

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

**Substantive Hearing
15-16, 19-23 and 26-29 May 2025, 3 June 2025 (in camera) and
16-20 February 2026**

Virtual Hearing

Name of Registrant: Mrs Nicola Limby

NMC PIN 16K0754E

Part(s) of the register: Nurses part of the register Sub part 1 RNLD,
Registered Nurse - Learning Disabilities (09
November 2017)

Relevant Location: Cheshire

Type of case: Misconduct

Panel members: Vanessa Rolfe (Chair – Lay member)
Chloe McCandlish-Boyd (Registrant member)
Kiran Bali (Lay member)

Legal Assessor: Sean Hammond

Hearings Coordinator: Rose Herson-Lynch (until 3 June 2025)
Vicky Green (16 February 2026 onwards)

Nursing and Midwifery Council: Represented by Aliyah Hussain, Case Presenter

Mrs Limby: Present and represented by Dr Francis Graydon,
instructed by Royal College of Nursing (RCN) (15-
29 May 2025)
Present and represented by Adrian Crossley,
Counsel, instructed by the RCN (18 and 20
February 2026)

Facts proved by admission: Charge 1a

Facts proved: Charges 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 1k, 1l, 2,
3, 4a, 4b, 4c, 5, 6, 7

Fitness to practise:	Stage not yet reached
Sanction:	Stage not yet reached
Outcome:	Adjourned
Interim order:	Interim suspension order – 12 months

Details of charge

That you, a registered nurse whilst employed at the Lilycross Care Centre (“the Centre”) between 22 April and 1 August 2021:

1. On one or more occasions made offensive and/or unkind remarks about and/or towards Resident A, using words to the effect of:
 - a) *‘Vile man.’* **[Proved by way of admission]**
 - b) *Vile vile man.’* **[Proved]**
 - c) *‘Vile human specimen.’* **[Proved]**
 - d) *‘You are fucking vile little man’* **[Proved]**
 - e) *‘You’re the dregs of life.’* **[Proved]**
 - f) *‘No one wants you.’* **[Proved]**
 - g) *‘You’re scum.’* **[Proved]**
 - h) *‘Horrible man.’* **[Proved]**
 - i) *‘Ignore him I hope he hurts himself.’* **[Proved]**
 - j) *I hope he gets his fucking head kicked in.’* **[Proved]**
 - k) *‘Put your masks on and ignore him’* **[Proved]**
 - l) *‘These people are the scum of the Earth’* **[Proved]**
2. On at least one occasion ignored Resident A’s request for help and/or used offensive language in response to Resident A’s request for help. **[Proved]**
3. On one or more occasions instructed one or more colleagues to ignore Resident A and/or refuse to assist Resident A. **[Proved]**
4. Made offensive and/or unkind remarks about and/or towards Resident B, using words to the effect of:
 - a) *If she wasn’t so fat we could get her up.’* **[Proved]**
 - b) *‘This is all I need.’* **[Proved]**

c) *'She is so fucking big.* **[Proved]**

5. Made offensive and/or unkind remarks about unknown Residents at the centre.
[Proved]

6. On one more occasion around September 2022 contacted Colleague X saying words to the effect of:

"If anyone contacts you, can you tell them that I was a good nurse and worked well with guests" **[Proved]**

7. Your actions at charge 6 above amounted to a lack of integrity in that you sought to influence Colleague X's account of your dealings with Residents at the Centre.
[Proved]

And in light of the above your fitness to practise is impaired by reason of your misconduct.

Decision and reasons on application for hearing to be held in private

At the outset of the hearing, Dr Graydon made a request that this case be held in private on the basis that proper exploration of your case involves matters pertaining to your health and private life. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

Ms Hussain indicated that she supported the application to the extent that any reference to your health or private life should be heard in private.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

The panel decided to conduct the hearing partially in private. It determined that the parts of the hearing relating to your health and/or private life should be held in private in order to protect your privacy.

Decision and reasons on application to admit hearsay evidence of Carer C

The panel heard an application made by Ms Hussain under Rule 31 to allow the written Minutes of Investigation Meeting dated 12 August 2021 with Carer C conducted by Witness 3 and colleague B into evidence. Carer C was not present at this hearing and, whilst the NMC had made numerous efforts to contact Carer C by telephone, letter and e-mail, the efforts were unsuccessful. Carer C is a Health Care Assistant and is therefore not regulated by the NMC nor compelled to engage in any NMC investigation. Ms Hussain submitted that the hearsay evidence is directly related to charges 1 and 5 and that Carer C worked alongside you at Lilycross Care Centre (the Centre) and therefore has direct experience of and is able to provide a direct account of what took place at the Centre during the time in which the allegations arose.

Dr Graydon, on your behalf, submitted that the document should not be admitted as hearsay as the information provided by Carer C is unable to be examined and tested, therefore causing prejudice to your case. He went on to submit that this evidence is the only evidence in support of charge 5 and further submitted that charge 5 is simply a general allegation and is distinguishable from the other evidence that the NMC relies on.

The panel heard and accepted the legal assessor's advice on the issues it should take into consideration in respect of this application. This included that Rule 31 provides that, so far as it is 'fair and relevant', a panel may accept evidence in a range of forms and circumstances, whether or not it is admissible in civil proceedings. The legal assessor also referred the panel to NMC Guidance DMA-6 in relation to Hearsay evidence and to the judgement in *Thorneycroft v NMC [2014] EWHC 1565 (Admin) (Thorneycroft)*, specifically the principles laid out in paragraph 45:

45. For the purposes of this appeal, the relevant principles which emerge from the authorities are these:

1.1. The admission of the statement of an absent witness should not be regarded as a routine matter. The FTP rules require the Panel to consider the issue of fairness before admitting the evidence.

1.2. The fact that the absence of the witness can be reflected in the weight to be attached to their evidence is a factor to weigh in the balance, but it will not always be a sufficient answer to the objection to admissibility.

1.3. The existence or otherwise of a good and cogent reason for the non-attendance of the witness is an important factor. However, the absence of a good reason does not automatically result in the exclusion of the evidence.

1.4. Where such evidence is the sole or decisive evidence in relation to the charges, the decision whether or not to admit it requires the Panel to make a careful assessment, weighing up the competing factors. To do so, the Panel

must consider the issues in the case, the other evidence which is to be called and the potential consequences of admitting the evidence. The Panel must be satisfied either that the evidence is demonstrably reliable, or alternatively that there will be some means of testing its reliability.

In my judgment, unless the Panel is given the necessary information to put the application in its proper context, it will be impossible to perform this balancing exercise.

and the guidance laid out in paragraph 56:

56. However, in my judgment the Panel were led into error in their approach to the evidence of the two missing witnesses, Ms 1 and Ms 2. The decision to admit the witness statements despite their absence required the Panel to perform careful balancing exercise. In my judgment, it was essential in the context of the present case for the Panel to take the following matters into account:

- (i) whether the statements were the sole or decisive evidence in support of the charges;*
- (ii) the nature and extent of the challenge to the contents of the statements;*
- (iii) whether there was any suggestion that the witnesses had reasons to fabricate their allegations;*
- (iv) the seriousness of the charge, taking into account the impact which adverse findings might have on the Appellant's career;*
- (v) whether there was a good reason for the non-attendance of the witnesses;*
- (vi) whether the Respondent had taken reasonable steps to secure their attendance; and*
- (vii) the fact that the Appellant did not have prior notice that the witness statements were to be read.*

The panel gave the application in regard to the written Minutes of Investigation Meeting dated 12 August 2021 with Carer C conducted by Witness 3 and colleague B careful consideration. The panel was satisfied that the evidence is relevant to the disputed

charges 1 and 5. The panel next considered whether it would be fair to admit it. In reaching its decision, the panel had regard to the principles set out in the case *Thorneycroft* at paragraphs 45 and 56. The panel considered that the document is not the sole or decisive evidence in respect of charges 1 and/or 5. The panel noted that the NMC had made numerous efforts to contact Carer C by telephone, letter and e-mail, the efforts were unsuccessful. Carer C is a Health Care Assistant and is therefore not regulated by the NMC nor compelled to engage in any NMC investigation. The panel determined that there is no evidence to suggest that Carer C has fabricated her evidence and also noted that within the document it states: '*she [Carer C] was going to tell deputy manager but Nicola got there first*', the panel noted that this provides further evidence that Carer C had no reason to fabricate their allegations. The panel bore in mind the seriousness of the charges alleged and the possible serious consequences if these were found proved. The panel also took into account the fact that you were challenging the content of Carer C's evidence contained within the document and that you would wish for Carer C to be cross examined. However, the panel considered that all possible, relevant evidence should be available to it due to the serious nature of the allegations and the public protection element involved in this case. The panel noted that the document was produced by Witness 3 who was going to give live evidence and would be available for cross examination in relation to the interview she conducted with Carer C and the minutes of the Investigation meeting which she subsequently produced.

The panel determined that the NMC has tried, using various methods, to gain the attendance of Carer C to no avail, however the panel did acknowledge that recent efforts have not been made. The panel also noted that Carer C is an HCA and cannot be compelled to attend unless a witness summons is sought from the High Court. The panel determined that this would not be proportionate as the evidence is not the sole and decisive evidence in support of charges 1 and 5. Finally, the panel considered that you were aware of the document as it had been previously disclosed to you and your representatives, and you were aware that Carer C was not being called to give live evidence.

