

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

**Substantive Order Review Meeting
Monday, 27 October 2025**

Virtual Meeting

Name of Registrant:	Janice Kirsty Maclean
NMC PIN:	88E0089S
Part(s) of the register:	Registered Nurse – Adult, RN1 (5 July 1991) Nurse independent / supplementary prescriber, V300 (28 October 2009)
Relevant Location:	Glasgow
Type of case:	Misconduct
Panel members:	James Carr (Chair, Lay member) Michelle Wells-Braithwaite (Registrant member) Sam Wade (Lay member)
Legal Assessor:	Tracy Ayling KC
Hearings Coordinator:	Eleanor Wills
Order being reviewed:	Suspension order (6 months)
Fitness to practise:	Impaired
Outcome:	Striking-Off order to come into effect on 12 December 2025 in accordance with Article 30 (1)

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 Mrs Maclean's registered email address by secure email on 22 September 2025.

The panel took into account that the Notice of Meeting provided details of the review that the review meeting would be held no sooner than 27 October 2025 and inviting Mrs Maclean to provide any written evidence seven days before this date.

The panel accepted the advice of the legal assessor.

In the light of all of the information available, the panel was satisfied that Mrs Maclean 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 12 December 2025 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the second review of a substantive suspension order originally imposed for a period of nine months by a Fitness to Practise Committee panel on 14 August 2024. This was first reviewed on 28 April 2025 when the panel extended the suspension order for a period of six months.

The current order is due to expire at the end of 12 December 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:

On 24th August 2020, at Northgate House Care Home:

- 1. Attended work whilst under influence of alcohol and/or otherwise unfit.*
- 2. Failed to administer medication in a timely manner, in that you started the round at approximately 8:20 and at handover at approximately 11.00 you had only given medication to four out of the ten residents.*
- 3. Administered the incorrect dose of Colecalciferol to Resident A, in that you administered double the prescribed dose.*
- 4. Documented that you had administered metformin 500mg to Resident A on 25th August 2020, when you had administered it on 24th August 2020.*

On 10th October 2020, at Kyle Court Nursing Home:

- 5. Attended work whilst under influence of alcohol and/or otherwise unfit.*
- 6. Did not administer 10mg atorvastatin to Resident B.*
- 7. Did not administer 50mg Thiamine to Resident C.*
- 8. Did not administer 40mg Atorvastatin and/or 15mg Mirtazapine to Resident D.*

...

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

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

“The panel considered whether Ms Maclean’s fitness to practise remains impaired. In coming to its decision, the panel had regard to the NMC’s Fitness to Practise Library, updated on 27 March 2023, which states:

‘The question that will help decide whether a professional’s fitness to practise is impaired is:

“Can the nurse, midwife or nursing associate practise kindly, safely and professionally?”

If the answer to this question is yes, then the likelihood is that the professional’s fitness to practise is not impaired.’

Nurses occupy a position of privilege and trust in society and are expected at all times to be professional. Patients and their families must be able to trust nurses with their lives and the lives of their loved ones. They must make sure that their conduct at all times justifies both their patients’ and the public’s trust in the profession.

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

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

In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith’s “test” which reads as follows:

'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her/ fitness to practise is impaired in the sense that S/He:

a) has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or

b) has in the past brought and/or is liable in the future to bring the medical profession into disrepute; and/or

c) has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession; and/or

d) ...'

The panel determined that limbs a, b and c of Dame Janet Smith's "test" were engaged.

The panel noted that the original panel found that Mrs Maclean's had limited insight. At this meeting no new evidence was submitted which contributed to Mrs Maclean's demonstrable insight. Further, Mrs Maclean's continued lack of engagement with the NMC has led the panel to find that Mrs Maclean has shown no demonstrable insight into her misconduct.

In its consideration of whether Mrs Maclean has taken steps to strengthen her practice, the panel was of the view that there is no evidence before it to indicate that the risks identified in Mrs Maclean's practice have been addressed or reduced. Mrs Maclean's misconduct has breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute.

The original panel determined that Mrs Maclean's was liable to repeat matters of the kind found proved. Today's panel has received no new information. In light of this the panel determined that Mrs Maclean remains liable to repeat matters of the kind found proved. The panel is of the view that there is a risk of repetition based on Mrs Maclean's very limited insight and lack of evidence to show her strengthened practice.

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 Mrs Maclean's fitness to practise remains impaired."

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

"The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mrs Maclean's further time to fully reflect on her previous failings. The panel bore in mind that this case did not relate to a single instance of misconduct but that the misconduct related to two occasions of the same type of behaviour and a lesser sanction is not sufficient. It bore in mind Mrs Maclean's very limited insight. The panel was of the view that Mrs Maclean's repeated behaviour was attitudinal in nature but did not cross the bar to constitute a deep seated personality or attitudinal problem. It bore in mind that since these incidents on 24 August 2020 and 10 October 2020, it had no further information that Mrs Maclean had repeated this misconduct.

The panel did go on to consider whether a striking-off order would be proportionate but, taking account of all the information before it, and of the mitigation provided, the panel concluded that it would be disproportionate. The panel was of the view that whilst there are questions about Mrs Maclean's professionalism, public confidence in the nursing profession could be maintained through the imposition of a suspension order. The panel determined that a suspension order would protect patients, members of the public and maintain professional standards and confidence in the NMC as regulator. The panel acknowledges that a period of suspension may have a punitive effect but considered that it would be unduly punitive in Mrs Maclean's case to impose a striking-off order. The panel were mindful that in the event of a continued lack of engagement from Mrs Maclean future reviewing panels would have all sanction options open to them, including strike-off.

