconduct.

Submissions on impairment

Mr Hoskins 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 cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) and Grant* [2011] EWHC 927 (Admin) and *Cohen v General Medical Council* [2008] EWHC 581 (Admin).

Mr Hoskins submitted that the first three limbs of the *Grant* test are engaged in the past. He moved onto the matter of whether they remain engaged in the present.

Mr Hoskins submitted that you have told this panel that you have stepped away from a healthcare setting, largely due to you being afraid of allegations of a similar nature being made against you. He submitted that you find it difficult to identify where the proper line of professional conduct is.

Mr Hoskins submitted that you are entitled to defend yourself against the allegations. He submitted however, there is evidence before this panel that you continue to fail to judge and properly calibrate where the line is. He submitted that your inability to identify when comments were of a sexual nature during cross examination speaks to the issue of whether the conduct is remediable. He submitted that there is cogent evidence of this being an attitudinal problem. He submitted that you have taken yourself out of the healthcare sector, and therefore you have not yet demonstrated the extent to which this conduct may have been remediated.

Mr Hoskins submitted that there is some evidence of positive testimonials before this panel, though he submitted that these accounts have not been tested during this hearing. He submitted that the panel cannot be satisfied that the extent of remediation that may have occurred is such that it would reduce the risk of repetition to a low level.

Mr Hoskins submitted that you have demonstrated limited insight. He submitted that your resignation email also does not demonstrate a further understanding of your behaviour. He also submitted that the evidence you gave focussed largely on your intentions, rather on the interpretations of your actions by others. He submitted that you have apologised for your conduct during this hearing, but that this apology does not truly address the impact your actions had on others.

Mr Hoskins submitted that insufficient insight has been demonstrated at this time, and therefore a risk of repetition remains. In light of this, Mr Hoskins invited the panel to make a finding of current impairment.

Ms Tascon submitted that your fitness to practise is not impaired by reason of your misconduct. She submitted that there is a nil to low risk of you repeating behaviour of the kind found proved. She submitted that whilst you did not demonstrate reflection at the time the allegations were made, you are keenly aware of the way you speak to people now. She submitted that when you addressed this in evidence, you became quite upset and you were deeply remorseful and stated that you never intended to cause anybody any offence and you apologised. She submitted that you gave evidence about the importance of a well-functioning team and how you did everything to push your colleagues forward. She submitted that you were ashamed of finding yourself in this situation.

Ms Tascon submitted that the last three years have had a profound impact on you. She submitted that you have reflected on the charges and have been taught a lesson about ensuring you are more careful with how you communicate with others. She submitted that you undertook some diversity and inclusion training in 2026, and that you did this to ensure that you address any failings in your practice or attitudinal failings. She submitted that you have demonstrated insight into your behaviour and a willingness to change, as well as an ability to recognise where you have gone wrong. She submitted that you demonstrated remorse for the consequences that your actions had on your colleagues, and that this is further evidence of your developing insight.

Ms Tascon submitted that in relation to the charges concerning sexual harassment and bullying, you fully understand why these behaviours were not acceptable. She submitted that you have shown an awareness as to why it is important to uphold the standards expected of you as a registered nurse as well as an understanding into the impact that your behaviours can have upon the public confidence and the profession.

Ms Tascon submitted that a finding of no current impairment would not be contrary to the public interest. She submitted that if a member of the public were aware of all of the circumstances of this case, including your evidence as portrayed over the last few days, the public confidence in the profession would not be diminished. She submitted that witnesses described you as a highly competent and well-regarded nurse and she further submitted that those impacted by your behaviour were still able to conduct their jobs competently. She submitted that your colleagues knew what your sense of humour was like and they did not find it threatening and at no stage did they feel as though you were actually going to act upon your comments. She submitted that whilst your conduct may be termed as disagreeable and distasteful, a member of the public aware of all the circumstances of the case would not lose confidence in the profession as a result of these allegations.

The panel accepted the advice of the legal assessor.

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 your actions did fall significantly short of the standards expected of a registered nurse, and that your actions amounted to a breach of the Code. Specifically:

'8 Work cooperatively

To achieve this, you must:

...

