



CO/646/2023

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

THE PROFESSIONAL STANDARDS AUTHORITY  
FOR HEALTH AND SOCIAL CARE

Appellant

- and -

(1) NURSING AND MIDWIFERY COUNCIL  
(2) KATERINA MARECKOVA

Respondents

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ORDER BY CONSENT

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**BEFORE** the Honourable Mr Justice Ritchie sitting at the Royal Courts of Justice, the Strand, London WC2A2LL on 27 June 2023.

**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.

**AND UPON** the First Respondent's Fitness to Practise Committee having found on 21 December 2022 upon the Second Respondent's admission that she had been convicted of racially aggravated intentional harassment contrary to sections 31(1)(b) and (4) of the Crime and Disorder Act 1998, and that the Second Respondent's fitness to practise was not impaired by reason of her conviction ('the decision')

*Brave Surdon*

**AND UPON** the Appellant having lodged an appeal on 14 February 2023 against the decision of the Nursing and Midwifery Council's Fitness to Practise Committee pursuant to Section 29 of the National Health Service Reform and Health Care Professions Act 2002 (as amended)

**AND UPON** the First and Second Respondent conceding that the appeal should be allowed

**BY CONSENT IT IS ORDERED THAT:-**

1. The appeal is allowed.
2. The decision is quashed and substituted with a finding that the Second Respondent's fitness to practise is currently impaired by reason of her conviction on the grounds that such a finding is required in order to promote and maintain public confidence in the nursing profession and to promote and maintain proper professional standards and conduct.
3. The Second Respondent be made subject to an order suspending her from the register for a period of three months to be reviewed by the Fitness to Practise Committee before expiry pursuant to Article 30(1) of the Nursing and Midwifery Order 2001. Matters to be considered by the Committee at review in relation to impairment are set out at Schedule 1.
4. The First Respondent is to pay the Appellant's reasonable costs of the appeal subject to detailed assessment in default of agreement.
5. No other order as to costs.

**Ritchie J    Order made 26.6.2023**

**Dated: 16 June 2023 (for the consent agreement)**

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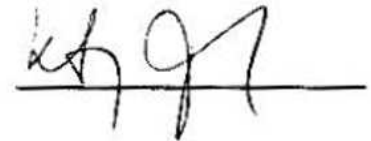
**Solicitors for the Appellant**

**The First Respondent**

**The Second Respondent**

  
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Hannah Smith on behalf of the NMC  
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### **Schedule 1**

- a. Ms Mareckova's insight into the conduct underlying her conviction; specifically:
- i. The possibility of unconscious bias
  - ii. How equality and diversity training undertaken by Ms Mareckova affected her understanding of her behaviour
  - iii. The importance of eradicating discrimination in the nursing profession and how discrimination in healthcare undermines public confidence

BY THE COURT