

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

**Substantive Order Review Meeting
Friday, 20 March 2026**

Virtual Meeting

Name of Registrant: Lea Mary Stewart

NMC PIN 04I1737S

Part(s) of the register: Registered Nurse – Adult Nursing
RNA – (1 October 2007)

Relevant Location: West Lothian

Type of case: Misconduct

Panel members: Caroline Rollitt (Chair, Lay member)
Michelle Wells-Braithwaite (Registrant member)
Chanelle Gibson-McGowan (Lay member)

Legal Assessor: John Donnelly

Hearings Coordinator: Nicola Nicolaou

Order being reviewed: Suspension order (9 months)

Fitness to practise: Impaired

Outcome: **Striking-Off order to come into effect at the end of 24 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 Miss Stewart's registered email address by secure email on 2 February 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 9 March 2026 and inviting Miss Stewart 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 Miss Stewart 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 24 April 2026 in accordance with Article 30(1) of the Nursing and Midwifery Order 2001 (as amended) (the Order).

This is the first review of a substantive suspension order imposed for a period of nine months by a Fitness to Practise Committee panel on 26 June 2025.

The current order is due to expire at the end of 24 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) *Between March – September 2020 accessed patient records without clinical justification for some or all of the dates listed in schedule 1 below*
- 2) *That some or all of the patient records you accessed belonged to people that were known to you*

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

Schedule 1

- a) *Patient 1 on 7 July 2020 at 1332*
- b) *Patient 2 on 7 July 2020 at 1337*
- c) *Patient 2 on 26 July 2024 at 0432*
- d) *Patient 3 on 26 July 2020 at 04:38*
- e) *Patient 4 on 25 July 2020 at 19:41 to 20:07*
- f) *Patient 5 on 25 July 2020 at 02:02*
- g) *Patient 6 on 4 July 2020 at 13:22*
- h) *Patient 7 on 4 July 2020 at 13:26*
- i) *Patient 8 on 4 July 2020 at 13:27 to 13:28*
- j) *Patient 9 on 4 July 2020 at 13:29*
- k) *Patient 10 on 28 March 2020 at 06:43*
- l) *Patient 11 on 11 March 2020 at 06:09 to 08:43*
- m) *Patient 12 on 15 August 2020 at 15:07 to 15:09*
- n) *Patient 13 on 18 August 2020 at 04:02 to 04:07*
- o) *Patient 15 on 19 August 2020 at 23:04*
- p) *Patient 16 on 29 March 2020 at 04:10*
- q) *Patient 17 on 8 August 2020 at 15:55*
- r) *Patient 18 on 10 August 2020 at 0246*
- s) *Patient 19 on 19 August 2020 at 23:10*
- t) *Patient 20 on 10 August 2020 at 0241*
- u) *Patient 21 on 5 March 2020 at 1401*
- v) *Patient 21 on 10 August 2020 at 0244*

w) Patient 22 on 2 September 2020 at 03:36 to 03:40'

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

'The panel then considered the issue of impairment and had regard to the test set out in CHRE v NMC and Grant. It considered that the first three limbs are all engaged in this case.

The panel considered that patients are likely to have shared intimate, personal information about their medical history, conditions, and life with clinicians who treat them which would be recorded in their medical notes. If a person were to discover that anyone was accessing those deeply personal records without clinical justification or consent there is a high risk of emotional and psychological harm. While in this case there is no direct evidence saying this did happen the panel concluded that there is a significant risk of harm to patients by Miss Stewart's actions.

The panel considered that the public would be shocked at a registered nurse who was accessing records of neighbours, family, and friends, without clinical justification. It considered that this would likely bring the profession into disrepute and be a serious breach of the position of trust that nurses occupy.

The panel considered that acting professionally and upholding the highest standards of confidence and trust are fundamental aspects of safe, kind, and effective nursing practice. It concluded that when Miss Stewart accessed records without consent or clinical reasons she breached the fundamental tenets of the nursing profession.

