

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

**Substantive Order Review Meeting  
Wednesday 22 March 2023**

Virtual Meeting

**Name of registrant:** Mr Mohammed Farooq Anwaar

**NMC PIN:** 89B0599S

**Part(s) of the register:** Registered Nurse – Sub Part 1  
Adult Nursing – April 1992

**Relevant Location:** Glasgow

**Type of case:** Misconduct

**Panel members:** Peter Wrench (Chair, Lay member)  
Terry Shipperley (Registrant member)  
Jane Jones (Registrant member)

**Legal Assessor:** Robin Leach

**Hearings Coordinator:** Tyrena Agyemang

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

**Outcome:** **Striking-Off Order**

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

The panel noted at the start of this meeting that the Notice of Meeting had been sent to Mr Anwaar's registered email address by secure and encrypted delivery on 17 February 2023.

The panel took into account that the Notice of Meeting provided details of the review including the time, dates and venue of the meeting.

The panel accepted the advice of the legal assessor.

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

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

The panel decided to impose a striking-off order. This order will come into effect at the end of 22 April 2023 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the third review of a substantive suspension order originally imposed for a period of 6-months by a Fitness to Practise Committee panel on 21 May 2021. This order was reviewed on 16 November 2021 at which time the panel decided to extend the suspension order for a period of four months. The last reviewing panel reviewed the order on 9 March 2022 and decided to extend the suspension order for a further 12 months.

The current order is due to expire at the end of 22 April 2023.

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

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

*“That you, a registered nurse, while working at Greyfriars Care Home (the Home):*

- 1. Requested Care Assistants to administer medication to residents on:
  - a) 26 October 2017*
  - b) 9 November 2017*
  - c) Unknown dates in October 2017*
  - d) Unknown dates in November 2017**
  
- 2. On 29 October 2017 you left the Home understaffed by carrying out a meeting with Care Assistants outside of the Home.*

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

The second reviewing panel determined the following with regard to impairment:

*The panel considered whether Mr Anwaar’s fitness to practise remains impaired.*

*The panel noted that Mr Anwaar had not been in contact with the NMC since the last review hearing and it has no information before it which demonstrates that he has taken steps to strengthen his nursing practice and address concerns relating to the facts found proved at the substantive hearing. The panel was not able to determine if Mr Anwaar has developed any further insight or remediated the deficiencies identified in relation to his nursing practice. The panel therefore is not confident that the issues related to the charges found proved will not be repeated. It had sight of documents from previous hearings where Mr Anwaar stated that he was considering retiring from nursing. The panel also reminded itself that registrants have a duty to engage with their regulator.*

*The panel has borne in mind that its primary function is to protect patients and the wider public interest which includes maintaining confidence in the nursing profession and upholding proper standards of conduct and performance. The panel*

*determined that, in this case, a finding of continuing impairment on public interest grounds is also required.*

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

The second reviewing panel determined the following with regard to sanction:

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

*The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case and in the absence of any information before it which demonstrates Mr Anwaar has developed further insight into his misconduct and has taken steps to strengthen his nursing practice. The panel decided that it would be neither proportionate nor in the public interest to take no further action.*

*It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Mr Anwaar's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where 'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.' The panel considered that Mr Anwaar's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.*

*The panel next considered whether a conditions of practice on Mr Anwaar's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. Even though it would be possible to formulate appropriate conditions which deal with medicine administration, the panel has no information as to whether Mr Anwaar would be willing to engage and comply with any such conditions. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that in this particular set of circumstances a conditions of practice order would not adequately protect the public or satisfy the public interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mr Anwaar's misconduct given the nature of the concerns identified by the original panel and the potential for repetition due to a limited insight and the lack of any meaningful engagement with the NMC, .*

*The panel next considered whether to impose a further period of suspension. It considered that a suspension order would protect members of the public from the outstanding risks identified, and that this would also be in the wider public interest. The panel had regard to the personal challenges Mr Anwaar may still be facing. It considered that he may still need a period of time to overcome these challenges.*

*The panel considered that a further period of suspension would allow Mr Anwaar the opportunity to continue to deal with the challenges he may still be facing, and also to engage with the NMC, to reflect on his future intentions, with regard to the nursing profession, and to provide further information to the NMC. If Mr Anwaar no longer wants to practise as a nurse, he can contact the Registrar with a view to requesting voluntary removal from the NMC register.*

