

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

**Substantive Hearing
Monday, 9 March 2026 – Tuesday, 24 March 2026**

Virtual Hearing

Name of Registrant: Alexander Robert McMurray

NMC PIN: 14B0390E

Part(s) of the register: Registered Nurse - Adult (RNA)
19 September 2014

Relevant Location: Durham

Type of case: Misconduct

Panel members: Isabelle Parasram (Chair, Lay member)
Chloe McCandlish-Boyd (Registrant member)
Sophia Clarke (Lay member)

Legal Assessor: Angus Macpherson

Hearings Coordinator: Emily Mae Christie (9 March 2026)
Eyram Anka (10 - 24 March 2026)

Nursing and Midwifery Council: Represented by Iwona Boesche, Case Presenter

Mr McMurray: Not present and unrepresented

Facts proved: Charges 1a, 1b, 2a, 2b, 2c(i), 2c(ii), 3, 4a, 5a, 5b, 5c, 6a, 6b, 7a, 7b, 7c, 8a and 8b

Facts not proved: 4b

Fitness to practise: Impaired

Sanction: **Striking-off order**

Interim order: **Interim suspension order (18 months)**

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Mr McMurray was not in attendance and that the Notice of Hearing letter had been sent to Mr McMurray's registered email address by secure email on 30 January 2026.

Ms Boesche, 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 and, amongst other things, including instructions on how to join and, amongst other things, information about Mr McMurray'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 McMurray has been served with the Notice of Hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Mr McMurray

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

Ms Boesche submitted that there had been no engagement by Mr McMurray with the NMC since June 2025, in relation to these proceedings, and, as a consequence, there was no reason to believe that an adjournment would secure his attendance on some future occasion. Ms Boesche submitted that on 13 February 2026, the mode of

hearing was communicated by an NMC listing officer to Mr McMurray. The NMC hearings coordinator also emailed Mr McMurray on 6 March 2026 which included the information that this was a virtual hearing.

The NMC Hearings Coordinator also emailed Mr McMurray's legal representative to check whether they would be in attendance, and they confirmed that they were no longer representing him. In addition, the Hearings Coordinator checked whether Mr McMurray was in attendance at 2 Stratford Place and it was confirmed that he was not in attendance.

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

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

- No application for an adjournment has been made by Mr McMurray;
- Mr McMurray has not engaged with the NMC since June 2025, and has not responded to any of the letters sent to him about this hearing;
- Mr McMurray has also not instructed his known representative in relation to this hearing;
- Mr McMurray has not provided the NMC with details of how he may be contacted other than his registered email address;
- There is no reason to suppose that adjourning would secure his attendance at some future date;
- Two witnesses are due to attend today to give oral evidence, and others are due to attend over the following days;
- Not proceeding may inconvenience the witnesses, their employer(s) and, for those involved in clinical practice, the clients who need their professional services;

- The charges relate to events that occurred in 2019 and 2020;
- Further delay may have an adverse effect on the ability of witnesses to accurately recall events; and
- There is a strong public interest in the expeditious disposal of the case.

The panel noted that there is some disadvantage to Mr McMurray in proceeding in his absence. Although the evidence upon which the NMC relies 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. It also had Mr McMurray's responses to the allegations, both at local level and in the Case Management Form. In any event, the limited disadvantage is the consequence of Mr McMurray's decisions to absent himself from the hearing, waive his rights to attend, and/or be represented, and to 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 McMurray. The panel will draw no adverse inference from Mr McMurray's absence in its findings of fact.

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

Ms Boesche made an application for this case to be held partly in private on the basis that parts of Mr McMurray's case involve matters related to his personal life. She submitted that there may also be matters raised regarding the private life of witnesses. Therefore, Ms Boesche submitted that, as and when such matters arise, the panel should consider going into private in order to protect their privacy. This application was made pursuant to Rule 19.

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 accepted the advice of the legal assessor.

The panel determined to go into private session as and when such matters involving Mr McMurray's private life arose, and when personal matters relating to witnesses should arise in order to protect their privacy.

Details of charge

That you, a Registered nurse:

- 1) On 7 November 2019 you shouted and/or said the following comments to Colleague A
 - a) "It was time you should retire" or words to that effect;
 - b) "You should retire properly because you're no use to anyone" or words to that effect.

- 2) Your conduct in any or all of Charge 1 amounted to harassment of Colleague A in that:
 - a) It was unwanted.
 - b) It related to Colleague A's age.
 - c) It had the purpose or effect of:
 - i) Violating Colleague A's dignity, and/or
 - ii) Creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A.

3. On unknown dates before 1 March 2020, on one or more occasions called Colleague B fat or words to that effect, and/or referred to her weight.

4. Your comments as set out in Charge 3 were:
 - a) Bullying, undermining, humiliating and/or offensive to Colleague B
 - b) Intended to bully, undermine, humiliate, or offend Colleague B

5. On 29 March 2020, shouted and/or said the following comments to Colleague C:
 - a) “go take your face for a shit” or words to that effect;
 - b) “shit rolls down the hill” or words to that effect;
 - c) “I’m a band 6, you are a band 2, you should do what I tell you” or words to that effect.

6. Your comments as set out in Charge 5 were:
 - a) Bullying, undermining, humiliating and/or offensive to Colleague C;
 - b) Intended to bully, undermine, humiliate, or offend Colleague C

7. On 25 April 2020, shouted and/or said to Colleagues D and/or E
 - a) that they were “fucking useless” or words to that effect;
 - b) in an aggressive manner that you were “in charge” or words to that effect;
 - c) called Colleague D a “clown”.

8. Your comments as set out in Charge 7 were:
 - a) Bullying, undermining, humiliating and/or offensive to Colleagues D and/or E;
 - b) Intended to bully, undermine, humiliate, or offend Colleagues D and/or E.

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

Background

On 7 May 2021, the NMC received a referral from the County Durham and Darlington NHS Foundation Trust (‘the Trust’), regarding Mr McMurray, a Band 6

registered nurse. Mr McMurray had worked for the Trust at Hospital A as a Band 6 Theatre Nurse since April 2018.

In its referral, the Trust alleged that Mr McMurray had displayed offensive behaviour to colleagues within the Theatres Department at Hospital A between November 2019 and April 2020. Allegedly, Mr McMurray had made inappropriate and sexist comments and had sworn when communicating with staff. It was further alleged that Mr McMurray's mood would fluctuate and he could be aggressive. [PRIVATE].

A disciplinary hearing was held on 14 December 2020, where Mr McMurray was dismissed from the Trust.

Decision and reasons on application to admit hearsay evidence of Ms 1

The panel heard an application made by Ms Boesche under Rule 31 to admit the witness statements of Ms 1 as hearsay evidence.

Ms Boesche submitted that the statement of Ms 1 is directly relevant to charge 5. She referred the panel to an email from Ms 1, dated 19 December 2024, in which Ms 1 stated, *'I did speak to the previous lady dealing with this and told her that I didn't want to be involved due to personal issues.'*

Ms Boesche referred the panel to the case of *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 (Admin).

Ms Boesche submitted that the statement of Ms 1 is not the sole or decisive evidence of charge 5; it is supported by the evidence of Colleague C and Colleague E, who will be giving live evidence before the panel. She submitted that there is no suggestion or any evidence that Ms 1 would have fabricated the allegations within her statement. Ms Boesche submitted that the NMC took reasonable steps to secure her attendance as evidenced in the hearsay bundle before the panel. She submitted that Mr McMurray was also informed of this application being made on 25 February 2026, and he has not responded.

Ms Boesche submitted that the statement of Ms 1 is signed and there would be no prejudice or unfairness by the non-attendance of Ms 1.

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

The panel determined that the statement of Ms 1 is relevant and is not the sole or decisive evidence in support of charge 5. It took into account that it would be hearing oral evidence from Colleagues C and E, who also speak to this charge, and corroborate Ms 1's statement.

The panel took into account that Mr McMurray was sent notice of this hearsay application on 25 February 2026 and did not make a response. Although Mr McMurray has neither accepted nor denied charge 5, as noted on his case management form, the panel has already determined that he has voluntarily chosen to absent himself from these proceedings; therefore, he would not be in a position to cross-examine this witness in any case. The panel was mindful that the charge is serious and if found proved could have a significant impact on Mr McMurray's career.

