

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

**Substantive Order Review Hearing
Tuesday, 3 June 2025**

Virtual Hearing

Name of Registrant:	Sarah Elizabeth Rowley
NMC PIN:	07F2900E
Part(s) of the register:	Nurses part of the register Sub part 1 RNA: Adult nurse, level 1 (10 October 2008)
Relevant Location:	Wales
Type of case:	Misconduct
Panel members:	Sarah Lowe (Chair, lay member) Elisabeth Fairbairn (Registrant member) Robert Cawley (Lay member)
Legal Assessor:	Hala Helmi
Hearings Coordinator:	Daisy Sims
Nursing and Midwifery Council:	Represented by Selda Krasniqi, Case Presenter
Ms Rowley:	Not present and not represented at this hearing
Order being reviewed:	Suspension order (6 months)
Fitness to practise:	Impaired
Outcome:	Order to lapse upon expiry in accordance with Article 30 (1), namely 9 July 2025

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Ms Rowley was not in attendance and that the Notice of Hearing had been sent to Ms Rowley's registered email address by secure email on date.

Ms Krasniqi, 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 substantive order being reviewed, the time, dates and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Ms Rowley's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

In the light of all of the information available, the panel was satisfied that Ms Rowley has been served with notice of this hearing in accordance with the requirements of Rules 11 and 34.

Decision and reasons on proceeding in the absence of Ms Rowley

The panel next considered whether it should proceed in the absence of Ms Rowley. The panel had regard to Rule 21 and heard the submissions of Ms Krasniqi who invited the panel to continue in the absence of Ms Rowley. She submitted that Ms Rowley had voluntarily absented herself.

Ms Krasniqi referred the panel to the email from Ms Rowley dated 2 June 2025 which stated:

'unfortunately i won't be able to attend the hearing due to work commitments'.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Ms Rowley. In reaching this decision, the panel has considered the submissions of Ms Krasniqi, the representations from Ms Rowley, and the advice of the legal assessor. It has had particular regard to any relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- No application for an adjournment has been made by Ms Rowley;
- Ms Rowley has informed the NMC that she has received the Notice of Hearing;
- There is no reason to suppose that adjourning would secure her attendance at some future date; and
- There is a strong public interest in the expeditious review of the case.

In making an application and submissions, the panel was satisfied that Ms Rowley understood the meaning of the panel proceeding in her absence. The panel was aware of the potential disadvantage to Ms Rowley but considered that it is in the interests of justice to proceed in her absence.

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

At the outset of the hearing, Ms Krasniqi referred the panel to the submissions outlined by Ms Rowley in an email dated 1 June 2025, specifically:

'Whilst I understand that this hearing has been of a public interest, I believe that you also have a duty of care to protect myself whilst going through this. I am requesting that this hearing is done in private, the earlier hearing was done in public this was published in the local paper and on their facebook page before I had been informed of the findings.

This resulted in me receiving nasty and hatred messages on social media and my personal phone and harassment to myself. [PRIVATE]

Please take this is to consideration when making that decision.'

Ms Krasniqi stated that this application by Ms Rowley appears to be due to negative media reporting which led to hateful comments. She submitted that she does not support the application for the hearing to be in private as there is no allegation regarding Ms Rowley's physical or mental health. Ms Krasniqi stated that the only confidentiality concerns relate to [PRIVATE]. She reminded the panel that this is a review hearing and so not a rehearing of the facts determined at the substantive hearing. Therefore, there is no good reason for this hearing to be in private.

Ms Krasniqi referred the panel to the NMC Guidance on *Public and Private hearings*. She submitted that this case should be heard in public in view of transparency, open justice and the wider public interest.

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 noted that this is a review of the already published substantive hearing. The panel considered that there was no independent evidence to support Ms Rowley's request for the entirety of this hearing to be heard in private. The panel was made aware by the legal assessor that there would need to be evidence of a pressing or exceptional need for this on the basis of Ms Rowley's concern of how a public hearing would impact her. The panel accept that the reactions Ms Rowley encountered after the substantive hearing may have been upsetting for Ms Rowley. However, it determined that the public interest outweighed the need for this hearing to be heard entirely in private.

The panel noted the legal advice in relation to references to health. Therefore, the panel determined to hold those parts of the hearing in private where reference is made to [PRIVATE] in order to maintain the privacy of a third party.

Decision and reasons on review of the substantive order

The panel decided to allow the order to lapse upon expiry in accordance with Article 30 (1), namely 9 July 2025.

This order will come into effect at the end of 9 July 2025 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the first review of a substantive suspension order originally imposed for a period of six months by a Fitness to Practise Committee panel on 11 December 2024.

The current order is due to expire at the end of 9 July 2025.

