



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref: CO/3021/2018

28/09/18 BA
S.A

In the matter of an application for Judicial Review

PROFESSIONAL STANDARDS AUTHORITY

versus

NURSING AND MIDWIFERY COUNCIL

MS MARCIA BLACKSTOCK

Order by the Honourable Mrs Justice Cockerill

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 25 May 2018 that the fitness to practise of the Second Respondent was impaired by reason of his misconduct and having decided to impose a caution order for a period of three years on the Second Respondent (the Decision')

AND UPON the Appellant having lodged an appeal on 30 July 2018 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 on the grounds of the appeal set out at Schedule 1 that the decision was not sufficient for the protection of the public within 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 impose a suspension order for six months to begin at the date of this Order and to be reviewed by a panel of the Fitness to Practise Committee before its expiry; such review to take into account the grounds of this appeal, which grounds are accepted by the Respondents.
3. Any hearing of these proceedings be vacated.
4. The First Respondent pay the Appellant's reasonable costs of the appeal,

to be subject to detailed assessment if not agreed.

5. There be no order as to the Respondents' costs.

Signed  25/ix/2018

Sent to the claimant, defendant and any interested party / the claimants, defendants, and any interested party's solicitors on (date):

26 SEP 2018