

10 JUL 2020

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



CO/409/2020

BETWEEN:-

THE PROFESSIONAL STANDARDS AUTHORITY
FOR HEALTH AND SOCIAL CARE

Appellant

-and-

(1) THE NURSING AND MIDWIFERY COUNCIL
(2) FOLORUNSHO OLUWATOYIN ONAMADE

Respondents

DRAFT CONSENT ORDER

*Approved
DBW O.
11.9.20*

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 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 29 November 2019 that the fitness to practise of the Second Respondent was impaired by reason of misconduct and having decided to impose a suspension order for a period of twelve months on the Second Respondent ("the Decision")

AND UPON the Appellant having lodged an appeal on 4 February 2020 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 the appeal and accepting that the Decision 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:

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 quashed.
2. The Decision be substituted with an order directing the Registrar of the First Respondent to strike the Second Respondent's name from the register.
3. The First Respondent is to pay the Appellant's reasonable costs of this appeal to be assessed if not agreed.
4. There be no order as to the Respondents' costs.

We consent to an order on the terms above.

Browne Jacobson LLP

Signed..... Dated 15 July 2020.....

Browne Jacobson on behalf of Appellant

Signed..... Dated 15-07-2020.....

First Respondent: the Nursing and Midwifery Council

Hannah Smith - Development Lawyer

Signed..... Dated 10.07.2020.....

Second Respondent: Ms Folorunsho Oluwatoyin Onamide

By the Court