8.2 *maintain effective communication with colleagues*

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*

...

20.10 *use all forms of spoken, written and digital communication (including social media and networking sites) responsibly, respecting the right to privacy of others at all times*

24 Respond to any complaints made against you professionally

To achieve this, you must:

...

24.2 *use all complaints as a form of feedback and an opportunity for reflection and learning to improve practice'*

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. The panel considered the charges individually and determined whether they amount to serious professional misconduct.

Before considering the charges individually in respect of misconduct, the panel considered the surrounding context it heard during this hearing.

The panel bore in mind that you gave evidence that any comments you made were not intended to be sexual and were not intended to cause offence to anyone. You gave evidence that this was just your sense of humour, and that it was a generational difference between yourself and your junior female colleagues.

The panel was of the view that having been dismissed from the Home due to the allegations made against you, it was reckless of you to continue behaving in such a way at Nightingales. The panel did not find that at any time you were pursuing a sexual relationship with Colleague C or Colleague D, though it has found that your conduct towards Colleague C was escalating at the time of your resignation. The panel was not convinced that your actions were simply “jokes” or “banter” but rather that it was reckless and pushing boundaries. However, the panel concluded that you had not intended to cause harm to your colleagues. In light of its findings, the panel proceeded to consider whether the charges found proved individually amount to serious professional misconduct.

In relation to charge 1b, the panel was of the view that sending suggestive and flirtatious messages to a junior female colleague, who you described as being vulnerable and having low self-esteem, would amount to serious misconduct. The panel had regard to the NMC Guidance FtP-2a-ii *Sexual Misconduct* (last updated: 31 July 2026), in particular:

“Cases of sexual misconduct between colleagues pose a particular risk to public confidence in the profession and to public safety where there are elements of abuse of power or manipulation. This is because such cases undermine the level of trust that can be placed in senior professionals.”

The panel was of the view that the context surrounding Colleague A makes this charge more serious. It determined that due to the disparity in age and seniority, there was a

power imbalance between yourself and Colleague A. It therefore concluded that your actions at charge 1b amounts to serious misconduct.

In relation to charge 2, the panel was of the view that this comment did not amount to serious misconduct. It bore in mind the evidence of Ms Howell, who stated that the comment you made was judgmental. The panel considered that this was her opinion, and there was no objective evidence before this panel to say that it was judgmental. The panel also accepted your evidence that you did not make the comment directly to Colleague A and that you would not have done so. The panel determined that whilst you did make this comment, it was satisfied that taking into account the setting and the context in which the comment was made, it did not amount to serious professional misconduct.

Whilst the panel considered charge 9 and charge 10 separately, its reasoning for both was the same. The panel determined that this did amount to serious misconduct. The panel considered that bullying behaviour in the workplace is very serious. The panel was of the view that ignoring Colleague B, who was junior to you, would have likely caused her to feel undermined and humiliated. The panel considered that bullying can have a serious negative effect on workplace culture and therefore puts the safety of people receiving care at risk if not dealt with. Therefore, the panel was satisfied that the charges relating to bullying amount to serious professional misconduct.

The panel considered charges 11, 12, 13, 14, 15a, 15b and 15d separately, but its reasoning remained the same for each. The panel considered that these charges amount to serious misconduct. The panel determined that these charges relate to comments made by you that were unwanted by Colleague C, sexual in nature and had the effect of violating her dignity and creating an intimidating, humiliating, degrading and offensive environment. The panel was of the view that any form of sexual harassment must be considered as very serious. The panel considered that the context surrounding these charges, namely that there was a disparity in age and seniority between yourself and Colleague C, made the mischief of these charges particularly serious. The panel therefore concluded that your actions at charges 11 – 15d amounted to serious professional misconduct.

The panel considered charges 16 and 17 separately, though the panel's reasoning remained the same. The panel noted that the comment made was sexual in nature and was inappropriate in the workplace. However, the panel bore in mind the evidence of Colleague D, who stated that this was inappropriate, but she found that it was funny. She also gave evidence that this comment was made privately between herself and you. The panel considered that in the context provided by Colleague D, your actions did not amount to serious professional misconduct. The panel considered that inappropriate jokes between colleagues in private do not put the public, or public confidence in the profession at risk where the colleague is accepting of this behaviour and therefore does not meet the threshold for misconduct in these proceedings.