The panel went on to consider the reason for Ms 1's non-attendance at the hearing and the NMC's attempts to secure her as a witness. The panel noted that whilst the reason for Ms 1's non-attendance was not very strong or well evidenced, the case of *Thorneycroft* suggests that the absence of a good reason does not automatically result in the exclusion of the evidence. The panel was of the view that the NMC made sufficient attempts to secure Ms 1 as a witness in this case, as she has responded each time the NMC approached her; however, it was due to personal reasons that she did not wish to attend as a witness. Ms 1 is not an NMC registrant and therefore does not have a professional obligation to engage in NMC proceedings.

The panel then considered whether Ms 1 had any reason to fabricate her evidence. The panel noted Mr McMurray's defence as set out in the case management form,

specifically where he mentioned that he was provoked. However, the panel was of the view that there was nothing to suggest Ms 1 had fabricated her evidence.

In all the circumstances, the panel was of the view that it was fair and relevant to admit Ms 1's statement into evidence as hearsay but would give it the weight it deemed appropriate once the panel had heard and evaluated all the evidence before it.

Decision and reasons on whether to admit the hearsay evidence of Mr McMurray

Upon the close of the NMC's case, the issue arose as to whether the panel should admit the hearsay evidence of Mr McMurray contained in the exhibit bundle. This comprised:

- Mr McMurray's local statement dated 5 May 2020
- Notes of his investigatory interview dated 2 July 2020
- Notes of his disciplinary hearing (redacted) dated 14 December 2020
- The Case Management Form (CMF)

No objection was raised by Ms Boesche.

The legal assessor referred to his advice on admitting hearsay evidence previously given.

The panel determined that the documentation was relevant and that it would be fair to admit it. Accordingly, it determined to do so.

Decision and reasons on facts

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:

- Witness 1: Registered nurse, and Band 7 Theatre Manager at Hospital B at the material time
- Witness 2: Colleague A, a registered nurse and Scrub Nurse at Hospital A, at the material time
- Witness 3: Colleague D, a Band 6 registered nurse at Hospital A, at the material time
- Witness 4: Colleague E, a Band 6 Sister in the Theatres Department at Hospital A, at the material time
- Witness 5: Colleague C, a Healthcare Assistant at Hospital A, at the material time
- Witness 6: Anaesthetic/Recovery Practitioner at Hospital A, at the material time

- Witness 7: Colleague B, a Healthcare Assistant at Hospital A, at the material time

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

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.

In the course of the panel's deliberations on the facts, the NMC disclosed the Registrant's Response Bundle. This included 2 letters from the solicitors whom Mr McMurray had originally instructed, dated 22 July 2021 and 17 November 2023 representing his case at that time, as well as handwritten responses made by Mr McMurray to the regulatory concerns raised by the NMC in this case. The case thereby presented to the panel was more detailed and specific than the material which the NMC had originally included in its exhibit bundle. The panel had already indicated that it was content to admit the hearsay material from Mr McMurray which was included in the original exhibit bundle. It considered in those circumstances it should admit the material in the Registrant's Response Bundle.

The hearing was reconvened, and Ms Boesche was invited to make submissions on the further material. Having heard from her and received advice from the legal assessor, the panel deliberated in private. Returning to the hearing, the panel requested the recall of two witnesses (Witness 1 and Witness 6), from whom it then received additional evidence. Having done so, the panel then heard further submissions from Ms Boesche and further legal advice from the legal assessor. It then resumed its deliberations on the facts.

The panel had regard to Mr McMurray's position that the allegations against him have been fabricated and/or exaggerated. He suggested that these allegations arose

in the context [PRIVATE] involving his ex-partner, who also worked at the Trust, becoming known to the witnesses called by the NMC. Mr McMurray referred in particular to his ex-partner's allegations that [PRIVATE], and that she and her current partner had regularly communicated this to his colleagues at Hospital A. Both were employed at the Hospital in the Theatre and Recovery department where Mr McMurray worked at the material time. He contended that this information changed the attitude of his colleagues towards him, and in consequence he was ostracised. The panel considered this explanation and explored this issue when hearing the evidence from the witnesses. It was in that context that the panel requested the recall of the two witnesses. In particular, the panel sought to determine whether the witnesses' accounts may have been influenced by a mindset against Mr McMurray.

Having questioned the witnesses called by the NMC, the panel was satisfied that Mr McMurray's colleagues, including those who laid complaint against him, were generally aware of the allegations that Mr McMurray's ex-partner and her new partner were making either on social media or in person on a repeated basis. Most of the allegations against Mr McMurray were made in the period between March – April 2020, that is after such time as the detail of [PRIVATE] became common knowledge in the Theatre/Recovery Department of Hospital A. The panel therefore determined that the witnesses may have been influenced by a mindset against Mr McMurray. The panel took this into account when considering the charges. The panel did not consider that it undermined their evidence.

Charge 1

That you, a registered nurse,

On 7 November 2019 you shouted and/or said the following comments to Colleague A

- a) "It was time you should retire" or words to that effect
- b) "You should retire properly because you're no use to anyone" or words to that effect.

This charge is found proved.

In making its decision, the panel took into account Colleague A's grievance note dated 7 November 2019, in which she described the incident and stated:

'At this he exploded saying I was wrong and it was time I retired, when I said I had, he said well you need to go completely because you are no good to anyone!'

The panel also noted that Colleague A repeated these allegations in her investigatory interview conducted on 30 June 2020. In the interview she stated:

'Afterwards – I went to him and said "Alex why did you not do the 3 counts" he just exploded saying you are wrong and the count has already been done. He then started saying "you are too old, you should have retired", I said "I have already retired" and he said "you should not have come back", he said "you are no good and shouldn't be here".'

The panel noted that Colleague A's grievance was recorded shortly after the incident occurred. As such, the panel considered that this contemporaneous record carries significant evidential weight. The panel noted that subsequent accounts provided by Colleague A were materially consistent with the grievance note.

The panel further noted that Colleague A's account was consistent with her later NMC statement dated 20 November 2023 and with her oral evidence.

The panel also considered the corroborating evidence of Colleague E and Witness 6.

In her NMC statement dated 11 June 2025, Colleague E provided evidence supporting Colleague A's account of the incident. She stated that,

'...Alex came over to me and said: "I have just had to tell one of our members of staff that it is time to retire because they are useless and past it". He was referring to Band 5 Nurse [Colleague A].'

Similarly, Witness 6, in her NMC statement dated 4 June 2025, stated:

'He was speaking to [Colleague E]. He said [Colleague A] was old and incompetent. He also said that after [Colleague A] had retired, she shouldn't have returned.'

The panel considered the evidence of Colleague E and Witness 6 to be broadly consistent with the account provided by Colleague A. The panel therefore regarded the evidence as corroborative.

The panel then considered Mr McMurray's response to this allegation. It took into account his investigatory interview dated 2 July 2020 in which he stated:

'...she came to find me and exploded at me, I said I don't care if you have been here 50 years you stick to protocol especially if you have students. She was asking to do inappropriate counting.

...

I was ok and she exploded at me so I exploded at her, I left it at that. I stand by what I said to her, yes I was professional and I was direct.'

The panel also took into account Mr McMurray's explanation provided within his NMC Case Management Form (CMF), in which he stated:

'...she came at me in an aggressive tone saying that she was a scrub nurse of Grade 6 in the past and I have retired once and I should be treated better or something to that effect. I replied, mirroring her volume and language, and probably did say something to the effect that it was time that she should have stayed retired. While I accept, with hindsight, I should not have engaged, I responded to an aggressive tone from the individual and I was replying to

what I considered to be an inappropriate attack from her. I referenced retirement not because of her age but because she raised it.'

In his manuscript submissions relating to the NMC regulatory concerns, Mr McMurray wrote:

'The level of care that I aspire to achieve each and every working day was not affected by these incidents... This despite a Band 5 nurse first refusing to and then taking issue with a reasonable request to back scrub with a third year student.'

The panel carefully weighed Mr McMurray's account against the evidence of Colleague A and the supporting witnesses (Colleague E and Witness 6). The panel recognised that there is a complete dispute between Colleague A and Mr McMurray as to the nature of the incident. The panel preferred Colleague A's account. It was explored in evidence. It was consistent and the panel accepted that it reflected a likely scenario. Mr McMurray's alternative account was not consistent and it could not be tested in cross examination. The panel therefore finds that Mr McMurray shouted words to the effect that Colleague A should have stayed retired in the circumstances set out by Colleague A.

The panel further noted that Mr McMurray admitted charge 1(a) in his NMC Case Management Form (CMF).

For these reasons, the panel found charges 1(a) and 1(b) proved.

