

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

**Substantive Meeting
Wednesday, 22 July 2026**

Nursing and Midwifery Council
2 Stratford Place, Montfichet Road, London, E20 1EJ

Name of Registrant:	Mark James Rebustes
NMC PIN:	19J0913O
Part(s) of the register:	Registered Nurse – Adult RN1 – Nursing – October 2019
Relevant Location:	Fife
Type of case:	Conviction
Panel members:	Derek Artis (Chair, Lay member) Gillian Tate (Registrant member) Steven Chandler (Lay member)
Legal Assessor:	Lee Davies
Hearings Coordinator:	Daisy Sims
Facts proved:	All
Facts not proved:	N/A
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 that the Notice of Meeting had been sent to Mr Rebustes's registered email address by secure email on 17 June 2026.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the allegation, the time and potential dates.

In the light of all of the information available, the panel was satisfied that Mr Rebustes 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).

Details of charge

That you, a registered nurse:

1. On 9 May 2025 at Dundee Sheriff Court were convicted of the following offences:
 - a. On occasion between 31 July 2019 and 24 May 2023, both dates inclusive at [PRIVATE] or elsewhere you MARK JAMES REBUSTES did take or permit to be taken or make indecent photographs or pseudo-photographs of Children; contrary to the Civic Government (Scotland) Act 1982 section 52 (1) (a) as amended
 - b. On various occasions between 31 July 2019 and 24 May 2023, both dates inclusive at [PRIVATE] or elsewhere you MARK JAMES REBUSTES did have in your possession indecent photographs pseudo-photographs of Children; contrary to the Civil Government (Scotland) Act 1982

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

Decision and reasons on facts

The charge concerns Mr Rebustes convictions for two criminal offences and, having been provided with a copy of the extract conviction report, the panel found the facts 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.’

Background

Mr Rebustes self-referred to the Nursing and Midwifery Council (NMC) on 25 October 2023. Mr Rebustes self-referral resulted in an investigation by the NMC, which identified the charges as set out above.

On 24 May 2023 Mr Rebustes was arrested [PRIVATE]. At the same time the Police executed a search warrant at his home address and seized computer equipment and mobile phones. The computer equipment was subsequently examined and the results of that examination led to the charges that Mr Rebustes was convicted of.

Mr Rebustes was convicted on 9 May 2025 and sentenced on 17 June 2025. Mr Rebustes was sentenced concurrently on charges 1 and 2 to a Community Payback Order, with Unpaid Work and other Activity Requirement of 300 hours to be completed within a period of 12 months.

Fitness to practise

Having announced its findings on the facts, the panel then considered whether, on the basis of the facts found proved, Mr Rebustes's fitness to practise is currently impaired by reason of Mr Rebustes's conviction. There is no statutory definition of fitness to practise. However, the NMC has defined fitness to practise as a registrant's suitability to remain on the register unrestricted.

Decision and reasons 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 which included reference to a number of relevant judgments. These included: *Roylance v General Medical Council (No 2)* [2000] 1 A.C. 311, *Nandi v GMC* [2004] EWHC 2317 (Admin), and *GMC v Meadow* [2007] QB 462 (Admin).

The panel next went on to decide if as a result of the conviction, Mr Rebustes'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.

The panel determined that Mr Rebustes' behaviour breached the following sections of The Code: Professional standards of practice and behaviour for nurses and midwives (2018) ('the Code'):

'20 Uphold the reputation of your profession at all times

To achieve this, you must:

20.1 keep to and uphold the standards and values set out in the Code

20.3 be aware at all times of how your behaviour can affect and influence the behaviour of other people

20.4 keep to the laws of the country in which you are practising'

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 that there was a risk for patients to be put at harm as a result of Mr Rebustes’ conviction given that it was a sexual offence.

The panel determined that Mr Rebustes’ convictions were very serious and although not directly related to his clinical practice and patient care he brought the nursing profession into disrepute. Mr Rebustes’ convictions also constituted serious breaches of the fundamental tenets of the nursing profession.

Regarding insight, the panel considered that Mr Rebustes had disengaged with the regulatory process which is confirmed by his solicitors in an email dated 11 March 2026:

‘Our client has been in touch today to say that he wishes to disengage entirely now from the regulatory process. We will not be taking instructions from him now in respect of any further procedure’

The panel therefore found that Mr Rebustes has not provided any evidence to show that he has insight into his actions or that he is remorseful. Additionally, he has not provided the panel with any information that he had taken steps to strengthen his practice

The panel is of the view that there is a risk of repetition based on Mr Rebustes’ complete disengagement from the process together with the seriousness of the charges. 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. It was of the view that a well informed member of the public would be shocked to learn that a registered nurse convicted of such serious offences were able to practice unrestricted.