The panel found that your actions did fall seriously short of the conduct and standards expected of a nurse and amounted to misconduct. Specifically, the panel determined that your conduct at charges 1b, 9, 10, 11, 12, 13, 14, 15a, 15b and 15d amounted to misconduct and the same goes for their combined effect.

Decision and reasons on impairment

The panel next went on to decide if as a result of the misconduct, your 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: 28 January 2026) in which the following is stated:

'Being fit to practise is not defined in our legislation but for us it means that a professional on our register can practise as a nurse midwife or nursing associate safely and effectively without restriction.'

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. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* in reaching its decision. In paragraph 74, she said:

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

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

'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/ 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) ...'

The panel considered that potentially, your conduct towards junior female colleagues may have impacted on their ability to deliver good patient care. The panel also considered that this conduct concerned three separate nurses, over a significant period of time and within two different workplaces. The panel considered that this is evidence of repetition. However, the panel acknowledged that patients were not directly put at an unwarranted risk of harm. The panel also considered that it heard no evidence from Colleague A and Colleague B regarding how your treatment of them impacted their ability to work. In light of this, the panel was not satisfied that limb (a) of *Grant* is engaged.

The panel considered that sexual harassment and bullying behaviour would have, and does continue to, bring the nursing profession into disrepute. The panel was of the view that public confidence in the profession would be undermined if this panel did not find the misconduct relating to harassment and bullying very serious. The panel was satisfied that your misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

The panel was satisfied that the misconduct in this case is capable of being addressed. Whilst it acknowledges that you have demonstrated some deep-seated attitudinal issues which make it difficult for the behaviour to be remediated, taking into account the context surrounding this case, it was satisfied that it could be remediated.

Regarding insight, the panel considered that you have demonstrated very limited but developing insight during this hearing. The panel noted that it does not have before it an updated reflective statement which addresses your misconduct and its impact on others. The panel noted that you demonstrated some remorse when giving your evidence, as you apologised for having made anyone feel uncomfortable. However, the panel noted that you maintained throughout that you did not intend to cause any harm to your colleagues, without acknowledging the impact your misconduct had, or may have had, on Colleague

A, Colleague B and Colleague C. You denied charges 4d and 15d. Whilst the panel accepted that you are entitled to a defence, the panel was of the view that you have not yet identified or addressed the impact that your actions had on others.

The panel carefully considered the evidence before it in determining whether or not you have taken steps to strengthen your practice. The panel took into account that you completed one training course 'Diversity and Inclusion for Everyone' with your current employer in June 2026 which is the only training you appear to have done that post-dates the charges. However, the panel was not satisfied that this addressed the totality of the concerns. This was the only example of training undertaken in respect of the concerns, and the panel was of the view this did not constitute meaningful remediation.

The panel considered that you have not worked in the healthcare sector since the charges arose and therefore you have not demonstrated any relevant strengthened practice. The panel noted that you provided positive testimonials from previous and current colleagues, friends and service users. However, the panel also noted that many of these testimonials pre-date the charges. The panel found two of the testimonials relate specifically to the some of the concerns that were raised, but these did not encompass the range of the misconduct.

In relation to the risk of harm towards colleagues, the panel noted that you were in a position of authority in respect of Colleague A, Colleague B and Colleague C. The panel also considered the evidence of Colleague C who described being made to feel very uncomfortable. Whilst the panel had no direct evidence from Colleague A or Colleague B, it used its professional judgement of how sexual harassment and bullying may affect colleagues at work. As such, the panel determined that there is a risk of harm if the concerns are not remediated.

