

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

**Substantive Meeting  
Friday, 17 April 2026**

Virtual Meeting

**Name of Registrant:** Kelly-Marie Porter

**NMC PIN:** 05H2523E

**Part(s) of the register:** Nursing, Sub part 1  
RNC, Registered Nurse - Children (16  
September 2005)

**Relevant Location:** Plymouth

**Type of case:** Conviction

**Panel members:** Sarah Lowe (Chair, lay member)  
Genevieve Nwanze (Registrant member)  
Sandra Abramsamadu (Registrant member)

**Legal Assessor:** Gillian Hawken

**Hearings Coordinator:** Adaobi Ibuaka

**Facts proved:** Charge 1 in its entirety

**Facts not proved:** None

**Fitness to practise:** Impaired

**Sanction:** Striking-off order

**Interim order:** Interim suspension order (18 months)

## **Decision and reasons on service of Notice of Meeting**

The panel was informed at the start of this meeting that the Notice of Meeting had been sent to Miss Porter's registered email address by secure email on 3 March 2026.

The panel accepted the advice of the legal assessor.

The Notice of Meeting advised Miss Porter that a panel of the fitness to practise committee at a Notice of Referral Meeting had decided to refer this matter to a substantive meeting.

The panel took into account that the Notice of Meeting provided details of the allegation and indicated that the substantive meeting will be held on or after 8 April 2026 and invited Miss Porter's comments.

In the light of all of the information available, the panel was satisfied that Miss Porter 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).

### **Rule 19**

The panel had regard to Rule 19(1) which stated that hearings must be heard in public, however, the panel noted that this was a substantive meeting and therefore would be heard in private. The panel considered that a public determination would be produced and determined that any mention of Miss Porter's health or family members would be redacted within the public determination.

### **Details of charge**

That you, a Registered Children's Nurse:

- 1) On 09 April 2025, were convicted of the following offences at Plymouth Magistrates' Court:

- a) Possess extreme pornographic image/ images portraying act likely to result in serious injury to person's private parts, contrary to sections 63(1), (7)(b) and 67(2) of the Criminal Justice and Immigration Act
- b) Make indecent photograph/pseudo-photograph of a child contrary to sections 1(1)(a) and 6 of the Protection of Children Act 1978 in that on or before 05/11/2024 at Plymouth in the county of Cornwall made 13 category A indecent photographs of a child
- c) Make indecent photograph/pseudo-photograph of a child contrary to sections 1(1)(a) and 6 of the Protection of Children Act 1978 in that on or before 05/11/2024 at Plymouth in the county of Cornwall made 1 category B indecent photographs of a child
- d) Make indecent photograph/pseudo-photograph of a child contrary to sections 1(1)(a) and 6 of the Protection of Children Act 1978 in that on or before 05/11/2024 at Plymouth in the county of Cornwall made 43 category C indecent photographs of a child

And, in light of the above, your fitness to practise is impaired by reason of your conviction(s).

## **Background**

On 20 November 2024 the NMC received a referral from the Clinical Service Lead at Healthcare At Home (the Agency) about Miss Porter, a Registered Children's nurse. The referral raises a concern that Miss Porter was under investigation by police for the suspected offence of possession of images of child sexual abuse.

The Agency was contacted by the Local Authority Designated Officer (LADO) for the safeguarding of children at Plymouth City Council who, after confirmation that Miss Porter was one of their employees, made them aware of a referral they had received from Devon and Cornwall Police. They made the Agency aware that Miss Porter had been arrested and bailed for having in her possession images of child abuse (up to and including Category A images of extreme child abuse. This category of images may include penetrative sexual abuse, bestiality and sadistic

abuse of children). The images had been discovered on Miss Porter's personal phone, having allegedly and knowingly been shared with Miss Porter by her partner.

Following guilty pleas from Miss Porter she was convicted of three offences relating to making indecent images of children contrary to section 1(1)(a) and 6 of the Protection Children Act 1978, including 13 category A indecent photographs of a child; and one offence of possessing extreme pornographic images portraying an act likely to result in serious injury to a person's private parts, contrary to section 63(1), (7)(b) and 67(2) of the Criminal Justice and Immigration Act 2008.

Miss Porter was sentenced at Plymouth Magistrates Court on 4 June 2025 to 32 weeks imprisonment, suspended for 18 months, with 15 days rehabilitation activity. Miss Porter was also placed on the Sex Offenders Register for seven years and made the subject of a Sexual Harm Prevention Order for 10 years. Miss Porter was sentenced alongside her partner who received the same sentence.

