

IN THE HIGH COURT OF JUSTICE

CLAIM NO: CO/2957/2016

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

MRS. JUSTICE JEFFERD

BETWEEN:

PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL CARE

Appellant

and

(1) NURSING AND MIDWIFERY COUNCIL

(2) VINCENT DE LA CRUZ SALMAYOR

Respondents




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CONSENT ORDER

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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 either a child or protected party and the appeal not being an appeal from a decision of the Court of Protection

AND UPON the Conduct and Competence Committee of the First Respondent ("the CCC") having found on 5 April 2016 that the fitness to practise of the Second Respondent was impaired by reason of misconduct and having decided to impose an eighteen month conditions of practice order on the Second Respondent ("the Decision")

AND UPON the Appellant having lodged an appeal on 10 June 2016 against the Decision pursuant to Section 29 of the National Health Service Reform and Health Care Professions Act 2002

AND UPON the First Respondent and the Second Respondent conceding that the Decision was insufficient for the protection of the public within the meaning of Section 29 of the National Health Service Reform and Health Care Professions Act 2002

BY CONSENT

IT IS ORDERED THAT:

PURSUANT TO SECTION 29 OF THE NATIONAL HEALTH SERVICE REFORM AND HEALTH CARE PROFESSIONS ACT 2002 AND SECTION 37 OF THE SENIOR COURTS ACT 1981:

1. The appeal be allowed and the decision of the CCC Panel in relation to both cases be substituted for a 6 month suspension order to take effect from the date of this order.
2. The 6 month suspension orders in relation to both cases are to be reviewed not less than 28 days prior to their expiry; such review to be undertaken pursuant to Article 30 of the Nursing and Midwifery Order 2001, as amended.
3. In carrying out the review referred to at (2) above, the First Respondent's CCC will consider the documents listed in the Schedule attached to this Consent Order.
4. The hearing listed for 1 November 2016 be vacated.
5. The First Respondent pay the Appellant's and the Second Respondent's reasonable costs of the appeal, to be subject to detailed assessment if not agreed.

We consent to an order on the terms above.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2016

  
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Browne Jacobson LLP

6 Bevis Marks

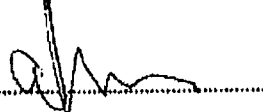
Bury Court

London

EC3A 7BA

Ref: FOS01/0396580049

Solicitors for the Appellant

  
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Royal College of Nursing of the United Kingdom

  
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Nursing and Midwifery Council

First Floor

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London

WC2B 4AN

Ref: 44243/27970

The First Respondent

*By the Court*

20 Cavendish Square

London

W1G 0RN

Ref: C42170

Solicitors for the Second Respondent

Nesys Jefford

28.10.16

*By the Court*

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#### SCHEDULE

1. The documents listed below will be placed before the CCC for consideration as part of the redetermination to take place pursuant to (2) above:
  - (a) The Order of the CCC relating to the Second Respondent dated 9 October 2012;
  - (b) The Order of the CCC relating to the Second Respondent dated 1 October 2013;
  - (c) The Interim Suspension Order of the CCC relating to the Second Respondent dated 13 March 2014;
  - (d) The Order of the CCC relating to the Second Respondent dated 23 September 2014;
  - (e) The Order of the CCC relating to the Second Respondent dated 31 March 2015;
  - (f) The Order of the CCC relating to the Second Respondent dated 5 April 2016;
  - (g) The Appellant's Grounds of Appeal dated 10 June 2016;
  - (h) The sealed order from the Court
  - (i) The First Respondent's Indicative Sanctions Guidance.

WAG  
28.10.16