Nursing and Midwifery Council
Fitness to Practise Committee

Substantive Meeting
Friday, 6 November 2026 – Monday, 9 November 2026

Virtual Meeting

Name of Registrant:	**Marvin Jay Macauba**
NMC PIN:	18J0135O
Part(s) of the register:	Registered nurse – Adult (level 1) 5 October 2018
Relevant Location:	Craigavon, Northern Ireland
Type of case:	Conviction
Panel members:	Paul Hepworth (Chair, lay member) Jim Blair (Registrant member) Michelle Providence (Lay member)
Legal Assessor:	Alice Robertson Rickard
Hearings Coordinator:	Adaobi Ibuaka
Facts proved:	Charges 1 - 4
Facts not proved:	N/A
Fitness to practise:	Impaired
Sanction:	**Striking-off order**
Interim order:	**Interim suspension order (18 months)**
Final outcome:	**FTP impaired - striking off order**

Decision and reasons on service of Notice of Meeting

The panel was informed at the start of this meeting that that the Notice of Meeting had been sent to Mr Macauba's registered email address by secure email on 30 September 2026.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided Mr Macauba details of the allegation and indicated that the substantive meeting will be held on or after 6 November 2026.

In the light of all of the information available, the panel was satisfied that Mr Macauba has been served with notice of this meeting in accordance with the requirements of Rules 11A and 34 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Request for the matter to be dealt with in private

At the outset of the meeting, the panel had regard to multiple written requests from Mr Macauba asking for the matter to be dealt with in private and to limit the details to be published.

The panel accepted the advice of the legal assessor.

The panel had regard to the NMC guidance on *'Hearings in private and in public'* (CMT-10). The panel noted that this was a substantive meeting and therefore the case would automatically be heard in private. In terms of publication the panel further noted that as the guidance in CMT-10 states, it is a matter for the NMC to decide on what matters published in due course, in accordance with its own guidance. Therefore, the panel refers this matter of privatisation of the determination back to the NMC.

Details of charge

That you, a registered nurse, were convicted on 22 May 2025 at the Crown Court at Craigavon of the following offences:

1) Defendant on 9 July 2024 being a person of 18 years or over, having previously communicated on one or more occasions, another person under 16, or who you did not reasonably believe to be over 16, attempted intentionally to meet that person and at the time of doing so you intended to do an act to or in respect of that person during or after the meeting which would involve the commission of a relevant offence contrary to Article 22 of the Sexual Offences (Northern Ireland) Order 2008 and Article 3(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983.

2) Defendant on the 9th day of July 2024, being a person aged 18 years or over, for the purpose of obtaining sexual gratification intentionally attempted to communicate with a person under 16 years, the communication being sexual or intended to encourage the said person to make a communication that was sexual, and you did not reasonably believe that X was 16 years or over contrary to Article 3(1) of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 and Article 22A of the Sexual Offences (Northern Ireland) Order 2008.

3) Defendant on the 9th day of July 2024 incited another, namely X to distribute or to show an indecent photograph of a child contrary to Common Law and Article3(1)(b) of the Protection of Children (Northern Ireland) Order 1978.

4) Defendant that you on the 9th day of July 2024 sent or gave to X a sexual image without the consent of X and without reasonably believing that the said X consents intending that X will look at the image and be caused humiliation, alarm or distress OR that the purpose of sending the message is for you to obtain sexual gratification and that you were reckless as to whether X was humiliated, alarmed or distressed. contrary to Art 72(A)(1) of the Sexual Offences (Northern Ireland) Order 2008 as amended by the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022.

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

Background

On 10 July 2024, Craigavon Area Hospital (the Trust) referred Mr Macauba to the NMC, stating that he had been charged with grooming of a minor, and possessing illegal images of a minor.

The Police Service of Northern Ireland (PSNI) advised the Trust that Mr Macauba was restricted from having unsupervised contact with anyone under the age of 16.

The Trust suspended Mr Macauba.

Mr Macauba appeared before Craigavon Crown Court and pleaded guilty to four counts on 22 May 2025. Mr Macauba was sentenced to imprisonment for 14 months on 3rd July 2025. He was also made subject to a Sexual Offences Prevention Order (SOPO), disqualified from working with children and vulnerable adults and made subject to the Sex Offenders Register notification requirements.