Charge 2

Your conduct in any or all of Charge 1 amounted to harassment of Colleague A in that:

- a) It was unwanted.
- b) It related to Colleague A's age.
- c) It had the purpose or effect of:

- i) Violating Colleague A's dignity, and/or
- ii) Creating an intimidating, hostile, degrading, humiliating or offensive environment for Colleague A.

These charges are found proved.

The panel was advised that in order to find the charge of harassment proved, it had to find each of the sub charges in charge 2 proved. So far as sub charge 2c is concerned, it could find either or both charge c(i) and charge c(ii) proved. So far as sub charge 2c(ii) is concerned, it could find each or any of the alternatives therein proved.

In making its decision, the panel had regard to Colleague A's grievance note dated 7 November 2019, in which she described the incident and stated:

'I feel as a higher band than me, he should be setting good examples to students and junior colleagues instead of abusing his authority to undermine my practice.'

The panel noted that Colleague A reiterated this sentiment in her NMC statement dated 20 November 2023, thereby demonstrating a consistent account of the incident over time.

The panel also considered that in her NMC statement, Colleague A provided further context, explaining the professional steps she had taken in relation to surgical counting procedures and the interaction that followed with Mr McMurray. She stated:

'...I asked Alex to do final count with me. This is where you count your swabs and instruments. Scrub nurses do counts all the way through the operation process. I typically do a first count that the beginning of an operation and then three additional counts to ensure that we have the same number of instruments by the end as we did at the start. I asked Alex to do a final count. He was talking to someone else so I asked him again a little louder. He came over to me and said: "You've done your final count". I said I hadn't. He then

just walked out of theatre and I had to get another colleague to do a final count with me'

The panel considered this account demonstrated that Colleague A was attempting to follow appropriate clinical procedures. It noted that, when Mr McMurray did not engage with her request, she sought the assistance of another colleague. The panel found no evidence to suggest that when Colleague A approached Mr McMurray afterwards to discuss her request for a further count, this would have provoked or justified his response.

In the panel's judgement, the comments in charge 1 are not comments that an individual would reasonably expect or invite in any circumstances. The panel also considered it significant that Colleague A raised a grievance shortly after the incident occurred as this supported the conclusion that the conduct was unwanted. Accordingly, the panel determined that Mr McMurray's conduct in charge 1 was unwanted. As such, the panel found the particulars of charge 2a proved.

The panel had regard Mr McMurray's explanation provided within his NMC Case Management Form (CMF), in which he stated:

'...she came at me in an aggressive tone saying that she was a scrub nurse of Grade 6 in the past and I have retired once and I should be treated better or something to that effect. I replied, mirroring her volume and language, and probably did say something to the effect that it was time that she should have stayed retired. While I accept, with hindsight, I should not have engaged, I responded to an aggressive tone from the individual and I was replying to what I considered to be an inappropriate attack from her. I referenced retirement not because of her age but because she raised it.'

While Mr McMurray suggested that his reference to retirement arose only because Colleague A had raised the subject, the panel noted that he accepted that he may have made the comments suggesting that she should have remained retired. The panel did not accept Mr McMurray's contention that the reference to retirement was

unrelated to age. It concluded that the context and wording of the comments would reasonably be understood to relate to Colleague A's age.

In the panel's judgment, retirement is likely to be linked with age, and therefore a comment suggesting a colleague should retire carries an inherent implication regarding that individual's age.

Accordingly, the panel determined that Mr McMurray's conduct in charge 1 was related to Colleague A's age. As such, the panel found the particulars of charge 2b proved.

The panel had regard to Colleague A's grievance note dated 7 November 2019, in which she described the incident and stated:

'This incident has lead(sic) me to question my capability which has created a lack of confidence, so much so that I have started looking at other jobs, due to this person. I feel as a higher band than me, he should be setting good examples to students and junior colleagues instead of abusing his authority to undermine my practice.'

The panel noted that Colleague A reiterated this position in her NMC statement and during her oral evidence, where she explained that Mr McMurray's comments made her feel "horrible".

The panel considered that the evidence suggests that Mr McMurray's comments had an emotional impact on Colleague A as she reported considering seeking alternative employment following the incident.

The panel took into account the evidence indicating that following the interaction with Colleague A, Mr McMurray spoke to Colleague E about the incident. In her NMC statement dated 11 June 2025, Colleague E described the subsequent conversation, as follows:

'...Alex came over to me and said: "I have just had to tell one of our members of staff that it is time to retire because they are useless and past it". He was referring to Band 5 Nurse [Colleague A]. There were patients in the room but Alex didn't say this loudly. He leant over to say it to me. I don't believe anyone else would have heard him say it. I told him I didn't agree with him at all because [Colleague A] was one of the most experienced trauma and orthopaedic nurses we had, and still have, in the department.

...

When I told Alex I didn't agree and outlined her skill level, he replied something along the lines of: "I'm sorry you're wrong". I told him: "I'm telling you, I'm right". During our exchange, Band 5 Anaesthetics Nurse [Witness 6] had approached the desk and, once she got to around a foot away, overheard our conversation. She said to Alex: "That's my friend you're talking about".'

The panel then considered Mr McMurray's explanation provided within his NMC Case Management Form (CMF), in which he stated:

'...she came at me in an aggressive tone saying that she was a scrub nurse of Grade 6 in the past and I have retired once and I should be treated better or something to that effect. I replied, mirroring her volume and language, and probably did say something to the effect that it was time that she should have stayed retired. While I accept, with hindsight, I should not have engaged, I responded to an aggressive tone from the individual and I was replying to what I considered to be an inappropriate attack from her. I referenced retirement not because of her age but because she raised it.'

The panel did not accept Mr McMurray's explanation. It found that Mr McMurray's accounts were inconsistent with each other as set out in the panel's determination in relation to charge 1. It was also inconsistent with the account of Colleague A. It was not supported by the contemporaneous evidence.

The panel carefully considered whether there was any material in the registrant's response bundle which specifically addressed the matters alleged in charge 2c. It concluded that there was not.

In the panel's judgement, the conduct described involved Mr McMurray raising his voice and making comments to Colleague A in a public work setting. The panel determined that Mr McMurray's conduct at charge 1 had the purpose of violating Colleague A's dignity. As such, the panel found the particulars of charge 2(c)(i) proved.

The panel also had regard to the evidence that following the incident, Mr McMurray repeated his assertion that Colleague A should retire to Colleague E and this was overheard by Witness 6. In the panel's view, the fact that the comments were made at all and on top of that, made in a public professional environment would reasonably heighten their impact on Colleague A.

Having considered the evidence in its entirety, the panel was satisfied that Mr McMurray's conduct in charge 1 went beyond a simple workplace disagreement. In the panel's judgement, the nature of the remarks, the context in which they were made and the fact that they were subsequently repeated to other colleagues contributed to purposefully creating an intimidating, hostile, degrading, humiliating and offensive environment.

Accordingly, the panel found the particulars of charge 2c(ii) proved.

By reason that the particulars of charges 2(a), 2(b), 2(c)(i) and 2(c)(ii) have all been found proved, the panel finds that Mr McMurray's conduct as found proved in charge 1 amounted to harassment of Colleague A. Charge 2 is therefore found proved.

Charge 3

On unknown dates before 1 March 2020, on one or more occasions called Colleague B fat or words to that effect, and/or referred to her weight.

This charge is found proved.

In making its decision, the panel had regard to a note signed by Mr McMurray summarising a discussion between himself and Witness 1 dated 2 March 2020. This discussion followed an informal complaint made by Colleague B. The discussion related to comments made by Mr McMurray about Colleague B's weight. The note recorded that Mr McMurray did not deny making comments referring to Colleague B's weight and describing her as *'being fat'* or words to that effect. However, it also recorded Mr McMurray's position that Colleague B had first referred her own weight.

The panel considered that Witness 1 repeated this account in his investigatory interview dated 10 June 2020.

The panel had regard to Colleague B's oral evidence. She told the panel that she was not the one who mentioned her weight first. She described how Mr McMurray's comments initially began as *"snarky"* remarks but progressed further. Colleague B recalled a specific occasion when she was eating in the break room and Mr McMurray came in and made a remark to the effect of *"should you be eating that?"*. She explained that she *"tried to laugh it off"* at the time because he was senior to her in the workplace.

The panel determined that Colleague B's evidence suggests that references to her weight were not isolated comments but rather habitual. Colleague B explained that Mr McMurray's comments did not stop and persisted during the time they worked together.

