Nursing and Midwifery Council
Fitness to Practise Committee

Substantive Order Review Hearing
Tuesday, 10 November 2026

Virtual Hearing

Name of Registrant:	**Paul Anthony Cowan**
NMC PIN:	88H0261S
Part(s) of the register:	Registered Nurse - Mental Health (RN3) 5 December 1991
Relevant Location:	North Lanarkshire
Type of case:	Misconduct
Panel members:	Allison Brindley (Chair, registrant member) Mary Golden (Lay member) Ivan McGlen (Registrant member)
Legal Assessor:	Melissa Harrison
Hearings Coordinator:	Hannah Luedke
Nursing and Midwifery Council:	Represented by Ben Edwards, Case Presenter
Mr Cowan:	Not present and unrepresented
Order being reviewed:	Suspension order (6 months)
Fitness to practise:	Impaired
Outcome:	**Striking-Off order to come into effect at the end of 11 December 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 Mr Cowan was not in attendance and that the Notice of Hearing had been sent to Mr Cowan's registered email address by secure email on 22 September 2026.

Mr Edwards, 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, date and that the hearing was to be held virtually, including instructions on how to join and, amongst other things, information about Mr Cowan's right to attend, be represented and call evidence, as well as the panel's power to proceed in his absence.

In the light of all the information available, the panel was satisfied that Mr Cowan 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 Mr Cowan

The panel next considered whether it should proceed in the absence of Mr Cowan. The panel had regard to Rule 21 and heard the submissions of Mr Edwards, who invited the panel to continue in the absence of Mr Cowan. He referred the panel to Mr Cowan's lack of attendance at the previous hearing, as well as Mr Cowan's email dated 15 June 2026, which stated that Mr Cowan would not be attending any future hearings.

Mr Edwards submitted that Mr Cowan has voluntarily absented himself from today's proceedings. He submitted that Mr Cowan has not made a request for an adjournment and there is nothing to suggest that an adjournment would secure his attendance on a future occasion.

The panel accepted the advice of the legal assessor.

The panel has decided to proceed in the absence of Mr Cowan. In reaching this decision, the panel has considered the submissions of Mr Edwards, Mr Cowan's correspondence, and the advice of the legal assessor. It has had particular regard to relevant case law and to the overall interests of justice and fairness to all parties. It noted that:

- Mr Cowan has informed the NMC that he has no intention to attend the hearing or engage with these or future proceedings in any way;
- No application for an adjournment has been made by Mr Cowan;
- There is no reason to suppose that adjourning would secure his attendance at some future date;
- It is in Mr Cowan's interest for the panel to make a decision on his case; and
- There is a strong public interest in the expeditious review of the case, as the order is due to expire on 11 December 2026.

In these circumstances, the panel has decided that it is fair to proceed in the absence of Mr Cowan.

Decision and reasons on review of the substantive order

The panel decided to impose a striking-off order.

This order will come into effect at the end of 11 December 2026 in accordance with Article 30(1) of the *'Nursing and Midwifery Order 2001'* (the Order).

This is the second effective review of a substantive suspension order originally imposed for a period of 6 months by a Fitness to Practise Committee panel on 11 November 2025. This was reviewed on 5 June 2026 and extended by a further 6 months.

The current order is due to expire at the end of 11 December 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 10 June 2021 you failed to administer medication to one or more patients in Schedule 1.*

2) *You failed to ensure the safety of one or more patients set out in Schedule 1 when you were told by staff that you had not administered the evening medication round on 10 June 2021 in that you:*
    a) *…*
    b) *…*
    c) *Failed to make an entry in the quality assurance system named RADAR.*
    d) *…*
    e) *…*

3) *Breached your professional duty of candour in that you:*
    a) *Failed to raise concerns with management about not administering the evening medication round on 10 June 2021.*
    b) *…*
    c) *Failed to report the errors on the quality assurance system (RADAR).*

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

<u>Schedule 1</u>
Patient A
Patient B
Patient C
Patient D

Patient E
Patient F
Patient G'

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

'The panel noted that the last reviewing panel found that Mr Cowan had not demonstrated sufficient insight into the charges found proved in this case. At this hearing, the panel determined that there is still no evidence of any development of insight and no evidence to indicate remediation on Mr Cowan's part. The panel noted that Mr Cowan did not provide a current reflective piece demonstrating an understanding of how his actions put patients at a risk of harm and the seriousness of the charges found proved, namely a breach of his professional duty of candour.

The panel also considered whether Mr Cowan has taken any steps to strengthen his clinical practice. The panel noted that Mr Cowan has not worked as a registered nurse for some time and that he has expressed that he has no wish to return to nursing practice. The panel also noted that Mr Cowan has not submitted any evidence of training or CPD to demonstrate strengthened practice.

