

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

CLAIM NO: CO/4069/2014

THE PROFESSIONAL STANDARDS AUTHORITY
FOR HEALTH AND SOCIAL CARE

Appellant

and

(1) NURSING AND MIDWIFERY COUNCIL

First Respondent

(2) MR STUART ALEXANDER YOUNG

Second Respondent



CONSENT ORDER

UPON the parties having agreed to the terms of this Order and to the terms set out in the attached schedule;

AND UPON neither party being either a child or protected party and the appeal not being an appeal from the decision of the Court of Protection;

AND UPON the First Respondent conceding that the decision made by its Conduct and Competence Committee ("CCC") dated 25 June 2014 ("the Decision"), which is the decision under appeal, was unduly lenient within the meaning of Section 29 of the National Health Service Reform and Health Care Professions Act 2002;

IT IS ORDERED BY CONSENT THAT:

1. The appeal is allowed;

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SCHEDULE

1. The Second Respondent is a registered nurse. On 25 June 2014, a panel of the CCC, having considered a draft Consensual Panel Determination (CPD) agreement between the First and Second Respondents, made a decision which included the imposition of a three-year caution order on the Second Respondent.
2. The Appellant appealed 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 and/or that there was a serious procedural irregularity in the proceedings. A copy of the Grounds of Appeal is attached to this schedule as Annex 1.
3. It is conceded by the First Respondent that the Decision was unduly lenient and/or that there were procedural irregularities in the proceedings. Specifically:
 - a. There were further allegations of dishonesty which ought to have been included in the charges before the panel (Ground 1);
 - b. Relevant facts were missing from the CPD agreement (Ground 2).
 - c. To the extent only that there were unresolved factual or attitudinal issues between the First and Second Respondents, the case should have proceeded by way of a full hearing rather than by way of CPD (Ground 3).
4. Accordingly the charges which are to be put before a new panel in accordance with the terms of this Order will be those contained in the document entitled "Schedule of Charge", attached to this schedule at Annex 2.