

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

CLAIM NO. CO/8081/2015

BETWEEN:-

THE PROFESSIONAL STANDARDS AUTHORITY
FOR HEALTH AND SOCIAL CARE

Appellant

-and-

(1) THE GENERAL MEDICAL COUNCIL
(2) DR STEVEN BURN

Respondents



CONSENT ORDER

UPON the parties having agreed to the terms of this Order and the statement of matters set out at Schedule 1

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

AND UPON reading the statement of matters relied upon by the parties in support of the Consent Order attached at Schedule 1

AND UPON the First Respondent conceding that the decision of its Medical Practitioners Tribunal Service, made on 2 October 2015, not to direct erasure in respect of the Second Respondent's convictions for possession of indecent images of children and prohibited images of children, and instead imposing a suspension order for 12 months with review, is 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;

2. The decision of the First Respondent's Medical Practitioners Tribunal Service on 2 October 2015 to impose a suspension order for 12 months with a review in respect of the Second Respondent is quashed;
3. The Court substitutes an order that the Second Respondent's name be erased from the Register of the First Respondent pursuant to the Medical Act 1983 section 35D.
4. The First Respondent shall pay the Appellant's reasonable costs of the appeal to be subject to detailed assessment if not agreed.
5. The Appeal hearing listed for 28 April 2016 be vacated.

WE CONSENT TO AN ORDER IN THE ABOVE TERMS

Dated this the day of 2016


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 SW19 4DR


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 350 Euston Road
 Regents Place
 London, NW1 3JN

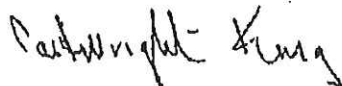
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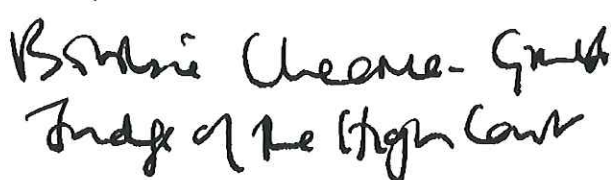
Solicitors for the Appellant

Solicitors for the First Respondent

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Solicitors for the Second Respondent



Approved

 Judge of the High Court
 18th February 2016

By the Court

SCHEDULE 1

**STATEMENT OF MATTERS RELIED UPON BY THE PARTIES IN SUPPORT
OF THIS CONSENT ORDER ATTACHING THE GROUNDS OF APPEAL**

- 1 The Second Respondent is a registered medical practitioner. On 2 October 2015, the First Respondent's Fitness to Practise Panel of the Medical Practitioners Tribunal Service ("the Panel") imposed a suspension order for 12 months with a review in respect of the Second Respondent ("the Decision").
- 2 The Appellant appealed against 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.
- 3 The Grounds of Appeal were that:
 - Ground 1: the Panel failed to give adequate weight to the public interest;
 - Ground 2: the Panel gave inappropriate weight to other factors;
 - Ground 3: the Panel failed to consider and/or adequately address the nature of the internet searches undertaken by the Registrant;
 - Ground 4: the Panel failed to consider and/or give adequate weight to evidence of lack of insight or limited insight;
 - Ground 5: the Panel failed to have any, or any adequate, regard to the criminal sentence imposed and its impact on public confidence;
 - Ground 6: the Panel failed to have any, or any adequate, regard to other aggravating factors;
 - Ground 7: the Panel failed to have regard to evidence indicating a medium risk of reoffending;
 - Ground 8: alternatively, the Panel failed to give adequate reasons for its decision.
- 4 The First Respondent concedes that the Decision was unduly lenient.

Claim No: CO/8061/2015

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Appellant

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