

Successful defence of Nurse alleged to have forcibly administered medication to patient suffering with dementia

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Richard Padley instructed by Jo Kaucher of Blackfords LLP secured the dismissal of all allegations against a nurse at half time, the NMC conceding following cross examination of their main two witnesses that there was no case to answer.

Nurse A was alleged, along with another, to have forcibly held back the head of a

resident suffering from dementia at a care home before administering medication. The NMC relied upon an eyewitness to the incident, providing positive identification of both Nurses, as well as an investigative witness who had undertaken a review of contemporaneous material which was said to have placed Nurse A and their co-Registrant at the care of the Resident at the time of the alleged incident.

Following cross examination of the eyewitness, scrutiny of the investigative techniques conducted, and analysis of the documentary evidence purporting to support the NMC's case, it became clear fundamental mistakes had taken place in the identification of Nurse A, with material making clear that the eyewitness was fundamentally wrong on a number of key aspects of their evidence.

Consequently on day 4 of an anticipated 12 day hearing the NMC conceded there was no case to answer with the panel finding as much. This allows Nurse A, and his co-Registrant, to continue their unblemished career.