*The panel did consider a striking off order but it determined that the allegations found proved were not fundamentally incompatible with*

*remaining on the NMC register. However, the next reviewing panel will consider all sanctions available, including a striking off order.*

*The panel determined therefore that a suspension order is the appropriate sanction which would continue to both protect the public and satisfy the wider public interest. Accordingly, the panel determined to impose a suspension order for the period of 12 months which would provide Mr Anwaar with an opportunity to engage with the NMC and provide evidence of the steps he has taken to address the deficiencies identified in his nursing practice. It considered this to be the most appropriate and proportionate sanction available.*

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

The panel has considered carefully whether Mr Anwaar's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as a registrant's suitability to remain on the register without restriction. In considering this case, the panel has carried out a comprehensive review of the order in light of the current circumstances. Whilst it has noted the decision of the last panel, this panel has exercised its own judgement as to current impairment.

The panel has had regard to all of the documentation before it, including the NMC bundle and an email from Mr Anwaar dated 13 October 2022 which stated:

*"Hi  
I do not want to attend.  
I have now retired.  
I will never have Nurse again. [sic]  
So the panel can decide the outcome."*

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

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

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

The panel noted that the last reviewing panel had no information before it which demonstrated Mr Anwaar had taken steps to strengthen his nursing practice and address concerns relating to the facts found proved at the substantive hearing. The previous panel was also not able to determine if Mr Anwaar had developed any further insight or remediated the deficiencies identified in relation to his nursing practice.

At this meeting the panel considered the email from Mr Anwaar dated 13 October 2022, in which he states he has retired and has no intention of returning to nursing. The panel today had no further information from Mr Anwaar evidencing his remorse or insight.

The panel noted that at a previous hearing Mr Anwaar had alluded to issues with his health, but no current evidence in relation to this has been provided to the panel today.

The panel noted that the last reviewing panel had also made some recommendations for Mr Anwaar, namely, his engagement and attendance, a reflective piece and any evidence of completed training, none of which have been acted upon.

In its consideration of whether Mr Anwaar has taken steps to strengthen his practice, the panel had nothing before it to demonstrate any steps Mr Anwaar has taken in this regard.

The last reviewing panel determined that Mr Anwaar was liable to repeat matters of the kind found proved. Today's panel has no new information before it, apart from the email from Mr Anwaar dated 13 October 2022, to demonstrate Mr Anwaar has taken any steps to reduce the risk of repetition. In light of this the panel determined that Mr Anwaar is liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the grounds of public protection.

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

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

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

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

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

It then considered the imposition of a caution order but again determined that, due to the seriousness of the case, and the public protection issues identified, an order that does not restrict Mr Anwaar's practice would not be appropriate in the circumstances. The SG states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise and the panel wishes to mark that the behaviour was unacceptable and must not happen again.'* The panel considered that Mr Anwaar's misconduct was not at the lower end of the spectrum and that a caution order would be inappropriate in view of the issues identified. The panel decided that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether a conditions of practice on Mr Anwaar's registration would be a sufficient and appropriate response. The panel is mindful that any conditions imposed must be proportionate, measurable and workable. The panel bore in mind the seriousness of the facts found proved at the original hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public

interest. The panel was not able to formulate conditions of practice that would adequately address the concerns relating to Mr Anwaar's misconduct.

The panel has received information that Mr Anwaar has retired and does not intend to return to practise as a nurse. In view of Mr Anwaar's clear intention not to return to nursing, the panel considered that any conditions of practice order would not be workable and would serve no useful purpose.

The panel next considered extending the current suspension order. The panel noted that Mr Anwaar has shown limited remorse for his misconduct. Further, Mr Anwaar has not demonstrated sufficient insight into his previous failings. The panel was of the view that new evidence would be required to show that Mr Anwaar no longer posed a risk to the public. Mr Anwaar had a duty to engage with the NMC but has not done so apart from sending a brief email on 13 October 2022.

The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances. The panel determined that it was necessary to take action to prevent Mr Anwaar from practising in the future and concluded that the only sanction that would adequately protect the public and serve the public interest was a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely the end of 22 April 2023 in accordance with Article 30(1).

This decision will be confirmed to Mr Anwaar in writing.

That concludes this determination.