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



Claim No: CO/3481/2014

BETWEEN:

PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL CARE

Appellant

and

(1) HEALTH AND CARE PROFESSIONS COUNCIL (2) MR JOHN MCCARRON

Respondents

COMMENT ORDER

Appellant and the Ferry Responden

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

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 First Respondent conceding that the Suspension Order made at the hearing on 22 May 2014, which is the decision under appeal ("the Decision"), was unduly lenient within the meaning of Section 29 of the National Health Service Reform and Health Care Professions Act 2002

THE CHANGE OF

IT IS ORDERED THAT:

- The appeal be allowed and the decision of the First Respondent's Conduct and Competence Committee on 22 May 2014 to impose a suspension order of 12 months duration be quashed.
- The court substitutes an order that the Second Respondent be struck off the register of the First Respondent pursuant to Article 29 of the Health and Social Work Professions Order 2001.

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- The First Respondent shall pay the Appellant's reasonable costs of the appeal to be 3 subject to detailed assessment if not agreed.
- The appeal hearing listed on 22 January 2015 with a time estimate of 1 day be vacated.

We consent to an order in the above terms.

Dated this 19 day of Drewber 2014

Capsticks ANNIE SARAK,

1 St George's Road Wimbledon

London

E3 2LL

Ref. AZS/048774

Solicitors for the Appellant

Bircham Dyson Bell LLP

50 Broadway

London

SW1H 0BL

Ref: LZM/RJL/096763.0066

Collettors for the First Respondent

-Mr John McCarron

26 Scholes Bank

Horwich

Bolton

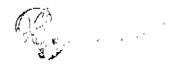
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∠Second Respondent

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SCHEDULE

- The Second Respondent is a registered practitioner psychologist. On 22 May 2014, the Conduct and Competence Committee of the First Respondent imposed the Decision.
- The Appellant appealed against the Decision on the grounds that it was unduly lenient 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 Panel erred in ordering suspension to enable the Registrant to reflect and gain insight when there is no evidence that he would or might do so:
 - Ground 2 The Panel failed to consider or give any weight to the Registrant's conduct towards Client A after she had raised a complaint with the First Respondent.
 - Ground 3 ~ The Panel further failed to consider and/or give adequate weight to other positive evidence that the Registrant lacked insight, remediation or remorse;
 - Ground 4 The Panel erred in failing to give adequate weight to Client A's vulnerability and the power imbalance inherent in the patient/practitioner psychologist relationship;
 - Ground 5 The Panel's finding that there was no "deliberate plan" was perverse;
 - Ground 6 The Panel erred in relying on the Registrant's own vulnerability as a mitigating factor when there is no evidence to support such a finding;
 - Ground 7 The Panel erred in failing to consider and/or give adequate weight to the particular sensitivity of the Registrant's position;
 - Ground 8 The Panel falled to address the issue of public confidence at all in its decision on sanction.



Ground 9 – The panel erred in finding head of charge 1(a)(i), and heads of charge 2 to 5 (insofar as they relate to head of charge 1(a)(i)) not proved.

4 The First Respondent concedes that the Decision was unduly lenient.

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