

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

**Substantive Hearing  
Monday, 10 November 2025 – Friday, 14 November 2025  
Monday, 2 March 2026 – Wednesday, 4 March 2026**

Virtual Hearing

**Name of Registrant:** Michael Brendan McLaren

**NMC PIN:** 91H0115S

**Part(s) of the register:** Nurses part of the register sub part 1; Registered Nurse - Mental Health; RN1 (November 1994)

**Relevant Location:** Scotland

**Type of case:** Misconduct

**Panel members:** Stacey Patel (Chair, lay member)  
Deborah Aunger (Registrant member)  
Rosanna Duncan (Lay member)

**Legal Assessor:** Andrew Granville-Stafford (Monday, 10 November 2025 – Friday, 14 November 2025)  
Paul Housego (Monday, 2 March 2026 – Wednesday, 4 March 2026)

**Hearings Coordinator:** Fabbihah Ahmed

**Nursing and Midwifery Council:** Represented by Aliyah Hussain, Case Presenter (Monday, 10 November 2025 – Friday, 14 November 2025)  
Represented by Richard Webb, Case Presenter (Monday, 2 March 2026 - Wednesday, 4 March 2026)

**Mr McLaren:** Not present and unrepresented

<b>Facts proved:</b>	1(a)(i),1(a)(ii),1(a)(iii),1(b),1(c),2,3, 4(a),4(b),5,6,7(a),7(b),8,9,10(a),10(b),11, 12
<b>Facts not proved:</b>	Charge 13
<b>Fitness to practise:</b>	Impaired
<b>Sanction:</b>	<b>Striking Off Order</b>
<b>Interim order:</b>	<b>Interim Suspension Order (18 months)</b>

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

The panel was informed at the start of this hearing that Mr McLaren was not in attendance and that the Notice of Hearing letter had been sent to Mr McLaren's registered email address by secure email on 10 October 2025.

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

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Hearing provided details of the allegation, the time, dates and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mr McLaren's right to attend, be represented and call evidence, as well as the panel's power to proceed in his absence.

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

## **Decision and reasons on proceeding in the absence of Mr McLaren**

The panel next considered whether it should proceed in the absence of Mr McLaren. It had regard to Rule 21 and heard the submissions of Ms Hussain who invited the panel to continue in the absence of Mr McLaren. She submitted that Mr McLaren had voluntarily absented himself.

Ms Hussain referred the panel to an email from Mr McLaren dated 15 May 2024 which stated that he declined to participate in the process. He did not respond when provided

with information regarding the hearing process by the Listing Officer on 24 September 2025.

Ms Hussain submitted that there had been no application made by Mr McLaren for an adjournment and that an adjournment may not secure his attendance at a future hearing date. She further submitted that there is a public interest in the expeditious disposal of this case.

The panel accepted the advice of the legal assessor.

The panel noted that its discretionary power to proceed in the absence of a registrant under the provisions of Rule 21 is not absolute and is one that should be exercised '*with the utmost care and caution*' as referred to in the case of *R v Jones (Anthony William)* (No.2) [2002] UKHL 5.

The panel has decided to proceed in the absence of Mr McLaren. In reaching this decision, the panel has considered the submissions of Ms Hussain and the advice of the legal assessor. It had particular regard to the factors set out in the decision of *R v Jones* and in *General Medical Council v Adeogba* [2016] EWCA Civ 162 and had regard to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Mr McLaren;
- Mr McLaren has informed the NMC that he is not interested in these proceedings and stated in an email dated 15 May 2024 that he does not wish to engage with these proceedings and had not responded to subsequent communication from the NMC ;
- There is no reason to suppose that adjourning would secure his attendance at some future date;
- A number of witnesses have been warned to attend to give live evidence,

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

In these circumstances the panel decided that Mr McLaren had deliberately chosen not to exercise his right to be present or to give adequate instructions to enable lawyers to represent him and so decided to proceed in his absence.

There is some disadvantage to Mr McLaren in proceeding in his absence. Although the evidence upon which the NMC relies on will have been sent to him at his registered address he will not be able to challenge the evidence relied upon by the NMC and will not be able to give evidence on his own behalf. However, in the panel's judgement, this can be mitigated. The panel can make allowance for the fact that the NMC's evidence will not be tested by cross-examination and, of its own volition, can explore any inconsistencies in the evidence which it identifies. Furthermore, the limited disadvantage is the consequence of Mr McLaren's decision not to attend the hearing, waive his rights to attend, and/or be represented, and not provide evidence or make submissions on his own behalf.

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

### **Details of charge**

'That you, a registered nurse:

1. In relation to Colleague A:
  - a) In or around December 2022;

- i) said to Colleague A, “do you want to feel my hematoma<sup>1</sup>” or words to that effect;
- ii) placed Colleague A’s hands on your upper thigh or hip without their consent;
- iii) said to Colleague A, “I like the way your trousers look on your backside” or words to that effect.

b) On an unknown date in 2022, said to Colleague A and other colleagues, “am I getting [Patient A] back because I can relate to him and have a wank alongside him?” or words to that effect.

c) On an unknown date in 2022, in the presence of Colleague A and other colleagues, made an inappropriate sexual comment regarding patients with Parkinson’s disease, or words to that effect.

2. In relation to your actions at any or all of charge 1(a) above, were sexually motivated in that you were seeking sexual gratification and/or intended to pursue a future sexual relationship with Colleague A.

3. In relation to your actions at any or all of charge 1 above, were harassing in that your behaviour was unwanted and had the purpose or effect of violating Colleague A’s dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A.

4. In or around December 2022, in relation to Colleague B:

- a) Told Colleague B to “feel here” or words to that effect, whilst indicating an area on your thigh/hip.
- b) Rubbed Colleague B’s hand on your thigh/hip without their consent.

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<sup>1</sup> Note; the charges use the US spelling. The panel used the English spelling.

5. In relation to your actions at any or all of charge 4 above, were sexually motivated in that you were seeking sexual gratification and/or intended to pursue a future sexual relationship with Colleague B.

6. In relation to your actions at any or all of charge 4 above, were harassing in that it was unwanted and had the purpose or effect of violating Colleague B's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague B.

7. In relation to Colleague G:

a) On an unknown date in 2022, showed Colleague G a sexual video on your mobile phone.

b) In or around December 2022, contacted Colleague G on their personal phone stating that Colleague G's colleagues were "talking negatively" about Colleague G or words to that effect.

8. In relation to your actions at charge 7(a) above, were sexually motivated in that you were seeking sexual gratification and/or intended to pursue a future sexual relationship Colleague G.

