

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

THE PROFESSIONAL STANDARDS AUTHORITY
FOR HEALTH AND SOCIAL CARE

Appellant

- and -

(1) THE NURSING AND MIDWIFERY COUNCIL
(2) HYACINTH JOHNSON

Respondents



ORDER BY CONSENT

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 a child or protected party and the appeal not being an appeal from a decision of the Court of Protection

AND UPON the Second Respondent being a nurse on the register established and maintained by the First Respondent under Article 5 of the Nursing and Midwifery Order 2001 ('the register')

AND UPON a panel of the Fitness to Practise Committee of the First Respondent having found on 16 September 2019 that the fitness to practise of the Second Respondent was impaired by reason of misconduct and having decided to impose a conditions of practice order for a period of 2 years ('the decision')

AND UPON the Appellant having lodged an appeal on 21 November 2019 against the decision of the Fitness to Practise Committee pursuant to Section 29 of the National Health Service Reform and Health Care Professions Act 2002

AND UPON the First and Second Respondent conceding that the decision of the Fitness to Practise Committee 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

BY CONSENT IT IS ORDERED THAT:-

1. The appeal is allowed
2. The decision of the First Respondent's Fitness to Practise Committee, dated 16 September 2019, to impose a conditions of practice order is quashed
3. A conditions of practice order in the terms set out in Schedule 1 is made in substitution for the conditions of practice order made by the Fitness to Practise Committee.
4. The First Respondent is to pay the Appellant's reasonable costs of the appeal, subject to detailed assessment in default of agreement.



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Matthew Alderton
Browne Jacobson LLP
For and on behalf of the Appellant



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Matthew Cassells
Nursing and Midwifery Council
For and on behalf of the First Respondent



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Georgia Chapple
Royal College of Nursing
For and on behalf of the Second Respondent

Schedule 1

1. Prior to returning to practice as a Registered Nurse or Health Visitor, you must undertake and successfully pass a course in electronic record keeping.
2. Prior to returning to practice as a Registered Nurse or Health Visitor you must undertake and successfully pass a course in safeguarding.
3. You must ensure that you are supervised by your Line Manager or a workplace supervisor any time you are working for six months. Your supervision must consist of:
 - Working at all times as a Health Visitor while being directly observed by a registered nurse of band 6 or above for six months
 - Working at all times as a Registered Nurse on the same shift as, but not always directly observed by, a registered nurse of band 6 or above for six months.
 - Weekly meetings to discuss your clinical caseload with your Line Manager or workplace supervisor for six months.
4. You must work with your Line Manager, mentor or supervisor to create a personal development plan (PDP). Your PDP must address the concerns about record keeping and safeguarding. You must:
 - Meet with your line manager, mentor or supervisor at least every two weeks to discuss your progress towards achieving the aims set out in your PDP until it is achieved.
 - Send your case officer a report from your line manager, mentor or supervisor every six months. This report must show your progress towards achieving the aims set out in your PDP until it is completed and thereafter reviews(s) of your practice.
5. You must keep us informed about anywhere you are working by:
 - Telling your case officer within seven days of accepting or leaving any employment.
 - Giving your case officer your employer's contact details.
6. You must keep us informed about anywhere you are studying by:
 - Telling your case officer within seven days of accepting any course of study.
 - Giving your case officer the name and contact details of the organisation offering that course of study.
7. You must immediately give a copy of these conditions to:
 - Any organisation or person you work for.
 - Any agency you apply to or are registered with for work.
 - Any employers you apply to for work (at the time of application).
 - Any establishment you apply to (at the time of application), or with which you are already enrolled, for a course of study.

- Any current or prospective patients or clients you intend to see or care for when you are working independently.

8. You must tell your case officer, within seven days of your becoming aware of:

- Any clinical incident you are involved in.
- Any investigation started against you.
- Any disciplinary proceedings taken against you.

9. You must allow your case officer to share, as necessary, details about your performance, your compliance with and / or progress under these conditions with:

- Any current or future employer.
- Any educational establishment.
- Any other person(s) involved in your retraining and/or supervision required by these conditions.

The period of this order is for two years. There will be a review hearing prior to expiry of the order.