The panel also had regard to Witness 6's investigatory interview dated 30 June 2020, in which she stated:

'[Colleague B] is my [PRIVATE] and she has spoken to me about Alex referring to her put on weight, she phoned me in tears.'

Witness 6 confirmed this account during her oral evidence and described how Colleague B had telephoned her crying, stating that Mr McMurray was *"picking on her"* and *"fat-shaming her"*.

The panel noted that there was no evidence adduced by the NMC supporting Colleague B's assertion that the remarks which Mr McMurray made were in front of other members of staff on numerous occasions.

The panel then considered Mr McMurray's response to this allegation in his investigatory interview dated 2 July 2020. He stated:

'I was in the conversation and mentioned about her weight and I said so you are now fat. I didn't do anything, it wasn't meant as offensive, any other time she would have given me double barrels...'

The panel also took into account Mr McMurray's response to this charge in his NMC CMF, where he stated:

'I did not say anything, I only chuckled at something said in banter. I was aghast at the time. From my recollection, I did not speak to the woman and I do not have any memory of her size or weight. I cannot even picture her. From recollection, I did not think that the person was fat when the banter was made, it is not a comment I would or did make.'

The panel noted that there was no new information concerning this charge from Mr McMurray in the Registrant's Response bundle.

The panel considered that Mr McMurray's account is inconsistent with the signed contemporaneous discussion note dated 2 March 2020, which recorded his acknowledgment that he made a comment about Colleague B's weight, albeit suggesting that it was in response to her referencing her own weight.

For these reasons, the panel determined that it is more likely than not that on unknown dates before 1 March 2020, on one or more occasions Mr McMurray called Colleague B fat or words to that effect, and/or referred to her weight. The panel therefore found charge 3 proved.

Charge 4a

Your comments as set out in Charge 3 were:

- a) Bullying, undermining, humiliating and/or offensive to Colleague B.

This charge is found proved.

In making its decision, the panel took into account the ACAS guidance on bullying as follows:

‘Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either:

- *offensive, intimidating, malicious or insulting*
- *an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone*

Bullying might:

- *be a regular pattern of behaviour or a one-off incident*
- *happen face-to-face, on social media, in emails or calls*
- *happen at work or in other work-related situations*
- *not always be obvious or noticed by others’*

The panel had regard to Colleague B’s oral evidence, in which she described feeling “embarrassed” and “belittled” as a result of the comments made about her weight.

Colleague B elaborated further in her NMC statement dated 20 June 2025, stating:

‘Alex would fat-shame me and make jokes about me in front of other people. It was as if he was trying to make people laugh at my expense. I don’t remember what he said exactly but I remember that he made different comments and snarky remarks to me about my weight.’

The panel noted that in his witness statement, Witness 1 disclosed that he understood from speaking to Colleague B that she considered that Mr McMurray thought that he was engaging in *'banter'* with her, but that she did not take it in that manner.

The panel noted that Colleague B had raised an informal complaint regarding the matter. The panel had no evidence of any colleagues intervening on the numerous occasions when Mr McMurray made the comments, nor was there any evidence of formal or informal complaints made to management by other colleagues about these comments.

The panel had regard to Witness 6's investigatory interview dated 30 June 2020, in which she stated:

'[Colleague B] is my [PRIVATE] and she has spoken to me about Alex referring to her put on weight, she phoned me in tears.'

The panel also considered that in his investigatory interview on 10 June 2020, Witness 1 stated that *'[Colleague B] has a complex about her weight'*. The panel interpreted this as indicating that other colleagues may have been aware that Colleague B was particularly sensitive about her weight. The panel determined that this supports Colleague B's evidence that she had not herself initiated the discussion about her weight.

The panel considered Mr McMurray's account but noted that whilst he initially admitted to making the comments in charge 3, he later denied having made those comments in his NMC CMF. The panel concluded that Mr McMurray's explanation was inconsistent and therefore unhelpful.

Having considered the evidence as a whole, the panel took into account several contextual factors. These included Mr McMurray's professional seniority relative to Colleague B, the repeated nature of the comments, and the fact that the remarks were made when Colleague B was at work.

The panel determined that the evidence demonstrates that Mr McMurray's comments had a direct emotional impact on Colleague B. As a result of those comments, she eventually made complaint to Witness 1, she was in tears when discussing them with Witness 6 and she was reluctant to return to the workplace when Mr McMurray was there. The panel therefore reached the conclusion that Mr McMurray's comments to Colleague B found proved in charge 3, regardless of his intention, were humiliating and offensive to her.

The panel was not satisfied that they were made in the presence of anybody else; there is no evidence that Colleague B felt inadequate in her work, and she tolerated them for a considerable period of time. She also appears to have understood that Mr McMurray thought he was engaging in '*banter*' when he was making them. The panel therefore reached the conclusion that Mr McMurray's comments to Colleague B found proved in charge 3 were not bullying and undermining to Colleague B.

Accordingly, the panel concluded that Mr McMurray's comments as set out in charge 3 were humiliating and offensive to Colleague B. The panel therefore found charge 4a proved to that extent.

Charge 4b

Your comments as set out in Charge 3 were:

- b) Intended to bully, undermine, humiliate, or offend Colleague B.

This charge is found not proved.

The panel heard and accepted advice from the legal assessor that the word '*intended*' implies a degree of forethought that the comments uttered would bully, undermine, humiliate or offend Colleague B. Ms Boesche broadly accepted that, that reflected the proper meaning and observed that the forethought could be '*in the moment*'.

In reaching its decision, the panel relied on the evidence set out in charge 4a.

The panel considered whether by making the comments, Mr McMurray intended to humiliate and offend Colleague B. The panel recognised that the mere use of the words to which charge 3 refers does not necessarily denote an intention to humiliate or offend, it considered that context and circumstances should be taken into account.

The panel's task in relation to charge 4b is to discern the motivation for why Mr McMurray uttered the comments in charge 3. The circumstances in which he did so are outlined in the panel's determination in charges 3 and 4a. The panel noted Colleague B's witness statement 20 June 2025 in which she said,

'I can't say why Alex did what he did to me – maybe it was because I was young, or didn't say anything back, or maybe he was trying to bully me. I don't know.'

However, the panel again noted Colleague B's understanding of Mr McMurray's motivation as relayed to Witness 1 in his interview with her on 27 February 2020. The panel considered that her understanding then expressed is likely to be the most accurate. Further, the panel reviewed the evidence relating to charge 3. It did not find that there was sufficient evidence which pointed to Mr McMurray deliberately intending to humiliate or offend Colleague B. In those circumstances the panel has concluded that the NMC has not provided sufficient information to enable it to conclude that Mr McMurray had an intention to humiliate or offend Colleague B when uttering those comments. That finding should not be interpreted as meaning that Mr McMurray was entitled in any way to address Colleague B in the way the panel has found proved in charge 3.

Taking all this into account, the panel concluded that there was insufficient evidence to demonstrate the necessary intention. Accordingly, charge 4(b) is found not proved.

Charge 5

On 29 March 2020, shouted and/or said the following comments to Colleague C

- a) “go take your face for a shit” or words to that effect;
- b) “shit rolls down the hill” or words to that effect;
- c) “I’m a band 6, you are a band 2, you should do what I tell you” or words to that effect.

These charges are found proved.

In making its decision, the panel took into account Colleague C’s NMC statement dated 7 January 2024 in which she described this incident.

Colleague C stated:

‘Our interaction then escalated with Alex shouting: “You need to remember that I’m a Band 6 and you’re a Band 2 so what I tell you, you do!” At this point, he was shouting and panting at me. I raised my voice to try and explain that [Ms 2] had told me to do her task. He then shouted: “Shit rolls down the hill and don’t you forget it”. I took this to mean that he had authority over me because he was a Band 6 and I was a Band 2.

...

He shouted: “Fuck off – go take your fucking face for a shit”. He was very loud and aggressive when saying all of this.’

The panel noted this account was consistent with Colleague C’s local statement and her oral evidence.

The panel also considered the corroborating evidence. In particular, Colleague E’s file note describing the incident, together with her investigatory interview on 28 May 2020 which was consistent with Colleague C’s account.

Ms 1 also described this incident in her local statement. It reads as follows:

'The tone of Alex's voice changed when he started to tell [Colleague C] that" He was her boss and she had to listen to him"

[Colleague C] tried to tell him that the reason she had not done the job he had asked her to do a few days prior was because [Ms 2] (theatre manager) had asked he to do something el.se. Alex replied "I don't fucking care, If I ask you to do something you do it " He also added "Shit rolls downhill mate and you're at the fucking bottom" His whole manner was aggressive and very rude. His voice was loud and intimidating, up to this point [Colleague C] had remained calm but when he told her to "Take her face for a shit" she then replied "Fuck off. Alex did not like this so once again said "Remember who your boss is"

The panel took account of Colleague C's evidence that Mr McMurray raised his voice and was shouting at her and noted that this account was supported by the evidence of Colleague E and Ms 1.