Balancing the above factors, the panel came to the view that it would be fair to admit into evidence the written minutes of the investigation meeting interview with Carer C as hearsay evidence. The panel would give what it deemed appropriate weight once they had heard and evaluated all the evidence before it.

Decision and reasons on application to admit hearsay evidence of Colleague A

The panel heard an application made by Dr Graydon, on your behalf, under Rule 31 to allow the written statement of Colleague A into evidence. The statement, dated 24 October 2021, was attached to an email dated 25 October 2021. The panel noted it was not a formal statement and did not contain a declaration of truth and did not bear a signature from Colleague A. The panel further noted that the statement had not been served on the NMC until the commencement of the hearing. Dr Graydon informed the panel that Colleague A was not present at this hearing and, whilst the RCN had made numerous efforts to contact Colleague A by letter and e-mails, the efforts were unsuccessful. Dr Graydon submitted that it is clear from what has been included in the statement, that it would most likely have been too distressing for Colleague A to attend.

Dr Graydon further submitted that the statement speaks to Colleague A's experiences with Resident A including verbal abuse from Resident A and an 'assault' suffered at the hands of Resident A, their interactions with you, a scuffle with a handyman at the care home and threats of physical violence which Colleague A claims were made by Resident A.

Ms Hussain, on behalf of the NMC, submitted that it would be unfair and highly prejudicial to admit the statement into evidence. Ms Hussain submitted that the document is dated 24 October 2021, and it is not entirely clear for what purpose it was drafted. Ms Hussain further submitted that, despite being dated 24 October 2021, it was only disclosed by you on the first day of the hearing, having never previously been rendered into evidence by you or your legal representatives. Ms Hussain submitted that a document that you claim to advance your case would have expected to have been tendered into evidence earlier and not on the first day of a Fitness to Practice hearing.

Ms Hussain further submitted that the NMC has not been allowed an opportunity to verify the maker of the statement or that they are registered with the NMC.

Ms Hussain submitted that it is not in dispute that Resident A was a challenging individual and that the panel has before it evidence, and live evidence, to that including Resident A's full care plan which was adduced into evidence previously during the course of the hearing. Ms Hussain further submitted that the witness statements in evidence also speak to this issue. Ms Hussain submitted that Resident A is not a witness in proceedings and is an alleged victim. Ms Hussain further submitted that the veracity of the testimonial and the allegations contained within it cannot be tested as the maker is not attending to give live evidence. Ms Hussain further submitted that there is no evidence of any good reason as to why Colleague A cannot attend the hearing.

The panel heard and accepted the legal assessor's advice on the issues it should take into consideration in respect of this application. This included that Rule 31 provides that, so far as it is '*fair and relevant*', a panel may accept evidence in a range of forms and circumstances, whether or not it is admissible in civil proceedings. The legal assessor also referred the panel to NMC Guidance DMA-6 in relation to Hearsay evidence and to the judgement in *Thorneycroft*, specifically paragraphs 45 and 56.

The panel gave the application in regard to the written statement of Colleague A careful consideration. The panel was satisfied that the evidence is relevant to the disputed charges as it provides relevant contextual evidence pertaining to the working environment. The panel next considered whether it would be fair to admit it. In reaching its decision, the panel had regard to the principles set out in the case *Thorneycroft* at paragraphs 45 and 56. The panel determined that the document is not the sole or decisive evidence in respect of the charges. The panel noted that there is no evidence to suggest that Colleague A has fabricated their evidence. The panel further noted that, although Ms Hussain wished to cross examine Colleague A on the content of the statement, the panel was of the view that given the seriousness of the charges alleged and the possible consequences if these were found proved, the panel should have all relevant, available evidence before it. The panel noted that Dr Graydon submitted that

emails and letters were sent to Colleague A by your representatives, but it was not possible to secure her attendance as there was no response from Colleague A.

Balancing these factors, the panel came to the view that it would be fair to admit the written statement of Colleague A as hearsay evidence, but would give what it deemed appropriate weight once the panel had heard and evaluated all the evidence before it.

Decision and reasons on interposing the evidence of Witnesses

On Thursday, 15 May 2025 at 17:00 during cross examination of Witness 1, the panel heard from Dr Graydon that he would need more time in order to complete his cross examination of Witness 1. Witness 1 informed the panel that they would not be available to attend to continue giving their evidence until 14:00 on Friday 16 May 2025 due to work commitments. Witness 1 further informed the panel that they could be available to conclude giving their evidence on the additional day of Monday, 19 May 2025 from 09:30. The panel was also informed that Witness 2 had been warned to give evidence on Thursday, 15 May 2025 and Friday, 16 May 2025 and would not be available on Monday, 19 May 2025 to give evidence. Witness 2 is available at 09:30 to commence giving evidence on Friday, 16 May 2025. As a result of this, the panel considered the possibility of utilising the time on Friday, 16 May 2025, by interposing Witness 2's evidence before concluding the evidence on Witness 1.

Ms Hussain submitted that she is content to interpose Witness 2 and hear their evidence on Friday, 16 May 2025.

Dr Graydon submitted that interposing Witness 2 would interrupt the flow of his questioning.

The panel accepted the advice of the legal assessor.

The panel considered the availability of Witnesses 1 and 2 and Witness requirements, specifically the arrangements made previously for Witness 2 to give evidence on Friday, 16 May 2025. The panel also bore in mind fairness to all parties and the need to ensure the best use of time during the hearing dates. The panel also had regard to the fact that

you are represented by Dr Graydon, who as experienced counsel, would be able to resume his cross-examination of Witness 1 after Witness 2 had completed her evidence. In the circumstances, the panel determined that it would be fair to interpose Witness 2's evidence on Friday, 16 May 2025 commencing at 09:30, before hearing the conclusion of Witness 1's evidence on Monday, 17 May 2025 at 09:30 or shortly thereafter. In reaching this decision the panel was also satisfied that this would allow Witness 1 to give her best evidence after fulfilling work commitments.

Decision and reasons on application for hearing to be held in private during Witness 2's evidence

Prior to calling Witness 2 into the hearing, Ms Hussain made an application that the entirety of Witness 2's evidence should be heard in private. The application was made pursuant to Rule 19 of the 'Nursing and Midwifery Council (Fitness to Practise) Rules 2004', as amended (the Rules).

[PRIVATE].

[PRIVATE].

Dr Graydon opposed Ms Hussain's application. He submitted that it would not be justified to hear the entirety of Witness 2's evidence in private. [PRIVATE]. He also submitted that the other allegations should be in public.

The legal assessor reminded the panel that while Rule 19(1) provides, as a starting point, that hearings shall be conducted in public, Rule 19(3) states that the panel may hold hearings partly or wholly in private if it is satisfied that this is justified by the interests of any party or by the public interest.

The panel decided that the entirety of Witness 2's evidence will be heard in private in order to protect her privacy. [PRIVATE]. In order to [PRIVATE] to ensure that she is able to provide her best evidence in a supportive and comfortable setting, the panel considered it appropriate for the totality of Witness 2's evidence to be heard in private.

Background

You registered as a nurse with the NMC on 9 November 2017. You were employed as an agency nurse by Vetro Recruitment on 22 April 2021 and placed at the Lilycross Care Centre (the Centre) in Cheshire. You completed your last shift at the Centre on 19 September 2021.

The Centre accommodates 60 people and provides step down accommodation for individuals that are leaving hospital but still in need of nursing and personal care.

On 19 September 2021 the NMC received a referral from Catalyst Choices, the organisation responsible for managing the Centre. The NMC, having investigated the referral identified the following regulatory concerns about your fitness to practise: firstly, making offensive and unkind remarks towards residents under your care. Secondly, ignoring requests for assistance from those under your care. Thirdly, instructing other professionals to ignore requests from residents for assistance, and finally concerns around an alleged lack of integrity.

Resident A is a vulnerable individual suffering from dementia, and due to mobility issues, sometimes uses a wheelchair. It is alleged that not only did you ignore Resident A's requests for help, but you also instructed others to ignore him and to refuse to assist him.

In relation to Resident B, it is alleged that when she rolled off her bed and onto the floor thus requiring assistance to get up, you made disparaging comments about her. The NMC's case in relation to the use of offensive and unkind remarks is not limited to Residents A and B. It is further alleged that you were heard making such comments about other residents.

Finally, it is alleged that you sent a text message and engaged in a telephone call with an ex-colleague with the specific intention to mislead about how you had behaved whilst you worked at the Centre.

You accept that you called Resident A “*a vile man*” but do not accept the totality of everything alleged within Charge 1 in relation to Resident A, nor do you accept charges 2 or 3. You have not yet set out your case in relation to the remaining charges, which are denied.

Decision and reasons on facts

At the outset of the hearing, the panel heard from Dr Graydon, who informed the panel that you made full admissions to charge 1a). The panel therefore finds charge 1a) proved, by way of your admission.

In reaching its decisions on the disputed facts, the panel took into account all the oral and documentary evidence in this case together with the submissions made by Ms Hussain, on behalf of the NMC and by Dr Graydon.

