

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Claim No: CO/6393/2016

BETWEEN

PROFESSIONAL STANDARDS AUTHORITY

Appellant

and

(1) HEALTH AND CARE PROFESSIONS COUNCIL
(2) JOHN SADIO

Respondents



CONSENT ORDER

UPON the parties having agreed these terms and the statement of reasons as set out in the Schedule

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

BY CONSENT

IT IS ORDERED THAT:

1. The appeal be allowed and the decision of the First Respondent's Conduct and Competence Committee (**the CCC**) on 12 October 2016 to suspend the Second Respondent from the register of the First Respondent for a period of 9 months (**the Decision**) be quashed.
2. The court substitutes an order that the Second Respondent be struck off the register of the First Respondent.
3. The First Respondent shall pay the Appellant's reasonable costs of the appeal to be subject to detailed assessment if not agreed.

4. The appeal hearing listed on 14 June 2017 with a time estimate of 1 day be vacated.

We consent to an order on the above terms.



Dated this 31 day of March 2017

Weightmans



Weightmans LLP
Second Floor
6 New Street Square
New Fetter Lane
London
EC4A 3BF

Ref: SIT CUR 54170 1001

Solicitors for the Appellant

Bircham Dyson Bell LLP



Bircham Dyson Bell LLP
50 Broadway
London
SW1H 0BL

Ref: HEF/RJL/096763.0212

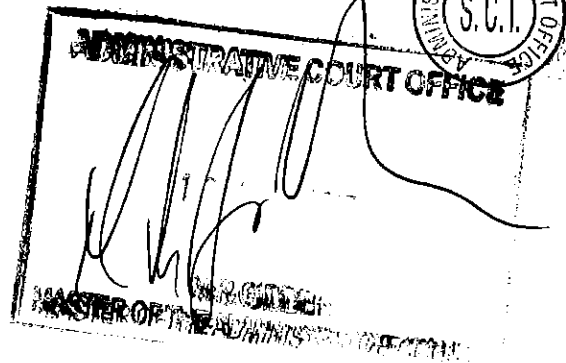
Solicitors for the First Respondent



John Badlo

John Badlo
118 Greenfinch Road
Birmingham
B36 0RB

Second Respondent





SCHEDULE

1. The Second Respondent is a registered social worker. On 12 October 2016, the CCC, having found that his fitness to practise was impaired by reason of misconduct, imposed a 9 month suspension.
2. The Appellant appealed against the Decision on the grounds that it was not sufficient for the protection of the public within the meaning of section 29 of the National Health Service Reform and Health Care Professions Act 2002.
3. The Grounds of Appeal were that:
 - Ground 1 – The Decision arose from a serious procedural irregularity in that the First Respondent failed to allege, in respect of particulars 1(a)(iii)(1), 2(a)(ii)(1) and 2(a)(iii)(1), that the Second Respondent had acted dishonestly.
 - Ground 2 – The Decision arose from a serious procedural irregularity in that, the First Respondent having failed to make the allegation described in Ground 1 above, the CCC failed to initiate an inquiry into whether the Second Respondent had acted dishonestly in respect of particulars 1(a)(iii)(1), 2(a)(ii)(1) and 2(a)(iii)(1).
 - Ground 3 – The CCC failed to have adequate regard to the seriousness of the Second Respondent's misconduct.
 - Ground 4 – The CCC failed to have adequate regard to (a) the Second Respondent's failure to engage with proceedings, (b) the lack of information as to the Second Respondent's current employment or standards of practise, (c) its finding that the Second Respondent had no insight, (d) the fact that the Second Respondent had demonstrated no remorse, (e) the absence of evidence as to remediation, (f) its finding that there was no material upon which it could conclude that the Second Respondent would be willing or able to address his failings, (g) its finding that there was a risk of repetition, (h) its finding that the Second Respondent's misconduct put patients and the public at risk, (i) the public interest in maintaining confidence in the profession and standards within it, and (j) the First Respondent's *Indicative Sanctions Policy*.
4. The First Respondent concedes that the Decision was not sufficient for the protection of the public and agrees with the Appellant that a striking off order was the only appropriate sanction in the circumstances.

Claim No: CO/6393/2016

**IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT**

BETWEEN:

PROFESSIONAL STANDARDS AUTHORITY

Appellant

and

(1) HEALTH AND CARE PROFESSIONS COUNCIL

(2) JOHN SADIO

Respondents

CONSENT ORDER

Bircham Dyson Bell LLP
50 Broadway
London
SW1H 0BL
Tel: +44 (0)20 7227 7000
Fax: +44(0)20 7222 3480

HEF/RJL/096763.0212

First Respondent's Solicitors