

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

**Substantive Order Review Hearing
Tuesday, 24 February 2026**

Virtual Hearing

Name of Registrant:	Shirley McLean
NMC PIN:	1311862S
Part(s) of the register:	Registered Nurse – Sub Part 1 Adult Nursing – September 2016
Relevant Location:	Greater Glasgow and Clyde
Type of case:	Misconduct
Panel members:	Isabelle Parasram (Chair, Lay member) Mary Golden (Lay member) Sharon Aldridge-Bent (Registrant member)
Legal Assessor:	Fiona Barnett
Hearings Coordinator:	Ifeoma Okere
Nursing and Midwifery Council:	Represented by Robert Benzynie
Miss McLean:	Not Present and unrepresented
Order being reviewed:	Suspension order (12 months)
Fitness to practise:	Impaired
Outcome:	Striking-off order to come into effect at the end of 25 February 2026 in accordance with Article 30(1)

Decision and reasons on service of Notice of Hearing

The panel was informed at the start of this hearing that Miss McLean was not in attendance and that the Notice of Hearing had been sent to Miss McLean's registered email address by secure email on 19 February 2026. The panel was also informed that a hard copy of the Notice was sent by recorded delivery to her last known address on 20 February 2026.

In addition, the Nursing and Midwifery Council (NMC) made further attempts to contact Miss McLean by telephone. A telephone call was made on 19 February 2026 and further reminder calls were made on 23 February 2026 including voice messages. No response was received to any of these attempts.

Mr Benzynie, on behalf of the 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).

Mr Benzynie referred the panel to the witness statement of the NMC case officer and the proof of service documentation, which confirmed that the Notice had been sent to Miss McLean's registered email address on 19 February 2026. He submitted that the Notice contained the required information, including the date, time and format of the hearing, the order under review, and the powers available to the panel. Mr Benzynie further submitted that the Notice had been issued promptly following the adjournment on 18 February 2026 and in compliance with Rule 32(3), and that the NMC had therefore complied with the Rules.

The panel accepted the advice of the legal assessor. The legal assessor advised that the panel must be satisfied that the requirements of Rules 11 and 34, had been complied with. She further advised that, as this matter had been adjourned on 18 February 2026, Rule 32(3) applied and this required the NMC to notify the parties of the resumed hearing as soon as practicable, rather than providing a further 28 days' notice.

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 Miss McLean's right to attend, be represented and call evidence, as well as the panel's power to proceed in her absence.

The panel noted that the Notice of Hearing was sent to Miss McLean's registered email address on 19 February 2026, the day after the adjournment. The panel was satisfied that this was sent as soon as practicable.

The panel carefully considered whether the Notice provided sufficient clarity, particularly in light of the previous adjournment. It noted that the Notice dated 19 February 2026:

- Clearly set out that the NMC was proceeding on the basis of misconduct;
- Identified the substantive suspension order under review;
- Set out the powers available to the reviewing panel, including that a striking-off order was an available sanction;
- Provided details of the date, time and virtual format of the hearing; and
- Informed Miss McLean of her right to attend, be represented and call evidence.

The panel also noted that this additional clarity addressed the reason the matter was adjourned on 18 February 2026.

The panel was satisfied that the Notice provided Miss McLean with clear and adequate information about the nature of the proceedings and the potential outcomes, including the possibility of strike off.

In the light of all of the information available, the panel was satisfied that Miss McLean had 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 Miss McLean

The panel next considered whether it should proceed in the absence of Miss McLean. The panel had regard to Rule 21 and heard the submissions of Mr Benzynie who invited the panel to continue in the absence of Miss McLean.

Mr Benzynie submitted that the panel had already determined that proper service had been effected. He submitted that Miss McLean had not requested an adjournment and had provided no explanation for her absence. Mr Benzynie further submitted that there had been no engagement at all by Miss McLean with the NMC in relation to these proceedings. He referred to the various attempts made by the NMC to contact her by email, telephone and post, and submitted that there had been no response.

Mr Benzynie submitted that, in those circumstances, the panel could properly conclude that Miss McLean had voluntarily absented herself. He further submitted that there was no reason to believe that an adjournment would secure her attendance on a future date, given her complete lack of engagement. Mr Benzynie reminded the panel that this was a substantive order review hearing, that the current order was due to expire on 25 February 2026, and that there was a public interest in the timely review of substantive orders before their expiry. He therefore invited the panel to proceed in Miss McLean's absence.

The panel accepted the advice of the legal assessor.