The panel was aware that the burden of proof rests on the NMC, and that the standard of proof is the civil standard, namely the balance of probabilities. This means that a fact will be proved if a panel is satisfied that it is more likely than not that the incident occurred as alleged.

The panel heard live evidence from the following witnesses called on behalf of the NMC:

- Witness 1/Colleague X: Carer (Healthcare Assistant (HCA)) at Lilycross step down facility at time of allegations.
- Witness 2: Agency carer (HCA) at Lilycross step down facility at time of allegations.
- Witness 3: Home Manager for Lilycross step down facility at time of allegations.

The panel also heard evidence from you under oath.

Before making any findings on the facts, the panel accepted the advice of the legal assessor which included reference to NMC Guidance *Evidence Reference DMA-6 (last updated 2 December 2024)*, and the cases of *Suddock v NMC [2015] EWCH 3612*, *Dutta v General Medical Council [2020] EWHC 1974 (Admin)*. In relation to integrity, the legal assessor also referred the panel to the cases of *Wingate and Evans v SRA; Beckwith v Solicitors Regulation Authority EWHC 3231 (Admin); SRA v Malins [2018] EWCA Civ 366*.

The panel also considered the witness and documentary evidence provided by both the NMC and you.

The panel then considered each of the disputed charges and made the following findings.

Charge 1

“That you, a registered nurse whilst employed at the Lilycross Care Centre (“the Centre”) between 22 April and 1 August 2021:

1. On one or more occasions made offensive and/or unkind remarks about and/or towards Resident A, using words to the effect of:

- a) ...(found proved by admission)
- b) *Vile vile man.*
- c) *‘Vile human specimen.’*
- d) *‘You are fucking vile little man’*
- e) *‘You’re the dregs of life.’*
- f) *‘No one wants you.’*
- g) *‘You’re scum.’*
- h) *‘Horrible man.’*
- i) *‘Ignore him I hope he hurts himself.’*

- j) *I hope he gets his fucking head kicked in.'*
- k) *'Put your masks on and ignore him'*
- l) *'These people are the scum of the Earth'*

Charges 1b, 1c,1d,1e,1f,1g,1h,1i,1j,1k and 1l are found proved.

In reaching this decision, the panel was mindful whilst charge 1 alleges a course of conduct, the panel must make a separate determination in respect of each of the disputed charges 1b to 1l inclusive.

The panel identified the following relevant evidence in respect of charge 1:

- The Minutes of Investigation Meeting dated 12 August 2021 with Carer C conducted by Witness 3 and colleague B.
- The Minutes of Investigation Meeting dated 4 August 2021 with Witness 1 conducted by Witness 3.
- The Minutes of Investigation Meeting dated 11 August 2021 with Witness 2 conducted by Witness 3 and Colleague B.
- The document titled Review of Concerns Raised by CQC prepared by Witness 3 and Colleague B dated 9 September 2021.
- The Written Statement (part of Staff Local Statements) by Witness 2 emailed to Witness 3 on dated 8 August 2021.
- The Witness Statement and oral evidence of Witness 1, the Witness Statement and oral evidence of Witness 2 and your oral evidence.
- The hearsay evidence of Colleague A.

Charge 1.b

1.b) *Vile vile man.'*

The panel considered the information contained in the Witness Statement of Witness 1 which stated:

'For a reason unbeknown to me it was clear to me that Nicky did not like [Resident A]. On several occasions Nicky would say was a "vile man", "vile, vile man", "vile human specimen" and "horrible man" when referring to [Resident A] When I heard Nicky say this I would also challenge her and say, "you can't say that", Nicky would respond, by repeating her words. Nicky would always have a negative comment to make towards [Resident A] whenever I worked with her..'

The panel heard oral evidence from Witness 1 in which she told the panel that you would often say to her that Resident A was a "vile vile man" when he passed by and on several occasions in his presence. The panel noted that in Witness 1's oral evidence she said the following:

"On that day, but it was several times, but I've only reported it the once because it was something that she used to say every time she walked past."

The panel found the oral evidence of Witness 1 to be consistent with her witness statement.

In addition, the panel noted that during the local investigation, Witness 1 was interviewed by Witness 3, a record of what Witness 1 said is recorded in the Minutes of Investigation Meeting dated 4 August 2021. The panel noted that it is recorded that Witness 1 stated:

'When asked if NL has spoken in a derogatory manor to [Resident A] [Witness1] stated that she had heard NL say that [Resident A] Is a 'vile man' but not heard NL say it directly to [Resident A].'

The panel considered that Witness 1's oral evidence and witness statement were consistent with this contemporaneous record.

The panel noted that, during cross-examination by Ms Hussain, you denied Charge 1b. You also told the panel that you don't use bad language and you only called Resident A a "vile man" on one occasion. Furthermore, during cross examination of Witness 1, it

was put to her on your behalf that she was “*making it up*” when she said you called Resident A a “*vile vile man*”.

The panel preferred the evidence of Witness 1, and was satisfied that it was more likely than not that you did call Resident A a “*vile vile man*”.

The panel found Witness 1 to be a credible witness with no reason to fabricate her evidence. The panel further found that the evidence of Witness 1 has remained consistent since she was interviewed during the local investigation on 4 August 2021. The panel also took into account that when it was suggested to Witness 1 that she was “making it up”, she was adamant that this was not the case and said the following:

“No, I’m not. I am not for one moment making it up. I can tell you word for word exactly what was said, going past that room. Why would want to make something like that up at the end of day? This is a truth. The whole truth and nothing but the truth, and that those words are exactly what I’m telling you were said on several occasions.”

In contrast, the panel found your evidence lacked credibility. The panel considered that at times you were evasive when answering questions, focussing on your allegation that Resident A assaulted you, rather than your professionalism and conduct. The panel also noted that you did not provide any context or reason why Witness 1 would fabricate her evidence.

The panel bore in mind your evidence that Resident A had assaulted you and so considered that this previous assault further made it more than likely that, on the balance of probabilities, you made offensive and/or unkind remarks about and/or towards Resident A. The panel also considered that in your oral evidence in chief you did not directly address whether these allegations took place, nor you did not provide an alternative explanation.

The panel found, therefore, it was more likely than not, that you used the words attributed to you and so, on the balance of probabilities, Charge 1b, to be proved.

Charge 1.c

1.c) *'Vile human specimen.'*

The panel noted that as with charge 1.b above, the evidence relied upon by the NMC that you called Resident A a "*Vile human specimen*" came from Witness 1. In her witness statement Witness 1 stated:

'For a reason unbeknown to me it was clear to me that Nicky did not like [Resident A]. On several occasions Nicky would say [Resident A] was a ... "vile human specimen" ... when referring to [Resident A].

The panel further noted that during Witness 1's oral evidence she adopted her witness statement.

As with charge 1.b above, you denied using these words and it was suggested during cross examination on your behalf that Witness 1 had made it up.

For the same reasons as set out above (in relation to charge 1.b), the panel found Witness 1 to be a credible and reliable witness and preferred her evidence in respect of this charge.

The panel found, on the balance of probabilities, Charge 1c, to be proved.

Charge 1.d

1.d) *'You are fucking vile little man'*

The panel noted the evidence relied upon by the NMC supporting this charge is from Witness 2.

In an email dated 8 August 2021 Witness 2 provided a statement to Witness 3 in relation to your unprofessional conduct towards residents. Within that statement Witness 2 stated the following:

'Another occasion was when a gentleman who was in a wheelchair (I do not recall his name) came towards the main desk, as he approached, he was smiling and I waved then he asked "how are you love?" I replied "I am good thank you, how are you?"... as he went past the desk then Nic for no reason stood up and said "you fucking, vile little man".

Witness 2 was interviewed during the local investigation three days later. The panel has been provided with a copy of the Minutes of Investigation Meeting dated 11 August 2021 with Witness 2 conducted by Witness 3 and Colleague B in which the following is set out:

'Witness 2 referred to Nicola's approach to client [Resident a]. This gentleman was a wheelchair user he has approached the desk and Witness 2 and [Resident A] exchanged smile [sic] and wave. NL stood up and said to him as he passed "You are fucking vile little man"'.

In Witness 2's oral evidence it was put to her in cross examination that she was not telling the truth and that you did not say these words. Witness 2 was adamant that you did and told the panel that *"She absolutely did. Absolutely, 100% did."* The panel found the evidence of Witness 2 to be consistent in respect of this charge.

The panel noted that in your oral evidence you said that you do not use foul language and especially not in a work-setting. You also said that you called him vile, which you accepted was inappropriate but further stated you do not use swear words.

The panel preferred the evidence of Witness 2, and was satisfied that it was more likely than not that you said to Resident A *"You are fucking vile little man"*.

The panel found Witness 2 to be a credible witness with no reason to fabricate her evidence. The panel further found that the evidence of Witness 2 has remained consistent since her initial statement sent by email to Witness 3 on 8 August 2021. The panel also took into account that when it was suggested to Witness 2 that she was “*making it up*”, she was adamant that this was not the case.

In contrast, the panel found your evidence lacked credibility. The panel considered that at times you were evasive when answering questions, focussing on your allegation that Resident A assaulted you, rather than your professionalism and conduct. The panel also noted that you did not provide any context or reason why Witness 2 would fabricate her evidence.