Decision and reasons on facts

The charges concern Mr Macauba's conviction and, having been provided with a copy of the certificate of conviction, the panel finds that the facts are found proved in accordance with Rule 31 (2) and (3). These state:

*'**31.**— (2) Where a registrant has been convicted of a criminal offence—*

(a) a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and

(b) the findings of fact upon which the conviction is based shall be admissible as proof of those facts.

(3) The only evidence which may be adduced by the registrant in rebuttal of a conviction certified or extracted in accordance with paragraph (2)(a) is evidence for the purpose of proving that she is not the person referred to in the certificate or extract.'

Fitness to practise

Having found the facts proved, the panel then considered whether Mr Macauba's fitness to practise is currently impaired by reason of his conviction. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's suitability to remain on the register unrestricted.

Representations on impairment

The NMC made no representations at the meeting however, the panel noted from its guidance documents that it was required to bear in mind the overarching objective to protect 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.

The panel accepted the advice of the legal assessor which included reference to a number of relevant judgments. These included: *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin)(*Grant)* and *R (on the application of Cohen) v General Medical Council* is [2008] EWHC 581 (Admin)(*Cohen)*.

Decision and reasons on impairment

The panel next went on to decide if as a result of the conviction, Mr Macauba'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. To justify that trust, nurses must be honest and open and act with integrity. They must make sure that their conduct at all times justifies both their patients' and the public's trust in the profession.

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

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

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's "test" 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/their fitness to practise is impaired in the sense that S/He/They:*
>
> *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 finds limbs a – c of the *Grant* test engaged. The panel finds that whilst there is no evidence before it that patients were put at risk of harm in the past, as a result of the nature of Mr Macauba's conviction (which involved predatory behaviour towards what he thought was a 14 year old child), there is a potential for harm in the future. Furthermore, the panel considered that Mr Macauba's conduct has in the past and is liable in the future to cause significant damage to the reputation of the profession. Further Mr Macauba's conviction breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute and would undermine public confidence in the profession.

The panel considered the NMC guidance on '*criminal convictions and cautions*' (FTP-2c), specifically:

> *'Sexual offences are offences which involve sexual activity or sexual motivation. They include crimes such as rape or sexual assault, any sexually motivated crimes against children including child sexual abuse or grooming, the taking or sharing of indecent images of children, and crimes that exploit others for a sexual purpose, whether in person or online.'*

The panel determined that Mr Macauba's convictions raised fundamental concerns about his ability to uphold the standards and values set out in the Code. The panel further considered that Mr Macauba's conviction was for a specified offence, of which the guidance at FTP-2c deems as particularly serious and at the higher end of the spectrum. The panel also considered that Mr Macauba is barred from working with children and is subject to a SOPO, which further aggravates the seriousness of the conviction.

With regard to Mr Macauba's insight, the panel considered that Mr Macauba had shown some remorse and made admissions to the criminal charges. The panel had regard to the sentencing remarks made by Judge McGurgan who stated that:

> *'You presented as emotionally and deeply ashamed to probation. You understood the consequences of your actions on potential victims, your life and family.'*

However, the panel considered that Mr Macauba had not made any references to the impact his actions could potentially have on others and in particular, vulnerable members of society, nor did he reflect on the impact or repercussions his actions could have on patients, colleagues, the reputation of the nursing profession and the NMC as its regulator. The panel further considered the sentencing remarks of Judge McGurgan who said that:

> *'You stated you were attracted to adult males around the same age as yourself. It is probation's view that your denial about being sexually attracted to younger males raises concerns about your ability to fully confront the risks posed by your behaviour.*
>
> *…*
>
> *While you expressed a motivation to desist from further offending, you presented to probation with limited insight into your underlying motivations and your denial of sexual interest in teenage boys may present as a barrier to engagement in offence-focused work.'*

Therefore, the panel determined that Mr Macauba's had limited insight.

The panel had no evidence before it of any efforts by Mr Macauba to remediate his actions. The panel considered that the conduct leading to the conviction was a sexually motivated crime against what he thought was a child and as such it was not capable of being easily remediated. It further considered that there was no evidence before it to show any attempt at remediation and Mr Macauba had requested that he be removed from the Register.

The panel again had regard to the sentencing remarks of Judge McGurgan who stated that: *'You are assessed as a medium likelihood of reoffending.*' The panel had regard to the case of *Cohen* and determined that it cannot be said that it is highly unlikely that the matters found proved by way of conviction, would be repeated. Rather, it was the panels view that the matters found proved by way of conviction, were likely to be repeated. Therefore, the panel decided that a finding of impairment is necessary on the grounds of public protection.