The panel decided to proceed in the absence of Miss McLean. In reaching this decision, the panel considered the submissions of Mr Benzynie and the advice of the legal assessor. It had particular regard to the principles set out in *Jones 2002 UKHL 5* and *Adeogba 2016 EWCA Civ 162*, and to the NMC guidance CMT8, and it considered the overall interests of justice and fairness to all parties.

The panel noted the following:

- No application for an adjournment had been made by Miss McLean;

- Miss McLean had not engaged with the NMC in relation to this review and had not responded to correspondence sent to her;
- There had been significant efforts by the NMC to contact her by email, telephone and post, without response;
- There was no reason to suppose that adjourning the matter would secure her attendance at a future date; and
- There is a strong public interest in the expeditious review of substantive orders before their expiry.

The panel was satisfied that Miss McLean had voluntarily absented herself. It considered the disadvantage to her in not being present but concluded that, in the absence of any engagement from her, there was no good reason to adjourn the hearing. The panel was also mindful of the overarching objective of public protection, including maintaining public confidence in the profession and upholding proper standards.

In these circumstances, the panel decided that it is fair to proceed in the absence of Miss McLean.

Decision and reasons on review of the substantive order

The panel decided to replace the current suspension order with a striking-off order.

This order will come into effect at the end of 25 February 2026 in accordance with Article 30(1) of the 'Nursing and Midwifery Order 2001' (the Order).

This is the first effective review of a substantive suspension order originally imposed for a period of 12 months by a Fitness to Practise Committee panel on 28 January 2025. The matter was listed for review on 18 February 2026 but was adjourned.

The current order is due to expire at the end of 25 February 2026.

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;

1. *[PRIVATE]*
2. *[PRIVATE]*
3. *On 16 June 2020 took medication from the hospital supplies for your own use.*
4. *Your actions at charge 3 above were dishonest in that you knew you were not entitled to take such medication but did so anyway.*
5. *On 21 September 2021 whilst on duty, consumed medication which was not prescribed for you.*
6. *On 21 September 2021 did not follow infection control procedures in that you drank directly from a medicine bottle intended for patients.*
7. *On 13 September 2021 failed to follow infection control guidelines in that you:*
 - a. did not wash your hands and/or protective gloves when attending to patients with Covid-19*
 - b. Failed to wipe and/or clean machinery between seeing patients with Covid-19.*
8. *On 16 September 2021;*

- a. Did not give patients their medications as and when required.*
- b. Did not complete patient observations.*
- c. Did not complete patient notes*

9. Failed to attend work when scheduled to do so on the following dates;

- i. 17 July 2021*
- ii. 24 July 2024*
- iii. 26 July 2024*

AND in light of the above, your fitness to practise is impaired by reason of your [[PRIVATE] misconduct at charges 2-9].'

The original panel determined the following with regard to impairment:

'The panel next went on to decide if as a result of the misconduct, Miss McLean's fitness to practise is currently impaired.

In coming to its decision, the panel had regard to the 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 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) has in the past acted dishonestly and/or is liable to act dishonestly in the future.'*

The panel finds that patients were put at risk of harm as a result of Miss McLean's misconduct. Miss McLean's misconduct breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute. It was satisfied that confidence in the nursing profession would be undermined if its regulator did not find charges relating to dishonesty extremely serious.

The panel concluded that all four limbs of Grant apply given the wide-ranging concerns, and the dishonesty involved.

The panel had no evidence before it demonstrating that Miss McLean had an understanding of how her actions put patients, colleagues, and the public at a risk of harm, nor has she shown any insight or reflection into matters found proved. Miss McLean has not demonstrated an understanding of how her actions, lack of integrity, and dishonesty, have impacted negatively on the reputation of the nursing profession. As a consequence, the panel has concluded that there is a serious risk of repetition of Miss McLean's misconduct.

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 general public expects nurses to behave with integrity, honesty and respect. An informed member of the public would be seriously concerned about Miss McLean's misconduct. Public confidence in the profession, and also the confidence of colleagues, would be undermined if a finding of

impairment were not made. The panel therefore finds Miss McLean's fitness to practice also to be impaired on public interest grounds.

Having regard to all the above, the panel was satisfied that Miss McLean's fitness to practise is currently impaired.'

The original panel determined the following with regard to sanction:

'Having found Miss McLean's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose in this case. 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 careful regard to the SG. The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- *Abuse of a position of trust*
- *Lack of insight into failings*
- *A pattern of misconduct over a period of time*
- *Conduct which put patients at risk of suffering harm.*
- *Lack of integrity and dishonesty*

The panel also took into account the following mitigating features:

- *[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 Miss McLean'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 Miss McLean'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 Miss McLean'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;*
- The nurse or midwife has insight into any health problems and is prepared to agree to abide by conditions on medical condition, treatment and supervision;*
- 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. The panel also noted that it was not given any information by Miss McLean regarding her current employment situation.