The panel bore in mind your evidence that Resident A had assaulted you and so considered that this previous assault further made it more than likely that, on the balance of probabilities, you made offensive and/or unkind remarks about and/or towards Resident A.

The panel found, therefore, it was more likely than not, that you used the words attributed to you and so, on the balance of probabilities, Charge 1d, to be proved.

Charge 1.e

1.e) ‘*You’re the dregs of life.*’

The panel noted that as with charge 1.d above, the evidence relied upon by the NMC that you said to Resident A “*You’re the dregs of life*” came from Witness 2. In her witness statement Witness 2 stated:

‘... Nicola responded by saying to “you’re the dregs of life”,’

The panel further noted that during Witness 2’s oral evidence she adopted her witness statement.

As with charge 1.d above, you denied using these words and it was suggested during cross examination on your behalf that Witness 2 had made it up. The panel noted that in response, Witness 2 stated *“it was definitely said”* and when it was put to her that she had *“added them in”* she relied *“definitely not... for what reason please?”*.

For the same reasons as set out above (in relation to charge 1.d), the panel found Witness 2 to be a credible and reliable witness and preferred her evidence in respect of this charge and rejected your evidence.

The panel found, on the balance of probabilities, Charge 1e, to be proved.

Charge 1.f

1.f) ‘No one wants you’

The panel noted that as with charge 1.d above, the evidence relied upon by the NMC that you said to Resident A *“No one wants you”* came from Witness 2. In her witness statement Witness 2 stated:

‘... ‘Nicola responded by saying to [Resident A] ... “no one wants you”’

The panel further noted that during Witness 2’s oral evidence she adopted her witness statement.

In addition, in an email dated 8 August 2021 Witness 2 provided a statement to Witness 3 in relation to your unprofessional conduct towards residents. Within that statement Witness 2 stated the following:

‘Nic spoke about how the guests were the degenerates in society, drug/alcohol addicts with no morals, the outcasts no one wants...’

The panel was satisfied that Witness 2’s evidence was consistent.

The panel identified other evidence relevant to this charge from Carer C. Although the evidence from Carer C was hearsay evidence, the panel noted that the hearsay comments of Carer C were made during a formal, investigation process and was recorded and conducted by Witness 3 and Colleague B on 4 August 2021 in which Carer C stated the following:

‘examples of negative comments which NL had made “all of these people are here because no one wants them”’.

The panel noted that this interview occurred within weeks of the alleged concerns. The panel also found that Carer C had no reason to fabricate her evidence and so the panel therefore felt it could attribute considerable weight to Carer C’s evidence despite it being hearsay.

As with charge 1.d above, you denied using these words and it was suggested during cross examination on your behalf that Witness 2 had made it up. The panel noted that in response, Witness 2 stated *“it was definitely said”* and when it was put to her that she had *“added them in”* she relied *“definitely not... for what reason please?”*.

For the same reasons as set out above (in relation to charge 1.d), the panel found Witness 2 to be a credible and reliable witness whose evidence is supported by Carer C. The panel therefore preferred this evidence in respect of this charge and rejected your evidence.

The panel found, on the balance of probabilities, Charge 1f, to be proved.

Charge 1.g

1.g) ‘You’re scum’

The panel also considered the evidence detailed in the Witness statement of Witness 2 in which it is stated: *‘Nicola responded by saying to [Resident A] ...you’re scum’.*

In addition, in an email dated 8 August 2021 Witness 2 provided a statement to Witness 3 in relation to your unprofessional conduct towards residents. Within that statement Witness 2 stated the following:

'Nic said that a gentleman, whom I took to believe is the gentleman in the wheelchair, was being moved to another facility where the residents are "low life scum just like him".'

The panel bore in mind that Witness 2 told the panel that she had reported her concerns to the Care Quality Commission (CQC). The CQC then contacted the Centre with the allegations that Witness 2 had made, which resulted in Witness 3 and Colleague B undertaking a review of the concerns. Subsequently Witness 3 and Colleague B interviewed several members of staff and created a 'Review of Concerns Raised' report dated 9 September 2021. The allegations included:

'Allegation [Resident A] requested access to the garden, NL- commented to colleagues 'Ignore him'. [Resident A] requested access a few times as his initial request was ignored. NL commented; 'There he goes the scum bag'.'

In the panel's view, the allegation reported by Witness 2 to the CQC was consistent with her initial email statement, her NMC witness statement and her oral evidence.

The panel also took into account your oral evidence. The panel noted that, during cross-examination by Ms Hussain, you denied Charge 1g. The panel further noted that when Witness 2 was cross examined on your behalf, when it was put to her that you did not say these words, Witness 2 said that you *"absolutely did"*.

For the same reasons as set out above (in relation to charge 1.d), the panel found Witness 2 to be a credible and reliable witness and rejected your evidence. The panel therefore preferred this evidence in respect of this charge.

The panel found, on the balance of probabilities, Charge 1g, to be proved.

Charge 1.h

1.h) 'Horrible man'

The panel considered the information contained in the Witness Statement of Witness 1 which stated:

'For a reason unbeknown to me it was clear to me that Nicky did not like [Resident A]. On several occasions Nicky would say ... "horrible man" when referring to [Resident A].'

The panel found this to be consistent with the oral evidence given by Witness 1.

The panel also took into account your oral evidence. The panel noted that, during cross-examination by Ms Hussain, you denied Charge 1h. When it was put to you that you had called Resident A a horrible man, you replied *"no I did not"*.

The panel preferred the evidence of Witness 1, and was satisfied that it was more likely than not that you called Resident A a *"horrible man"*.

The panel found Witness 1 to be a credible witness with no reason to fabricate her evidence. The panel further found that the evidence of Witness 1 has remained consistent. The panel also took into account that when it was suggested to Witness 1 that she was *"making it up"*, she was adamant that this was not the case and said the following:

"No, I'm not. I am not for one moment making it up."

In contrast, the panel found your evidence lacked credibility. The panel considered that at times you were evasive when answering questions, focussing on your allegation that Resident A assaulted you, rather than your professionalism and conduct. The panel also noted that you did not provide any context or reason why Witness 1 would fabricate her evidence.

The panel bore in mind your evidence that Resident A had assaulted you and so considered that this previous assault further made it more than likely that, on the balance of probabilities, you made offensive and/or unkind remarks about and/or towards Resident A.

The panel found, therefore, it was more likely than not, that you used the words attributed to you and so, on the balance of probabilities, Charge 1h, to be proved.

Charge 1.i

1.i) *'Ignore him I hope he hurts himself.'*

The panel considered the evidence detailed in the Minutes of Investigation Meeting dated 11 August 2021 with Witness 2 conducted by Witness 3 and Colleague B in which detailed:

'At a later point in the evening [Resident A] wanted to access the kitchen to make a hot drink. Witness 2 asked if he required help. NL said ignore him I hope he hurts himself.'

The panel noted that this evidence was recorded close to the time of the events taking place.

In her oral evidence when asked whether you had told Witness 2 to ignore Resident A, she said *"she certainly did. Yeah And [Carer C]."*

The panel identified that there was some supporting evidence in the review of concerns raised by the CQC which was prepared by Witness 3 and Colleague B dated 9 September 2021 in which the following is stated:

'NL suggested to other staff they don't assist Resident A making a hot drink stating "I don't care I hope he hurts himself".'

The panel found Witness 2 to be a credible witness with no reason to fabricate her evidence. The panel further found that the evidence of Witness 2 has remained consistent.

In contrast, the panel found your evidence lacked credibility. The panel considered that at times you were evasive when answering questions, focussing on your allegation that Resident A assaulted you, rather than your professionalism and conduct. The panel also noted that you did not provide any context or reason why Witness 2 would fabricate her evidence.

The panel bore in mind your evidence that Resident A had assaulted you and so considered that this previous assault further made it more than likely that, on the balance of probabilities, you made offensive and/or unkind remarks about and/or towards Resident A.

The panel found, therefore, it was more likely than not, that you used the words attributed to you and so, on the balance of probabilities, Charge 1i, to be proved.

Charge 1.j

1.j) *'I hope he gets his fucking head kicked in.'*

The panel had regard to an email dated 8 August 2021 Witness 2 provided a statement to Witness 3 in relation to your unprofessional conduct towards residents. Within that statement Witness 2 stated the following:

'Nic said that a gentleman, whom I took to believe is the gentleman in the wheel chair, was being moved to another facility where the residents are 'low life scum just like him' and ' I hope he gets his fucking head kicked in''

The panel noted that Witness 2 was not challenged about this evidence during cross examination.

The panel identified other evidence relevant to this charge from Carer C. Although the evidence from Carer C was hearsay evidence, the panel noted that the hearsay

comments of Carer C were made during a formal, investigation process and was recorded and conducted by Witness 3 and Colleague B on 12 August 2021 in which Carer C stated the following:

'When Carer C was asked about the morning of the incident, Carer C explained that around 630am ...NL leant over the nurses station shouting at [Resident A] '... hope you get your head kicked in'.'

The panel noted that this interview occurred within weeks of the alleged concerns. The panel also found that Carer C had no reason to fabricate her evidence and so the panel therefore felt it could attribute considerable weight to Carer C's evidence despite it being hearsay.