The panel also had regard to a contemporaneous file note signed and dated 6 April 2020, which summarised a discussion between Mr McMurray and Witness 1 regarding the incident. As recorded by this note, Mr McMurray did not deny the matters alleged but added context.

When the incident was put to Mr McMurray in his investigation interview on 2 July 2020, he stated:

'I then went into the coffee room and [Colleague C] was in there, I was having a conversation with the Band 5 still and [Colleague C] said "what does he know about team playing" She was yelling at me and I said stuff back, it got heated. It was utterly inappropriate and I admit that I was wrong. I don't want to have these things happen. Up until that moment [Colleague C] thought I was the bee's knees, I was always the go to guy for her till that happened. [Colleague C] is as council estate as I am. She was swearing and shouting at

me. [Colleague E] who is best friends with my ex [Ms 3] said to stop and I didn't. On the day I apologised, I said I shouldn't have said that and it was just dismissed. [Witness 1] said [Colleague C] didn't want to work with me anymore'

The panel noted that Mr McMurray accepted that the exchange had become heated and acknowledged that he behaved inappropriately.

Mr McMurray also addressed the allegations in his NMC CMF. Although he did not make full admissions, Mr McMurray indicated that the comments set out in the charge were expressions he may have used.

In response to charge 5a, Mr McMurray stated,

'I may have said something to the effect of "Go and take your head for a shit" which was an old phrase used when I was in the Army to mean you are talking rubbish.'

In response to charge 5b, Mr McMurray stated,

'I probably used the words "shit rolls downhill", but believe related to a different occasion(sic), without the context, it is meaningless as a freestanding allegation and it needs to be seen in the context.'

In response to charge 5c, Mr McMurray stated,

'These are words that I may have used.'

The panel noted inconsistencies between Mr McMurray's own accounts of the events of 29 March 2020.

Having carefully considered the evidence, the panel was satisfied that it is more likely than not that Mr McMurray shouted the comments set out in the charges 5(a),

5(b) and 5(c) at Colleague C. The panel therefore found charges 5a, 5b and 5c proved.

Charge 6a)

Your comments as set out in Charge 5 were:

- a) Bullying, undermining, humiliating and/or offensive to Colleague C.

This charge is found proved in part.

In respect of charge 5a, the panel found that Mr McMurray's comments were humiliating and offensive. In respect of charge 5b, the panel found that Mr McMurray's comments were undermining, humiliating and offensive. In respect of charge 5c, the panel found that Mr McMurray's comments were undermining and humiliating.

In making its decision, the panel took into account its determination under charge 5 that the comments were shouted at Colleague C in the presence of other colleagues.

The panel had regard to Colleague C's NMC statement dated 7 January 2024, in which she described how the incident started and the impact the incident had on her. She stated:

'I said I'd been told to do something for [Ms 2] and had got another HCA to do what he'd asked me to do so I couldn't see what the problem was. Our interaction then escalated with Alex shouting: "You need to remember that I'm a Band 6 and you're a Band 2 so what I tell you, you do!" At this point, he was shouting and panting at me. I raised my voice to try and explain that [Ms 2] had told me to do her task. He then shouted: "Shit rolls down the hill and don't you forget it". I took this to mean that he had authority over me because he was a Band 6 and I was a Band 2. I felt shown up, small and belittled. I didn't want to be there. He made me feel very uneasy.

...

I felt like Alex shouting at me went on for a lifetime, but it was probably around 10 minutes. I was scared because I thought he might go to hit me as he looked so infuriated. He had a look in his eyes that's hard to explain. He had a glaze over his eyes that looked like pure anger. However, I didn't want to get up and walk away in case he followed me. I felt safer in a room full of people.'

The panel noted that the interaction escalated into a heated confrontation during which Mr McMurray sought to assert his seniority over Colleague C.

The panel also took into account the impact the interaction had on Colleague C at the time. In her file note, Colleague E record that:

'...[Colleague C] went to the changing rooms when I got their(sic) she was in floods of tears and inconsolable, she stated she felt like going home I calmed her down with [Ms 1].'

The panel also noted the supporting evidence from other witnesses. Ms 1 described Mr McMurray as *'aggressive and very rude'* and further stated that *'His voice was loud and intimidating...'*. Colleague C similarly described Mr McMurray as being *'in full swing abusive rant with a raised voice...'*

The panel noted that these two colleagues, Colleague E and Ms 1, felt it necessary to intervene because they perceived that the situation was escalating and that Mr McMurray's behaviour was becoming increasingly aggressive.

In the panel's judgment, as a senior member of staff, Mr McMurray ought to have been aware of the authority and influence associated with his position. He also ought to have been aware of his physicality.

Taking all these matters into account, the panel reached the following findings.

The panel found the words used by Mr McMurray, as set out in charges 5b and 5c, undermining because he referred to Colleague C's Band 2 position in order to assert his seniority over her and she felt '*shown up, small and belittled*'.

The panel found the words used by Mr McMurray as set out in charges 5a, 5b and 5c humiliating because those words left Colleague C '*...in floods of tears and inconsolable, she stated she felt like going home...*'.

The panel found the words used by Mr McMurray as set out in charges 5a and 5b offensive because they included profanities and were therefore inherently offensive especially in a workplace setting.

The panel noted that the comments in charge 5 were uttered in the heat of the moment in the context of a work-related issue which had arisen. Mr McMurray was not the only person to raise his voice or use a profanity in this escalating exchange. Therefore, although the panel finds that Mr McMurray's comments were ill-judged and inappropriate, it considers that they fell short of bullying.

For these reasons, the panel found charge 6a proved as set out above.

Charge 6b)

Your comments as set out in Charge 5 were:

- b) Intended to bully, undermine, humiliate, or offend Colleague C.

This charge is found proved in part.

In considering intention, the panel relied upon the definition set out in charge 4b.

The panel recognised that the interaction between Mr McMurray and Colleague C was not a brief exchange but escalated into a sustained verbal confrontation during which both Mr McMurray and Colleague C engaged in mutual poor behaviour. The

evidence suggests that Mr McMurray continued to assert his seniority repeatedly using the comments set out in charge 5 as a way to minimise Colleague C's position.

The panel considered the repeated shouting of profane and demeaning remarks, together with the emphasis placed on the difference in banding indicates an attempt to assert authority in a manner that was undermining. Therefore, the panel found that Mr McMurray intended to undermine Colleague C by shouting the comments set out in charges 5b and 5c.

The panel recognised that the mere use of the words to which charge 5 refers, does not necessarily denote an intention to humiliate and offend, it considered that context is relevant.

The panel considered that the relevant context was his military background. The panel accepted that in the pressure and heat of the moment, Mr McMurray employed unsavoury phraseology which he previously used when he served in the army, in order to express his disagreement with a point which Colleague C was making.

Whilst the panel accepts that this language was unacceptable in this work context, the panel was not satisfied that Mr McMurray intended to humiliate and offend Colleague C when making these comments.

Accordingly, the panel found charge 6b proved as set out above.

Charge 7

On 25 April 2020, you shouted and/or said to Colleagues D and/or E

- a) that they were "fucking useless" or words to that effect;
- b) in an aggressive manner that you were "in charge" or words to that effect;
- c) called Colleague D a "clown".

These charges are found proved.

The panel determined to consider the charges insofar as they relate to both Colleague C and Colleague D together.

In making its decision, the panel had regard to Colleague E's local statement describing this incident. She stated:

'...I came across CN Alex McMurray expressing loudly in front of the staff his opinion of the morning events. [Colleague D] was walking up the corridor and joined me. Alex said looking at [Colleague D] and I "This place was run by idiots, we were F..... useless, we have no idea how to run a place, that he should have been called in, he was in charge of that team and he makes the decisions and there is a session for trauma and we had to stick it 12-6. No only was he loud and verbally aggressive, but was acting in an agitated manner...'

The panel noted that Colleague E reiterated this during her investigatory interview, in her NMC statement and in her oral evidence before the panel.

The panel also considered the account of Colleague D as set out in her local statement. She stated:

'...Alex angrily told [Colleague E] and myself that the trauma list had always started at 12 till 6 and if we wanted to start the list earlier we should have called the trauma team in earlier. He said in an aggressive manner we were useless and were idiots for getting in the way.'