The panel determined that the misconduct and dishonesty identified in this case is difficult to address through retraining. Miss McLean has not demonstrated insight or reflection into her misconduct and has not provided any evidence of strengthening of practice. Furthermore, the panel concluded that the placing of conditions on Miss McLean's registration would not adequately address the seriousness of this case and would not protect the public.

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 noted an email sent by Miss McLean to the NMC on 31 March 2023:

“... after a lot of thought and consideration I would like to eventually be able to return to practice and I would be grateful if you could update me on this case and how I should apply to have my suspension lifted.”

The panel had no new information from Miss McLean regarding her current or future career intentions. However, the panel noted Miss McLean’s previous wish to remain on the register, with a view to return to practice.

The panel determined that it would be proportionate to impose a suspension order to afford Miss McLean time to address [PRIVATE], engage with the NMC, and fully address the misconduct found proved. Whilst the panel acknowledges that a suspension may have a punitive effect, it determined that a suspension order was the appropriate and proportionate sanction to protect the public and meet the public interest.

[PRIVATE]

The panel noted the hardship a suspension order will inevitably cause Miss McLean. However, this is outweighed by the public interest in this case.

The panel considered that this order is 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.

The panel determined that a suspension order for a period of 12 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.’

Decision and reasons on current impairment

The panel considered carefully whether Miss McLean's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the panel had regard to the NMC's current guidance (DMA1), which defines impairment as whether a professional on the NMC register can practise safely and effectively without restriction. In considering this case, the panel 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 exercised its own judgement as to current impairment.

The panel had regard to all of the documentation before it, including the NMC bundle and the previous substantive determination. The panel noted that no further information or evidence had been provided by Miss McLean since the substantive hearing.

The panel also took account of the submissions made by Mr Benzynie.

Mr Benzynie submitted that as a minimum the panel may wish to suspend Miss McLean for a further 12 months with a review, or it may wish to consider imposing a striking-off order.

Mr Benzynie reminded the panel that the substantive panel, in its determination of January 2025, had set out what would assist any future reviewing panel. This included:

- *'Evidence of Miss McLean's engagement with the proceedings;*
- *[PRIVATE];*
- *A statement of intention regarding her registration;*
- *Evidence of strengthening of practice; and*
- *A reflective piece demonstrating insight and addressing the misconduct.'*

Mr Benzynie submitted that none of this information has been provided. He outlined the efforts made by the NMC to obtain [PRIVATE] documentation, including emails sent on 3 December 2025, 22 December 2025 and 16 January 2026, to which there had been no response. Mr Benzynie submitted that there has been no engagement whatsoever from Miss McLean.

Mr Benzynie further submitted that there is no evidence before the panel of insight, remediation, strengthening of practice, or reduction in the risk of repetition. He submitted that, in the absence of any new information, the concerns identified by the previous panel remain.

Mr Benzynie submitted that Miss McLean has failed to engage with the regulatory process despite multiple attempts by the NMC to contact her by email, telephone and post. He submitted that it is Miss McLean's responsibility to inform the NMC of any change of contact details. Mr Benzynie submitted that, given the complete and persistent lack of engagement, a further period of suspension would not take matters any further and would not achieve any additional regulatory purpose.

Mr Benzynie therefore invited the panel to find that Miss McLean's fitness to practise remains impaired and to impose an appropriate sanction, namely a further suspension order as a minimum, but with strike-off also open to the panel.

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

In reaching its decision on impairment, 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, in accordance with the overarching objective of the Nursing and Midwifery Council. The panel had regard to the NMC's current guidance on impairment (DMA1, updated 28 January 2026) and the guidance on substantive order reviews (REV-2A). The panel applied that guidance in assessing whether Miss McLean is currently able to practise safely and effectively without restriction.

The panel noted that the substantive panel found that Miss McLean had demonstrated insufficient insight and that there remained a risk of repetition. The previous panel had identified concerns in relation to dishonesty, significant infection control failings, and failure to attend work without reasonable excuse.

At this review, the panel received no new information from Miss McLean. She has not engaged with the NMC since the substantive hearing. She has not made any submissions,

provided any reflective piece, demonstrated any understanding of how her actions placed patients at risk of harm, nor provided any evidence that she understands the impact of her misconduct. She has not apologised, demonstrated any insight and has not indicated how she would act differently in the future.

In considering whether Miss McLean has taken steps to strengthen her practice, the panel noted that no evidence has been provided of any further training, professional development, remediation or strengthening of practice. [PRIVATE]. There is also no evidence that she is currently working in a related healthcare role.