9. In relation to your actions at any or all of charge 7 above, were harassing in that it was unwanted and had the purpose or effect of violating Colleague G's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague G.

10. In or around December 2022: a) Brought a knife into your workplace. b) Did not remove the knife from your workplace after being asked to do so by Colleague B.

11. In relation to your actions at any or all of charge 10 above, were harassing in that it was unwanted and had the purpose or effect of creating an

intimidating, hostile, degrading, humiliating or offensive environment in the workplace.

12. In or around December 2022, sent a text message to Colleague F which read: “keep in touch cause if you don’t I will hang about the library” or words to that effect.

13. In relation to your actions at any or all of charge 12 above, were harassing in that it was unwanted and had the purpose or effect of violating Colleague F’s dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague F

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

### **Decision and reasons on application to amend the charge**

The panel heard an application made by Ms Hussain, on behalf of the NMC, to amend the wording of charge number 8.

The proposed amendment was submitted by Ms Hussain to provide clarity and more accurately reflect the evidence.

‘That you, a registered nurse:

1. In relation to Colleague A:

a) In or around December 2022;

i) said to Colleague A, “do you want to feel my hematoma” or words to that effect;

ii) placed Colleague A’s hands on your upper thigh or hip without their consent;

iii) said to Colleague A, “I like the way your trousers look on your backside” or words to that effect.

b) On an unknown date in 2022, said to Colleague A and other colleagues, “am I getting [Patient A] back because I can relate to him and have a wank alongside him?” or words to that effect.

c) On an unknown date in 2022, in the presence of Colleague A and other colleagues, made an inappropriate sexual comment regarding patients with Parkinson’s disease, or words to that effect.

2. In relation to your actions at any or all of charge 1(a) above, were sexually motivated in that you were seeking sexual gratification and/or intended to pursue a future sexual relationship with Colleague A.

3. In relation to your actions at any or all of charge 1 above, were harassing in that your behaviour was unwanted and had the purpose or effect of violating Colleague A’s dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A.

4. In or around December 2022, in relation to Colleague B:

a) Told Colleague B to “feel here” or words to that effect, whilst indicating an area on your thigh/hip.

b) Rubbed Colleague B’s hand on your thigh/hip without their consent.

5. In relation to your actions at any or all of charge 4 above, were sexually motivated in that you were seeking sexual gratification and/or intended to pursue a future sexual relationship with Colleague B.

6. In relation to your actions at any or all of charge 4 above, were harassing in that it was unwanted and had the purpose or effect of violating Colleague B’s

dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague B.

7. In relation to Colleague G:

a) On an unknown date in 2022, showed Colleague G a sexual video on your mobile phone.

b) In or around December 2022, contacted Colleague G on their personal phone stating that Colleague G's colleagues were "talking negatively" about Colleague G or words to that effect.

8. In relation to your actions at charge 7(a) above, were sexually motivated in that you were seeking sexual gratification and/or intended to pursue a future sexual relationship **with** Colleague G.

9. In relation to your actions at any or all of charge 7 above, were harassing in that it was unwanted and had the purpose or effect of violating Colleague G's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague G.

10. In or around December 2022: a) Brought a knife into your workplace. b) Did not remove the knife from your workplace after being asked to do so by Colleague B.

11. In relation to your actions at any or all of charge 10 above, were harassing in that it was unwanted and had the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment in the workplace.

12. In or around December 2022, sent a text message to Colleague F which read: "keep in touch cause if you don't I will hang about the library" or words to that effect.

13. In relation to your actions at any or all of charge 12 above, were harassing in that it was unwanted and had the purpose or effect of violating Colleague F's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague F

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

The panel accepted the advice of the legal assessor and had regard to Rule 28.

The panel was of the view that such an amendment to charge 8, as applied for, was in the interest of justice. The panel was satisfied that there would be no prejudice to Mr McLaren as it did no more than correct the syntax of the charge, and no injustice would be caused to either party by the proposed amendment being allowed. It was therefore appropriate to allow the amendment, as applied for, to ensure clarity and accuracy.

### **Decision and reasons on application to admit hearsay evidence**

The panel heard an application made by Ms Hussain under Rule 31 to allow the written statement of Ms 1 into evidence. Ms 1 was not present at this hearing and was not called to give evidence.

Ms Hussain submitted that this witness speaks to part of the investigation carried out which was led by Witness 2.

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 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 panel was of the view that, although Mr McLaren had chosen not to attend this hearing, he was not aware at the time of making that decision, of this application to have this evidence adduced as hearsay. There was no adequate reason advanced by the NMC as to why this witness was not called. While Mr McLaren would not be cross examining the witness had she attended, the panel was deprived of the opportunity of discussing her evidence with her. The panel decided that application of the principles in *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 (Admin) meant that it would not be fair to allow the statement to be admitted as hearsay and so the application was refused.

The panel determined that it was a basic principle of fairness that Mr McLaren was given notice of Ms Hussain's application and given the opportunity to factor this into any defence Mr McLaren chose to present to the panel.

In these circumstances the panel refused the application.

## **Background**

The charges arose whilst Mr McLaren was employed as a registered nurse by Wishaw Community Mental Health Team (the 'Trust').

On the 17 March 2023 the NMC received a referral from the Trust in relation to Mr McLaren who has worked for Wishaw as a Band 5 Nurse, and prior to that he worked within the Bellshill Team.

The Trust raised that they had received concerns from Mr McLaren's colleagues within the Wishaw team about his behaviour towards them, and they were also informed of similar concerns from colleagues in the Bellshill team. The concerns raised regarded crossing professional boundaries with colleagues, inappropriate behaviour and behaviour that was sexually motivated.

These concerns included Mr McLaren inviting his female colleagues to touch a haematoma on his upper thigh/hip area and placing his colleagues' hands on him when they had said they did not wish to touch him. They also include making comments on female colleagues' physical appearance, making inappropriate jokes with sexual content and showing a colleague sexual content on his mobile phone.

Mr McLaren also brought a knife into work and showed it to colleagues and then stored it at work, despite, it was alleged, being asked to take it home as it made his colleagues feel uncomfortable.

McLaren resigned from his position in July 2023, but the Trust did not accept that resignation and completed an investigation and, it appears, the Trust held a disciplinary hearing in his absence, resulting in his dismissal.

### **Decision and reasons on facts**

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 Ms Hussain on behalf of the NMC.

The panel has drawn no adverse inference from the non-attendance of Mr McLaren.

