

Approved by Ho Justice Long
15th July 2016

Claim No: CO/913/2016

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

BETWEEN:

PROFESSIONAL STANDARDS AUTHORITY
FOR HEALTH AND SOCIAL CARE

Appellant

and

(1) HEALTH AND CARE PROFESSIONS COUNCIL
(2) HAYLEY HUGHES

Respondents



CONSENT ORDER

UPON the parties having agreed the terms of this Order and the statement of matters set out in the Schedule

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 conceding that the decision of its Conduct and Competence Committee, made on 15 December 2015, to suspend the registration of the Second Respondent for a period of 12 months rather than to direct that the Second Respondent be struck off the register of the First Respondent was unduly lenient within the meaning of section 29 of the National Health Service Reform and Health Care Professions Act 2002

BY CONSENT

IT IS ORDERED THAT:

- (1) The appeal be allowed and the decision of the First Respondent's Conduct and Competence Committee on 15 December 2015 to suspend the registration of the Second Respondent for a period of 12 months be quashed.
- (2) Pursuant to section 29(8)(c) of the National Health Service Reform and Health Care Professions Act, 2002, the Court substitutes an order that the Second Respondent's name shall be struck off the register of the First Respondent.
- (3) The First Respondent shall pay the Appellant's reasonable costs of the appeal to be subject to detailed assessment if not agreed.

(4) The appeal hearing listed on 19 July 2016 with a time estimate of 1 day be vacated.

We consent to an order on the above terms.

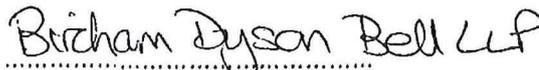
Dated this 13th day of July 2016.



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Solicitors for the Appellant



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Ref: CLR/RJL/096763.0155

Solicitors for the First Respondent



Hayley Hughes
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Second Respondent

By the Court

SCHEDULE

- 1 The Second Respondent is a registered occupational therapist.
- 2 On 15 December 2015 a Panel of the Conduct and Competence Committee of the First Respondent made an order suspending the Second Respondent from its register.
- 3 The Appellant appealed against that decision on the ground that it was unduly lenient, within the meaning of section 29 of the National Health Service Reform and Health Care Professions Act 2002.
- 4 The Grounds of Appeal were that:
 - Ground 1 – The Panel failed to give adequate weight to the public interest;
 - Ground 2 – The Panel erred in its approach to a number of factors identified as factors in mitigation;
 - Ground 3 – The Panel failed to adequately consider the sentencing remarks of the Crown Court judge as well as the sentence imposed and its impact on public confidence;
 - Ground 4 – The Panel failed to give clear or adequate reasons for its decision.
- 5 The First Respondent accepts that the decision was unduly lenient and that the Court should substitute the suspension with a striking off order.
- 6 The Second Respondent is willing to consent to such an order.

By the Court

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CONSENT ORDER

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