The panel is of the view that there is a risk of repetition based on the lack of meaningful insight and remediation. The panel accepted that you have demonstrated a degree of remorse for your conduct towards Colleague A, Colleague B and Colleague C. However,

the panel noted that your insight is still developing, and as such, the risk of repetition remains. The panel acknowledged that you have engaged in this hearing and have given evidence that you are beginning to understand the impact your actions had. However, the panel is not satisfied that the risk of repetition has been mitigated sufficiently at this stage. The panel noted that your misconduct occurred with several colleagues, over a significant period and across two workplaces. The panel further noted that your misconduct appeared to escalate towards Colleague C before the investigation into your actions was started. The panel therefore decided that a finding of impairment is necessary on the ground 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 determined that a finding of impairment on the public interest ground is required because the misconduct is serious and relates to sexual harassment and bullying behaviour. The panel considered that your misconduct relates to outdated views and humour without recognition or understanding of how social standards and acceptance have changed, and what is appropriate in the workplace. The panel was of the view that members of the public would be seriously concerned if you were permitted to practice without restriction whilst you have not significantly developed your insight or demonstrated strengthened practice. The panel determined that public confidence in the profession and the NMC as its regulator would be seriously damaged if the panel did not make a finding of current impairment. Therefore, the panel determined that a finding of current impairment is required on the public interest ground.

Having regard to all of the above, the panel was satisfied that your fitness to practise is currently impaired.

Decision and reasons on application to adjourn the hearing

At this stage, Ms Tascon made an application to adjourn this hearing. She submitted that Mr Wenman would be making an application for agreed removal (AgR) from the NMC register. She submitted that the application would be submitted by the close of business on 13 August 2026, ready for the NMC's Assistant Registrar (AR) to consider the application by the end of day on 14 August 2026. She invited the panel to adjourn the hearing in anticipation of the AR's decision on 14 August 2026.

Mr Hoskins submitted that the NMC is working to expedite an AR making a decision on Mr Wenman's application. He submitted that if the application for AgR is rejected, the panel will likely be able to resume on the afternoon of 14 August 2026.

The panel accepted the advice of the legal assessor which included reference to NMC Guidance DMA-9 *Agreed removal at hearings* (last updated: 24 April 2023).

The panel determined to adjourn the hearing until 14:00 on 14 August 2026 to allow sufficient time for Mr Wenman to submit his application for AgR, and for the panel to make a recommendation to the AR.

Mr Wenman's AgR application was refused on 17 August 2026, and the panel was verbally informed of this decision by the Hearings Coordinator. The panel did not have sight of the AR decision, as it will exercise its own judgment in its deliberations on sanction.

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 Wenman off the register. The effect of this order is that the NMC register will show that Mr Wenman 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 regard to the NMC Guidance on *‘The sanctions available’* (Reference: SAN-2 Last Updated: 28 January 2026).

The panel accepted the advice of the legal assessor.

Submissions on sanction

Mr Hoskins submitted that a striking off order is the only necessary and proportionate sanction in this case. He submitted that there are a number of aggravating features in this case, namely the misconduct involved several colleagues, some of whom were vulnerable and it took place over a sustained period of time and across two workplaces. He submitted that there was a disparity in age and seniority and an apparent escalation in respect of Colleague C. He further submitted that Mr Wenman has demonstrated limited insight at this time. He submitted that there are also some mitigating factors in this case. In particular that Mr Wenman is of previous good character, and to his credit, has engaged in these proceedings.

Mr Hoskins drew the panel’s attention to NMC Guidance SAN-4 *Sanctions for the highest risk cases* (last updated: 31 July 2026). He submitted that the panel should consider that this case pertains to sexual misconduct and that it was long term and/or repeated conduct. He submitted that whilst the panel found that there was no direct risk to public safety, the guidance states that:

“Sexual misconduct towards colleagues may indirectly risk public safety through creating an unsafe workplace environment. It also risks the dignity of colleagues.”

He submitted that the risk to the dignity of Mr Wenman’s colleagues is obviously relevant in this case.

Mr Hoskins submitted that taking no further action or imposing a caution order would be insufficient in this case. He submitted that the misconduct is too serious to be marked by way of either of these options. He submitted that a conditions of practice order would not be appropriate. He submitted that Mr Wenman has demonstrated deep-seated attitudinal concerns which are difficult to put right with conditions. He further submitted that Mr Wenman has removed himself from the nursing profession, and therefore conditions of practice would not be workable.