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:

- Colleague A: Employed by NHS Lanarkshire,  
Band 5 Community Psychiatric  
Nurse in Bellshill Community Health  
Clinic
- Colleague B: Employed by NHS Lanarkshire,  
Band 5 Community Psychiatric  
Nurse in Bellshill Community Health  
Clinic
- Colleague F: Employed by NHS Lanarkshire,  
Forensic Services
- Colleague G: Employed by NHS Lanarkshire,  
Band 5 Community Psychiatric  
Nurse at University Hospital Wishaw
- Witness 1: Employed by NHS Lanarkshire,  
Community Psychiatric Nurse in  
Bellshill Community Health Clinic
- Witness 2: Employed by NHS Ayrshire and  
Arran as Senior Manager for  
Localities
- Witness 3: Employed by NHS Lanarkshire,  
Senior Charge Nurse in Bellshill  
Community Health Clinic

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 the NMC.

The panel noted the wording of Mr McLaren's email of 15 May 2024 in which he stated *"My poor judgment in participating in inappropriate behaviour with others is not in doubt..."*

Mr McLaren also stated that he felt it was unfair that he alone had been singled out for disciplinary action and stated that he had insight into the consequence of his actions. The panel then considered each of the disputed charges and made the following findings.

**Charge 1a) i)**

1. 'In relation to Colleague A:
  - a) In or around December 2022;
    - i) said to Colleague A, "do you want to feel my hematoma" or words to that effect;'

**This charge is found proved.**

In reaching this decision, the panel took into consideration the oral and written evidence of Colleague A. The panel had particular regard to her written evidence, adopted by her in her oral evidence in which she stated:

*'I was standing and talking to Michael about my son, who enjoyed motorcross and who had fallen off his motorbike and then Michael walked over to me and said "do you want to feel my haematoma?"'*

The panel considered this witness to be cogent, credible and reliable in that she was consistent with her written evidence during her live testimony.

The panel also had regard to Mr McLaren's written statement in which he admits saying the words stating:

*'I was genuinely looking for a clinical opinion as I was concerned about my symptoms and didn't want to take time out as I had just started.'*

**Charge 1a) ii)**

1. 'In relation to Colleague A:
  - a) In or around December 2022;
  - ii) 'placed Colleague A's hands on your upper thigh or hip without their consent;'

**This charge is found proved.**

The panel applied the same rationale as it did in Charge 1a) i).

The panel had regard to Colleague A's witness statement:

*'I said "no" and he took my hand and placed it onto his hip and buttock area, but I am unable to recall if it was the right or left side.*

*I quickly pulled my hand away and said "I told you no, I didn't want to feel that"*

The panel also had regard to Mr McLaren's written statement in which he admits saying the words stating:

*'I was genuinely looking for a clinical opinion as I was concerned about my symptoms and didn't want to take time out as I had just started.'*

The panel found this charge proved.

**Charge 1a) iii)**

1. 'In relation to Colleague A:

a) In or around December 2022;

'iii) said to Colleague A, "I like the way your trousers look on your backside" or words to that effect.'

**This charge is found proved.**

In reaching its decision, the panel took into account the written evidence of Witness 3 and the live evidence of Colleague A.

In her live evidence, Colleague A told the panel that Mr McLaren made a comment about the way her trousers looked on her and expressed that it made her feel '*shocked*' for the rest of the day. It also took into account her written statement in which she stated:

*'I was in the office and Michael was also in there, and when I exited the office and came into the corridor, I heard Michael say "I like the way they look on your backside".'*

*I completely ignored him and carried on walking out of the office, but I felt so uneasy for the rest of the day.'*

The panel also considered the written statement of Witness 3 in that he said Mr McLaren would make comments regarding '*...colleagues' appearance, weight and clothing.*'

The panel determined that on the balance of probabilities Mr McLaren did comment about Colleague A's trousers and how they looked on her. The panel therefore found this charge proved.

**Charge 1b)**

1. 'In relation to Colleague A:

b) On an unknown date in 2022, said to Colleague A and other colleagues, "am I getting [Patient A] back because I can relate to him and have a wank alongside him?" or words to that effect.'

**The panel found this charge proved.**

In reaching its decision the panel took into account the written statement of Witness 1. Her statement outlined the following:

*'I recall a conversation that Michael and I were having regarding a patient that had been held in custody and had to attend the Accident and Emergency Department.*

*Michael had said to me that the assessment on this patient would take longer than needed and that the patient needed to have a "wank".'*

The panel determined that Witness 1's evidence was also corroborated in Colleague A's written evidence which reads as follows:

*'I recall an occasion, but not the exact date, whereby I was in the office and I remember hearing Michael and some other staff members speaking about a male mental health patient who used to masturbate on the ward.*

*I then heard Michael say that he would masturbate with the patient.'*

The panel determined that the evidence was cogent, credible and corroborated by both Colleague A and Witness 1. It found that both witnesses were reliable and consistent in their account and were clear that this did happen.

The panel therefore found this charge proved.

### **Charge 1c)**

1. 'In relation to Colleague A:

*c) On an unknown date in 2022, in the presence of Colleague A and other colleagues, made an inappropriate sexual comment regarding patients with Parkinson's disease, or words to that effect.'*

**The panel found this charge proved.**

The panel took into account the written evidence of Colleague A. In her written statement she details the following:

*'I then heard Michael say that he would masturbate with the patient. I do remember thinking that his comment was highly inappropriate and that he was very bold to make such a comment in an open plan office...I also recall another occasion but not the exact date, whereby Michael made another joke in the office about residents in a care Home and made reference to choosing a lady with Parkinson's disease to masturbate him.'*

Colleague A also said in oral evidence that Mr McLaren thought he was trying to be 'funny', but she found it 'highly inappropriate'.

The panel also had regard to the live evidence of Colleague B. In live evidence, when questioned by Ms Hussain about the nature of this comment Colleague B told the panel that:

*"I think this was a joke about a patient with Parkinson's and it was a sexually inappropriate joke."*

The panel determined the live evidence of Colleague B corroborates the written evidence of Colleague A in that they are both consistent with the nature of this charge. The panel was satisfied that it is more likely than not that Mr McLaren did make the inappropriate sexual comment regarding a patient with Parkinson's disease.

The panel therefore found this charge proved.