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 Clinical Lead at The Oaks Care Home:

1. *On an unknown date in June 2022, left your shift before another nurse arrived on duty;*
2. *Failed to arrange nursing cover for the night shift of 13-14 July 2022*
3. *On or about 14 July:*
 - b) *Signed to confirm you had administered lorazepam to Resident B when you had not*
- ...
8. *On or about 10 June 2022, failed to record the administration of a transdermal patch to Resident C in the controlled drug book.'*

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

'The panel finds that patients were caused emotional harm, as were their family members, and the residents in Ms Rowley's care were also caused a real risk of physical harm as a result of her misconduct. Ms Rowley's misconduct had breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

The panel was satisfied that the misconduct in this case is capable of being addressed. Therefore, the panel carefully considered the evidence before it in determining whether or not Ms Rowley has taken steps to strengthen her practice, and whether or not she has shown any insight into her failings.

Regarding insight, the panel considered that Ms Rowley has not provided any evidence of insight into her actions and the way in which these impacted the residents in her care, or their families.

Further, the panel took into account the fact that it had no evidence before it of Ms Rowley's current situation in relation to her work, and whether or not she has undergone any form of re-training in order to remediate her practice. The panel are unaware as to whether or not she has continued to work as a registered nurse, and/or in what capacity she currently is employed.

The panel is of the view that there is a risk of repetition based on Ms Rowley's lack of insight and lack of any evidence of remediation. The panel therefore decided that a finding of impairment is necessary on the grounds of public protection.

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

The panel determined that a finding of impairment on public interest grounds is required because a member of the public would be appalled if they were informed that a Home were left unattended, with no registered nurse on shift, with multiple residents who required safe and effective care. A well informed and reasonable member of the public would expect a registered nurse facing charges which amount to such misconduct, to have their fitness to practice deemed impaired in some form.

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

The original panel determined the following with regard to sanction:

'The panel took into account the following aggravating factors:

- *Ms Rowley's failings were serious and covered a range of issues;*
- *Patients and their families suffered emotional harm;*
- *There was a real risk of physical harm;*
- *Ms Rowley has shown no insight or remediation;*
- *Ms Rowley had a significant level of responsibility in her role as clinical lead.*

The panel took into account the mitigating factors in this case:

- *The Home which Ms Rowley was working in was a 'failing' Home, as confirmed by Witness 1; the atmosphere was difficult to work in.*
- *Ms Rowley was placed in a management role, and the panel had not been provided any evidence of training or mentoring which she was provided to prepare her for this role.*
- *[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. 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 Ms Rowley'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 Ms Rowley'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 placing conditions of practice on Ms Rowley'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 took into account the SG, in particular:

- No evidence of harmful deep-seated personality or attitudinal problems;*
- Identifiable areas of the nurse or midwife's practice in need of assessment and/or retraining;*
- No evidence of general incompetence;*
- Potential and willingness to respond positively to retraining;*
- Patients will not be put in danger either directly or indirectly as a result of the conditions;*
- The conditions will protect patients during the period they are in force; and*
- Conditions can be created that can be monitored and assessed.*

The panel is of the view that there are no practical or workable conditions that could be formulated, given the nature of the charges in this case and its lack of information about Ms Rowley's current employment. Furthermore, the panel noted that the placing of conditions on Ms Rowley's registration would not adequately address the seriousness of this case and would not protect the public, given the fact that the panel has before it no evidence of retraining, improvement, or the remediation of her failures.

The panel then went on to consider whether a suspension order would be an appropriate sanction. The SG states that suspension order may be appropriate where some of the following factors are apparent:

- A single instance of misconduct but where a lesser sanction is not sufficient;*
- No evidence of harmful deep-seated personality or attitudinal problems;*
- No evidence of repetition of behaviour since the incident;*
- The Committee is satisfied that the nurse or midwife has insight and does not pose a significant risk of repeating behaviour;*
- In cases where the only issue relates to the nurse or midwife's health, there is a risk to patient safety if they were allowed to continue to practise even with conditions; and*
- In cases where the only issue relates to the nurse or midwife's lack of competence, there is a risk to patient safety if they were allowed to continue to practise even with conditions.*

The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register.

The panel did go on to consider whether a striking-off order would be proportionate but, taking account of all the information before it, the panel

concluded that it would be disproportionate. Whilst the panel acknowledges that a suspension may have a punitive effect, it would be unduly punitive in Ms Rowley's case to impose a striking-off order.

Balancing all of these factors the panel has concluded that a suspension order would be the appropriate and proportionate sanction.

The panel noted the hardship such an order will inevitably cause Ms Rowley. However, this is outweighed by the public interest in this case.

