

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

**Substantive Meeting  
Monday, 18 May 2026**

Virtual Meeting

**Name of Registrant:** **Gemma Louise Banks**

**NMC PIN:** 19A2364E

**Part(s) of the register:** Nursing associates part of the register NAR: Nursing associate – 21 July 2019

**Relevant Location:** Essex

**Type of case:** Conviction

**Panel members:** John Millar (Chair, lay member)  
Fulata Siyunyi (Lay member)  
Wendy Hope (Registrant member)

**Legal Assessor:** Julliet Gibbon

**Hearings Coordinator:** Fabbuha Ahmed

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

**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 Ms Banks' registered email address by secure email on 9 April 2026.

The panel accepted the advice of the legal assessor.

The panel took into account that the Notice of Meeting provided details of the charge and the fact that this meeting would be heard virtually on or after 13 May 2026.

In the light of all of the information available, the panel was satisfied that Ms Banks 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 Nursing Associate:

1. Were convicted at Snaresbrook Crown Court on 24 July 2024 of the following offences:

a. Being concerned in the supplying of a controlled drug – Class A – Heroin, between 15 May 2023 – 11 October 2023 in contravention of the Misuse of Drugs Act 1971 s.4 (3)

b. Being concerned in the supplying of a controlled drug – Class A – Crack Cocaine, between 15 May 2023 – 11 October 2023 in contravention of the Misuse of Drugs Act 1971 s.4 (3)(b).

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 Ms Banks' convictions for two criminal offences and, having been provided with a copy of the certificate of conviction, 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**

On 23 October 2023, the NMC received a referral from North East London NHS Foundation Trust ('the Trust'). At the time Ms Banks was employed by the Trust's Child and Adolescent Mental Health (CAMHS) Unit at Brookside as a Nursing Associate.

On 11 October 2023, Ms Banks was arrested on suspicion of being concerned with the supply of Class A drugs, namely Crack Cocaine and Heroin. Ms Banks was charged for both offences. The offending behaviour took place between 15 May 2023 and 11 October 2023.

The Trust informed the NMC that the evidence obtained by the police throughout their investigation suggested that Ms Banks had been involved in wider organised crime networks. Ms Banks was held on remand until 8 November 2023.

On 27 March 2025 the NMC received an update from Snaresbrook Crown Court confirming that Ms Banks had pleaded guilty on 4 March 2024 on a basis which was not accepted. A Newton hearing was listed on 26 July 2024 when discussions were held with the judge and counsel, and a decision was made that the case would proceed to sentence.

Ms Banks' sentencing hearing took place on 9 July 2025 when she was sentenced in respect of the two offences, namely between 15 May 2023 and 11 October 2023. Ms Banks was concerned in the supply of Crack Cocaine and Heroin.

Ms Banks received a suspended sentence order. She was sentenced to 24 months imprisonment, suspended for 24 months with a rehabilitation activity requirement.

### **Decision and reasons on impairment**

The panel next considered whether, on the basis of the facts found proved, Ms Banks' fitness to practise is currently impaired by reason of her convictions. There is no statutory definition of fitness to practise. However, 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.'*

Nursing associates occupy a position of privilege and trust in society and are expected at all times to be professional. Patients and their families must be able to trust nursing associates with their lives and the lives of their loved ones. To justify that trust, nursing associates must 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 Ms Banks' 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*

*20.8 act as a role model of professional behaviour for students and newly qualified nurses, midwives and nursing associates to aspire to'*

In this regard the panel considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC and Grant* [2011] EWHC 927 (Admin) 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 first considered whether any of the limbs of *Grant* were engaged. The panel determined there was no evidence before it that patients were at unwarranted risk of harm as a result of Ms Banks' offending behaviour.

The panel determined that Ms Banks' convictions were very serious and although not directly related to her clinical practice and patient care she brought the nursing associate profession into disrepute. Ms Banks' convictions also constituted serious breaches of the fundamental tenets of the nursing associate profession.