The panel found Witness 2 to be a credible witness with no reason to fabricate her evidence and her credibility was supported by the evidence of Carer C.

The panel found your evidence lacked credibility. The panel considered that at times you were evasive when answering questions, focussing on your allegation that Resident A assaulted you, rather than your professionalism and conduct. The panel also noted that you did not provide any context or reason why Witness 2 would fabricate her evidence.

The panel bore in mind your evidence that Resident A had assaulted you and so considered that this previous assault further made it more than likely that, on the balance of probabilities, you made offensive and/or unkind remarks about and/or towards Resident A.

The panel found, on the balance of probabilities, Charge 1j, to be proved.

Charge 1.k

1.k) *'Put your masks on and ignore him'*

The panel had regard to an email dated 8 August 2021 in which Witness 2 provided a statement to Witness 3 in relation to your unprofessional conduct towards residents. Within that statement Witness 2 stated the following:

'Nic said "just ignore him", the gentleman then became to repeat the question, his voice getting louder each time, Nic at point said "put your masks on and ignore him".'

The panel also considered the evidence contained in the Minutes of Investigation Meeting dated 11 August 2021 with Witness 2 conducted by Witness 3 and Colleague B in which the following was recorded:

'At a later point in the evening [Resident A] wanted to access the kitchen to make a hot drink. Witness 2 asked if he required help. NL said ignore him I hope he hurts himself. Witness 2 says she helped him get hot water. [Resident A] later sked[sic] to have the door opened to the garden – NL said just ignore him, his requests got louder – NL said put your masks on and ignore him...'

During her oral evidence, when challenged about this during cross examination Witness 2 stated *"everything that I said is absolutely true. Absolutely everything"*.

The panel was satisfied that Witness 2's evidence was consistent.

The panel noted that although these incidents occurred when it was common practice to wear masks during the Covid pandemic, the panel also had regard to Carer C's evidence that Resident A was reading their lips. In the panel's view, instructing colleagues to put on a mask when a resident may be lip reading, is consistent with instructing those colleagues to ignore the resident.

The panel also had regard to your oral evidence in which you denied this charge.

The panel noted that this evidence was recorded close to the time of the events taking place. The panel found this evidence to be consistent with the evidence also provided by Witness 2 in the Written Statement (part of Staff Local Statements) by Witness 2 emailed to Witness 3 on 8 August 2021 which detailed:

'It was a few moments later that the gentlemen[sic] returned back to the desk and asked if someone would 'open the door, please' to which Nic said 'just ignore him', the gentleman then became[sic] to repeat the question, his voice getting louder each time, Nic at point said 'put your masks on and ignore him'.

The panel found Witness 2 to be a credible witness with no reason to fabricate her evidence and her credibility was supported by the evidence of Carer C.

The panel found your evidence lacked credibility. The panel considered that at times you were evasive when answering questions, focussing on your allegation that Resident A assaulted you, rather than your professionalism and conduct. The panel also noted that you did not provide any context or reason why Witness 2 would fabricate her evidence.

The panel bore in mind your evidence that Resident A had assaulted you and so considered that this previous assault further made it more than likely that, on the balance of probabilities, you made offensive and/or unkind remarks about and/or towards Resident A.

Having regard to all of the above, the panel preferred the evidence of Witness 2 and rejected your evidence. The panel therefore found, on the balance of probabilities, Charge 1k, to be proved.

Charge 1.I

1.I) *'These people are the scum of the Earth'*

The panel considered the evidence detailed in the Minutes of Investigation Meeting dated 11 August 2021 with Witness 2 conducted by Witness 3 and Colleague B in which detailed:

'At handover time NL stated to others he's [Resident A] done noting[sic] but kick off why does anyone want to work in care, these people are the scum of the earth.'

The panel also considered the evidence detailed in the Witness statement of Witness 2 which stated: *'Nicola responded by saying to [Resident A] "you're the dregs of life", "no one wants you" and "you're scum".'* The panel bore in mind the advice of the Legal Assessor with regards to memories and considered that while in the Witness Statement dated 31 October 2023 the word *'earth'* was not recalled, there was consistency between the document dated 11 August 2021 and the Witness Statement dated 31 October 2023 with regards to the word *'scum'*. The panel considered that the same terminology was used consistently in the two documents.

The panel noted that during her oral evidence Witness 2 adopted her witness statement.

The panel bore in mind that Witness 2 told the panel that she had reported her concerns to the CQC. The CQC then contacted the Centre with the allegations that Witness 2 had made, which resulted in Witness 3 and Colleague B undertaking a review of the concerns. Subsequently Witness 3 and Colleague B interviewed several members of staff and created a 'Review of Concerns Raised' report dated 9 September 2021. The allegations included the following:

'Allegation additional – NL made general comments "why would you want to work in care. These people are the scum of the earth".'

In the panel's view, the allegation reported by Witness 2 to the CQC was consistent with her initial email statement, her NMC witness statement and her oral evidence.

The panel found Witness 2 to be a credible witness with no reason to fabricate her evidence.

The panel found your evidence lacked credibility. The panel considered that at times you were evasive when answering questions, focussing on your allegation that Resident A assaulted you, rather than your professionalism and conduct. The panel also noted that you did not provide any context or reason why Witness 2 would fabricate her evidence.

The panel bore in mind your evidence that Resident A had assaulted you and so considered that this previous assault further made it more than likely that, on the balance of probabilities, you made offensive and/or unkind remarks about and/or towards Resident A.

Having regard to all of the above, the panel preferred the evidence of Witness 2 and rejected your evidence. The panel therefore found, on the balance of probabilities, Charge 1I, to be proved.

Charge 2

"That you, a registered nurse whilst employed at the Lilycross Care Centre ("the Centre") between 22 April and 1 August 2021:

2. On at least one occasion ignored Resident A's request for help and/or used offensive language in response to Resident A's request for help."

This charge is found proved.

In reaching this decision, the panel took into account the Witness Statement and oral evidence of Witness 2, the Scoping Call of 11 October 2022 with Witness 2 notes and

the Minutes of Investigation Meeting dated 11 August 2021 with Witness 2 conducted by Witness 3 and Colleague B.

The panel noted Witness 2's Written statement which detailed:

On one occasion [Resident A] was at the server hatch in the kitchen area and he wanted to get himself a drink, I saw he used his arms to pull himself up to access the hot water tap. When I saw him doing this I mentioned to him that it was dangerous and that I would assist in getting him a drink. [Resident A] told me he always got his own drink as none of the staff would do this for him. I got [Resident A] a drink and he went off, after he left Nicola said to me "while I am here please don't do that", I believe she meant that she did not want me to get [Resident A] a drink.

I told Nicola [Resident A] was pulling himself up to access the hot water which places him in danger, and it needed reporting. Nicola did not appear to be bothered by this information.

The day after the incident in the kitchen area I was at the nurses' station with Nicola and Carer C. [Resident A] approached, he was smiling and seemed happy and asked me to open the door for him so he could access the garden to have a cigarette. When [Resident A] approached the nurses' station he could only see me, he wouldn't have been able to see Nicola or Carer C. As [Resident A] approached and when Nicola saw him she said, "just ignore him". I noticed that both Carer C and Nicola totally ignored him and did not even acknowledge his presence. [Resident A] said, "I just want the key" and Nicola said, "you're not having the fucking key". [Resident A] said to Nicola "You're a liar". At this point I did not understand why was calling Nicola a liar. Nicola responded by saying to [Resident A] "you're the dregs of life", "no one wants you" and "you're scum". At this point [Resident A] said to Nicola "you're a liar, how can I kick you in the head, I'm in a wheelchair" he continued to say, "the only way you got away with that is because you lied". Nicola then said to Carer C "let's go and do the

rounds". I couldn't believe what I was hearing. For Nicola to speak to in such a derogatory manner was appalling and I was shocked at her behaviour.'

The panel was also provided with an initial account from Witness 2 and notes from her interview with Witness 3 and Colleague B dated 11 August 2021. The panel considered that Witness 2's NMC witness statement and oral evidence were consistent with her local statement and Scoping Call with the NMC dated 11 October 2022.

The panel also took into account that you stated in oral evidence that you would never use offensive language but then you did admit to using the word 'vile'.

Given the context in which you used the words found proved by the panel in Charges 1.e, 1.f and 1.g, namely after Resident A requested for help, the panel was satisfied that all of those words amounted to offensive language. Resident A was a vulnerable resident that you were caring for and, as a registered nurse, you were under a duty to treat him with professionalism, dignity and respect.

The panel noted your denial of this charge during oral evidence when under cross examination.

The panel found there to be consistency between the exhibits and written and oral evidence of Witness 2 whom it found to be credible and reliable in relation to this charge and accepted her evidence.

The panel found, on the balance of probabilities, both limbs of Charge 2 proved.

Charge 3

"That you, a registered nurse whilst employed at the Lilycross Care Centre ("the Centre") between 22 April and 1 August 2021:

3. On one or more occasions instructed one or more colleagues to ignore Resident A and/or refuse to assist Resident A.

This charge is found proved.