## **Charge 2)**

*2. 'In relation to your actions at any or all of charge 1(a) above, were sexually motivated in that you were seeking sexual gratification and/or intended to pursue a future sexual relationship with Colleague A.'*

**The panel found this charge proved as to sexual gratification but not as to a possible future sexual relationship.**

Having found Charge 1a) proved, the panel determined that Mr McLaren's actions were sexually motivated and that he was seeking sexual gratification in his unprompted interaction with Colleague A even after she asked him not to do so. Subsequently, Mr McLaren indicated that he was seeking a clinical opinion as he was concerned about his symptoms. The panel found this neither plausible nor credible. Mr McLaren raised this only later and has never given any indication as to the symptoms about which he later stated he had concerns about. Given his place of work, obtaining a clinical opinion in a proper way would not have been difficult, even if he were a new member of staff.

Concerning charge 1a) i), the panel considered that there could be no other interpretation of the words spoken other than with a sexual connotation, given the location of the haematoma. It is not as if this was on a part of the body such as a shoulder or arm. It was on his hip or buttock area.

Concerning charge 1a) ii), the panel determined that the thigh is an intimate part of the body and that Colleague A did not consent to Mr McLaren placing her hand on his thigh. It determined that this conduct remains within the realms of Mr McLaren's use of inappropriate sexual language. It determined that this conduct was unacceptable and took into consideration the live evidence of Colleague B. Colleague B told the panel that she considered there to be '*sexual undertones*' to Mr McLaren's behaviour. The panel accepted this evidence.

As to charge 1 a) iii) the panel considered that the words, "*I like the way your trousers look on your backside*" or similar are self-evidently sexualised.

Having considered all the evidence, the panel accepted that no colleague had consented to this behaviour. The panel determined that on the balance of probabilities that all of Mr McLaren's conduct in Charge 1(a) was sexually motivated.

However, the panel considered there was no evidence to suggest an intent to pursue a future sexual relationship with Colleague A.

### **Charge 3)**

*3. 'In relation to your actions at any or all of charge 1 above, were harassing in that your behaviour was unwanted and had the purpose or effect of violating Colleague A's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A.'*

### **The panel found this charge proved.**

The panel took into account the witness statement and live evidence of Colleague A. In her written evidence Colleague A set out clearly that she said '*no*' to Mr McLaren, so clearly indicating that his behaviour was unwanted. The panel determined that, Mr McLaren's behaviour was unacceptable and inappropriate.

In her live evidence, Colleague A, told the panel that:

*'I was really angry and in disbelief in relation to the leggings'.*

In her witness statement, Colleague A stated:

*'I was really angry at that moment...I felt so uneasy for the rest of the day.'*

The panel determined that Colleague A was a reliable witness as her oral evidence when questioned was consistent with her written statements. There was no reason to think that she might be mistaken or had any ulterior motive for making such allegations.

The panel determined Mr McLaren's behaviour was unwanted, degrading, humiliating and offensive towards Colleague A and that his conduct made Colleague A feel uneasy. The panel therefore found this charge proved, on the balance on probabilities.

#### **Charge 4a)**

4. *'In or around December 2022, in relation to Colleague B:*

- a) *Told Colleague B to "feel here" or words to that effect, whilst indicating an area on your thigh/hip.'*

#### **The panel found this charge proved.**

The panel took into consideration the written statement of Colleague B. As with Colleague A, it determined that Colleague B was a cogent and a reliable witness. She reaffirmed her written statement in her live evidence. The panel had particular regard to her written statement in which she stated:

*'Our backs were turned to each other at this point, as we were both working on the computers and I turned my chair sideways and he said to me "feel there" to which I*

*responded “no, that’s fine”. He looked down at his thigh area when he said, so I knew he was indicating that he wished for me to feel his haematoma. All of a sudden Michael grabbed my hand and rubbed it on his haematoma... I then said to him that I “didn’t particularly want to feel that” to which he responded by laughing.’*

In her live evidence Colleague B told the panel that she felt ‘*uncomfortable*’ when Mr McLaren had placed her hand on his upper thigh or hip. She told the panel that Mr McLaren would act ‘*over familiar*’ particularly with female colleagues.

The panel on the balance of probabilities determined that Mr McLaren did tell Colleague B to ‘*feel there*’ or words to that effect whilst indicating his thigh/hip area.

The panel therefore find this charge proved.

#### **Charge 4b)**

*4. ‘In or around December 2022, in relation to Colleague B:*

*b) Rubbed Colleague B’s hand on your thigh/hip without their consent.’*

**The panel found this charge proved.**

The panel, in applying the same rationale as it did in Charge 4a, found this charge proved. It determined that Colleague B was cogent and consistent in that she affirmed the contents of her written statement within her live evidence. The panel had particular regard to her statement in which she stated:

*‘All of a sudden Michael grabbed my hand and rubbed it on his haematoma.’*

The panel considered whether there was any clinical justification for this in light of McLaren’s response. However, it had particular regard to Colleague B’s witness

statement, in which she stated: *'I didn't particularly want to feel that to which he responded to by laughing'*, the panel determined there was no such clinical justification.

The panel determined that Mr McLaren did, on the balance of probabilities, rub Colleague B's hand on his thigh/hip without her consent. The panel therefore found this charge proved.

#### **Charge 5)**

*5. 'In relation to your actions at any or all of charge 4 above, were sexually motivated in that you were seeking sexual gratification and/or intended to pursue a future sexual relationship with Colleague B.'*

**The panel found this charge proved as to sexual gratification but not as to a possible future sexual relationship.**

The panel applied the same rationale as it did in Charge 3. It determined that Mr McLaren's actions were not a one-off instance because similar conduct occurred multiple times. The panel were particularly concerned that Mr McLaren would only behave this way with his female colleagues and get them to touch this part of his body unwillingly and inappropriately. It determined that this conduct was concerning and professionally unacceptable.

Colleague B, in live evidence, when questioned by the panel, said that:

*'I believe that there was a sexual undertone to that because I was not only staff member who's hand he had grabbed, and this happened with a few of the colleagues saying no and he proceeded to do it anyway.'*

The panel accepted Colleague B's evidence as truthful and accurate.

The panel found that Mr McLaren's conduct in Charge 4 was sexually motivated in that his actions were motivated by the seeking of sexual gratification in relation to Colleague B.

The panel saw no evidence that there was any intent to pursue a future sexual relationship with Colleague B.

### **Charge 6)**

*6. 'In relation to your actions at any or all of charge 4 above, were harassing in that it was unwanted and had the purpose or effect of violating Colleague B's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague B.'*

**The panel found this charge proved.**

In reaching its decision the panel took into account the written statement of Colleague B. It determined that Mr McLaren's conduct in Charge 4 was unwanted and created a degrading, humiliating and offensive environment for Colleague B.