Regarding insight, the panel noted that Ms Banks has not provided it with any evidence to show that she had insight into her actions or that she is remorseful. Further, Ms Banks had not provided the panel with any information that she had taken steps to strengthen her practice. As a result of this the panel could not be satisfied that it is highly unlikely that her offending behaviour would be repeated in the future.

In light of the seriousness of the conviction and there being no evidence of insight the panel accordingly found that limbs (b) and (c) of the *Grant* test were fully

engaged in relation to both past and future conduct. It therefore found that a finding of impairment is necessary on the ground 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 took into consideration the judge's sentencing remarks, dated 9 July 2025, where she said:

*'The supply of drugs or being concerned in the supply of drugs to others, is a serious matter. Drugs blight the lives of individuals who use those drugs and the families to which those drug users are linked. It blights families. It blights societies. It blights communities. And you, all of you, being involved in that enterprise, are playing a part in destroying other peoples lives...*

*'...in many ways it is confusing and astonishing to think when you are dealing with people in your role as a nurse, and seeing those people that come before you, which will no doubt, include vulnerable people and drug users alike, that you got involved in this. It is like you somehow disassociated the two parts of you to do this and then carry out your role as a nurse at the same time...*

*'...Turning to you, Ms Banks, you also have a significant role. You did have a management function, and I will come on to that in a moment. You also involved others in this offence, through the expectation of reward. You also had a significant or other financial advantage for your role. And you also clearly had an understanding and awareness of the scale of the operation.'*

The panel had regard to the serious nature of Ms Banks' convictions and determined that public confidence in the profession would be undermined if a finding of impairment were not made in this case. It was of the view that a fully informed member of the public, aware of the convictions, would be concerned if Ms Banks

were permitted to practise as a registered nursing associate without restrictions. For this reason, the panel determined that a finding of current impairment on public interest grounds is also required. It determined that this finding is necessary to mark the seriousness of the convictions, the importance of maintaining public confidence in the nursing associate profession, and to uphold the proper professional standards for members of the nursing associate profession.

Having regard to all of the above, the panel was satisfied that Ms Banks' fitness to practise is currently impaired on public protection and public interest grounds.

### **Sanction**

The panel has considered this case very carefully and has decided to impose a striking-off order. It directs the registrar to strike Ms Banks off the register. The effect of this order is that the NMC register will show that Ms Banks 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.

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

Having found Ms Banks' 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:

- Ms Banks' offending behaviour resulted in personal financial gain
- Very limited engagement with the NMC

The panel also took into account the following mitigating features:

- No previous criminal convictions
- Some evidence of remorse demonstrated during the criminal proceedings

The panel first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the convictions. 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 Ms Banks' 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 Ms Banks' 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 impose a conditions of practice order. 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). Ms Banks was convicted on being

concerned in supplying controlled Class A drugs, namely Heroin and Crack Cocaine. The panel determined that such convictions are extremely serious. The panel considered that in the circumstances 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 be managed by Ms Banks 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 convictions. Given Ms Banks' lack of engagement, and her failure to demonstrate insight and remorse, the panel considered that there is no realistic possibility that Ms Banks would address the concerns to such a level where she 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*'.

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 considered SAN-4, in which it states that Highest risk cases include ongoing criminal sentences.

Ms Banks' offending behaviour that led to her convictions was a significant departure from the standards expected of a registered nursing associate and are fundamentally incompatible with her remaining on the register. The panel was of the view that the convictions in this particular case demonstrate that Ms Banks' convictions were serious and to allow her to continue practising would be a risk to the public and would undermine public confidence in the profession and in the NMC as a regulatory body. The panel determined that a member of the public would find it morally reprehensible if a nursing associate were allowed to practise having been convicted of two offences of being concerned in the supply of Class A drugs.

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. The panel has concluded that nothing short of this would be sufficient 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 nursing associate.

This will be confirmed to Ms Banks 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 Ms Banks' 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 cover any potential period of appeal.

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

That concludes this determination.