In reaching this decision, the panel had regard to its findings as set out in Charges 1.i and 1.k and for the same reasons given in respect of those charges, the panel was satisfied on the balance of probabilities that you, on one or more occasion, instructed Witness 2 and Carer C to ignore Resident A and to refuse to assist Resident A. The panel therefore finds this charge proved.

Charge 4

“That you, a registered nurse whilst employed at the Lilycross Care Centre (“the Centre”) between 22 April and 1 August 2021:

4. Made offensive and/or unkind remarks about and/or towards Resident B, using words to the effect of:

- a) *‘If she wasn’t so fat we could get her up.’*
- b) *‘This is all I need.’*
- c) *‘She is so fucking big.’*

This charge is found proved.

The panel noted that all of the comments alleged in Charge 4 occurred during a single incident. The panel therefore decided to consider all of the sub-charges together.

In reaching this decision, the panel took into account the Witness Statement of Witness 2, the Written Statement (part of Staff Local Statements) by Witness 2 emailed to Witness 3 on dated 8 August 2021, the Minutes of Investigation Meeting dated 11 August 2021 with Witness 2 conducted by Witness 3 and Colleague B, the Scoping Call of 11 October 2022 with Witness 2 notes, the Witness Statement of Witness 3 and the oral evidence of Witness 3.

The panel considered Witness 2's Witness statement which stated:

'[Resident B] was pretty much bed bound and would need assistance to move her to a chair. Whenever staff heard her buzzer calling for assistance Nicola and other staff would always say "Oh just leave her, if you go once, she'll just keep calling".

...On a date I cannot recall [Resident B] had fallen out of bed and onto the floor, I attended to her and as I was assisting her Nicola walked past [Resident B]'s room, this was the first time I had met Nicola. I was aware she had just finished her shift and I imagine she wanted to go home. As Nicola passed [Resident B]'s room I asked her to help me. I was reassuring to [Resident B] while she was on the floor. Nicola was saying to her "just get up", It was clear [Resident B] was unable to get up on her own. [Resident B] as[sic] crying and I continued to reassure her. Nicola told [Resident B] "it's best if you get up yourself" I thought this would be unsafe as we usually used something to help assist staff in getting guests up from the floor safely.

Whilst we were trying to help [Resident B] Nicola said, "if she wasn't so fat we could get her up" and "this is all I need". I remember thinking how they were such nasty words.[Resident B] said, "I'm not fat 'cos I eat a lot". I just kept saying to [Resident B] "don't worry love, it's ok" and again continued to offer reassurances with "you didn't do this on purpose" and "you don't have to explain".

At that point a male staff member walked past, whose name I do not know, and he got the machine to assist in lifting guests. Nicola said to me "you should have left it to the next shift to sort out". I know at the time Nicola was keen to go home, but her comments were unnecessary and unhelpful.

.I didn't report Nicola at this point, I was shocked at her comments to [Resident B] I was aware Nicola was leaving to go home when I called her to assist me. At this point I didn't know her name or who she was, she was just someone who was passing [Resident b]'s room and I called her for help.'

The panel also considered the Written Statement (part of Staff Local Statements) by Witness 2 emailed to Witness 3 on dated 8 August 2021 which detailed:

'I witnessed abusive/nonprofessional behaviour from Nic towards guests on a couple of occasions: Once lady (who is obese) had fallen on the floor and Nic was very abrupt telling the lady to get up, what would you do if we were not here? The lady became upset and repeatedly answered 'I am trying, I just can't do it' Nic, without regards to the lady being able to hear her made comments such as; this is all I need right before my shift ends and is[sic] she wasn't so fucking big for god's sake.'

The panel also considered the Minutes of Investigation Meeting dated 11 August 2021 with Witness 2 conducted by Witness 3 and Colleague B which noted:

'Second specific incident [Witness 2] could recall, was regarding an obese lady, who had slipped off the bed. NL was very abrupt and told the lady to get up. Expressed how this had inconvenienced her at the end of shift and that she was so "fucking big".

The panel also considered the Scoping Call of 11 October 2022 with Witness 2 notes which detailed:

'On one occasion an obese female guest had fallen on the floor, she had rolled from her bed. I attended to her with NL and was reassuring to the guest. NL spoke about the guest while we were trying to assist, along the lines off "if she wasn't so fat we could get her up" and "this is all I need". This wasn't nice words for the guest to hear.'

The panel found there to be consistency in the evidence between the Scoping Call, Investigation Meeting Minutes, email Written Statement dated and Witness 2's Written Statement. The panel also noted that the wording of the charge is *'words to the effect of'*.

The panel also noted that during the cross examination of Witness 2 it was put to her that she had made up this allegation. In response to this, Witness 2 said:

'Well, like I said previously, I'm very happy that I wasn't the only one there. So this is not just me that heard those words, but I can assure you that's exactly what she said. Yeah, they just said they just words you don't use to a vulnerable person...'

... Why would I make up words when there's other people around? What would I gain from it? Don't make sense. Why would I? Why would I lie when there's other people that come back up? What was said? You can only tell the truth. That's all I've got is my truth. That's it'

When questioned during cross examination, you said *"I did not say those words"*.

The panel found your evidence lacked credibility. The panel considered that at times you were evasive when answering questions and you did not provide any context or reason why Witness 2 would fabricate her evidence.

The panel preferred the evidence of Witness 2 and found there to be consistency between the exhibits and written evidence of Witness 2 whom it found to be credible and reliable in relation to this charge and accepted their evidence.

The panel therefore found on the balance of probabilities, that you made the following remarks towards Resident B *'If she wasn't so fat we could get her up.'* *'This is all I need.'* And *'She is so fucking big.'*

The panel noted that the stem of Charge 4 alleges that the remarks made about and/or towards Resident B were either offensive and/or unkind. Having found the remarks were made, the panel therefore considered whether these remarks were offensive and/or unkind. The panel had regard to the context in which these remarks were made by you. Resident B was a vulnerable resident under your care and you had a duty to treat her

with professionalism, dignity and respect. The panel was satisfied that these derogatory remarks about her physical size and weight, and the perceived inconvenience to you due to the necessity to use equipment to assist in lifting her at the end of your shift, were both offensive and unkind.

The panel therefore found Charges 4.a, 4.b and 4.c proved on the balance of probabilities.

Charge 5)

“That you, a registered nurse whilst employed at the Lilycross Care Centre (“the Centre”) between 22 April and 1 August 2021:

5. Made offensive and/or unkind remarks about unknown Residents at the centre.

This charge is found proved.

In reaching this decision, the panel took into account the Witness Statement of Witness 1, the Minutes of Investigation Meeting dated 12 August 2021 with Carer C conducted by Witness 3 and colleague B, the Written Statement (part of Staff Local Statements) by Witness 2 emailed to Witness 3 on dated 8 August 2021, the Review of Concerns Raised by CQC prepared by Witness 3 and Colleague B dated 9 September 2021, and the oral evidence of Witnesses 1 and 2.

The panel considered Witness 1’s Witness statement which stated:

‘The only other time I heard Nicky speak derogatory towards a guest was when she was going into the room of a female guest, whose name I cannot recall. When we come out of the room she said to me “her piss skinks”. I do not think the guest heard her comment’

The panel also considered the Minutes of Investigation Meeting dated 12 August 2021 with Carer C conducted by Witness 3 and colleague B which detailed:

'When encouraged to give any other examples of concerns which Carer C had observed, Carer C gave examples [sic] negative comments which NL had made – 'all of these people are here because no one wants them', 'we are a homeless center[sic]', 'why would you chose a job in care'.

The panel also considered the Written Statement (part of Staff Local Statements) by Witness 2 emailed to Witness 3 on dated 8 August 2021 which detailed:

'Nic (preferred name) spoke about how the Guests were the degenerates in society, drug/alcohol addicts with no morals, the out casts no one wants, so 'we' (I took to meaning the staff at Lilly-Cross) have to put up with them.

Nic also spoke about how Lilly-Cross was not running as the nursing home she was told it would be and is full of old, vile,, discussing[sic], sorry excuses for human beings, Nic further went on to ask a rhetorical question 'who on earth would want to be a career[sic], I mean seriously, cleaning shitty arses and wiping noses, tedious tasks making them food and them thinking they are in a hotel...

Nic said that a gentleman, whom I took to believe is the gentleman in the wheel chair, was being moved to another facility where the residents are 'low life scum just like him'.'

During cross examination, it was put to Witness 2 that her evidence lacked detail and that she was unable to identify other residents. In response Witness 2 acknowledged that she was unable to recall the names of the residents, but did not resile from her evidence that the remarks were made.

In assessing the credibility of Witness 2's written and oral evidence, the panel noted that she appeared to have a clear recollection of what you said as she said she found it to be shocking. The panel noted that Witness 2 acknowledged and was candid about her inability to identify the residents names. The panel considered the passage of time and the fact that Witness 2 had only worked a few shifts before this incident and was

therefore unable to recall the names of the residents. The panel found the evidence of Witness 2 in respect of this charge to be consistent, credible and reliable.

The panel went on to assess the credibility of Witness 1 in respect of this charge. The panel had regard to the witness statement of Witness 1 and her oral evidence and found her evidence to be consistent, credible and reliable.