The panel considered that this order is necessary to maintain 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.

The panel determined that a suspension order for a period of 6 months was appropriate in this case to mark the seriousness of the misconduct.

At the end of the period of suspension, another panel will review the order. At the review hearing the panel may revoke the order, or it may confirm the order, or it may replace the order with another order.

Any future panel reviewing this case would be assisted by:

- A reflective piece provided in relation to how Ms Rowley's actions impacted patients and their family members under her care, and how she would face a similar situation in the future;*
- Testimonials and evidence of what Ms Rowley has been doing in the interim period, showing evidence that she has acted responsibly in any role she has been working in;*
- Evidence of medication management retraining including accurate documentation practises.*

This will be confirmed to Ms Rowley in writing.'

Submissions on current impairment and sanction

The panel has considered carefully whether Ms Rowley'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 ability to practice '*kindly, safely and professionally*'. 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 as well as an email from Ms Rowley dated 1 June 2025 and a testimonial which she submitted. It has taken account of the submissions made by the case presenter on behalf of the NMC.

Ms Krasniqi submitted that whilst there is some evidence of strengthening of practice, it is limited, and a finding of impairment is necessary on the grounds of public protection and is otherwise in the public interest.

Ms Krasniqi referred the panel to the previous panel's suggestion that Ms Rowley should provide a reflective piece, testimonials and evidence of medication management retraining.

Ms Krasniqi referred the panel to the submissions from Ms Rowley which can be seen as a reflective piece. She accepted that she has shown reflections and some level of insight as to the previous findings. She submitted that this insight appears to be qualified and incomplete.

In relation to work undertaken by Ms Rowley, Ms Krasniqi referred the panel to the positive testimonial from Ms Rowley's current line manager. Whilst she stated that this is positive, she stated that this role is outside of the healthcare setting. Ms Krasniqi submitted that there is no evidence before the panel of Ms Rowley

completing any retraining or refresher courses. Ms Krasniqi submitted that there is therefore insufficient strengthening of practice. She submitted that an order is necessary on the grounds of public protection and is otherwise in the public interest.

Ms Krasniqi then moved on to submissions on sanction. She submitted that the NMC take a neutral stance on sanction. She stated that the panel may take the view that a further period of suspension would allow Ms Rawley a further opportunity to demonstrate strengthening of practice. Whilst she submitted that at this stage it is unclear whether Ms Rowley intends to return to nursing practice, she submitted that an intention to return could be inferred from Ms Rowley's communication.

Ms Krasniqi informed the panel that it has a power to allow the current order to lapse with a finding of impairment. She submitted that as this is the first review the panel may not find it appropriate but left the decision to the panel.

The panel also had regard to Ms Rowley's written representations.

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

Decision and reasons on current impairment

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 Ms Rowley's fitness to practise remains impaired.

The panel noted that the original panel found that Ms Rowley had no insight. At this hearing the panel considered that Ms Rowley has engaged with the process. She had communicated with the NMC by email days before this hearing. In that email, Ms Rowley included her observations on the outcome of the substantive hearing. The panel considered that those observations indicated only limited evidence of reflection and noted that Ms Rowley focused on restating her case from the substantive hearing. An example of this was '*[...] I still stand by my initial statement [...]*'. The

panel considered this to indicate that, even after charges being found proved, there has been no change of insight. The panel noted that whilst Ms Rowley has apologised, she remains defensive of her actions deferring to others rather than accepting responsibility for them. Given that this email of 1 June 2025 was the only evidence of insight before the panel, it determined that Ms Rowley has shown little improvement in her ability to understand the wider impact of her misconduct on patients and on the profession since the substantive hearing.

In its consideration of whether Ms Rowley has taken steps to strengthen her practice, the panel took into account the testimonial provided by her line manager. It noted that this testimonial is positive about Ms Rowley and her character, including observations about her ability to follow procedure and complete documentation correctly. It noted that within this testimonial it stated that Ms Rowley was supervising others in completing their documentation. However, the panel noted that Ms Rowley's employment, through which this testimonial was made, is not in the healthcare setting. The panel had no evidence before it that Ms Rowley had undertaken any training courses dealing with medication management and accurate documentation practice. The panel had nothing before it that indicated that Ms Rowley had given any meaningful thought to or recognised in any detail what went wrong. Whilst Ms Rowley refers briefly to potential improvements in her practice for the future, this lack of meaningful reflection has had the effect of her not creating a plan to return to safe practice or provide any indication as to what area of practice she wished to return to. The panel therefore determined Ms Rowley has not yet addressed the concerns raised by the misconduct found proved.