The panel took into account Colleague B's witness statement in which she stated:

*'[Ms 2] immediately took me out of the nurses office at this point, and asked me if I was ok and said that she had noticed that Michael had displayed other inappropriate behaviours towards me, such as the occasions whereby he had smelt my neck... Dring [Sic] this conversation we also discussed that my desk would be moved further along the office, so that Michael would no longer be sitting behind me, and this was actioned the following day and it made me feel a lot better... Following this incident, Michael's inappropriate behaviour continued, and this would usually occur in the office.'*

The panel determined that, when considered in context, this supported the evidence that Mr McLaren's behaviour towards female colleagues were not isolated incidents, but part of a pattern of behaviour.

The panel considered the decision to relocate Colleague B's desk on the following day and determined that this action reflected the seriousness of the concerns raised at the time. The panel was satisfied that such a step would not have been taken lightly within the workplace environment. In the circumstances, the panel determined that Mr McLaren's behaviour was intimidating and that it necessitated intervention by management.

The panel also considered Colleague B's oral evidence, in which she reaffirmed that Mr McLaren's behaviour made her feel *'uncomfortable'*. Taken together, the panel was satisfied that this charge is found proved.

#### **Charge 7)**

*7. 'In relation to Colleague G:*

- a) On an unknown date in 2022, showed Colleague G a sexual video on your mobile phone.'*

**The panel found this charge proved.**

The panel had regard to Colleague G's written statement in that she stated:

*'Whilst in his car, Michael pulled out his mobile phone and asked me to look at his phone because someone had sent him a video in a group chat he was part of on WhatsApp.*

*When I looked at the video, I saw two people having sex in a park'*

The panel determined that Colleague G was genuine. She reaffirmed her assertion in her live evidence. Colleague G confirmed to the panel in live evidence that the video that she was shown by Mr McLaren contained sexual content. There was no reason to consider that she was mistaken and there was no reason for her to fabricate such an allegation.

The panel therefore found this charge proved.

### **Charge 7b)**

*'7. In relation to Colleague G:*

*b) In or around December 2022, contacted Colleague G on their personal phone stating that Colleague G's colleagues were "talking negatively" about Colleague G or words to that effect.'*

The panel took into account Colleague G's written evidence. The panel had particular regard to the following:

*'I answered the phone and he said to me that some of our colleagues were talking negatively about me, and he did mention specific names of some colleagues, but I am unable to recall these names.'*

The panel determined that on a factual basis it found this charge proved. It determined that Colleague G was reliable and consistent in her account. The panel therefore found this charge proved.

### **Charge 8)**

*8. 'In relation to your actions at charge 7(a) above, were sexually motivated in that you were seeking sexual gratification and/or intended to pursue a future sexual relationship Colleague G.'*

**The panel found this charge proved as to sexual gratification but not as to a possible future sexual relationship.**

In reaching its decision, the panel relied on the written evidence of Colleague G she stated:

*'I felt very uncomfortable at that moment, and I could not understand why he was showing such an inappropriate video to me, because I did not prompt him to do so and we were not discussing anything relating to sexual content.'*

In the absence of any other explanation for Mr McLaren's conduct as described in Charge 7 the panel determined that his actions were sexually motivated.

The panel determined that there is no circumstance in which a registered nurse should, uninvited, present a video of a sexual nature to a colleague.

The panel received no evidence that could indicate Mr McLaren intended to form a sexual relationship with Colleague G. However, it determined that this was another example of unprofessional and inappropriate sexualised behaviour towards female colleagues presented by him.

The panel therefore found this charge proved.

### **Charge 9)**

*9. 'In relation to your actions at any or all of charge 7 above, were harassing in that it was unwanted and had the purpose or effect of violating Colleague G 's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague G.'*

**The panel found this charge proved.**

The panel determined that Mr McLaren's actions were highly inappropriate. The panel carefully considered Colleague G's role at the time of these events. Colleague G was a student nurse.

The panel determined that there was a clear power dynamic imbalance between Mr McLaren and Colleague G. The panel found that Mr McLaren's actions could have been very intimidating given his 25 years of experience compared with the circumstances of a student nurse.

Colleague G, in live evidence stated:

*'I just remembered being quite shocked...I didn't know what to say...I felt like it was very inappropriate. I felt very uncomfortable. I just allowed him to play it until it was finished and then I tried to kind of move past it and just as if it hadn't happened, I just tried to forget it.'*

The panel also considered Colleague G's written statement in which she stated:

*'There were a few occasions, the exact dates I am unable to remember, whereby Michael would refer to me as his "work wife" which made me feel very uncomfortable. I found the comment very inappropriate, as I viewed this term to mean a close, platonic relationship with a coworker that's similar to a marriage and the relationship between Michael and I was not like that.'*

The panel determined that, whilst these comments did not fall within the scope of Charge 7, they were relevant contextual evidence which contributed to the workplace environment created by Mr McLaren.

The panel determined that Mr McLaren's behaviour was intimidating and that his actions made Colleague G feel uncomfortable to the extent charged.

It therefore found this charge proved.

**Charge 10)**

*10. 'In or around December 2022:*

*a) Brought a knife into your workplace*

*b) Did not remove the knife from your workplace after being asked to do so by Colleague B'*

**The panel found this charge proved.**

In reaching its decision, the panel had particular regard to the evidence of Witness 3 and Mr McLaren's reflective statement.

Within his statement, Mr McLaren stated that he had removed the knife when asked to do so. However, having heard from Witness 3, this witness told the panel that the knife was still in Mr McLaren's drawer when it was cleared out after he left work permanently. In live evidence Witness 3 told the panel that he saw the knife when colleagues were clearing out Mr McLaren's drawer upon his dismissal. He told the panel that Mr McLaren did not take the knife home when he was told to do so.

The panel determined that on the balance of probabilities that Witness 3's account is more reliable and consistent. It determined that Mr McLaren was untruthful in his statement and that the knife was brought to the workplace and then kept within his drawer after he was asked to remove it by Colleague B.

The panel noted that the witnesses were inconsistent about the type of knife and that some of the descriptions accorded with what was described by Mr McLaren. On the balance of probabilities, the panel accepted Mr McLaren's description of the knife. There was nothing to gainsay Mr McLaren's explanation that it was a folding knife for camping

purposes bought to the workplace by accident, which he placed in a locked drawer when asked, forgetting to remove it. As it was still there after he was dismissed it was clear to the panel that he had forgotten that it was there, for otherwise he would have taken it when he left work for the last time.