Colleague D also recalled a later interaction and stated:

'At 11:30 Alex came into the coffee room and looked me in the face and said in a loud voice 'you're a clown'...'

The panel noted that Colleague D repeated this account during her investigatory interview on 28 May 2020 and her account remained consistent with both her NMC statement and her oral evidence before the panel.

The panel noted that the evidence of both witnesses was consistent with one another.

The panel considered Mr McMurray's local statement dated 5 May 2020 in which he addressed aspects of the incident. In that statement he said:

'They began to raise their voice when I casually dismissed them out of hand by continuing to make a cup of coffee and call them a 'clown'.

The panel also had regard to Mr McMurray response to charges 7a, 7b and 7c in his NMC CMF. He stated:

'I do recall telling someone that they were a clown and was then spoken to by another colleague saying that I should not have used that word and I had said to them, "No, I should have said they were fucking useless". I did not directly call the individual fucking useless(sic). The context of this was to do with the chaos caused on the Saturday during Covid. I did not do this in an aggressive manner. I also dispute that the allegations were bullying, undermining, offensive or intended to humiliate.'

The panel noted that Mr McMurray does accept that he used the words "fucking useless" but does not accept that he directed them to anyone.

The panel did not find any further material in the Registrant's Response bundle directly relating to this charge.

The panel took account of Mr McMurray's admission to charge 7c in his CMF.

The panel concluded that the consistent evidence of two witnesses, together with Mr McMurray's own admission to charge 7c, supported the conclusion that it is more

likely than not that he shouted the remarks set out in the charge at Colleagues D and E.

Accordingly, the panel found proved charges 7a, 7b and 7c proved.

Charge 8a)

Your comments as set out in Charge 7 were:

- a) Bullying, undermining, humiliating and/or offensive to Colleagues D and/or E.

This charge is found proved in part.

In determining whether the comments made were bullying, undermining, humiliating and/or offensive to Colleague D and E, the panel considered the nature of the language used and the context in which it was delivered.

The panel's findings as to whether the comments in charge 7a and 7b were offensive to Colleagues D and E, and as to whether the comments in charge 7c were offensive to Colleague D

The panel determined that Mr McMurray's use of a profanity in charge 7a directed towards colleagues in a professional setting is inherently offensive. It therefore found charge 8a proved in that regard. It did not find that Mr McMurray's comments in charge 7b and 7c were offensive. It did not therefore find the allegation in charge 8a proved that Mr McMurray's comments in charges 7b and 7c were offensive.

The panel's findings as to whether the comments in paragraphs 7a and 7b were undermining and humiliating to Colleagues D and E

The panel noted that the remarks in charges 7a and 7b were made to two colleagues in the workplace environment in the presence of other members of staff. The panel noted that Colleague D described Mr McMurray's manner as follows:

'Alex was ranting and raving. He was very annoyed and was pacing back and forth, forward and back.'

The panel noted that in her investigatory interview dated 28 May 2020, Colleague E stated:

*'He has one of the long theatre trolleys he was barging around in an aggressive manner, shouting allsorts. He was saying we were F-ing useless ...
He was irate
I have never had to ask anyone to stand with me till that day. I asked [Mr 4] one of the Band 5 nurses as he is quite big to stay with me'*

The panel also had regard to Colleague E's NMC statement, describing how she perceived Mr McMurray during the incident. She stated:

'He was very angry and was shouting that the place was "run by idiots". He kept repeating that [Colleague D] and I were "fucking useless", that we didn't know what we were doing, and that he was in charge. He said all this very loudly for everyone in the corridor to hear.

I felt so uneasy and intimidated by Alex's behaviour that I asked Band 5 Nurse [Mr 4] to stay with me until Alex was scrubbed, when there wouldn't have been risk of him coming back over to me as he wouldn't have wanted to de scrub. I was worried that Alex might physically lash out because of how angry he was and the way he was moving the trolley. It made me feel vulnerable and scared.'

The panel noted that Mr McMurray's position in relation to this is as follows:

'I also dispute that the allegations were bullying, undermining, offensive or intended to humiliate.'

Having regard to all the evidence, the panel determined that the comments as set out in charge 7a and 7b, as they relate to Colleagues D and E, demonstrated behaviour that was undermining and humiliating.

The panel's finding as to whether the comment in paragraph 7c was undermining and humiliating to Colleague D

The panel considered the further incident to which charge 7c refers, in which Mr McMurray entered the break room and called Colleague D a “clown”. Although the panel acknowledged that the word ‘clown’ may not always be humiliating and undermining when used in isolation, it determined that, in the context of the earlier confrontation it took on a more significant meaning and was used to criticise Colleague D’s decisions at work. In those circumstances, the later comment continued the earlier confrontation and was therefore humiliating and undermining to Colleague D.

Having regard to all the evidence, the panel determined that the comments as set out in charge 7c, as they relate to Colleague D, demonstrated behaviour that was undermining, humiliating and offensive.

The panel's determination as to whether the comments in paragraphs 7a, and 7b were bullying to Colleagues D and E and whether the further comment in paragraph 7c was bullying to Colleague D

The panel considered that the words and phrases used by Mr McMurray towards Colleagues D and E in charge 7 represented a prolonged aggressive outburst because he was not consulted by his colleagues when they decided to bring a trauma list forward in time. The panel finds that Mr McMurray’s language was petulant, ill-judged and inappropriate, but it considered that it fell short of bullying.

The panel therefore finds that Mr McMurray’s comments set out in charge 7a in relation to Colleagues D and E were offensive. Further, the panel finds that Mr McMurray’s comments set out in charge 7b in relation to Colleagues D and E were undermining and humiliating. Further, the panel finds that by calling Colleague D a

“clown” in charge 7c, Mr McMurray was using undermining and humiliating language. Charge 8a is therefore proved to that extent. It is not proved in relation to the charge that Mr McMurray’s comments in charge 7 were bullying towards Colleagues D and E.

Charge 8b)

Your comments as set out in Charge 7 were:

- b) Intended to bully, undermine, humiliate, or offend Colleagues D and/or E.

This charge is found proved.

In making its decision, the panel recognised that the mere use of the words to which charge 7a refers does not necessarily denote an intention to offend, it considered that context is relevant. The panel has already determined that the language used by Mr McMurray set out in charge 7a constituted a petulant reaction to a workplace issue. It did not consider that Mr McMurray engaged in a thought process whereby he determined to deliberately offend Colleagues D and E. The panel therefore finds that Mr McMurray, by using the language set out in charge 7a, was not intending to offend Colleagues D and E.

In the panel’s judgement, asserting in an aggressive manner that he was “*in charge*” was an attempt to assert authority over colleagues in a humiliating and undermining manner, especially since the Colleagues D and E were of the same clinical banding.

The panel noted that Mr McMurray continued the interaction by later calling Colleague D a “clown”. In the panel’s view, this demonstrated that it was Mr McMurray intention to humiliate and undermine Colleague D as the conduct was not confined to a single moment of frustration but continued beyond the initial incident.

For these reasons, the panel concluded that the words used and the circumstances in which they were said, constituted a deliberate attempt by Mr McMurray to undermine and humiliate Colleagues D and E. The panel therefore finds proved that, that was his intention.

Accordingly, the panel found charge 8b proved in part.

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

Submissions on misconduct

Ms Boesche referred to the case *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.*'

Ms Boesche invited the panel to take the view that the facts found proved amount to misconduct. She referred to the terms of 'The Code: Professional standards of practice and behaviour for nurses and midwives 2015' (the Code) and identified specific and relevant sections of the Code which she submitted were breached as a result of Mr McMurray's conduct: 1.1, 8.1, 8.2, 9.3, 16.5, 20.1, 20.3, 20.5 and 20.8.

Ms Boesche submitted that the misconduct in this case is serious, as Mr McMurray's actions amounted to behaviour that was undermining, humiliating and offensive, and represented significant departures from the fundamental principles of the Code. These included prioritising people, practising effectively, preserving safety and promoting professionalism and trust. She further submitted that Mr McMurray's conduct, as set out in the charges found proved, fell significantly short of what is expected of a registered nurse.

Submissions on impairment

Ms Boesche moved on to the issue of impairment and addressed the panel on the need to have regard to protecting the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. This included reference to the case of *CHRE v NMC and Grant* [2011] EWHC 927 (Admin).