In respect of the evidence of Carer C, the panel noted that the hearsay comments of Carer C were made during a formal, investigation process and was recorded and conducted by Witness 3 and Colleague B on 4 August 2021 which was soon after the events were alleged to have occurred. The panel therefore considered that some weight could be attached to this evidence and it supports the credibility of Witness 1 and Witness 2.

The panel had regard to your evidence in respect of this charge and noted that you denied what has been alleged. The panel noted that in cross examination when asked if Witness 1 was lying about these allegations you said “... *I don't know why anyone would tell lies about me, but that's my issue*”.

As the panel found the evidence of Witness 1, Witness 2 to be consistent, credible and reliable and supported by the hearsay evidence of Carer C, it preferred their evidence in respect of this charge. The panel rejected your evidence and denial.

The panel found the remarks were made, the panel therefore considered whether these remarks were offensive and/or unkind. The panel had regard to the context in which these remarks were made by you. You were employed as a registered nurse within a care home working with vulnerable residents and you had a duty to treat them with professionalism, dignity and respect. The panel was satisfied that the remarks as set out above, were all offensive and unkind. Accordingly, the panel found this charge proved.

Charge 6

“That you, a registered nurse whilst employed at the Lilycross Care Centre (“the Centre”) between 22 April and 1 August 2021:

6. On one more occasion around September 2022 contacted Colleague X saying words to the effect of:

“If anyone contacts you, can you tell them that I was a good nurse and worked well with guests”

This charge is found proved.

In reaching this decision, the panel took into account the Witness Statement of Witness 1, the oral evidence of Witness 1, Exhibit 4 (your bundle on facts titled Registrant’s Bundle (Facts)) and specifically the Whatsapp text log extracted by you to Notepad and your oral evidence.

The panel considered Witness 1’s Witness statement which stated:

‘After Nicky had left Lily Cross she made contact with me via WhatsApp in September 2022. This contact was out of the blue as I had not been in touch with Nicky since she left Lily Cross. Nicky first texted me to say, “I wonder if we could chat, it’s easier to explain why I need to talk”. Nicky then texted again and said, “if anyone makes contact with you tell them I was a good nurse, always got on with guest and say I was a lovely nurse”. As I have a new phone I do not have a copy of these messages.

Nicky did call me and during the call she told me that she had a brain injury from the incident when she alleged [Resident A] kicked her in the head. I did not really acknowledge what Nicky said. In the call Nicky also said that “if the NMC called could I tell them that she was a good nurse and worked well with the guests”,

again I did not really acknowledge Nicky's comments and ended the call shortly after.'

The panel also noted that in their oral evidence Witness 1 stated a subsequent phone call took place between you and Witness 1 and stated in oral evidence when cross-examined:

"she [you] did say those things, otherwise how would I have known she wasn't well, how would I have known about her partner."

The panel noted that Witness 1 was adamant that a telephone call took place between you and her, and the panel found this to be corroborated by your text message to Witness 1:

'05/09/2022, 15:57 - Nicola: I wondered if we could chat on the phone when your free it's easier to explain xx'

In her evidence, Witness 1 told the panel that she was unable to provide a screen shot of the text messages as she had changed her phone and could not retrieve them.

The panel had regard to the extracts of text messages provide by you as set out below:

'04/03/2022, 11:39 - +44 7961 796223: Hi nick how's things with you xx am not on Facebook or messenger anymore xxx ars you any better xxxz

05/09/2022, 14:39 - Nicola: Hi love how are you xxx'

...

05/09/2022, 15:58 - Nicola: 😊

05/09/2022, 23:27 - Nicola: Hope today want too bad x'

The panel noted that there appeared to be gaps in the Whatsapp text log between yourself and Witness 1 which you extracted to Notebook. In your evidence you told the panel that the extract was an accurate and complete communication log. The panel noted that when you were asked about missing communication in the log provided you

could not provide an explanation. The panel heard evidence from Witness 1 who said that this was not a full record and *“some conversations missing”*.

The panel noted that in the extracts provided, it showed that there had been no contact between you and Witness 1 since 4 March 2022 in which she sent you a message and there was no response. The panel considered your text message to Witness 1 in September: ‘05/09/2022, 14:39 - Nicola: Hi love how are you xxx’ and accepted the evidence of Witness 1 who stated in her witness statement that *‘This contact was out of the blue’*.

The panel had regard to your oral evidence in which you provided context about the relationships between you and your colleagues at the Centre. You stated that, during your time at the Centre, colleagues laughed at you and you named several colleagues including Witness 1. However, the panel noted that you subsequently, once you had left the Centre, contacted Witness 1. The panel found that you were unable to provide an explanation as to why you would subsequently engage in conversation with Witness 1, and given the context you provided about the relationships you had with your colleagues at the Centre, the panel found your explanation that you would reach out to Witness 1 for personal reasons to be unlikely. The panel found your evidence to be inconsistent in respect of this charge.

Given the format in which the panel was provided with the Whatsapp communications, namely that it was not a direct screen shot from Whatsapp it considered that this evidence could have been edited and it was therefore not reliable. The panel had regard to the evidence of Witness 1 who said that the extract did not contain a full record of the conversation. The panel noted your evidence that you did not edit the contents of the conversation. Given the formatting issues the panel rejected this evidence.

Whilst the panel was not provided with a screenshot detailing the message, the panel found the evidence of Witness 1 to be compelling and her reason for not being able to provide this to be plausible. The panel rejected your defence and found that it could not rely on the extracts of the Whatsapp communications provided by you for the reasons set out above.

Having regard to all of the above, the panel preferred the evidence of Witness 1 and found, on the balance of probabilities, Charge 6 to be proved.

Charge 7

“That you, a registered nurse whilst employed at the Lilycross Care Centre (“the Centre”) between 22 April and 1 August 2021:

7. Your actions at charge 6 above amounted to a lack of integrity in that you sought to influence Colleague X’s account of your dealings with Residents at the Centre.

This charge is found proved.

In reaching this decision, the panel bore in mind the advice of the legal assessor, specifically that relating to *Beckwith v Solicitors Regulation Authority EWHC 3231 (Admin)* and *Wingate and Evans v Solicitors 8 Regulation Authority [2018] EWCA Civ 366*. The panel bore in mind:

- In professional codes of conduct, the term “integrity” is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members. The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards.
- Integrity connotes adherence to the ethical standards of ones own profession.
- The duty to act with integrity applies not only to what professional persons say but also to what they do.
- The regulatory obligation to act with integrity does not require professional people to be paragons of virtue.
- The standard of conduct required by the obligation to act with integrity must be drawn from, and informed by, the contents of ‘The Code: Professional standards of practice and behaviour for nurses and midwives (2015’) (the Code) which sets out the identifiable standards expected of a registered nurse.

Having found Charge 6 proved, in that you contacted Witness 1 words to the effect of “*if anyone contacts you can you tell me that I was a good nurse and worked well with guests*”. The panel was satisfied on the balance of probabilities that you were seeking to influence what Witness 1 may tell the regulator about your professionalism. The panel also noted that you were in a position of authority and there was a power imbalance between you and Witness 1 who was a carer.

The panel noted that under the heading ‘*Promote Professionalism and Trust*’ the Code states:

‘You should uphold the reputation of your profession at all times. You should display a personal commitment to the standards of practice and behaviour set out in the Code. You should be a model of integrity and leadership for others to aspire to. This should lead to trust and confidence in the professions from patients, people receiving care, other health and care professionals and the public.’

In light of this, the panel was of the view that there is an expectation that nurses would not seek to put pressure on or influence a colleague on how to answer enquiries from a professional regulator, especially when you had been in a position of authority over that colleague, and to whom you should be a role model.

The panel considered that, although your communication with Witness 1 in relation to this charge did not occur in the workplace the panel was satisfied it related to your practice as a registered nurse.

The panel was satisfied, on the balance of probabilities, that your conduct fell below the standards of a registered nurse and amounted to a lack of integrity.

The panel therefore found this charge proved.

[This hearing resumed on 16 February 2026]

On 16 and 17 February 2026, the panel concluded its writing up of the facts and handed down on 18 February 2026. When the hearing resumed, the panel was informed that Dr Graydon was not in attendance and he was unable to represent you this week.

Decision and reasons on application to adjourn

Mr Crossley, on your behalf, made an application to adjourn this hearing pursuant to Rule 32 of the Rules. [PRIVATE]. Mr Crossley submitted that as soon as the RCN became aware of Dr Graydon's situation, they notified the NMC. He submitted that an application for a postponement was going to be made on the first day of the resuming hearing. However, [PRIVATE], Dr Graydon is unable to attend for the remainder of the listed days.

Mr Crossley submitted that evidence from witnesses of fact has already been heard in this case and an adjournment would therefore not impact on the quality of evidence. He submitted that two further witnesses have been lined up to give evidence at the next stage, one of whom [PRIVATE] and the other witness will be giving evidence on your character and current practice.

Mr Crossley submitted that whilst there is a public interest in the efficient disposal of cases, there is a duty to ensure fair and right disposal of cases. He submitted that ensuring continuity of Counsel in this case is in your interests and in the interests of fair and right disposal. Mr Crossley submitted that Dr Graydon has conducted the entire hearing on your behalf and you would like him to continue to represent you for the remainder of the hearing.