The panel carefully considered whether anything had changed since the previous hearing. It concluded that there has been no engagement, no insight, no remediation and no reduction in risk. In those circumstances, the panel determined that Miss McLean remains liable to repeat matters of the kind found proved and has not demonstrated that she is now able to practise safely and effectively without restriction.

The panel therefore concluded that a finding of continuing impairment is necessary because there is still a risk to the public.

The panel bore 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. It determined that a fully informed member of the public would be concerned, given the initial findings made, that a nurse has taken no steps to remediate the misconduct or engage with her regulator.

The panel therefore concluded that there would still be a risk to public confidence in the profession and a risk to standards of conduct and behaviour, if a finding of impairment were not made.

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

Decision and reasons on sanction

Having found Miss McLean's fitness to practise currently impaired, the panel then considered what sanction, if any, to impose. In doing so, the panel had regard to the NMC's Sanctions Guidance (SG) and bore in mind that the purpose of a sanction is not to punish, but to protect the public and the wider public interest. The panel applied the principle of proportionality and considered the available sanctions in ascending order of seriousness.

The panel first considered whether to take no further action. Given the seriousness of the misconduct, which included dishonesty, significant infection control failings and failure to attend work without reasonable excuse, together with the finding of current impairment, the panel determined that taking no further action would be wholly inappropriate. It would fail to protect the public and would undermine public confidence in the profession.

The panel next considered a caution order. 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 where the panel wishes to mark that the behaviour was unacceptable.

The panel determined that Miss McLean's misconduct was not at the lower end of the spectrum. The misconduct involved dishonesty and conduct which placed patients at risk through poor infection control practice. In addition, there has been persistent non-engagement with the regulator. In these circumstances, an order which would not restrict practice would be insufficient to address the public protection concerns or the public interest considerations identified.

The panel therefore concluded that a caution order would be neither proportionate nor appropriate.

The panel then considered whether a conditions of practice order would be sufficient and appropriate.

The panel was mindful that any conditions must be proportionate, workable, measurable and capable of being monitored. It noted that there is no evidence before it that Miss

McLean intends to return to practice. There has been no engagement with the NMC, no evidence of remediation, no reflective piece and no information regarding strengthening of practice.

The panel concluded that it would not be possible to formulate workable or measurable conditions in the absence of any engagement.

The panel next considered whether to impose a further suspension order.

The panel had regard to SAN-2D (Suspension Order) and recognised that suspension may be appropriate where the impairment is serious but not fundamentally incompatible with remaining on the register.

The panel acknowledged that suspension would continue to protect the public for a further period. However, the panel also had regard to SAN-3 (Deciding between suspension and striking off). In particular, the panel considered the guidance that suspension should not be used as a means of giving a registrant a “last chance” to engage where there has been persistent failure to engage with the regulatory process.

The panel noted:

- There has been an almost total lack of engagement with the NMC;
- The substantive panel clearly identified what would assist a reviewing panel but none of that information has been provided;
- Miss McLean has failed to provide evidence of insight, remediation or strengthening of practice;
- There is no evidence that Miss McLean intends to return to practice;
- Nothing has changed since the substantive hearing.

The panel carefully considered whether it was realistically possible that Miss McLean would engage and address the concerns during a further period of suspension. In the absence of any evidence of engagement to date and given the extensive efforts made by the NMC to contact her, the panel concluded that there was no material before it to justify the imposition of a further suspension in the hope that matters might change.

The panel determined that a further period of suspension would serve no meaningful regulatory purpose and would create unnecessary and unjustified delay in circumstances where there has been no evidence from Miss McLean that she wishes to engage with the regulatory process and take steps to address her misconduct.

The panel therefore considered a striking-off order.

The panel noted that this case does not fall within the category of cases where strike off is restricted (such as cases solely involving health, lack of competence or lack of knowledge of English). The misconduct in this case involved dishonesty and serious breaches of professional standards.

The panel determined that Miss McLean's persistent failure to engage with the regulator, combined with the seriousness of the misconduct and the absence of any remediation, demonstrates that her conduct is fundamentally incompatible with continued registration.

The panel concluded that the only sanction which would adequately protect the public, maintain public confidence in the profession, and uphold proper standards of conduct and behaviour is a striking-off order.

The panel therefore decided to replace the current suspension order with a striking-off order.

This striking-off order will take effect upon the expiry of the current suspension order, namely at the end of 25 February 2026, in accordance with Article 30(1) of the Nursing and Midwifery Order 2001.

This decision will be confirmed to Miss McLean in writing.

That concludes this determination.