In light of this, the panel had insufficient evidence before it to satisfy itself that Mr Cowan does not currently pose a risk to the public. In the absence of any information, training, reflection or insight, the panel determined that Mr Cowan has not demonstrated progression and is therefore liable to repeat the matters of the kind found proved and there remains a risk of repetition. Accordingly, the panel determined that a finding of impairment is necessary on the grounds of public protection.

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. 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 Cowan's fitness to practise remains impaired'

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

'The panel next considered whether a conditions of practice on Mr Cowan'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 hearing and concluded that a conditions of practice order would not adequately protect the public or satisfy the public interest. This is because the panel noted that there is no evidence before it regarding Mr Cowan's insight or strengthened practice by way of testimonials, reflective pieces or relevant training. Additionally, the panel noted Mr Cowan's limited engagement and his expression that he does not wish to return to nursing practice. The panel considered that any conditions of practice order would not be workable and would serve no useful purpose.

The panel considered the imposition of a further period of suspension. It was of the view that a suspension order would allow Mr Cowan further time to fully reflect on his previous conduct and further consider whether his future lies in the nursing profession or otherwise. It considered that Mr Cowan's misconduct is capable of remediation and that a further six-month suspension order would be the appropriate and proportionate response and would afford Mr Cowan an additional opportunity to further develop his insight and take steps to strengthen his practice.

The panel considered whether a striking off order would be an appropriate sanction at this time. However, it considered that this was not the only sanction available that would protect the public and meet the public interest

considerations in this case. The next reviewing panel however, will also have this option available to it.

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 six months would provide Mr Cowan 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 11 June 2026, 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:

- *Mr Cowan's attendance and engagement at a future NMC hearing.*
- *A detailed reflective piece that addresses the charges found proved, in particular relating to the impact of the breach of duty of candour.*
- *Testimonials from previous or current employers (either paid or unpaid).*
- *Evidence of relevant training relating to the matters found proved in relation to the professional duty of candour.'*

Decision and reasons on current impairment

The panel has considered carefully whether Mr Cowan's fitness to practise remains impaired. Whilst there is no statutory definition of fitness to practise, the NMC has defined fitness to practise as the ability of a professional on our register to practise as a nurse, midwife or nursing associate safely and effectively without restriction. 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, and correspondence from Mr Cowan. It has taken account of the submissions made by Mr Edwards on behalf of the NMC.

Mr Edwards took the panel through the background of the case and referred it to the relevant pages in the bundle.

Mr Edwards submitted that Mr Cowan had not engaged in proceedings to date and had clearly stated in correspondence with the NMC that he had no intention to engage in the future. Mr Edwards highlighted that there was no material before the panel today, such as a detailed reflective statement, testimonials or evidence of training.

Mr Edwards submitted that in the absence of such information, the panel should therefore conclude that Mr Cowan has not developed further insight, nor taken any steps to strengthen his practice. Mr Edwards therefore invited the panel to find that a risk of repetition remains, that Mr Cowan cannot practise safely and that he continues to be impaired on public protection grounds.

Mr Edwards further highlighted Mr Cowan's statement in his correspondence with the NMC stating that:

> *'I would like to recommend to the next panel that they permanently remove me from the NMC register.'*

Based on this, and Mr Cowan's lack of engagement with the NMC, Mr Edwards invited the panel to further find Mr Cowan impaired on public interest grounds.

Mr Edwards submitted that the position of the NMC was that a striking off order should be imposed.

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 Cowan's fitness to practise remains impaired.

The panel noted that the original panel found that Mr Cowan had shown some limited insight early on in the proceedings. However, the panel had regard to the correspondence by Mr Cowan to the NMC dated 15 June 2026, where he stated that:

> *'While I accept my faults during the period in question, I do not agree that my actions demonstrate any lack, or limitation of understanding, or acceptance of the potential consequences of my failings. No[r] do I accept the panel's conclusion that my lack of engagement with this process [for the reasons previously stated] reflects a lack of judgement, insight or understanding of the severity of my actions/inactions.'*

The panel considered that this demonstrated a deterioration in insight, evidenced by a limited acceptance and acknowledgement of the findings reached by the substantive panel.

The panel further considered that there was no evidence before it demonstrating that Mr Cowan had taken any steps to strengthen his practice. It also took note of Mr Cowan's correspondence, stating that he had no '*intention to comply with any of the requests/recommended actions from any current or future hearings'.* The panel therefore determined that there was a risk of repetition and that a finding of impairment on public protection grounds was necessary.