Mr Crossley submitted that there is no other realistic alternative to adjourning this hearing. He submitted that if the panel decided to proceed, there are only two further days remaining within this listing and he would need significant time to prepare and to receive instructions from you. Mr Crossley submitted that it is certain that this hearing would go part heard and you would lose the benefit of continuity of Counsel.

Mr Crossley informed the panel that your two witnesses had been warned to give evidence earlier in the week. He submitted that if the hearing proceeded, this is likely to cause significant inconvenience to them as they would be requested to attend the hearing at short notice, which may not be possible.

Mr Crossley submitted that the reason for this adjournment is sound and should be granted.

Ms Hussain informed the panel that given the circumstances in which this application has been made, the NMC's position is neutral. She submitted that whether this application should be granted is a matter for the panel.

The panel accepted the advice of the legal assessor.

The panel had regard to Rule 32 of the Rules and to the NMC Guidance on '*When we postpone or adjourn hearings*' Reference: CMT-11 Last Updated: 13/01/2023 in which the following is set out:

'In deciding whether or not to grant a postponement or adjournment, the decision maker should consider all relevant factors, including the following.

- ***The public interest in the efficient disposal of the case***

There is a public interest in considering fitness to practise allegations swiftly, in order to protect the public, and maintain confidence in the professions and us as a regulator. Although delaying a hearing may mean that witnesses find it harder to remember their evidence, there may also be a public interest in delaying the hearing. For instance, if we need more time to get further evidence that will provide the Committee with a full understanding of the concerns when they make their decision.

- ***The potential inconvenience***

Postponing or adjourning a hearing may cause inconvenience to people who have made themselves available to attend and give evidence on the original hearing dates, and who may be unable to attend a hearing at a later date.

- ***Fairness to the nurse, midwife or nursing associate***

Postponing a hearing may allow a nurse, midwife or nursing associate, who is unable to attend original hearing dates, to attend a future hearing and give their evidence in person. For example, due to short term ill health or other commitments that were arranged before they were informed of the hearing date.'

The public interest in the efficient disposal of the case

The panel was mindful of the public interest in the efficient disposal of cases and the overarching objectives of the NMC. The panel noted that all witnesses of fact have been heard and the remaining witnesses have been lined up by you to provide evidence at the next stage. The panel considered that further delay would not impact on your witnesses' ability to give their best evidence, as the [PRIVATE], and your other witness is likely to give evidence relating to your recent practice and character. The panel was of the view that the public would expect that a registrant whose representative was [PRIVATE] be afforded time to ensure continuity of representation.

The potential inconvenience

The panel noted that all of the witnesses of fact have been called in this case and there would therefore be no inconvenience caused to them in adjourning this hearing. The panel also noted that your witnesses had been on notice that they would be called to give evidence on either day one or day two of the hearing and it was unclear as to whether they would be available to attend later in the week. The panel was of the view that if this hearing proceeded, requesting witness attendance at short notice would likely

result in inconvenience to them. The panel noted Mr Crossley's submission that these witnesses would be available to attend the hearing at a later date.

In respect of inconvenience to the NMC, the panel noted that it had not advanced any submissions in respect of this, and it remained neutral on this application.

Fairness to you

The panel was mindful of your right to a fair hearing and representation. The panel considered that as Dr Graydon had been present for the facts stage, due to the complexities and nuances of the case, he was best placed to continue representing you for the remainder of the hearing if possible. The panel was of the view that to proceed and substitute Counsel at this juncture, with limited time to prepare and to receive full instructions, is likely to result in unfairness to you.

The panel was also mindful that as there are only two days remaining within this listing, it considered that this was insufficient time to conclude this hearing. Furthermore, it noted that it was unlikely that the two witnesses would be available at such short notice.

Balancing all of the factors set out above, the panel decided to accede to the application and adjourn this hearing.

Decision and reasons on interim order

The panel had regard to Rule 32(5) of the Rules and having granted your application to adjourn, it noted its obligation to consider whether an interim order is necessary before adjourning this hearing and invited submissions.

Ms Hussain submitted that an interim suspension order for a period of 12 month is necessary. She reminded the panel of the background which led to the charges. Ms Hussain submitted that the facts have been proved and that there is significant and cogent evidence of concerns of a very serious nature.

Ms Hussain submitted that the charges found proved show that you acted in a way that was unkind and neglectful of vulnerable residents in your care and that you also acted with a lack of integrity. She submitted that your actions present a real risk of harm and that the public needs to be safeguarded. Ms Hussain drew the panel's attention to your bundle of documents and submitted that at this stage, your insight and remediation are insufficient to demonstrate that you would not repeat your conduct.

Ms Hussain submitted that an interim order is also otherwise in the public interest as a reasonable and well-informed member of the public would be shocked to learn that a nurse in your position had been allowed to practise without restriction. She submitted that an interim order is required in the public interest to maintain public confidence in the profession and to declare and uphold proper standards of conduct.

Ms Hussain addressed the panel on the proportionality and submitted that an interim suspension order is the most appropriate and proportionate sanction.

Mr Crossley submitted that an interim order is not necessary. He took the panel through your bundle of documents in detail and submitted that the conduct as found proved has not been repeated. Mr Crossley submitted that you were previously subject to an interim conditions of practice order but this was revoked in October 2025 and you have practised without restriction or concern since.

Mr Crossley provided the panel with some contextual information about the situation you faced at the relevant time and submitted that your behaviour arose in a particular set of circumstances. He submitted that you have reflected on your behaviour, [PRIVATE], undertaken training and addressed the concerns. Mr Crossley submitted that you have shown yourself to be a valued and trustworthy member of staff in your current employment as evidenced by testimonials.

The panel accepted the advice of the legal assessor.

In reaching its decision, the panel considered the documentation before it, together with submissions by Ms Hussain and to those made by Mr Crossley on your behalf. The

panel accepted the advice of the legal assessor and took account of the guidance issued by the NMC to panels considering interim orders and the appropriate test as set out at Article 31 of the 'Nursing and Midwifery Order 2001' (the Order). 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 your own interests. The panel was mindful that its role was to undertake a risk assessment based on the facts found proved, the information before it, and the stage of the hearing reached.

In relation to evidence of the concerns, the panel had regard to its decision on the facts. It was satisfied that the evidence of concerns is cogent, not fanciful or frivolous and not obviously contradicted by other evidence or entirely misconceived.

The panel considered that the charges found proved are very serious, they arose when you were in a position of seniority and the only registered nurse working at the Centre and demonstrate a pattern of unprofessional and harmful behaviour over a period of months. The panel was of the view that your behaviour in making unkind and derogatory comments and withholding care and encouraging others to withhold care, placed a number of extremely vulnerable residents at a risk of harm. The panel was also of the view that in creating a toxic and unprofessional working environment, you placed patients and colleagues at a risk of harm.

Integrity is essential to ensuring patient safety and professionalism. The panel considered that in pressuring a colleague to influence their evidence for the purpose of an NMC investigation was serious and seeking to affect the outcome of an investigation by your regulator poses a risk to the public. Whilst this conduct occurred outside of the workplace, it is directly linked to your professional practice and is a serious cause for concern in the panel's view.

The panel had regard to the bundle of documents provided by you. Whilst it was clear to the panel that you have made attempts to strengthen your practice and address the concerns, it has not yet reached the stage of the hearing where it has made a decision on whether your fitness to practise is currently impaired. The panel made an assessment on the level of risk on the basis of the facts found proved and the other

information presented to it and found that there is a risk of repetition and a consequent risk of harm to the public if you were able to practise without restriction whilst you await a resuming hearing.

The panel was mindful of the serious nature of the facts that have been found proved and was of the view that a member of the public would be shocked to hear that a nurse who made unkind and derogatory comments about vulnerable residents, withheld care and encouraged unregulated colleagues to withhold care was able to practise without restriction. When someone in a position of responsibility behaves in a manner that compromises the dignity or wellbeing of those they are meant to care for, it affects not only the individuals involved, but also the confidence and trust of family members. The panel was also of the view that the public would be shocked if a nurse who demonstrated a lack of integrity by attempting to influence a colleague's evidence and the potential outcome of an NMC investigation was able to practise without restriction whilst this case is adjourned part heard. The panel therefore determined that an interim order is also otherwise in the public interest, in order to maintain confidence in the profession and the NMC as regulator.

The panel next considered an interim conditions of practice order and in all the circumstances, namely that the charges found proved are wide ranging and attitudinal in nature, it determined that such an order would be insufficient to protect the public and to meet the wider public interest considerations of this case. The panel was not satisfied that an interim conditions of practice order could be devised which would sufficiently manage the risks identified without it being tantamount to a suspension.

The panel is satisfied that, in the particular circumstances of this case, an interim suspension order is appropriate and proportionate. It has decided to make this interim suspension order for a period of 12 months to allow time for this matter to be relisted and brought to a conclusion.

The panel has noted that this interim order will prevent you from working as a registered nurse and, as a consequence, you may be caused financial hardship and reputational damage. However, in applying the principle of proportionality, the panel determined that

the need to protect the public and the wider public interest outweighed your own interests in this regard.

This interim order will be reviewed every six months.

That concludes this determination.