The original panel determined that Ms Rowley was liable to repeat matters of the kind found proved. This panel has received no new information that suggests a change to the level of risk. In light of this and for all of the reasons outlined above, this panel determined that Ms Rowley is still 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 Ms Rowley's fitness to practise remains impaired.

Decision and reasons on sanction

The panel was concerned about the continuing lack of insight Ms Rowley has shown and considered the NMC Guidance at REV-3h ('the Guidance'): *Removal from the register when there is a substantive order in place*. It noted that:

'There is a persuasive burden on the professional at a substantive order review to demonstrate that they have fully acknowledged why past professional performance was deficient and through insight, application, education, supervision or other achievement sufficiently addressed the past impairments.'

'While Suspension Orders and Conditions of Practice Orders can be varied or extended, they are not intended to exist indefinitely. In time the professional must be allowed to practise without restriction or they must leave the register. It is neither in the interests of the public nor the professional's own interests that they are kept in limbo.'

'Professionals who are not subject to fitness to practise proceedings have to revalidate every three years to stay on the register. In many cases it will be more appropriate for a professional to leave the register if they have been on a substantive order for this period of time and remain impaired.'

The panel noted that the three ways of leaving the register whilst impaired are through agreed removal, lapse with impairment and a striking off order. It noted that agreed removal is not apparent in this case as Ms Rowley has not stated that she would like to be removed from the register. The panel went on to consider whether a lapse with impairment or a striking-off order would be appropriate.

The panel also noted the considerations outlined in the guidance:

'Panels and professionals should bear in mind that:

- It is not in the public interest or a professional's interests to remain on the register indefinitely when they are not fit to practise;*
- public confidence in the professions is more important than the fortunes of any individual member;*
- there are advantages to all parties in setting time limits to conditions; those time limits are set for a reason and should be respected;*
- if a professional believes that the conditions they are subject to are or have become unworkable, they should consider applying for an early review to seek to vary the order, rather than waiting for the next substantive review;*
- sometimes a conditions of practice order will no longer be workable and there are no alternative conditions that will ensure the public is safe and maintain confidence in the professions we regulate;*
- professionals who leave the register can apply for readmission if they feel they are no longer impaired – for example, their health or language skills have demonstrably improved. A professional who has been struck off can only apply for restoration after five years.*
- in any application for readmission the decision maker will be aware of the concerns that led to the original substantive finding of impairment, and that the professional left the register while impaired.'*

The panel considered a caution order would be inappropriate given the seriousness of the concerns and the public protection concerns that remain. Additionally, the panel considered conditions of practice but in light of the limited insight and engagement and the lack of any indication from Ms Rowley about whether she would comply with any conditions, the panel considered that this would not be a sufficient outcome to protect the public and uphold the public interest. The panel also considered a suspension; however it determined that given the limited insight and

the real risk of repetition, the panel could not see that the outstanding issues would be likely to be resolved during a further period of suspension.

The panel was concerned that Ms Rowley's view on her actions has not changed since the imposition of this order, and she stated in her reflective piece before this panel that '*[...] I still stand by my initial statement [...]*'. The panel found both this and the contents of Ms Rowley's reflective statement to show that it is highly unlikely that Ms Rowley will show the amount of insight required from her to satisfy a future panel that she is able to return to safe unrestricted practice within a reasonable period of time.

The panel was of the view that the actions that led to the charges being found proved are capable in principle of remediation. However, the panel considered that it is unlikely that this will happen given Ms Rowley's consistent denial and limited insight and accountability into her actions.

The panel considered whether a striking off order would be appropriate. It noted that a strike off is not the only means sufficient to protect patients, members of the public and upholding the wider public interest including confidence in the profession. The concerns in this case are potentially capable of remediation. Although limited, there had been some insight and reflection. As such, the panel determined that a striking off order would be disproportionate and punitive at this time. Allowing Ms Rowley's registration to lapse would not prevent her from re-registering when she could evidence that she had strengthened her practice such that she could practice kindly safely and professionally.

The panel was of the view that it is not in the public interest or in Ms Rowley's interest to remain on the register indefinitely when she is not fit to practise. The panel was assured that the public confidence in the register will be maintained given the fact that any application for readmission by Ms Rowley would highlight her previous finding of impairment to allow the Assistant Registrar to make an informed decision on any future application.

The panel carefully considered the principle of proportionality and took into account that this decision will impact upon Ms Rowley's right to practice and may impact upon her financially and reputationally. However, in coming to its decision, the panel determined that the need to protect the public and uphold the wider public interest outweighed Ms Rowley's interest in this regard.

For these reasons, in accordance with Article 30(1), the substantive suspension order will lapse upon expiry, namely the end of 9 July 2025.

This will be confirmed to Ms Rowley in writing.

That concludes this determination.