Ms Boesche took the panel through the limbs of the test set out by Dame Janet Smith in her fifth Report to the Shipman Inquiry and set out in the case of *Grant*:

Do our findings of fact in respect of the (nurse's) misconduct show that her fitness to practise is impaired in the sense that she:

- 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) ...'

Ms Boesche submitted that these limbs of the test are engaged in this case taking the panel through each of them. She submitted that limb 'd' (dishonesty) is not relevant in this case.

In respect of limb 'a', Ms Boesche submitted that Mr McMurray's actions, which were undermining, humiliating and in some cases offensive, may have affected those to whom they were directed to the extent that their ability to perform as nurses was undermined. She reminded the panel that Colleague A said that Mr McMurray caused her to question her skills and that other colleagues experienced aggression and insults when attempting to work productively. It was Ms Boesche's submissions that this may have placed patients at an unwarranted risk of harm.

In respect of limb 'b', Ms Boesche submitted that Mr McMurray's actions would shock a bystander if they understood that a nurse had humiliated, undermined and repeatedly offended his colleagues.

In respect of limb 'c', Ms Boesche submitted that, through his actions, Mr McMurray demonstrated that he cannot be trusted to practise safely and effectively without restriction. It was submitted that Mr McMurray breached the fundamental tenets of prioritising people, practising effectively, preserving safety and promoting professionalism and trust.

Ms Boesche submitted that, although Mr McMurray admitted some of the acts, he has not provided any insight into his actions and has not provided evidence of strengthened practice sufficient to satisfy the panel that his fitness to practise is not currently impaired. She submitted that, therefore, there remains a continuing risk to the public due to Mr McMurray's lack of insight and failure to undertake any relevant training and that his fitness to practice is currently impaired on public protection grounds.

In relation to the public interest, Ms Boesche referred to the case of *Grant*. She submitted that there is a public interest in making a finding of impairment in order to declare and uphold proper standards of conduct and behaviour. It was submitted that Mr McMurray's conduct engages the public interest as members of the public would be appalled to hear of a nurse who repeatedly acted in a way that was undermining, humiliating and offensive towards a number of colleagues. Ms Boesche submitted that such conduct seriously damages and undermines public confidence in the nursing profession. She therefore invited the panel to make a finding of impairment on public interest grounds.

The panel accepted the advice of the legal assessor which included reference to the NMC guidance FTP-2a ('Misconduct') and DMA-1 ('Impairment'). The legal assessor also referred to a number of relevant judgments including the case of *Roylance, Ronald Jack Cohen v General Medical Council* [2008] EWHC 581 (Admin), *Grant and Regina (on The Application of Remedy UK Ltd,) v General Medical Council* [2010] EWHC 1245 (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 McMurray's actions did fall significantly short of the standards expected of a registered nurse, and that Mr McMurray's actions amounted to a breach of the Code. Specifically:

'8 Work co-operatively

To achieve this, you must:

- 8.1 respect the skills, expertise and contributions of your colleagues, referring matters to them when appropriate*
- 8.2 maintain effective communication with colleagues'*

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

To achieve this, you must:

9.3 deal with differences of professional opinion with colleagues by discussion and informed debate, respecting their views and opinions and behaving in a professional way at all times.'

'20 Uphold the reputation of your profession at all times

To achieve this, you must:

20.1 keep to and uphold the standards and values set out in the Code

20.2 act with honesty and integrity at all times, treating people fairly and without discrimination, bullying or harassment

20.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people

20.5 treat people in a way that does not take advantage of their vulnerability or cause them upset or distress

20.8 act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to.'

The panel recognised that breaches of the Code do not automatically result in a finding of misconduct.

The panel acknowledged that Mr McMurray's behaviour did not directly impact patients. However, it considered that it had the potential to place patients at risk as it undermined the cohesiveness of the team as his behaviour was undermining, humiliating and offensive towards colleagues.

The panel found that Mr McMurray's actions in relation to charge 1 amounted to harassment in that he deliberately violated Colleague A's dignity and created an intimidating, hostile, degrading, humiliating and offensive environment for her. The panel considered that Mr McMurray's conduct towards other colleagues similarly undermined, humiliated and offended them, leading to individuals questioning their professional abilities and, in some cases, feeling unable or unwilling to work with

him. The panel determined that this breakdown in professional relationships could have an adverse impact on patient safety, given the importance of effective collaboration in clinical settings.

The panel noted that the conduct occurred on at least four occasions demonstrating a pattern of repeated behaviour involving different members of staff across varying contexts and interactions. The panel noted that these incidents took place within a relatively limited time frame. It also took into account that Mr McMurray was a Band 6 nurse and, in relation to some of the witnesses, held a position of leadership and was expected to act as a role model.

The panel acknowledged the personal circumstances Mr McMurray was experiencing at the time, as well as the workplace environment in which the incident occurred. Nevertheless, nurses are required to maintain professional standards. While such circumstances may provide some context, the panel determined that they do not sufficiently explain or diminish the seriousness of the misconduct.

Accordingly, the panel found that Mr McMurray's actions in the charges found proved fell seriously short of the conduct and standards expected of a nurse and amounted to misconduct.

Decision and reasons on impairment

The panel next went on to decide if as a result of the misconduct, Mr McMurray'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 reaching its decision, the panel had regard to the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant*. 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 found that limbs a, b and c of *Grant* are relevant and engaged in this case in relation to Mr McMurray's conduct in the past.

In the panel's judgement, Mr McMurray's conduct towards his colleagues had the potential to place patients at an unwarranted risk of harm. The panel considered that making undermining, humiliating or offensive remarks to colleagues is incompatible with working cooperatively and can adversely affect the patient care.

The panel determined that, through both his actions and the words used towards colleagues in the charges found proved, Mr McMurray brought the profession into disrepute and consequently breached the fundamental tenets of practising effectively and promoting professionalism and trust. Further, the panel noted that the incidents took place between November 2019 and April 2020, and it had regard to the nature and seriousness of the conduct on the several occasions they occurred.

In considering whether Mr McMurray poses a risk in the future, the panel had regard to the factors set out in the case of *Cohen*:

- Is the behaviour easily remediable?
- Has it already been remedied?
- Is it highly unlikely to be repeated?

The panel was satisfied that the misconduct identified in this case is capable of being remedied. It considered that appropriate steps such as engaging in relevant training, accountability to a line manager and undertaking meaningful reflective practice could address the concerns raised.

However, while the panel acknowledged that Mr McMurray appeared to comply with a request from management to cease engaging in the undermining and humiliating behaviour to which charge 3 refers, it did not consider that he has demonstrated sufficient insight into his actions, their impact or their causes. In particular, the panel was not satisfied that he had fully understood the seriousness of the concerns or taken adequate steps to remediate them.

The panel noted that Mr McMurray made some admissions in his NMC CMF and provided detailed responses to the charges. However, he sought to downplay his role, apportion blame to others and failed to fully take responsibility for his behaviour; indeed, he sought to justify it. The panel has therefore found that Mr McMurray has not demonstrated a clear understanding of how his behaviour towards colleagues may have placed patients at a risk of harm, nor how he has negatively impacted the reputation of the nursing profession. Further there was little reflection on his part, so that the panel could not conclude that he would act differently in similar circumstances in the future. Overall, the panel concluded that Mr McMurray's level of insight is limited and there is no evidence of remorse.

The panel took into account references provided by a subsequent employer, Four Seasons Healthcare Group, for whom he worked from February 2021 to what appears to be August 2023. The panel recognised that there had been no repetition of the behaviour and no further concerns raised during that time. However, in the absence of further supporting evidence, the panel was not satisfied that Mr McMurray has developed sufficient insight or undertaken adequate remediation to fully address the concerns identified in these charges.

On this basis, the panel concluded that there remains a risk of repetition. The panel therefore decided that a finding of impairment is necessary on the ground of public protection.

The panel bore in mind the overarching objectives of the NMC: to protect, promote and maintain the health, safety, and well-being of the public and patients, and to uphold and protect the wider public interest. This includes promoting and maintaining

public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel determined that a finding of impairment on public interest grounds is required. It considered that public confidence in the nursing profession would be seriously undermined if a finding of impairment were not made in this case. This is due not only to the public protection issues identified, but also to the seriousness of the charges found proved, which include conduct that was harassing, undermining, humiliating and offensive. The panel concluded that Mr McMurray's misconduct, together with the risk of repetition, necessitates a finding of impairment on public interest grounds. Such a finding is required in order to uphold proper professional standards of conduct and performance.