The panel concluded that a further 6 month suspension order would be the appropriate and proportionate response and would afford Mrs Maclean's adequate time to further develop her insight and take steps to strengthen her practice. It would also give Mrs Maclean's an opportunity to approach past health professionals and current employers to attest to her honesty and integrity in her workplace assignments since the substantive hearing.

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 6 months would provide Mrs Maclean's with an opportunity to engage with the NMC. It considered this to be the most appropriate and proportionate sanction available.

This suspension order will take effect upon the expiry of the current suspension order, namely the end of 12 June 2025 in accordance with Article 30(1).

Before 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:

- *Mrs Maclean's attendance and engagement at any review hearing.*
- *A reflective statement which addresses the following:*
 - o *Full and in-depth reflections on the incidents using a reflective model.*
 - o *A full understanding of how Mrs Maclean's actions put patients at a risk of harm.*
 - o *A full understanding of how Mrs Maclean's actions could negatively impact on her colleagues and the reputation of the nursing profession.*
 - o *How Mrs Maclean would handle a similar situation differently in the future.*
- *Evidence that Mrs Maclean has kept up to date with current nursing practice.*
- *Testimonials from any paid or unpaid work that detail Mrs Maclean's attendance and current work practices."*

Decision and reasons on current impairment

The panel has considered carefully whether Mrs Maclean'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 practise "*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.

The panel 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 Mrs Maclean's fitness to practise remains impaired.

The panel had regard to the nature of facts found proved and determined that they are serious involving both clinical and attitudinal concerns. The panel took into account that Mrs Maclean's misconduct put patients at risk of harm, breached the fundamental tenets of the nursing profession and brought its reputation into disrepute.

The panel was satisfied that the misconduct in this case is capable of being addressed.

However, the panel noted that the last reviewing panel found that Mrs Maclean had very limited insight and recommended that a future reviewing panel would be assisted by a reflective statement, testimonials and evidence that she has kept up to date with current nursing practice.

The panel took into account that due to Mrs Maclean's continued lack of engagement there was no evidence of any development of insight nor any evidence of remediation and/or strengthening of practice.

The last reviewing panel determined that Mrs Maclean was liable to repeat matters of the kind found proved. Today's panel has received no new information to suggest a reduction in risk. In light of this the panel determined that Mrs Maclean remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment remains 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.

In all the circumstances the panel determined that Mrs Maclean is not currently able to practice *“kindly, safely and professionally.”*

For these reasons, the panel finds that Mrs Maclean’s fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mrs Maclean 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 taking no further no action would not sufficiently protect the public or adequately address the public interest.

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 Mrs Maclean’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 Mrs Maclean’s misconduct was not at the lower end of the spectrum and that a caution order would not be proportionate or appropriate in view of the issues identified. The panel decided that a caution order would not sufficiently protect the public or adequately address the public interest concerns previously identified.

The panel next considered whether a conditions of practice on Mrs Maclean’s registration would be a sufficient and appropriate response. The panel was 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 Mrs Maclean's misconduct involving both clinical and attitudinal concerns. The panel therefore concluded that some of Mrs Maclean's misconduct could not be addressed through retraining. Additionally, due to Mrs Maclean's continued lack of engagement the panel took into account that there was no evidence of any development of insight, remediation or potential willingness to comply with a conditions of practice order.

The panel next considered imposing a further suspension order. The panel took into account that this is not a case of a single instance of misconduct. The panel had regard to the fact that attitudinal concerns have been identified, albeit there appears to be no evidence that they are '*deep-seated*'. The panel noted that although there is no evidence of repetition of the behaviour since the concerns arose, there is evidence of repetition, in that the concerns were first raised on 24th August 2020, at Northgate House Care Home and similar concerns were raised again on 10th October 2020, at Kyle Court Nursing Home.

The panel determined that Mrs Maclean has not demonstrated any development of her insight into her previous failings and therefore still poses a risk of repeating the behaviour. The panel was of the view that considerable evidence would be required to show that Mrs Maclean no longer posed a risk to the public.

The panel took into account that the concerns arose in August 2020 and October 2020. The panel noted that the only response Mrs Maclean has provided, in respect of the facts found proved, was her reflective statement dated 29 September 2020, which only addressed charges 1, 2, 3 and 4. The panel noted that Mrs Maclean did not engage with the NMC, during the original substantive hearing which concluded on 14 August 2024, or the first substantive review hearing heard on 28 April 2025. The panel had regard to the fact that suspension orders are not meant to last indefinitely. The panel determined that Mrs Maclean has been provided with sufficient opportunity to engage with the NMC process and has been provided advice as to what would assist a future reviewing panel on two separate occasions. The panel determined that a further period of suspension would not serve any useful purpose in all of the circumstances.

The panel had regard to the NMC guidance titled '*Removal from the register when there is a substantive order in place*', reference '*REV-3h*' last updated 30 August 2024.

*"Cases where **striking off** is likely to be appropriate include when:*

- the professional has shown limited engagement and/or insight,*
- the professional has breached a substantive order; or*
- the professional has otherwise made no or negligible progress towards addressing issues with their fitness to practise"*

The panel determined that Mrs Maclean has not engaged with NMC proceedings, she has demonstrated very limited insight, and has she not demonstrated that she has undertaken any remedial steps to address the concerns identified.

The panel determined that it was necessary to take action to prevent Mrs Maclean 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 12 December 2025 in accordance with Article 30(1).

This decision will be confirmed to Mrs Maclean in writing.

That concludes this determination.