### **Decision and reasons on facts**

The charges concern Miss Porter's convictions and, having been provided with a copy of the certificate of conviction, and Miss Porter has accepted the convictions as is apparent from her statement, dated 9 April 2025 and her application for Agreed Removal, dated 18 December 2025 (which did not proceed), the panel finds that the facts are found proved in accordance with Rule 31 (2) and (3). These state:

- '31.— (2) Where a registrant has been convicted of a criminal offence—*
- (a) a copy of the certificate of conviction, certified by a competent officer of a Court in the United Kingdom (or, in Scotland, an extract conviction) shall be conclusive proof of the conviction; and*
  - (b) the findings of fact upon which the conviction is based shall be admissible as proof of those facts.*
- (3) The only evidence which may be adduced by the registrant in rebuttal of a conviction certified or extracted in accordance with paragraph (2)(a) is evidence for the purpose of proving that she is not the person referred to in the certificate or extract.'*

## **Fitness to practise**

Having announced its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Miss Porter's fitness to practise is currently impaired by reason of Miss Porter's conviction. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's ability to practise safely and effectively without restriction.

## **Representations on impairment**

The NMC requires the panel to bear in mind its overarching objective to protect the public and the wider public interest. This included the need to declare and maintain proper standards and maintain public confidence in the profession and in the NMC as a regulatory body. The panel has referred to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin).

The panel accepted the advice of the legal assessor.

## **Decision and reasons on impairment**

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

In coming to its decision, the panel had regard to the NMC Guidance on '*Impairment*' (Reference: DMA-1 Last Updated:28/01/2026) in which the following is stated:

*'Being fit to practise is not defined in our legislation but for us it means that a professional on our register can practise as a nurse midwife or nursing associate safely and effectively without restriction.'*

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) ...'*

The panel finds limbs a – c of the *Grant* test engaged. The panel finds that whilst patients were not put at risk of harm and were not caused physical and emotional harm as a result of Miss Porter's conviction, there is a potential for harm in the future. The panel found that the children in the images were exploited and would have suffered harm as a result of the creation of the images Miss Porter had in her possession. Furthermore, the panel considered that Miss Porter's conduct may put members of the public at risk by causing significant damage to the reputation of the profession to the extent that they may be reluctant to seek advice or treatment, noting especially her qualification as a Children's nurse. The panel was in no doubt that the conduct which led to Miss Porter's convictions breached the fundamental tenets of the nursing profession and therefore brought its reputation into disrepute and would undermine public confidence in the profession.

The panel considered the NMC guidance on '*criminal convictions and cautions*' (FTP-2c) and determined that Miss Porter's convictions raised fundamental concerns about her ability to uphold the standards and values set out in the Code.

The panel considered that the conduct leading to the convictions was capable of being remediated. Miss Porter has started to take steps towards remediation, however, she has not provided evidence to indicate the outcomes from those steps and so the panel was not satisfied that she has fully remediated the concerns.

In regard to Miss Porter's insight, the panel considered that Miss Porter has accepted the convictions, demonstrating a willingness to address the concerns and shown awareness for the potential harm to those who were depicted in the images. The panel had regard to Miss Porter's reflection, testimonials from Miss Porter's Probation Officers, and testimonials from her family and close friends, who have all commented on her good character and exemplary career.

However, the panel considered that although Miss Porter had shown some insight by acceptance of her convictions and early admissions to the police, it determined that her insight was limited. The panel were of the view that Miss Porter's reflections put emphasis on her partner's behaviour rather than being accountable for her actions in acquiescing with her partner's behaviour and use of the images, focusing instead on the impact her behaviour has had on her and [PRIVATE]. The panel noted the seriousness of the

particulars of the offences given in the certificate of conviction all of which warranted suspended custodial sentences. The panel considered that Miss Porter did not fully understand that, as an experienced children's nurse, she had the requisite knowledge of safeguarding and therefore a responsibility to act. The panel did not have any evidence before it that suggested that Miss Porter had been under coercive control or other contextual factors and determined that her professional knowledge and experience as a long standing children's nurse, should have informed her actions at the time. The panel noted that Miss Porter did not address the impact or the repercussions of her actions on her colleagues and the reputation of the nursing profession, or the NMC as its regulator.

In its consideration of whether Miss Porter has taken steps to strengthen her practice, the panel took into account that Miss Porter had stated in her reflection [PRIVATE]. It further considered that Miss Porter is undertaking modules with the Lucy Faithful foundation as part of the stop it now programme, however, there is no evidence in support of this before the panel. The panel had sight of Miss Porter's Disclosure and Barring Services (DBS) letter dated 12 June 2025, which showed she was barred as a result of her convictions. It noted that the concerns were not clinical and as a result of being barred, Miss Porter would struggle to demonstrate strengthening of practice.

