

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

**Substantive Order Review Meeting
Thursday, 5 March 2026**

Virtual Meeting

Name of Registrant: Cornelius Shaun O'Brien

NMC PIN 9710868S

Part(s) of the register: Registered Nurse – Mental Health Nursing
RNMH – (21 September 2000)

Relevant Location: Glasgow

Type of case: Misconduct

Panel members: Dave Lancaster (Chair, Lay member)
Margaret Wilkinson (Registrant member)
Rosemary Chapman (Lay member)

Legal Assessor: Caroline Hartley

Hearings Coordinator: Nicola Nicolaou

Order being reviewed: Suspension order (6 months)

Fitness to practise: Impaired

Outcome: **Striking-off order to come into effect at the end of 14 April 2026 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 Mr O'Brien's registered email address by secure email on 30 January 2026.

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 2 March 2026 and inviting Mr O'Brien 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 Mr O'Brien 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 replace the current suspension order with a striking off order.

This order will come into effect at the end of 14 April 2026 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 as a substantive conditions of practice order for a period of 12 months by a Fitness to Practise Committee panel on 11 September 2024. The conditions of practice order was reviewed on 29 August 2025 when the panel replaced the order with a suspension order for a period of six months.

The current suspension order is due to expire at the end of 14 April 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. *On 15 October 2018, upon being notified by HCA 1 and HCA 2 that they heard a "popping" and/or "cracking" sound when dressing Resident A, you:*
 - a) *Did not record that you carried out a physical examination on Resident A.*
 - b) *Did not record the concerns raised by the health care assistants in the Communications Book.*
 - c) *Did not complete an Accident/Incident Form.*
 - d) *Did not record the incident in the General Practitioners (GP) book.*
 - e) *Did not record the incident in Resident A's care plan.*
 - f) *Did not escalate the concerns to a doctor and/or contact the Out of Hours National Health Service number.*

2. *On 16 October 2018, during the handover, did not inform Nurse A that HCA 1 and HCA 2 heard a "popping" or "cracking" sound when dressing Resident A during the nightshift on 15/16 October 2018.*

3. ...

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 Mr O'Brien's fitness to practise remains impaired.

The panel noted that the original panel found that Mr O'Brien had limited insight. At this meeting, the panel determined that there is no evidence before it to undermine the previous panel's decision. In particular, this panel considered the previous panel's decision which stated:

“Regarding insight, the panel considered that Mr O'Brien made some admissions during the internal investigation however it did not evidence remorse or reflection. Furthermore, Mr O'Brien has disengaged with the NMC and has not provided any evidence of reflection or understanding of what he did wrong. As such the panel determined that his insight is limited.”

The panel noted that there has been no correspondence from Mr O'Brien since the last review, continuing his disengagement with his regulator. The panel heard no new information regarding Mr O'Brien's current level of insight, and it therefore concluded that his insight remains limited.

In its consideration of whether Mr O'Brien has taken steps to strengthen his practice, the panel noted that no information has been received. The panel noted that the previous panel highlighted steps that Mr O'Brien could take in order to assist this panel in its deliberations. However, the panel noted that Mr O'Brien appears to have fully disengaged with the NMC, and there is no evidence before this panel of any steps having been taken by Mr O'Brien to strengthen his practice.

The original panel determined that Mr O'Brien was liable to repeat matters of the kind found proved. Today's panel has received no new information to contradict this finding. In light of this, the panel determined that Mr O'Brien remains 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 for the same reasons identified by the previous panel.

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 the same reasons as set out by the previous panel.

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

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

'The panel had particular regard to the NMC Guidance SAN-3d Suspension order (last updated: 6 May 2025):

'This list is not exhaustive:

- 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, midwife or nursing associate has insight and does not pose a significant risk of repeating behaviour'*

The panel determined therefore that a suspension order is the appropriate sanction which would both protect the public and satisfy the wider public interest. The panel considered that previously, a lesser sanction was appropriate and proportionate to manage the risk. However, the panel considered that due to the increase in the level of risk, and in the absence of any communication or evidence from Mr O'Brien, a lesser sanction is no longer appropriate. The panel also considered that Mr O'Brien's apparent disregard for his regulator is indicative of a potentially harmful attitudinal problem.

The panel considered whether a striking-off order would be an appropriate sanction in this case. However, the panel considered that a striking-off order would be disproportionate at this stage. Accordingly, the panel determined to impose a suspension order for a period of six months in order to provide Mr O'Brien with an opportunity to engage with the NMC and to provide an update of his current situation and his plans regarding his nursing career. It considered this to be the most appropriate and proportionate sanction available.

[...]

Any future panel reviewing this case would be assisted by:

- *Engagement with the NMC*
- *Details of Mr O'Brien's current situation and his plans for his future in the nursing profession.'*

Decision and reasons on current impairment

The panel has considered carefully whether Mr O'Brien's fitness to practise remains impaired. There is no statutory definition of fitness to practise. However, the NMC has recently redefined fitness to practise as a registrant's ability to practise safely and effectively without restriction. (Reference: DMA-1 updated 28 January 2026). 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 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 O'Brien's fitness to practise remains impaired.

The panel noted that the last reviewing panel found that Mr O'Brien had limited insight. At this meeting, the panel noted that Mr O'Brien continues to disengage with the NMC in relation to this case. The panel has no evidence before it of any developed insight, reflection, or steps taken by Mr O'Brien to strengthen his practice. Mr O'Brien has not demonstrated an understanding of how his actions put Resident A at risk of harm, nor has he demonstrated an understanding of why what he did was wrong, and how this impacted negatively on the reputation of the nursing profession. The panel therefore considered that there remains a risk of repetition and subsequent risk of harm as a result of Mr O'Brien's lack of engagement.

In light of this the panel determined that Mr O'Brien remains liable to repeat matters of the kind found proved. The panel therefore decided that a finding of continuing impairment is necessary on the ground 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 O'Brien's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr O'Brien'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) (last updated 28 January 2026), 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 O'Brien'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 O'Brien'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 O'Brien'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 substantive 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 O'Brien's misconduct due to his continued lack of engagement with the NMC, and lack of evidence to suggest that he would be willing to comply with any conditions.

The panel next considered imposing a further suspension order. The panel noted that Mr O'Brien has continued to disengage with the NMC, he has not demonstrated any remorse, reflection, or steps taken to strengthen his practice. Further, Mr O'Brien has not demonstrated any insight into his previous failings. The panel considered that the risk in this case has not been addressed or mitigated, and that considerable evidence would be required to show that Mr O'Brien no longer posed a risk to the public.

The panel had sight of the NMC guidance 'Deciding between suspension and strike off' (Ref: SAN-3 last updated 28 January 2026) which states:

- *'Consider the professional's insight and attitude to addressing the concerns, and whether it is realistically possible that these will change positively during the suspension period. If it is unlikely the professional will try to address the concerns, there may not be appropriate for them to be suspended in the hopes that they will eventually return to practice.'*
- *Professionals are under an obligation to cooperate with their regulator.⁴ Where professionals have failed to engage with the fitness to practise process, it won't usually be appropriate to use a suspension order as a means of giving them a 'last chance' to engage, reflect or show insight.'*

The panel noted that Mr O'Brien was warned when the suspension order was imposed on 29 August 2025 that a striking off order was an option. The last reviewing panel gave Mr O'Brien a chance to engage and make reparations before the order was reviewed. Mr O'Brien has failed to do that, and so 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 O'Brien 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 14 April 2026 in accordance with Article 30(1).

This decision will be confirmed to Mr O'Brien in writing.

That concludes this determination.