Having regard to all of the above, the panel was satisfied that Mr Rebustes'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 Mr Rebustes off the register. The effect of this order is that the NMC register will show that Mr Rebustes 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 17 June 2026, the NMC had advised Mr Rebustes that it would seek the imposition of a striking off order if it found Mr Rebustes's fitness to practise currently impaired.

Decision and reasons on sanction

Having found Mr Rebustes'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:

- deliberate breaches of the Code
- failure to attend hearings, or to engage in the Fitness to Practise (FtP) process, without good reason
- absence of or limited insight.
- offence involves vulnerable children

The panel considered that there are no mitigating features in this case.

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 Mr Rebustes' 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 Mr Rebustes' practise 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 a conditions of practice order on Mr Rebustes'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).

Having found that Mr Rebustes has recently served a sentence, is currently subject to notification requirements under the Sexual Offences Act 2003 for a period of five years from the date of sentence and having regard to the nature and seriousness of Mr Rebustes' conduct, the panel determined that a conditions of practice order would not be appropriate in the circumstances. The panel considered that there are no relevant, proportionate, workable or measurable conditions that could be formulated to protect patients and to uphold professional standards.

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.'*

Whilst the panel acknowledged that the risks identified could possibly be managed by Mr Rebustes being temporarily removed from the Register, it considered that it would not be sufficient to uphold public confidence in the profession and maintain professional standards due to the seriousness and nature of the facts found proved. Given Mr Rebustes' lack of engagement, lack of insight, lack of remorse, together with no evidence of training and development, the panel considered that there is no realistic possibility that he would address the concerns to such a level where he could return to practise safely.

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). Having regard to all of the above, the panel determined that this case falls within the definition of being a '*highest risk case*'. It particularly noted the following:

'Sexual misconduct is likely to create a risk to people receiving care and to colleagues as well as undermining public trust and confidence. This is the case even if the victim is not a colleague or someone receiving care. This is because it calls into question the professional's understanding of personal boundaries. The Committee should always consider the duration of the conduct, the professional's

relationship to those involved and the vulnerabilities of anyone subject to the alleged conduct.

- situations where the professional has been registered as a sex offender. In such cases, the Committee should consider whether it is appropriate for the professional to return to unrestricted (or any) practice while still registered as a sex offender.*
- Convictions for sexual offences including those relating to images or videos involving child sexual abuse or exploitation. These offences gravely undermine the public's trust in the professions. Any such conviction makes it highly unlikely the professional can uphold the standards and values set out in the Code.*

[...]

Any professional who is found to have behaved in this way will be at risk of being removed from the Register. This is because of the severe impact the conduct has on:

- public confidence*
- a professional's ability to uphold the standards and values set out in the Code*
- the safety of people receiving care.'*

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 also had regard to the NMC Guidance at FTP 2c-1 *directly referring specified offences to the Fitness to Practise Committee* (last updated 27/02/2024):

‘Specified offences are offences which are, by definition, particularly serious. The nature of these convictions would raise fundamental questions about a nurse, midwife or nursing associate’s ability to uphold the standards and values set out in the Code.

What are specified offences?

In our guidance ‘specified offences means:

[...]

- sexual offences*

[...]

Sexual offences are offences which involve sexual activity or sexual motivation. They include crimes such as rape or sexual assault, any sexually motivated crimes against children including child sexual abuse or grooming, the taking or sharing of indecent images of children, and crimes that exploit others for a sexual purpose, whether in person or online.’

Based on the above guidance, the panel determined that Mr Rebustes’ case falls within the category of the highest risk cases. The panel found that this case relates to sexual misconduct and that this does call into question Mr Rebustes’ understanding of personal boundaries. It also noted that this case relates to a specified offence which also raises fundamental questions about Mr Rebustes’ character in particular the current and future risks to patients and the public.

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

Balancing all of these factors including the punitive effect upon Mr Rebustes, and after taking into account all the evidence before it, 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 Mr Rebustes' actions in bringing the profession into disrepute by adversely affecting the public's view of how a registered nurse should conduct himself, 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 Mr Rebustes 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 Mr Rebustes'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 given the risk he poses. 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 in order to cover any appeal period.

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

That concludes this determination.