The panel noted that there is nothing to indicate that this was an illegal knife, nor that Colleague B had the authority to tell Mr McLaren to remove it from the workplace. However, the panel considered that Colleague B was shocked by this and went to speak to Witness 3 who then spoke to Mr McLaren and asked him to remove it. Mr McLaren then placed it in his locked drawer rather than the camping bag which he had bought to work that day. There is no evidence that it was seen by anyone else after being placed in his drawer at work.

The panel found this charge proved, as factually accurate, on the balance of probabilities.

### **Charge 11)**

*11. 'In relation to your actions at any or all of charge 10 above, were harassing in that it was unwanted and had the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment in the workplace.'*

### **The panel found this charge proved.**

In reaching its decision, the panel determined that bringing the knife to work was unwanted. All witnesses in their live evidence stated that the knife created unwanted tension within the work environment. The panel considered this to be an entirely reasonable response.

The panel had particular regard to Colleague A's account in which she described being '*really shocked*' and that seeing the knife was '*triggering*'. The panel determined that in doing so Mr McLaren created an intimidating, hostile, degrading, humiliating or offensive

environment in the workplace. The panel saw no evidence that this was his intention, although it was the effect of him doing so. However, bringing a knife into such a workplace is inexplicable.

The panel also had regard to Colleague B written statement in which she stated:

*'I was very shocked and I asked Michael why he was storing this knife at work.'*

The panel found both Colleague B and Colleague A to be credible and consistent in their evidence. It determined that both witnesses were reliable.

The panel therefore found this charge proved.

#### **Charge 12)**

*12. 'In or around December 2022, sent a text message to Colleague F which read: "keep in touch cause if you don't I will hang about the library" or words to that effect.'*

**The panel found this charge proved.**

In reaching its decision, it determined that Colleague F was credible in that she told the panel in her live evidence that Mr McLaren did text her to say, *'keep in touch cause if you don't I will hang about the library'*. Colleague F said in her evidence that she had deleted Mr McLaren's messages as they were unwanted.

When asked by the panel what the library was in reference to, Colleague F told the panel in her live evidence that this was the term used amongst colleagues for the smoking area.

The panel determined that on the balance of probabilities it is satisfied that it is more likely than not that Mr McLaren sent Witness Colleague F the text message as outlined within the charge.

The panel therefore found this charge proved.

### **Charge 13)**

*13. 'In relation to your actions at any or all of charge 12 above, were harassing in that it was unwanted and had the purpose or effect of violating Colleague F's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague F.'*

**The panel did not find this charge proved.**

The panel carefully considered Colleague F's live evidence in that she said she *'initially felt nothing'* and that she had *'not thought twice about it'*.

The panel also had regard to the fact that Colleague F had blocked Mr McLaren on social media but did not block his phone number. When asked during live evidence why she did not block his phone number, Colleague F told the panel that it was usual to receive messages from Mr McLaren and did not think anything of the message at the time, although she had subsequently deleted them all.

The panel also had regard to Colleague F's witness statement in that she stated:

*'...I did not feel threatened or unnerved by it...'*

The panel therefore did not find this charge proved.

**Fitness to practise**

Having reached its determination on the facts of this case, the panel then moved on to consider, whether the facts found proved amount to misconduct and, if so, whether Mr McLaren's fitness to practise is currently impaired. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's ability to practise 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, McLaren's fitness to practise is currently impaired as a result of that misconduct.

### **Submissions on misconduct**

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

Mr Webb, on behalf of the NMC, provided the panel with written submissions. Mr Webb also referred the panel to two subsequent emails from Mr McLaren received by the NMC on 10 July 2025 and 14 August 2025. These repeated Mr McLaren's determination not to participate in these proceedings in any way.

Mr Webb's written submissions, stated the following:

*'The NMC submit that the conduct of Mr McLaren ("the Registrant") specified in the charges found proved amounts to misconduct.*

*The misconduct in this case involves: Inappropriate sexual comments in relation to patients and toward colleagues; Behaviour toward colleagues that was sexually motivated and amounted to harassment. These included comments made by the Registrant but also actions, such as placing a colleague's hands on his body without their consent, showing a colleague a sexual video on his phone and bringing a knife into the workplace.*

*This conduct fell seriously short of what was expected and required of a registered nurse in the circumstances of the case and fellow practitioners would consider such actions, as found proved, to be deplorable.*

*The comments of Lord Clyde in Roylance v General Medical Council [1999] UKPC 16 provide some assistance when seeking to define misconduct:*

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

*The NMC's guidance on misconduct (reference FTP-2a) states that the NMC Code of Conduct sets out the professional standards of practice and behaviour for nurses, midwives and nursing associates, and the standards that the public tell the NMC they expect from those professionals. Nurses, midwives and nursing associates must act in line with the NMC Code. If their conduct falls short of the requirements of the Code, what they did or failed to do could amount to serious professional misconduct.'*

Mr Webb submitted that paragraphs 1,1.1,8,8.2,20,20.1,20.2,20.3,20.5 and 20.8 of The Code are engaged in this case.

He further submitted the following:

*'Although, the Code is relevant to this case and will be of assistance to the Panel, there are concerns in this case that are so serious that cannot be fully encapsulated by paragraphs of the Code, namely that:*

- 1) *Mr McLaren's actions towards colleagues were sexually motivated;*
- 2) *These actions were harassing in that they were unwanted and had the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment in the workplace.*

*Such actions clearly bring the reputation of the profession into disrepute and fall far short of the conduct and standards expected of a nurse and therefore amount to misconduct.'*

### **Submissions on impairment**

Mr Webb 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)

Mr Webb submitted that Mr McLaren's fitness to practise remains impaired. He referred the panel the NMC Guidance contained within a document titled DMA-1. He submitted the following:

*'In relation to the first limb. Misconduct of a sexual nature which amounts to harassment towards several colleagues is evidence of a deep-seated attitudinal issue. It can be inferred that Mr McLaren is liable to behave in a similar way towards others in the future and this includes the public and patients. Further,*

*bringing a knife to work and storing it there has the potential of putting colleagues and patients at risk.*

*In relation to the second limb. Mr McLaren behaved, on numerous occasions and towards a number of colleagues, in a way which is significantly below the level expected of a nurse. His behaviour, which was sexual in nature and harassing is liable to bring the nursing profession into disrepute.*

*In relation to the third limb. By making unwanted sexual comments to colleagues, making the colleagues touch him, and behaving in a harassing way, both sexually and by bringing a knife to the workplace, Mr McLaren breached fundamental tenets of the profession of prioritising people and promoting professionalism and trust.'*

Mr Webb submitted that:

*'Mr McLaren's conduct caused alarm and distress. The witness evidence has been that the Registrant's actions caused them to feel 'uncomfortable' and 'uneasy' but also caused shock and were 'triggering'.*

*There is no evidence that the conduct has been remedied. At local level, Mr McLaren provided limited insight to his actions, accepting only how his colleagues may have viewed his actions as opposed to the impact those actions had on them. In correspondence from the Registrant to the NMC, particularly the more recent email sent in July 2025, there has been little evidence of any meaningful reflection, concession or insight.*

*The Panel have found there to have been a pattern of behaviour on the part of the Registrant in relation to the charges found proved. Alongside a lack of insight into his behaviour, these factors strongly suggest a deep-seated attitudinal issue on the part of the Registrant. It cannot therefore be said that the conduct is highly unlikely to be repeated.*

*In terms of the concerns in this case being addressed, there has been no meaningful engagement from the Registrant and therefore the Panel has little evidence demonstrating remorse, insight, reflection or remediation.*

*Considering the above, the Panel is invited to conclude that there is high likelihood of repetition should Mr McLaren be allowed to continue to practise as a nurse without restriction which would place the public at risk of harm.*

*A finding of impairment is therefore necessary on public protection grounds.'*

Mr Webb also submitted that a finding of impairment is necessary on the ground of public interest. He submitted that such actions are so serious in that: *'there are types of concerns that are so serious that, even if the professional addresses the behaviour, a finding of impairment is required either to uphold proper professional standards and conduct or to maintain public confidence in the profession.'*

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Roylance v General Medical Council*, *Nandi v General Medical Council* [2004] EWHC 2317 (Admin), and *General Medical Council v Meadow* [2007] QB 462 (Admin).

## **Decision and reasons on misconduct**

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

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

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

*To achieve this, you must:*

*1.1 treat people with kindness, respect and compassion*

*1.5 respect and uphold people's human rights*

## **8 Work co-operatively**

*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*

***25 Provide leadership to make sure people's wellbeing is protected and to improve their experiences of the health and care system***

*To achieve this, you must:*

*25.2 support any staff you may be responsible for to follow the Code at all times. They must have the knowledge, skills and competence for safe practice; and understand how to raise any concerns linked to any circumstances where the Code has, or could be, broken'*

The panel appreciated that breaches of the Code do not automatically result in a finding of misconduct. However, the panel was of the view that Mr McLaren breached fundamental tenets of the profession and that his actions fell seriously short of the conduct and standards that would be expected of a registered nurse.

The panel was of the view that whilst it has identified the relevant provisions of the Code and considered their application, it determined that the concerns in this case are so serious, namely inappropriate sexual comments towards colleagues and placing a colleagues hands on his body without their consent, showing a colleague a sexual video on his phone and bringing a knife into the workplace, that it cannot be fully encapsulated by reference to specific paragraphs of the Code.

The panel determined that fellow practitioners would regard such conduct as deplorable. Such conduct brings the nursing profession into disrepute.

Accordingly, the panel decided that the matters found proved amounted to misconduct.

**Decision and reasons on impairment**

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

In coming to its decision, the panel had regard to the NMC Guidance on *'Impairment'* (Reference: DMA-1 Last Updated:28/01/2026) 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) ...’*

In applying the test as set out in *Grant*, the panel considered limbs (a) – (c) to be engaged in this case.

In respect of limb (a), the panel determined that the inappropriate sexual comments and sexual behaviour towards colleagues did not place patients at unwarranted risk of harm. It determined that there was no evidence before it that such conduct was directed towards patients or that patients were affected by this. However, the panel determined that bringing a knife into the workplace did place patients at unwarranted risk of harm. The panel carefully considered the context, noting that Mr McLaren was working within a mental health setting albeit the panel determined that bringing a knife into any clinical setting is inherently inappropriate and capable of placing patients at unwarranted risk of harm.

In respect of limb (b), the panel determined that Mr McLaren’s conduct has brought the profession into disrepute. The nature of the behaviour, including sexually inappropriate conduct towards colleagues and bringing a knife into the workplace, falls well below the

standards expected of a registered nurse and is liable to bring the profession into disrepute.

In respect of limb (c), the panel determined that Mr McLaren breached fundamental tenets of the nursing profession. His conduct created an intimidating and hostile work environment for colleagues and demonstrated a failure to uphold professional boundaries, dignity and respect. The panel was satisfied that this behaviour constituted a breach of fundamental tenets of the nursing profession.

The panel was satisfied that limbs (a) – (c) of *Grant* were potentially engaged with regard to the past.

In considering whether limbs (a) – (c) of *Grant* were engaged with regard to the future the panel began by considering insight. The panel considered that Mr McLaren has not provided any material demonstrating an understanding of how his actions affected his colleagues, nor has he produced material demonstrating an understanding of why what he did was wrong and how this impacted negatively on the reputation of the nursing profession.

The panel was particularly concerned that Mr McLaren sought to characterise his behaviour as '*humour*' and appears to attribute it to generational differences. The panel did not consider this to be indicative of any insight. The panel also considered subsequent emails from Mr McLaren to the NMC, dated 10 July 2025, in which he wrote: '*...I am happily married father of two who has no issue working with all genders in a purely professional manner. Any suggestion to the contrary is nonsense.*' The panel determined that this demonstrates that Mr McLaren lacks remorse or genuine understanding of the seriousness of his actions.

The panel considered that the misconduct in this case is capable of remediation, however it considered that there was no evidence before it of any remorse, insight, or steps taken by Mr McLaren to strengthen his practice. The panel has not had sight of any training

certificates or reflective pieces by Mr McLaren demonstrating that he reflected upon why his conduct was reprehensible, showing an understanding of its impact on others and indicating a clear change of attitude and behaviour for the future. The panel further determined that the concerns in this case present deep-seated attitudinal concerns and noted that attitudinal concerns are inherently more difficult to remediate. The panel considered that as Mr McLaren has not engaged with the NMC in relation to these proceedings, nor has he addressed the misconduct identified, it cannot be satisfied that the risk of repetition, and subsequent risk of harm, is unlikely.

The panel determined that limbs (a) – (c) of Grant were engaged with regard to the future. Accordingly, the panel therefore decided that a finding of impairment was necessary on the grounds of public protection.

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

The panel considered that the public interest was engaged as well. A registered nurse who made sexually inappropriate comments to colleagues, making colleagues touch him without their consent, and bringing a knife into the workplace was engaging in behaviour such that the public interest requires a finding of current impairment by reason of past actions. The panel concluded that public confidence in the profession would be undermined if a finding of impairment were not made in this case and therefore also found Mr McLaren's fitness to practise impaired on the grounds of public interest.