The panel bore in mind that the overarching objective of the NMC is to protect, promote and maintain the health safety and well-being of the public and patients, and to uphold/protect the wider public interest, which 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 in this case, a finding of impairment on public interest grounds was required. The panel was of the view that a well-informed member of the public would be very concerned and horrified if no finding of impairment were made in light of Mr Macauba's convictions, especially given the nature of the convictions.

Furthermore, it determined that confidence in the profession, would be diminished and standards of nursing undermined, if no finding of impairment were to be made. Therefore, the panel concluded that a finding of impairment was otherwise in the public interest in this regard.

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

The panel accepted the advice of the legal assessor.

Representations on sanction

The panel noted that in the Notice of Meeting, dated 30 September 2026, the NMC had advised Mr Macauba that it would seek the imposition of a striking-off order if it found Mr Macauba's fitness to practise currently impaired.

Mr Macauba indicated in correspondence that he wished to be removed from the Register.

Decision and reasons on sanction

Having found Mr Macauba'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 panel had regard to the NMC Guidance on *'The sanctions available'* (Reference: SAN-2 Last Updated: 28/01/2026). The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating factors:

- Lack of insight and remediation
- Premeditated behaviour
- Predatory behaviour

The panel also took into account the following mitigating factors:

- Guilty pleas to the offences
- Remorse demonstrated to the Court

The panel considered both the aggravating and mitigating factors of the case. It determined that due to the seriousness of the offending and the facts found proved, the panel could only give limited weight to the mitigating factors, and as such the aggravating factors far outweighed the mitigating factors.

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

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 Macauba’s misconduct was not at the lower end of the spectrum, and it found that there is a risk to patient and public safety. The panel therefore determined that a sanction that does not restrict Mr Macauba practise would not protect the public. The panel also determined that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether to place a conditions of practice order on Mr Macauba’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 noted that the concerns did not relate to Mr Macauba’s clinical practice or competence and therefore no identifiable areas for retraining, but rather the concerns demonstrated evidence of deep seated attitudinal issue. The panel had regard to its findings on Mr Macauba’s lack of insight and the nature and seriousness of Mr Macauba’s conduct; it determined that a conditions of practice order would not be appropriate in the circumstances. The panel considered that there are no relevant, proportionate, workable or measurable conditions that could be formulated to protect patients and to uphold professional standards.

The panel went on to consider whether a suspension order is appropriate in this case. The panel had regard to the NMC Guidance on *‘Suspension order’* (Reference: SAN-2d Last Updated: 28/01/2026) in which the following factors on when a suspension order may be appropriate are set out:

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

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

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

The panel was not satisfied that the risks identified could be managed by Mr Macauba being temporarily removed from the Register. It considered that it would not be sufficient to uphold public confidence in the profession and maintain professional standards due to the seriousness and nature of the facts found proved. Given the nature and seriousness of the case, Mr Macauba's lack of insight and remediation and the fact that Mr Macauba has requested to be removed from the Register; the panel determined that there was no realistic possibility that he would address the concerns to such a level where he could return to practise safely after a period of suspension.

The panel determined that the serious breach of the fundamental tenets of the profession evidenced by his convictions is fundamentally incompatible with Mr Macauba remaining on the Register. In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

In considering a striking-off order, the panel had regard to the NMC Guidance on *'Sanctions for the highest risk cases'* (Reference SAN-4 Last Updated: 28/01/2026). The panel had regard to its earlier findings above and determined that this case falls within the definition of being a '*highest risk case'*.

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

- *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 the charges found proved by way of Mr Macauba's conviction, raised fundamental questions about his judgment and integrity. The panel was not satisfied that Mr Macauba understood the gravity of his conduct or the full impact on the reputation of the nursing profession, the NMC as its regulator and public confidence in the regulatory process.

Mr Macauba's actions were significant departures from the standards expected of a registered nurse, and are fundamentally incompatible with him remaining on the Register. The panel was of the view that the findings in this particular case demonstrate that Mr Macauba's actions were serious and to allow him to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order.

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 Macauba 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 Macauba's own interests until the striking-off sanction takes effect.

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

Decision and reasons on interim order

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

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

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

That concludes this determination.