

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

AC-2024-LON-002329



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BEFORE: Mr Justice Bright

DATED: 27 September 2024

BETWEEN:

**THE PROFESSIONAL STANDARDS AUTHORITY
FOR HEALTH AND SOCIAL CARE**

Appellant

- and -

**(1) THE NURSING AND MIDWIFERY COUNCIL
(2) BHARAT CHAUHAN**

Respondents

ORDER BY CONSENT

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 none of the parties being a child or protected party and the appeal not being an appeal from a decision of the Court of Protection

AND UPON the Second Respondent being a nurse on the register established and maintained by the First Respondent under Article 5 of the Nursing and Midwifery Order 2001 ('the Register')

AND UPON a panel of the Fitness to Practise Committee of the First Respondent ('the Panel') having, on 2 May 2024, decided that the fitness to practise of the Second Respondent was impaired by reason of misconduct and having imposed a twelve month suspension with review ('the Decision')

AND UPON the Appellant having lodged an appeal on 5 July 2024 against the Decision pursuant to Section 29 of the National Health Service Reform and Health Care Professions Act 2002

AND UPON the First and Second Respondents conceding the appeal and agreeing that the appeal should be allowed on the basis of the reasons set out in Schedule 1

BY CONSENT IT IS ORDERED THAT:-

1. The appeal is allowed.
2. The Decision is quashed and substituted with an order that the Second Respondent's name be struck off the Register.
3. The First Respondent is to pay the Appellant's reasonable costs of the appeal, subject to detailed assessment in default of agreement.

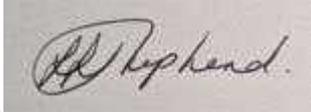


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Ros Foster
Hill Dickinson LLP
On behalf of the Appellant



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Matthew Cassells

Nursing and Midwifery Council
On behalf of the First Respondent

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Lucy Shepherd
Royal College of Nursing
On behalf of the Second Respondent

BY THE COURT

Schedule 1 – Statement of reasons

Ground 1: The Panel (a) gave insufficient weight to the seriousness of the misconduct, (b) gave insufficient weight to the aggravating factors it did identify, and (c) failed to identify relevant aggravating factors

Ground 2: The Panel erred in (a) concluding that there were ‘challenging personal circumstances’, and (b) gave excessive weight to the available mitigating factors

Ground 3: The imposition of a suspension order fell outside the range of sanctions reasonably open to the Panel; the only sanction reasonably open to it was a striking-off order

Ground 4: The Panel erred in (a) failing to apply, or properly apply, the First Respondent’s Sanctions Guidance or (b) failing to provide adequate reasons which demonstrated the application of the guidance