Mr Hoskins submitted that a suspension order would also not be proportionate in this case. He submitted that Mr Wenman has made a clear and unequivocal statement that he does not wish to return to practice, and there has been a significant period of time where there has not been meaningful remediation or insight. He therefore submitted that there is no real prospect that a period of suspension would serve any useful purpose.

Mr Hoskins submitted that the matters found proved constituted serious misconduct and are so serious that the public interest alone demands a finding of a striking off order. He submitted that the misconduct found proved raises fundamental questions about Mr Wenman's professionalism. He further submitted that public confidence in the profession cannot be maintained if Mr Wenman is not removed from the register. He submitted that the level of insight identified by this panel falls woefully short of the threshold expected at this stage. He submitted that there is not a realistic prospect that Mr Wenman will demonstrate an appropriate level of insight or remediation given the time that has elapsed since the issues arose, and Mr Wenman's limited insight at this time.

Ms Tascon accepted that taking no further action or imposing a caution order would not be sufficient in this case. She submitted that there have been no clinical concerns raised about Mr Wenman's practice, and that he has been commended for his ability as a nurse and as a teacher in the several testimonials he has provided. She submitted that Mr Wenman has worked in a number of clinical settings and is well regarded by his patients and by his peers.

Ms Tascon submitted that whilst the panel has described his current level of insight as limited, this leaves the possibility for developing further insight in the future, as well as the opportunity to conduct more targeted remediation. She submitted that Mr Wenman is remorseful to both the panel and to the complainants in this case. She submitted that previously Mr Wenman was dedicated, highly committed and passionate about being a nurse and he feels like he has let himself down. She submitted that this is the first time Mr Wenman has been before his regulator, and he has complied and cooperated throughout. She submitted that [PRIVATE].

Ms Tascon submitted that in terms of imposing a conditions of practice order, this may not be workable though it may be desirable. She submitted that if Mr Wenman was to return to nursing at any point, there are conditions that could be put in place to address any risk that he may pose. She submitted that the panel could impose conditions such as supervision, not to contact staff on their personal phones, and to undertake additional training in equality and diversity. However, she acknowledged that it was Mr Wenman's evidence that he does not wish to return to practice, which impacts on the workability of any conditions.

Ms Tascon submitted that if the panel determined to impose a suspension order, this would allow Mr Wenman further time to develop further insight and undertake targeted remediation. She submitted that in all the circumstances of this case, this would be the most appropriate action to take. She submitted that a period of suspension would be fair and proportionate to the charges found proved, and would allow Mr Wenman time to address his failings, his lack of insight and to conduct further remediation.

Ms Tascon submitted that a striking off order would be disproportionate in this case. She submitted that this would have a punitive impact on Mr Wenman and would not allow him to further develop his insight or remediation.

The panel accepted the advice of the legal assessor.

Decision and reasons on sanction

Having found your fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose. 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 decision on sanction is a matter for the panel independently exercising its own judgement. The panel in its deliberation has used the term sexual misconduct generally to encompass sexual harassment and conduct that was sexual in nature as found in the decision on facts.

Although the panel expressed a preliminary view on sanction for the purposes of the application for voluntary removal, it has considered the matter afresh with the benefit of the submissions made by the parties.

The panel took into account the following aggravating features:

- A pattern of misconduct over a period of time, involving several colleagues and across two workplaces;
- An escalation in behaviour towards Colleague C;
- Sexual misconduct and a breach of professional boundaries;
- Bullying conduct towards Colleague B;
- Failure to work collaboratively with colleagues;
- Failed to comply with policy and procedures at Nightingales;
- Disparity in seniority and a failure to meet the expectations of a leadership position; and
- Very limited insight, minimal remediation and an absence of reflection.

The panel also took into account the following mitigating features:

- Early admission to some of the facts;
- Some evidence of personal stress at the time of the incidents; and

- Apologies and remorse towards those affected.

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 noted that it has found Mr Wenman is currently impaired on both the grounds of public protection and public interest. In light of this, the panel was of the view that it would be neither proportionate nor in the public interest to take no further action. The panel considered that this would be incompatible with the panel's previous findings of sexual misconduct.

