

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

Substantive Meeting

Thursday, 25 June 2026

Virtual Meeting

Name of Registrant:	Sam Morgan Tate
NMC PIN:	18C0339E
Part(s) of the register:	Nursing Sub part 1 RNMH, Registered Nurse - Mental Health 28 September 2018
Relevant Location:	Nottinghamshire
Type of case:	Conviction
Panel members:	Michelle McBreeze (Chair, Lay member) Alison Hayle (Lay member) Claire Cawley (Registrant member)
Legal Assessor:	Alice Robertson Rickard
Hearings Coordinator:	Adaobi Ibuaka
Facts proved:	Charges 1, 2 and 3
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 the Notice of Meeting had been sent to Mr Tate's registered email address by secure email on 21 May 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, date and the fact that this meeting was heard virtually.

In the light of all of the information available, the panel was satisfied that Mr Tate 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 23 July 2025 were convicted at Nottingham Crown Court of make indecent photograph/pseudo - photographs of a child, Contrary to section 1(1)(a) and 6 of the Protection of Children Act 1978
- 2) On 23 July 2025 were convicted at Nottingham Crown Court of make indecent photograph/pseudo - photographs of a child, Contrary to section 1(1)(a) and 6 of the Protection of Children Act 1978
- 3) On 23 July 2025 were convicted at Nottingham Crown Court of make indecent photograph/pseudo - photographs of a child, Contrary to section 1(1)(a) and 6 of the Protection of Children Act 1978

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

Background

The charges arose whilst Mr Tate was employed as a registered nurse by Derbyshire Healthcare NHS Foundation Trust (the Trust). Mr Tate was employed by the Trust as a Band 6 Crisis Lead Nurse in Children and Adolescent Mental Health Services (CAMHS).

On 22 November 2024, Nottinghamshire Police attended Mr Tate's home address after receiving intelligence that Mr Tate was in possession of an indecent image of a child. Mr Tate was arrested, interviewed and bailed on suspicion of possessing one category A image.

On 30 January 2025 Nottinghamshire Police confirmed that they had obtained enough evidence to charge Mr Tate with three offences of making indecent images of children.

On 23 July 2025 Mr Tate was convicted at Nottingham Crown Court of making indecent photographs/pseudo -photographs of a child, namely 2 category A images, 3 Category B images and 5 Category C images.

Decision and reasons on facts

The charges concerned Mr Tate's conviction and, having been provided with a copy of the certificate of conviction, the panel finds that the facts are found proved in accordance with Rule 31 (2) and (3). This states:

- '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 found the facts proved, the panel then considered whether, on the basis of the facts found proved, Mr Tate's fitness to practise is currently impaired by reason of Mr Tate's convictions. 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.

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 includes 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), *Ronald Jack Cohen v General Medical Council* [2008] EWHC 581 (Admin) and *Council for the Regulation of Health Care Professionals v General Dental Council and Fleischmann* [2005] EWHC 87 (Admin).

The panel accepted the advice of the legal assessor.

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 there is no evidence that patients were put at a direct risk of harm in the past, there is a risk of harm in the future. The panel found that Mr Tate's conviction was serious as it pertains to sexual offences involving children, especially noting his role as a Lead Nurse in Children and Adolescent Mental Health Services (CAMHS). Furthermore, the panel considered that Mr Tate'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. The panel was in no doubt that the conduct which led to Mr Tate's convictions was egregious and breached the fundamental tenets of the nursing profession, bringing its reputation into disrepute and would gravely undermine public confidence in the profession.

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

The panel considered that the conduct leading to the convictions was not easily remediable, noting that Mr Tate was still serving a suspended sentence, was on the sex offenders register and was subject to a sexual harm prevention order. The panel noted that Mr Tate had been sentenced to a Rehabilitation Activity Requirement and an Unpaid Work Requirement, but there was no information before the panel as to whether these had been completed.