The panel noted that although the convictions had nothing to do with Miss Porter's clinical skills, it was attitudinal in nature. It determined that given the lack of full accountability, remediation and limited insight from Miss Porter, there was still a risk that she could be liable to repeat matters of the kind found proved. 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 are to protect, promote and maintain the health safety and well-being of the public and patients, and to uphold/protect the wider public interest, which includes promoting and maintaining public confidence in the nursing and midwifery professions and upholding the proper professional standards for members of those professions.

The panel determined that in this case, a finding of impairment on public interest grounds was required. The panel was of the view that a well-informed member of the public would

be very concerned and horrified if no finding of impairment were made in light of Miss Porter's convictions, especially given the nature of the convictions pertaining to the three offences relating to making indecent images of children contrary to section 1(1)(a) and 6 of the Protection Children Act 1978, including 13 category A indecent photographs of a child; and one offence of possessing extreme pornographic images portraying an act likely to result in serious injury to a person's private parts, contrary to section 63(1), (7)(b) and 67(2) of the Criminal Justice and Immigration Act 2008.

Furthermore, it determined that confidence in the profession, and the NMC as their regulator, would be diminished and standards of nursing undermined, if no finding of impairment were to be made. Therefore, the panel concluded that a finding of impairment was otherwise in the public interest in this regard.

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

## **Sanction**

The panel has considered this case very carefully and has decided to make a striking-off order. It directs the registrar to strike Miss Porter off the register. The effect of this order is that the NMC register will show that Miss Porter has been struck-off the register.

In reaching this decision, the panel has had regard to all the evidence that has been adduced in this case and had regard to the NMC Guidance on '*The sanctions available*' (Reference: SAN-2 Last Updated: 28/01/2026).

The panel accepted the advice of the legal assessor.

## **Representations on sanction**

The panel noted that in the Notice of Meeting, dated 3 March 2026, the NMC had advised Miss Porter that it would seek the imposition of a striking-off order if it found Miss Porter's fitness to practise currently impaired.

Miss Porter did not submit any written representations in respect of sanction.

### **Decision and reasons on sanction**

Having found Miss Porter's fitness to practise currently impaired, the panel went on to consider what sanction, if any, it should impose. 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 regard to the NMC Guidance on '*The sanctions available*' (Reference: SAN-2 Last Updated: 28/01/2026). The decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Very serious nature of the multiple offences warranting custodial sentences;
- The predatory nature of the behaviour involved in the offences;
- Limited insight;
- Miss Porter's role as a children's nurse and her professional duty to protect and promote children, where the offences involved images of children, who are most vulnerable in society; and
- Miss Porter's actions, despite her long experience and training in safeguarding and awareness of personal and professional boundaries.

The panel also took into account the following mitigating features:

- Early admission of the facts; and
- Has shown remorse into convictions and engaging with probation services, taking relevant steps to remediation.

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.

The panel next considered a caution order and had regard to the NMC Guidance on ‘*Caution order*’ (Reference: SAN-2b Last Updated: 28/01/2026) in which the following is stated:

*‘A caution is only appropriate if the Committee has decided there’s no risk to the public or to people using services that requires the professional’s practice to be restricted. This means 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 Miss Porter’s misconduct was not at the lower end of the spectrum, and it found that there is a risk to patient and public safety. The panel therefore determined that a sanction that does not restrict Miss Porter’s practice would not protect the public. The panel also determined that it would be neither proportionate nor in the public interest to impose a caution order.

The panel next considered whether to place conditions of practice on Miss Porter’s registration. In considering whether conditions of practice are appropriate, the panel had regard to the factors set out in the NMC Guidance on ‘*Conditions of practice order*’ (Reference: SAN-2c Last Updated: 28/01/2026). The panel noted that the concerns do not relate to Miss Porter’s clinical practice, competence or identifiable areas of practise for retraining, but rather attitudinal issues. It also had regard to it’s findings about Miss Porter’s insight and to the nature and seriousness of Miss Porter’s conduct, which involved the most vulnerable members of the public. The panel determined that a conditions of practice order would not be appropriate or proportionate in these circumstances to protect patients and to uphold professional standards. The panel further noted that Miss Porter was barred on the children’s and adults list on 8 May 2025. As such, the panel considered that there are no workable or measurable conditions that could be formulated.