The panel next considered a caution order and had regard to the NMC Guidance on 'Caution order' (Reference: SAN-2b Last Updated: 28 January 2026) in which the following is stated:

'A caution is only appropriate if the Committee has decided there's no risk to the public or to people using services that requires the professional's practice to be restricted. This means 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 Wenman's actions were not at the lower end of the spectrum, and it found that there is a risk to public safety, as colleagues are deemed members of the public. The panel noted that it would only be an exceptional case where a panel finds impairment on public protection and public interest grounds and subsequently imposes a caution order. The panel was of the view that this is not an exceptional case. The panel therefore determined that a sanction that does not restrict Mr Wenman's practise would not protect the public. The panel also determined that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether to place a conditions of practice order on Mr Wenman's registration. In considering whether conditions of practice are appropriate, the

panel had regard to the factors set out in the NMC Guidance on ‘Conditions of practice order’ (Reference: SAN-2c Last Updated: 28 January 2026).

Having heard Mr Wenman’s evidence that he does not wish to return to nursing and having regard to the nature and seriousness of Mr Wenman’s conduct, the panel determined that a conditions of practice order would not be appropriate in the circumstances.

The panel noted that the concerns relate to sexual misconduct and bullying in the workplace, and these concerns are attitudinal in nature. The panel also noted that there has been significant time that has passed since the charges arose, and Mr Wenman has failed to adequately demonstrate insight, reflection or undertake remediation. The panel considered that this is evidence of deep-seated attitudinal concerns, and therefore conditions are not appropriate in this case. In addition, the panel also considered that it has seen no evidence that Mr Wenman would be willing to comply with conditions, and therefore any conditions would not be workable or measurable.

The panel went on to consider whether a suspension order is appropriate in this case. The panel had regard to the NMC Guidance on ‘*Suspension order*’ (Reference: SAN-2d Last Updated: 28 January 2026) in which the following factors on when a suspension order may be appropriate are set out:

- *‘the impairment is very serious but not fundamentally incompatible with continuing to be a registered professional*
- *an outcome less severe than strike-off would still satisfy the over-arching objective.’*

The panel also had regard to the key considerations as set out in the NMC Guidance to weigh up before imposing a suspension. It noted the following list of circumstances that may make a suspension order an appropriate sanction:

- *‘the charges found proved are at the most serious end of the spectrum and call into question the professional’s suitability to continue practising, either currently or at all*
- *while it is possible that the professional could be fit to practise in future, only a period out of practice would be sufficient to allow them to fully strengthen their practice through reflection, the development of their professional skills and / or development of insight and remediation*
- *there is a risk to the safety of people using services if the professional were allowed to continue to practise even with conditions*
- *what went wrong is so serious that public confidence in the profession and professional standards could not be maintained if the professional were able to continue practising without stopping for a period of time*
- *despite the seriousness of what happened, the professional has engaged in the proceedings and has shown at least some meaningful insight which evidences a realistic possibility that they will continue to develop this insight, address their concerns and return to practice.’*

The panel considered that the charges found proved are very serious, and call into question Mr Wenman’s suitability to continue practising. The panel noted that the sexual misconduct in this case, whilst very serious, is not at the highest end of the spectrum of seriousness. However, notwithstanding the period of time that has elapsed since the charges arose, Mr Wenman has failed to demonstrate any meaningful insight or reflection and has not taken any adequate steps to strengthen his practice which was evident when he was cross-examined at the facts stage. Given Mr Wenman’s very limited insight and reflection, together with minimal evidence of training and development, the panel considered that there is no realistic possibility that he would address the concerns to such a level where he could return to practise safely if the panel imposed a period of suspension.

Whilst the panel acknowledged that the risks identified could be managed by Mr Wenman being temporarily removed from the register, it considered that it would not be sufficient to

uphold public confidence in the profession and maintain professional standards due to the seriousness and nature of the facts found proved.