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

## **Sanction**

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Mr McLaren off the register. The effect of this order is that the NMC register will show that Mr McLaren 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: 28/01/2026) and on *'Deciding between suspension and strike off'* (SAN-3). The panel also considered the Guidance on *'High risk cases'*, SAN-4. The panel accepted the advice of the legal assessor.

### **Submissions on sanction**

Mr Webb provided the panel with written submissions and invited it to impose a striking off order.

Mr Webb submitted the following aggravating factors:

- *'Conduct the panel has described as reprehensible and amounted to a pattern of misconduct over a period of time*
- *Repeated misconduct of a sexual and harassing nature which demonstrate ongoing attitudinal concerns with the potential to put the public at risk of harm. The NMC's Guidance SAN-1 is relevant in this regard which states: "Generally, whether or not harm did happen is less important than whether the professional's actions caused a risk of harm."*
- *Lack of insight and remorse.'*

Mr Webb submitted that there are no mitigating factors in this case.

He further submitted:

*'This case is not suitable for taking no further action due to the seriousness of the concerns. Taking no action would not provide the necessary public protection nor would it maintain public confidence in the profession or be sufficient to maintain professional standards. A caution order is not appropriate in this case. The guidance suggests that a caution is appropriate for cases at the lower end of the spectrum for fitness to practice. Cases of harassment and sexual motivated misconduct toward colleagues do not fall into this category. A conditions of practice order is not appropriate due to the seriousness of the concerns in regards to the public interest and this is not a case involving identified deficient areas of Mr McLaren's practice. Mr McLaren's misconduct cannot be addressed with further support and training given its severity and repeated nature which give rise to deep-seated attitudinal concerns. A **suspension order** is also not appropriate, proportionate or sufficient in this case...McLaren's case does not relate to a single incidence of misconduct and the multiple harassment and sexually motivated concerns suggest deep seated attitudinal or personality problems. Mr McLaren has shown little insight. The pattern of misconduct has been repeated and the concerns are wide ranging and have affected several colleagues and brought the reputation of the profession into disrepute. The misconduct is fundamentally incompatible with remaining on the register.*

*Using the considerations of the NMC's sanction guidance relating to a Striking-off Order (reference SAN-2e) in an analysis of Mr McLaren's case:*

- *The charges found proved raise fundamental questions about Mr McLaren's professionalism;*
- *Public confidence in the profession could not be maintained if Mr McLaren were not removed from the Register;*
- *Given Mr McLaren's correspondence with the NMC including about his current circumstances and intention not to return to practice, there is no realistic prospect in this case that, after suspension, Mr McLaren will have*

*gained insight and strengthened their practice such that the risk they pose will have reduced.*

- *Sexual misconduct is referred to within the NMC's guidance as a type of case likely to result in a striking-off order.*

*Accordingly, the NMC submit that a striking-off order is the only sanction which will be sufficient to protect patients, members of the public and maintain professional standards.*

*A striking-off order is therefore the necessary and appropriate sanction in this case.'*

## **Decision and reasons on sanction**

Having found Mr McLaren's 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 took into account the following aggravating features:

- Abuse of a position of trust
- Pattern of misconduct
- Failure to work collaboratively with colleagues
- Failure to attend the hearing or engage with these proceedings
- Lack of insight
- Lack of remorse

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

Given the seriousness of the matters found proved the panel moved swiftly through the lower sanctions possible but concluded that this would be inappropriate in view of the seriousness of the case to take no action.

The panel considered a caution order and had regard to the NMC Guidance on '*Caution order*' (Reference: SAN-2b Last Updated: 28/01/2026) 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 McLaren's actions were not at the lower end of the spectrum, and it found that there is a risk to patient and public safety. The panel therefore determined that a sanction that does not restrict Mr McLaren'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 on Mr McLaren'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: 28/01/2026). It considered that there are no relevant, proportionate, workable or measurable conditions that could be formulated to protect patients and to uphold professional standards or conditions that can address attitudinal concerns unrelated to clinical practice.

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: 28/01/2026) 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.’*

Whilst the panel acknowledged that the risks identified could be managed by Mr McLaren 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. Given Mr McLaren’s lack of engagement, limited insight, lack of remorse, together with no evidence of training and development, the panel considered that there is no realistic possibility that he would

address the concerns during a period of suspension. The panel also acknowledged that Mr McLaren has no intention to return back to practise and is working within a different capacity. While that would not preclude him from demonstrating insight and a changed attitude towards colleagues there was nothing to indicate that Mr McLaren wished to have anything further to do with the process (he had said on more than one occasion that he would not participate) and so there was no reason to think that the position would be any different at the end of a period of suspension.

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 '*Striking off* (Reference SAN-2e)' and the Guidance '*Sanctions for the highest risk cases*' (Reference SAN-4 Last Updated: 28/01/2026) relating to sexual misconduct cases. 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:

- *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 considered that as Mr McLaren has not engaged with the NMC regarding these proceedings, it could not say, with confidence, that there was a purpose to be served by imposing a suspension order with review. There was an absence of any communication demonstrating insight and reflection. As such the panel had no information upon which it could devise recommendations that might assist a future reviewing panel.

The panel determined that Mr McLaren's conduct was categorised on the NMC list of '*Highest risk cases*', as set out in the SG, and were particularly mindful that this includes cases involving sexual misconduct and an abuse of position of trust (regarding a student a nurse), which are present in this case.

The panel also considered that the SG states that '*where professionals have failed to engage with the fitness to practise process, it won't usually be appropriate to use a suspension order as a means of giving them a 'last chance' to engage, reflect or show insight.*'

The panel was of the view that since Mr McLaren's conduct falls within the Guidance relating to '*High risk cases*' and that he has failed to engage with the fitness to practise process, it would be inappropriate to allow him to remain on the NMC Register as it had no material or evidence before it to suggest he would be capable of safe practise in the future. Any order, other than a striking off, 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 only appropriate and proportionate sanction is that of a striking-off order. Having regard to the effect of Mr McLaren'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.

### **Submissions on interim order**

The panel took account of the submissions made by Mr Webb. He submitted that an interim suspension order was the only appropriate and proportionate order to protect the public and engage the public interest. Mr Webb invited the panel to impose an interim suspension order for a period of 18 months to allow time for any possible appeal.

The panel accepted the advice of the legal assessor.

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

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

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

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

This will be confirmed to Mr McLaren in writing.

That concludes this determination.