The panel has also considered the need to maintain public confidence in the nursing profession and uphold proper professional standards. The panel considered that a finding of impairment was necessary to maintain public confidence and to send a clear message to the public and the profession about the importance of addressing concerns, engaging

with regulatory proceedings and demonstrating insight into matters affecting fitness to practice. The panel considered that Mr Cowan had been given two previous opportunities to address concerns that were remediable in nature but had failed to engage with these opportunities. The panel therefore 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 Cowan's fitness to practise remains impaired.

Decision and reasons on sanction

Having found Mr Cowan'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 guidance on sanctions 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, allowing the order to expire and for Mr Cowan's registration to lapse with impairment. However, the panel had regard to the relevant guidance, which stated that this would only be appropriate in exceptional cases. Given the lack of supporting evidence from Mr Cowan regarding his stated intention not to return to the nursing profession, and in view of the seriousness of the misconduct in this case, the panel felt this was inappropriate. 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 given Mr Cowan's lack of insight or strengthening of his practice, an order that does not restrict Mr Cowan's practice would not be appropriate in the circumstances. The NMC guidance titled *'Caution order'* (SAN-2b, last updated 28 January 2026) states that a caution order may be appropriate where *'the case is at the lower end of the spectrum of impaired fitness to practise, but the Committee wants to mark that what happened was unacceptable and must not happen again'.* The panel considered that Mr Cowan'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 Cowan'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 has received information that Mr Cowan has stated that he does not intend to return to practise as a nurse. In view of Mr Cowan's clear settled intention not to return to nursing, together with his lack of engagement with the NMC throughout the proceedings, the panel considered that any conditions of practice order would not be workable and would serve no useful purpose.

The panel next considered imposing a further suspension order. The panel noted that the original panel found that Mr Cowan had shown limited insight into the charges found proved in this case. However, the panel considered the correspondence of Mr Cowan to the NMC, dated 15 June 2026, where he stated that:

> *'While I accept my faults during the period in question, I do not agree that my actions demonstrate any lack, or limitation of understanding, or acceptance of the potential consequences of my failings. No[r] do I accept the panel's conclusion that my lack of engagement with this process [for the reasons previously stated] reflects a lack of judgement, insight or understanding of the severity of my actions/inactions.'*

The panel determined that this demonstrates a deterioration of insight, as well as a lack of acceptance and desire to remediate the concerns in relation to Mr Cowan's practice. It was therefore of the view that, while a suspension order may have been appropriate in the past, a further period of suspension would not serve any useful purpose in these circumstances.

The panel considered Mr Cowan's position as set out in his email, dated 15 June 2026, following the last review order. No further communication has been received from Mr Cowan since this date.

The panel had regard to:

- this correspondence overall;
- Mr Cowan's expressed view regarding the findings made as set out above;
- his deteriorating insight;
- his failure to provide any of the information suggested by the previous reviewing panel;
- his non-engagement with this process; and
- his expressed wish to be removed from the register.

In considering the matters above and all the circumstances of the case, the panel considered that matters had reached a stage where there are now fundamental questions about Mr Cowan's professionalism. It further considered that public confidence in the profession would be brought into question by Mr Cowan remaining on the register in all the circumstances of his case.

Whilst the panel, like previous panels, considered that historically there was a level of insight and reflection which, if undertaken by Mr Cowan, could keep people receiving care and members of the public safe as well as maintaining public confidence in the profession and upholding professional standards, it considered that this was no longer the case. The previous reviewing panel had provided Mr Cowan with a further period of suspension in order to gain and demonstrate this insight, but this has not been done. In the circumstances, the panel was not satisfied that a period of further suspension would serve any meaningful purpose.

Having regard to all the circumstances of Mr Cowan's case, the panel was satisfied that he should no longer remain on the register. Accordingly, the panel considered the NMC guidance titled *'Removal from the register when there is a substantive order in place'* (REV-2h, last updated 13 May 2026), and noted the following:

> *'In most cases, striking someone off the register will be the appropriate means for them to leave the register if they remain impaired in respect of misconduct…*

… A striking off decision may, in some cases, also serve an important purpose in relation to upholding public confidence and professional standards. In particular, striking off will be appropriate in most cases relating to:

- *Misconduct'*

The panel considered Mr Cowan's lack of engagement, lack of insight and that he has made no progress towards addressing his fitness to practice. Additionally, it considered his expressed intention not to engage in any future hearing as well as his request to be removed from the register.

The panel recognised that Mr Cowan would not be able to apply for restoration to the register for 5 years and considered this to be an important public protection safeguard in the circumstances of his case.

The panel determined that it was necessary to take action to prevent Mr Cowan 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, at the end of 11 December 2026, in accordance with Article 30(1).

This decision will be confirmed to Mr Cowan in writing.

That concludes this determination.