

Learning Disability England
Birmingham Research Park
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by email only: info@ldengland.org.uk

27 October 2017

Dear Sir/Madam

NMC v Maxwell Nyamukapa

Thank you for your recent letter regarding the case of Maxwell Nyamukapa.

The abuse of patients or service users in any form is unacceptable and the NMC Code makes clear the standards of conduct and behaviour that are expected of nurses and midwives.

It is clear that in this case a very serious incident occurred which resulted in significant injury to Ben Pullar. The incident has been very distressing for Mr Pullar and his family.

Given the seriousness of the case, following a full investigation, we referred the allegations about Mr Nyamukapa to a hearing before an independent panel. The hearing was largely conducted in public, although certain parts were held in private to protect confidential patient information.

After careful consideration of all the evidence, the panel found that Mr Nyamukapa's actions did not amount to misconduct. The panel's decision was given in public. Where no misconduct is found, panel decisions are not normally published. Given the significant public concern about this case, I enclose a copy of the decision so that you can see the reasons why the panel reached its conclusion. Mr Pullar is referred to in the decision as "Patient S".

I am very sorry for the additional distress that the decision must have caused Mr Pullar and his family and also for the wider concern felt by people with learning disabilities and their families. We do not have the power to appeal the decision ourselves. However, I have been in touch with the Professional Standards Authority (PSA) who do have the power to appeal the panel's decision to the High Court if they believe that it does not

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protect the public. Given the level of public concern about the case, it is right that the PSA consider the case very carefully.

I am very happy to meet with you to discuss the case in more detail and am grateful for the opportunity to hear your concerns. Please feel free to get in touch with Feidhlim Brennan, Executive Assistant, to arrange a meeting. Feidhlim can be contacted by email to feidhlim.brennan@nmc-uk.org or by phone on 020 7681 5369.

Yours sincerely

A handwritten signature in black ink that reads "Matthew McClelland". The signature is written in a cursive style with a large initial 'M'.

Matthew McClelland
Director of Fitness to Practise

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