The panel had regard to the written submissions of Miss Stewart regarding insight and remediation. While Miss Stewart has shown some insight, and through completing a GDPR course in 2022 she has attempted to remediate and strengthen her practice; the panel concluded that this is limited. The panel noted that the misconduct occurred over a prolonged period of time, involving multiple records, and were done with such regularity that it appears to be demonstrative of a deep-

seated attitudinal concern which is therefore more difficult to remediate. It noted that Miss Stewart has not provided any account of how the GDPR course has helped strengthen her practice or what she would do differently in the future.

The panel noted that within her written submissions, some made after the panel had previously adjourned following its finding on facts, Miss Stewart has still deflected responsibility for her actions and she suggested her actions were part of an accepted culture. The panel considered that this shows a significant limitation in Miss Stewart's insight and reflection on the seriousness of her misconduct.

The panel concluded that given the lack of significant remediation and insight there remains a risk of repetition.

The panel therefore concluded that a finding of impairment is required on both the grounds of public protection, and public interest.'

The original substantive panel determined the following with regard to sanction:

'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;*
- ...*

The panel was satisfied that in this case, the misconduct was not fundamentally incompatible with remaining on the register. While Miss Stewart's misconduct was repeated over a period of time and there has been limited insight and remediation at the moment, the panel considered that the conduct could be addressed. The panel

decided that there have been a number of factors, including her health and personal circumstances, that have impacted Miss Stewart's ability to strengthen her practice and provide insight over the three years since the incidents. Therefore, the panel concluded that it would be proportionate to impose a suspension order with a review for Miss Stewart to consider her future wishes as to returning to practice and to demonstrate a developing insight and strengthening of practice.

It 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 Miss Stewart's case to impose a striking-off order, as this is not the only order that would protect the public and maintain public confidence in the profession. The panel determined that a striking-off order would therefore not be proportionate.

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

[...]

Any future panel reviewing this case would be assisted by:

- Evidence of further developed insight into the concerns and remorse over the potential for harm caused*
- A reflective piece using a recognised method, addressing the impact on patients and the wider impact on public confidence in the nursing profession*
- Reflection on any learning and how Miss Stewart can apply this to prevent any future risk of repetition*
- Relevant recent training courses, and reflection on how this has strengthened Miss Stewart's practice'*

Decision and reasons on current impairment

The panel has considered carefully whether Miss Stewart'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 noted that Miss Stewart has not engaged with the NMC since the substantive hearing in June 2025 and has not provided any documentation for today's meeting.

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 Miss Stewart's fitness to practise remains impaired.

The panel noted that the original substantive panel found that Miss Stewart had insufficient insight. At this meeting, the panel noted that Miss Stewart has not provided any further reflective pieces nor has she provided any evidence of remorse or developed insight. The panel noted that Miss Stewart has had limited engagement with the NMC in relation to these proceedings. The only evidence it has before it is an email from Miss Stewart to her NMC Case Officer dated 28 November 2025 stating that she wanted her substantive suspension order to be reviewed at a meeting. The panel considered that Miss Stewart's level of insight has not improved since the substantive hearing, and remains limited.

In its consideration of whether Miss Stewart has taken steps to strengthen her practice, the panel took into account that there is no evidence before it of any further training or reflection undertaken by Miss Stewart. The panel therefore could not be satisfied that Miss Stewart has taken sufficient steps to strengthen her practice.

The original substantive panel determined that Miss Stewart was liable to repeat matters of the kind found proved. Today's panel has received no new information regarding Miss Stewart's position. In light of this the panel determined that Miss Stewart 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 as a member of the public would be concerned to learn that a registered nurse has not engaged with their regulator regarding ongoing proceedings.

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

Decision and reasons on sanction

Having found Miss Stewart'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 Miss Stewart'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 Stewart'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 Miss Stewart'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, as well as the panel's finding of a deep-seated attitudinal concern, 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 Miss Stewart's misconduct.

The panel next considered imposing a further suspension order. It acknowledged that Miss Stewart was given nine months by the original substantive panel to consider her future intentions. The panel noted that, in this time, Miss Stewart has not shown remorse for her misconduct. Further, Miss Stewart has not demonstrated any insight into her previous failings. The panel was of the view that considerable evidence would be required to show that Miss Stewart no longer posed a risk to the public. 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 Miss Stewart 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 24 April 2026 in accordance with Article 30(1)

This decision will be confirmed to Miss Stewart in writing.

That concludes this determination.