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12 February 2015

BROWNE JACOBSON LLP
DX 142420 LIME STREET 6

Our ref: CO/5192/2014

Your ref: rfos01/0396580017

Dear Sir / Madam,

**Re PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH & SOCIAL CARE v
NURSING & MIDWIFERY COUNCIL**

I am writing to acknowledge receipt of your Consent Order in the above case, which was received by this office on 12/02/2015 .

The order has been approved by the Master of the Crown Office, and I enclose a copy of the approved order. I confirm that the case has been closed today, and that the file will be broken up in due course.

If you have any queries please contact the Administrative Court General Office on 020 7947 6655.

Yours faithfully

Ms C O'Neill
For Court Manager

Cc: NMC
RCN

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

CLAIM NO: CO/5192/2014

THE PROFESSIONAL STANDARDS AUTHORITY
FOR HEALTH AND SOCIAL CARE

Appellant

and

(1) NURSING AND MIDWIFERY COUNCIL

First Respondent

(2) MICHAEL WRAY

Second Respondent

DRAFT CONSENT ORDER

Royal Courts of Justice

Transaction: 1012408

Fee Code : ADMIN 2.5 4

Fee : £50.00

Operator : HENNINGHAM B

Dated : 11/02/2015 14:13:56

Payment Mtd:

UPON the parties having agreed to the terms of this Order and to the terms set out in the attached schedule of agreed terms at Annex 1;

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 First Respondent and the Second Respondent conceding that the decision of its Conduct and Competence Committee ("CCC") dated 5 September 2014, which is the decision under appeal ("the Decision"), 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 by consent on the grounds referred to at paras 3 (a) – (c) of the schedule of agreed terms attached at Annex 1;

2. The decision in so far as it relates to misconduct, impairment and sanction is quashed;
3. The First Respondent's case against the Second Respondent is to be remitted to a differently constituted Panel of the First Respondent's CCC for hearing on the charges specified in the schedule of additional charges attached to this Order at Annex 2, and for consideration on the issues of misconduct, impairment of fitness to practise and sanction at a substantive hearing;
4. The factual findings of the panel on each of the charges which were included in the Consensual Panel Determination Agreement dated 5 September 2014 are upheld, and are to be taken into consideration by the new panel when they consider the charges set out in the schedule of additional charges and the issues of misconduct, impairment of fitness to practise and sanction at the substantive hearing.
5. The hearing of 18 February 2015 is vacated;
6. The First Respondent is to pay the Appellant's reasonable costs of the appeal, to be assessed if not agreed.

WE CONSENT TO AN ORDER IN THE ABOVE TERMS.

Dated this 9 day of February 2015

Browne Jacobson
BROWNE JACOBSON LLP

[Signature]
NURSING AND MIDWIFERY COUNCIL

15th Floor
6 Bevis Marks
Bury Court
London
EC3A7DA

1st Floor, 1 Kernble Street
London
WC2B 4AN

[Signature]
ROYAL COLLEGE OF NURSING

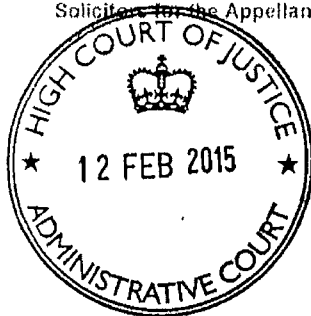
RCN Legal Services
3 Capital Court
Bittern Road
Sowton Industrial Estate
Exeter
EX2 7LW

By the Court

Solicitors for the Appellant

For the First Respondent

For the Second Respondent



ADMINISTRATIVE COURT

[Signature]
M. R. C. M.
THE ADMINISTRATIVE COURT