

9/3/17 RL

IN THE HIGH COURT OF JUSTICE

CLAIM NO: CO/6015/2016

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

MASTER GIDDEN

BETWEEN:

PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL CARE

Appellant

and

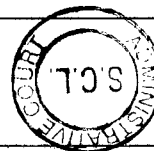
(1) NURSING AND MIDWIFERY COUNCIL

(2) SHEEBA VARGHESE

Respondents



~~DRAFT~~ CONSENT ORDER



**UPON** the parties having agreed to the terms of this Order; In particular, that it is just and convenient for the Court to make the Order set out below

**AND UPON** neither party being either a child or protected party and the appeal not being an appeal from a decision of the Court of Protection

**AND UPON** the Conduct and Competence Committee of the First Respondent ("the CCC") having found on 23 September 2016 that the fitness to practise of the Second Respondent was impaired by reason of misconduct and having decided to impose a three year caution order on the Second Respondent ("the Decision")

**AND UPON** the Appellant having lodged an appeal on 28 November 2016 against the Decision pursuant to Section 29 of the National Health Service Reform and Health Care Professions Act 2002

**AND UPON** the First Respondent and the Second Respondent conceding that the Decision was insufficient for the protection of the public within the meaning of Section 29 of the National Health Service Reform and Health Care Professions Act 2002

BY CONSENT

*By the Court*

**IT IS ORDERED THAT:**

**PURSUANT TO SECTION 29 OF THE NATIONAL HEALTH SERVICE REFORM AND HEALTH CARE PROFESSIONS ACT 2002 AND SECTION 37 OF THE SENIOR COURTS ACT 1981:**

1. The appeal be allowed and the Decision be substituted for an 18 month conditions of practice order in the terms attached, to take effect from the date of this Order.
2. The Second Respondent concedes and the First Respondent finds that the Second Respondent's fitness to practise is impaired by reason of her misconduct on grounds of public protection and the need to maintain confidence in the nursing profession and declare and uphold standards.
3. The 18 month conditions of practice order imposed pursuant to (1) above be reviewed not less than 28 days prior to its expiry; such review to be undertaken pursuant to Article 30 of the Nursing and Midwifery Order 2001, as amended.
4. The hearing listed for 29 June 2017 be vacated.
5. The First Respondent pay the Appellant's and the Second Respondent's reasonable costs of the appeal, to be subject to detailed assessment if not agreed.

We consent to an order on the terms above.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017

*P. O'Connell*  
.....

Browne Jacobson LLP

6 Bevis Marks

Bury Court

London

EC3A 7BA

Ref: RFOS01/0396580049

Solicitors for the Appellant

*[Signature]*  
.....

Nursing and Midwifery Council

First Floor

1 Kemble Street

London

WC2B 4AN

Ref: 44243/27970

The First Respondent

*[Signature]*  
.....

Ms Sheeba Varghese

7/02/17

SATK01/SA/0396580053

*By the Court*

ADMINISTRATIVE COURT

*[Signature]*  
06 11 2017  
M R GIDDEN  
MASTER OF THE ADMINISTRATIVE COURT

10 Tonge Street

Heywood

Lancashire

OL10 4HU

The Second Respondent

*By the Court*

### Conditions of Practice - Mrs Sheeba Varghese

- 1) You must not work as a home manager or deputy manager during the length of this order. This includes any managerial or supervisory position.
- 2) You must attend face to face courses in the following areas of practice and produce evidence of attendance and successful completion:
  - a. Record keeping
  - b. Wound care management
  - c. Staff management and leadership
- 3) In accordance with the timescale arising under condition 7 below you must work with your line manager, mentor or supervisor (or their nominated deputy) to agree a personal development plan designed to address concerns about the following areas of your practice:
  - a. Record keeping
  - b. Wound care management
  - c. Staff management and leadership.
- 4) You must meet with your line manager, mentor or supervisor (or their nominated deputy) at least every month to discuss the standard of your performance and your progress towards achieving the aims set out in your personal development plan.
- 5) You must forward to the NMC a copy of your personal development plan within 28 days of the date on which these conditions become effective or the date on which you take up an appointment, whichever is sooner.
- 6) You must prepare a reflective piece that addresses the management failings identified in the proceedings to which these conditions relate and submit that reflective piece to the NMC at least 14 days before any NMC review hearing or meeting held in relation to these conditions.
- 7) You must send a report from your line manager, mentor or supervisor (or their nominated deputy) setting out the standard of your performance and your progress towards achieving the aims set out in your personal development plan to the NMC every 6 months for the duration of this order, with the first report being sent to the NMC within six months of the date of this order taking effect and a further report being sent to the NMC at least 14 days before any NMC review hearing or meeting held in relation to these conditions.
- 8) You must tell the NMC within 10 days of your acceptance of any nursing or midwifery appointment (whether paid or unpaid) within the UK or elsewhere, and provide the NMC with contact details of your employer.
- 9) You must tell the NMC about any professional investigation started against you and/or any professional disciplinary proceedings taken against you within 7 days of you receiving notice of such investigation and/or proceedings.

10) You must immediately tell the following parties that you are subject to a conditions of practice order under the NMC's fitness to practise procedures, and disclose the conditions listed at (1) to (9) above, to them.

- a) Any organisation or person employing, contracting with, or using you to undertake nursing or midwifery work.
- b) Any agency you are registered with or apply to be registered with (at the time of application) to provide nursing or midwifery services.
- c) Any prospective employer (at the time of application) where you are applying for any nursing or midwifery appointment.
- d) Any educational establishment at which you are undertaking a course of study connected with nursing or midwifery, or any such establishment to which you apply to take such a course (at the time of application).

*By the Court*