With regard to insight, the panel had sight of Mr Tate's written reflection dated 20 February 2025. The panel noted that Mr Tate had stated the following and this reflection was written before Mr Tate was convicted on 23 July 2025 :

'I stand by that I have no sexual interest in children, nor have I ever abused those in my care or abused the position of trust that I have held whilst working as a nurse. I have made no attempts to engage in inappropriate communication with children, and I am confident that any investigations with police have affirmed that I pose no active risk to children... It is with overwhelming sadness that I face these charges, and whilst I personally feel that the realisation I will be unable to carry out my job role in the future is punishment enough, I would like to inform the NMC that I intend

to accept what has happened and plead guilty. I am aware of possible outcomes and will face any consequences of this mistake going forward.'

The panel considered that although Mr Tate had shown some insight, it determined that his insight was limited. The panel was of the view that Mr Tate's reflections focused on recounting what had occurred from his arrest to police questioning and how embarrassing and sad the charges against him are, rather than the impact or the repercussions of his actions on patients, colleagues and the reputation of the nursing profession or the NMC as its regulator.

In considering whether Mr Tate has taken steps to strengthen his practice, the panel noted that there was no further information or updated written reflective piece before it. The panel noted that the concerns were not clinical and as a result Mr Tate would be limited in being able to demonstrate a strengthening of practice.

The panel is of the view that there is a risk of repetition based on the limited insight and lack of remediation. The panel noted that in his written reflection dated 20 February 2025, Mr Tate appeared to be in denial about the nature of his offending. Given his limited insight and no updated reflection or further information, the panel determined that there was still a risk that he 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 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 shocked and concerned if no finding of impairment were made in light of Mr Tate's convictions, especially given the nature of the convictions.

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 Mr Tate'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 Tate off the register. The effect of this order is that the NMC register will show that Mr Tate has been struck-off the register.

In reaching this decision, the panel had regard to the NMC sanctions guidance as set out in SAN-1 to SAN-4.

The panel accepted the advice of the legal assessor.

Decision and reasons on sanction

Having found Mr Tate'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 decision on sanction is a matter for the panel independently exercising its own judgement.

The panel took into account the following aggravating features:

- Conviction involved images of child exploitation and resulted in Mr Tate being registered as a sex offender and being subject to a sexual harm prevention order.
- Repeated conduct as offences occurred over a number of weeks, resulting in three separate convictions.
- Mr Tate remains subject to a suspended sentence.
- Limited insight.

The panel also took into account the following mitigating features:

- Guilty pleas to the offences

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 Tate’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 Mr Tate’s 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 conditions of practice on Mr Tate’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 Mr Tate’s clinical practice or competence and so there are no identifiable areas of practice for retraining. Having regard to the nature and seriousness of Mr Tate’s 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.’*

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 Mr Tate’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 his convictions is fundamentally incompatible with Mr Tate remaining on the register. In this particular case, the panel determined that a suspension

order would not be a sufficient, appropriate or proportionate sanction, to protect the public or satisfy the public interest in this case.

The panel had regard to the NMC Guidance on '*Sanctions for the highest risk cases*' (Reference SAN-4 Last Updated: 28/01/2026). It determined that as Mr Tate's conviction was for a sexual offence involving child sexual abuse or exploitation and lead to him being registered as a sex offender, the panel 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 Mr Tate's conviction, raised fundamental questions about his professionalism and trust. The panel was not satisfied that Mr Tate had demonstrated sufficient insight into the gravity of his conduct or acknowledged the full impact of his conduct on both the children who were exploited in the making of the photographs and on the reputation of the nursing profession.

The panel was satisfied that there was not a realistic prospect that Mr Tate would be able to address the concerns even with the maximum 12 months suspension which the panel could impose, given that he is currently on a suspended sentence and would remain on the sex offenders register for 10 years.

Mr Tate'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 Tate'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 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.

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 Tate 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 Tate's own interests until the striking-off sanction takes effect. The panel heard and accepted the advice of the legal assessor.

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 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 substantive striking off order 28 days after Mr Tate is sent the decision of this hearing in writing.

That concludes this determination.