The panel went on to consider whether a suspension order is appropriate in this case. The panel had regard to the NMC Guidance on ‘*Suspension order*’ (Reference: SAN-2d Last Updated: 28/01/2026) in which the following factors on when a suspension order may be appropriate are set out:

- *‘the impairment is very serious but not fundamentally incompatible with continuing to be a registered professional*
- *an outcome less severe than strike-off would still satisfy the over-arching objective.’*

The panel also had regard to the key considerations as set out in the NMC Guidance to weigh up before imposing a suspension. It noted the following list of circumstances that may make a suspension order an appropriate sanction:

- *‘the charges found proved are at the most serious end of the spectrum and call into question the professional’s suitability to continue practising, either currently or at all*
- *while it is possible that the professional could be fit to practise in future, only a period out of practice would be sufficient to allow them to fully strengthen their practice through reflection, the development of their professional skills and / or development of insight and remediation*
- *there is a risk to the safety of people using services if the professional were allowed to continue to practise even with conditions*
- *what went wrong is so serious that public confidence in the profession and professional standards could not be maintained if the professional were able to continue practising without stopping for a period of time*
- *despite the seriousness of what happened, the professional has engaged in the proceedings and has shown at least some meaningful insight which evidences a realistic possibility that they will continue to develop this insight, address their concerns and return to practice.’*

The panel was not satisfied that temporary removal from the register would reflect the seriousness of the case. The conduct, as highlighted by the facts found proved and Miss Porter’s convictions, was a significant departure from the standards expected of a registered nurse. The panel determined that the serious breach of the fundamental tenets of the profession evidenced by her convictions is fundamentally incompatible with Miss Porter remaining on the register. In this particular case, the panel determined that a suspension order would not be a sufficient, appropriate or proportionate sanction.

In considering a striking-off order, the panel had regard to the NMC Guidance on ‘Sanctions for the highest risk cases’ (Reference SAN-4 Last Updated: 28/01/2026). The

panel had regard to its earlier findings above and determined that this case falls within the definition of being a '*highest risk case*'.

The panel had regard to the following considerations as set out in the NMC Guidance entitled '*Striking-off order*' (Reference: SAN-2e Last Updated; 28/01/2026):

- *Do the charges found proved raise fundamental questions about their professionalism?*
- *Can public confidence in the profession be maintained if the professional is not removed from the Register?*
- *Is there any amount of insight and reflection which could keep people receiving care and members of the public safe, maintain public confidence in the profession, and uphold professional standards?*
- *Is there a realistic prospect that, after suspension, the professional will have gained insight and strengthened their practice such that the risk they pose will have reduced?*

The panel found that the charges found proved by way of Miss Porter's conviction, raised fundamental questions about her professional judgement and integrity, especially as an experienced children's nurse. The panel was not satisfied that Miss Porter had not demonstrated full insight into the gravity of her conduct or the full impact on vulnerable children, the reputation of the nursing profession, the NMC as its regulator and public confidence in the regulatory process.

The panel was satisfied that there was not a realistic prospect that Miss Porter would gain insight after a period of suspension where she has had a significant time to gain insight and remediate her actions already.

Miss Porter's actions were significant departures from the standards expected of a registered nurse, and are fundamentally incompatible with her remaining on the register. The panel was of the view that the findings in this particular case demonstrate that Miss Porter's actions were serious and to allow her to continue practising would undermine public confidence in the profession and in the NMC as a regulatory body.

Balancing all of these factors and after taking into account all the evidence before it during this case, the panel determined that the appropriate and proportionate sanction is that of a striking-off order. Having regard to the matters it identified, in particular the effect of Miss Porter's actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct herself, the panel has concluded that nothing short of this would be sufficient in this case.

The panel considered that this order was 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.

This will be confirmed to Miss Porter in writing.

### **Interim order**

As the striking-off order cannot take effect until the end of the 28-day appeal period, the panel has considered whether an interim order is required in the specific circumstances of this case. It may only make an interim order if it is satisfied that it is necessary for the protection of the public, is otherwise in the public interest or in Miss Porter's own interests until the striking-off sanction takes effect.

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

### **Decision and reasons on interim order**

The panel was satisfied that an interim order is necessary for the protection of the public and is otherwise in the public interest. The panel had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an interim order.

The panel concluded that an interim conditions of practice order would not be appropriate or proportionate in this case, due to the reasons already identified in the panel's determination for imposing the substantive order. The panel therefore imposed an interim

suspension order for a period of 18 months due to allow time for the appeal period before the striking-off order comes into effect.

If no appeal is made, then the interim suspension order will be replaced by the striking off order 28 days after Miss Porter is sent the decision of this hearing in writing.

That concludes this determination.