In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

In considering a striking-off order, the panel had regard to the NMC Guidance on ‘*Sanctions for the highest risk cases*’ (Reference SAN-4 Last Updated: 28 January 2026). The panel noted in particular that the guidance states:

“Sexual misconduct likely to create a risk to people receiving care and to colleagues as well as undermining public trust and confidence. This is the case even if the victim is not a colleague or someone receiving care. This is because it calls into question the professional’s understanding of personal boundaries. The Committee should always consider the duration of the conduct, the professional’s relationship to those involved and the vulnerabilities of anyone subject to the alleged conduct.”

The panel further noted that the guidance states that:

“Any professional who is found to have behaved in this way will be at risk of being removed from the Register. This is because of the severe impact the conduct has on:

- *public confidence*
- *a professional’s ability to uphold the standards and values set out in the Code*
- *the safety of people receiving care.”*

Having regard to all of the above, the panel determined that this case falls within the definition of being a ‘*highest risk case*’.

The panel had regard to the following considerations as set out in the NMC Guidance entitled ‘*Striking-off order*’ (Reference: SAN-2e Last Updated; 28 January 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 had regard to the NMC Guidance SAN-3 *Deciding between suspension and strike off* (last updated: 28 January 2026):

“Consider the professional’s insight and attitude to addressing the concerns, and whether it is realistically possible that these will change positively during the suspension period. If it is unlikely the professional will try to address the concerns, there may not be appropriate for them to be suspended in the hopes that they will eventually return to practice.”

The panel found that the charges found proved raise fundamental questions about Mr Wenman’s professionalism. The panel considered that Mr Wenman has been clear that he does not wish to return to nursing. Whilst the panel considered that the misconduct found proved is capable of being remediated with significant effort, it is not satisfied that Mr Wenman will demonstrate the necessary level of insight or reflection which would keep members of the public safe, maintain public confidence in the profession and uphold professional standards. The panel was not satisfied that there is a realistic prospect that

after a period of suspension, Mr Wenman will have gained insight and strengthened his practice such that the risk he poses will have reduced.

Although it concluded that his actions are not fundamentally incompatible with remaining on the register, the panel found that Mr Wenman's actions were significant departures from the standards expected of a registered nurse. The panel acknowledged that prior to these concerns arising, Mr Wenman had an unblemished career, and no clinical concerns have been raised about his practice. However, in the circumstances of this case, in particular that Mr Wenman has been unequivocal in his decision to leave the nursing profession, the panel could not be satisfied that Mr Wenman would develop any meaningful insight or undertake sufficient remediation. The panel considered it would be speculative, and therefore inappropriate, to suspend Mr Wenman in the hope that he changes his mind and wishes to return to practice.

The panel was of the view that the findings in this particular case demonstrate that Mr Wenman's actions were serious and to allow him to continue practising would not protect the public and 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 Mr Wenman's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct himself, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of a registered nurse.

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

Submissions on interim order

The panel took account of the submissions made by Mr Hoskins. He submitted that in light of the panel's determination to impose a striking-off order, an interim suspension order is necessary to protect the public and uphold professional standards and public confidence in the profession. He submitted that an interim suspension order is necessary for 18 months to cover any potential period of appeal.

The panel also took into account the submissions of Ms Tascon. She submitted that Mr Wenman is not currently in practice as a nurse, and that he has not renewed and has not paid a renewal fee for his registration. She submitted that in light of this, there are numerous hoops he would have to go through to renew his NMC PIN. She submitted that therefore, an interim order is not necessary to protect the public or otherwise in the public interest.

Mr Hoskins further clarified that as soon as a Fitness to Practise referral is made, a registrant's PIN is essentially frozen and remains extant, regardless of any steps taken to revalidate or renew a registrant's registration. He submitted that this status only changes once a Fitness to Practise finding is made, and therefore in theory the PIN Number is effectively frozen and available to Mr Wenman until the striking off order comes into effect.

Ms Tascon confirmed that her submission in respect of necessity and proportionality remains the same, considering that Mr Wenman is not currently in practice.

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

Decision and reasons on interim order

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest. The panel had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order. The panel considered that to not impose an interim order would be contrary to its previous findings.

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 striking-off order. The panel therefore imposed an interim suspension order for a period of 18 months to protect the public and to uphold professional standards and public confidence in the profession during any potential period of appeal.

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

This will be confirmed to Mr Wenman in writing.

That concludes this determination.