Having regard to all of the above, the panel was satisfied that Mr McMurray'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 McMurray off the register. The effect of this order is that the NMC register will show that Mr McMurray 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 the NMC guidance on '*The sanctions available*' (Reference: SAN-2 Last Updated: 28/01/2026).

Submissions on sanction

Ms Boesche informed the panel that in the Notice of Hearing, dated 30 January 2026, the NMC had advised Mr McMurray that it would seek the imposition of a striking-off order if it found Mr McMurray's fitness to practise currently impaired.

Ms Boesche submitted that, in relation to charge 2b concerning Colleague A's age, the panel may find this conduct discriminatory. She also referred to the panel's finding that Mr McMurray's actions in relation to charge 1 amounted to harassment, in that he deliberately violated Colleague A's dignity and created an intimidating, hostile, degrading, humiliating and offensive environment. She submitted that, when considered together with the fact that charge 2b is related to Colleague A's age, this makes the misconduct more difficult to remediate.

Ms Boesche submitted that the aggravating factors in this case are as follows:

- Multiple instances involving various colleagues
- Lack of insight and remorse

Ms Boesche submitted that the only mitigating factor in this case is that there have been no other proceedings against Mr McMurray.

Ms Boesche submitted that taking no further action or imposing a caution order would be inappropriate in this case, as the concerns identified have not been addressed. Further, she submitted that neither of those disposals would be sufficient given seriousness of the charges found proved.

Ms Boesche submitted that a conditions of practice order would not be an appropriate sanction in the circumstances. She referred the panel to the NMC guidance SAN-2c ('Conditions of practice order'), which sets out when it may be appropriate to impose such an order.

Ms Boesche submitted that, given Mr McMurray's repeated behaviour, the panel may find that there is evidence of harmful deep-seated personality or attitudinal issues. She submitted that there are no identifiable areas of Mr McMurray's clinical practice that require assessment or retraining. Ms Boesche further submitted that there has been no evidence of a general willingness to respond positively to retraining or to develop meaningful insight. It was submitted that a conditions of practice order would not adequately protect patients, and that a repetition of Mr

McMurray's misconduct would impact colleagues' ability to carry out their duties effectively.

Ms Boesche submitted that a suspension order would also not be an appropriate sanction due to Mr McMurray's lack of insight and the risk of repetition. She reminded the panel that Mr McMurray's misconduct occurred over several months on multiple occasions.

On this basis, Ms Boesche submitted that a striking-off order is the appropriate sanction. Mr McMurray's actions raise fundamental questions about his professionalism which make it inappropriate for him to remain on the NMC register. She further submitted that it was the NMC's position that public confidence in the nursing profession would not be maintained if Mr McMurray, given the charges found proved and the finding of impairment, were permitted to remain on the register.

The panel put questions to Ms Boesche about the NMC sanctions guidance (SG), specifically SAN-3 ('Deciding between suspension and strike off').

Ms Boesche submitted that there was no evidence from Mr McMurray that he has reflected meaningfully on his actions within the documents he provided. Although Mr McMurray admitted certain elements of his conduct, Ms Boesche submitted that, primarily, he offered explanations for it rather than demonstrating insight. He was thereby offering excuses for his actions. Therefore, she submitted, the balance between suspension and a striking-off order falls in favour of a striking-off order.

Ms Boesche added that Mr McMurray has not engaged in the current proceedings. When he did engage before May 2025, both in person and through solicitors, Mr McMurray had the opportunity to demonstrate insight but did not do so. However, she submitted that it is a matter for the panel whether it considers there is a possibility that Mr McMurray would engage in the future.

The panel accepted the advice of the legal assessor.

Decision and reasons on sanction

Having found Mr McMurray'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:

- Multiple instances of misconduct over a period of time
- Failure to attend this hearing
- Limited insight
- Failure to work collaboratively with colleagues

The panel also took into account the following mitigating features:

- The fact that Mr McMurray appears to have worked safely and professionally in Four Seasons Healthcare Group from February 2021 to what appears to be August 2023
- [PRIVATE]

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

The panel next 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 McMurray's actions were not at the lower end of the spectrum. In light of the seriousness of Mr McMurray's conduct and the public protection issues identified, the panel determined that a sanction that does not restrict Mr McMurray's practice 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 conditions of practice on Mr McMurray'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).

The panel considered that the charges found proved relate to Mr McMurray's conduct towards his colleagues and are not clinical in nature. The panel determined that there were no identifiable concerns in the charges found proved that could be fully addressed through retraining. It noted that there was no evidence before it to demonstrate that Mr McMurray has undertaken relevant training courses or engaged in reflective practice to address the concerns arising from his conduct. The panel did not consider that the period of Mr McMurray's subsequent employment as a nurse with Four Seasons Health Care Group and the short reference therein were sufficient to demonstrate that he has any remorse for his actions, developed insight and taken steps to remediate his conduct. The panel noted that Mr McMurray indicated in his CMF that he is not currently practising as a nurse and does not intend to return to nursing practice.

The panel determined that there is evidence that Mr McMurray has attitudinal issues. It was concerned to understand whether they were deep-seated in nature, but Mr McMurray, by his failure to engage with this regulatory process, has given the panel no opportunity to reach a conclusion that they were not. By reason that his conduct occurred on multiple occasions and was directed at colleagues of differing seniority,

the panel has reached the conclusion that Mr McMurray's attitudinal issues are deep seated.

The panel considered whether it would be possible to formulate relevant, proportionate, workable or measurable conditions that would protect patients and to uphold professional standards. Having regard to the nature and seriousness of Mr McMurray's conduct, the panel concluded that it would not be possible to formulate such conditions. The panel therefore concluded that a conditions of practice order would not be appropriate in the circumstances.

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 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 McMurray being temporarily removed from the Register, it concluded that there was no evidence that Mr McMurray would address his shortcomings over the course of a period of suspension. Further, it determined that a suspension order 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 reaching its decision, the panel considered the NMC's guidance in SAN-3 ('Deciding between suspension and strike off' – Last updated on 28 January 2026). It paid particular attention to the following paragraphs:

- *'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.'*
- *Professionals are under an obligation to cooperate with their regulator. 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 considered it unfortunate that Mr McMurray was not present at this hearing. The panel recognised that imposing a suspension order would give Mr McMurray an opportunity to engage with the proceedings, address his behaviour and

demonstrate insight. However, in the absence of evidence of sufficient insight, any meaningful recognition of the nature of his behaviour and any identifiable remediation, the panel considered that imposing a suspension order rather than a striking-off order would, in effect, amount to providing Mr McMurray a further opportunity to engage without any evidence that this would be effective.

Given Mr McMurray's lack of engagement, limited insight, lack of remorse and the absence of any relevant training or professional development, the panel considered that there is no realistic prospect that Mr McMurray would address the concerns to such an extent that he would be able to return to safe practice. The panel therefore concluded that a suspension order would not be a sufficient, appropriate or proportionate sanction.

The panel had regard to the following considerations as set out in the NMC Guidance entitled '*Striking-off order*' (Reference: SAN-2e Last Updated; 28/01/2026):

- *Do the charges found proved raise fundamental questions about their professionalism?*
- *Can public confidence in the profession be maintained if the professional is not removed from the Register?*
- *Is there any amount of insight and reflection which could keep people receiving care and members of the public safe, maintain public confidence in the profession, and uphold professional standards?*
- *Is there a realistic prospect that, after suspension, the professional will have gained insight and strengthened their practice such that the risk they pose will have reduced?*

The panel found that Mr McMurray's conduct, as set out in the charges found proved, raises fundamental questions about his professionalism. It determined that public confidence in the profession could not be maintained if he were permitted to remain on the register, given that the charges involve offensive, harassing and undermining behaviour towards several colleagues. The panel also took into account its finding of a risk of repetition.

The panel considered that Mr McMurray's actions represented significant departures from the standards expected of a registered nurse and are fundamentally incompatible with him remaining on the register. In the panel's view, the findings in this case demonstrate that Mr McMurray's conduct was serious and allowing him to continue practising would not protect the public and would undermine public confidence in the profession and in the NMC as a regulator.

In balancing all of these factors and taking into account all the evidence before it, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the effect of Mr McMurray'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 McMurray 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 McMurray's own interests until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

Submissions on interim order

Ms Boesche invited the panel to impose an 18-month interim suspension order to cover any appeal period, submitting that such a period may be required as any appeal proceedings are likely to take some time to conclude.

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 for the time that may be taken before an appeal can be heard. Not to do so would be inconsistent with the sanction imposed.

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

That concludes this determination.