

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

Claim Number: CO/5870/2016

BETWEEN:

PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND SOCIAL CARE

Appellant

And

(1) THE NURSING AND MIDWIFERY COUNCIL

First Respondent

(2) RACHEL LEANNE MUIR

Second Respondent



ORDER

Before Amanda Yip QC, sitting as a Deputy High Court Judge on 16th May 2016

UPON hearing Counsel for the Claimant and Counsel for the First Respondent;

AND UPON THE Second Respondent not appearing but having given her consent to an Order being made in these terms;

AND UPON the Conduct and Competence Committee of the First Respondent ('the CCC Panel') having decided to impose a Conditions of Practice Order ('COPO') for 42 weeks on the Second Respondent following the substantive hearing which took place on 12th -14th September 2016;

AND UPON the Appellant having lodged an appeal on 21 November 2016 against the decision to impose a COPO pursuant to Section 29 of the National Health Service Reform and Health Care Professions Act 2002;

AND UPON the parties consenting to an Order in the terms set out below and the Court considering such an Order to be appropriate

IT IS ORDERED THAT:

1. The appeal is allowed and the COPO imposed by the CCC Panel is quashed;

2. In substitution for the COPO imposed by the CCC Panel, the First Respondent's Registrar is directed to suspend the registration of the Second Respondent for a period of 12 months; the suspension to take effect as from the date of this Order;
3. The decision of the CCC Panel is upheld in so far as it relates to facts, misconduct and impairment;
4. The suspension provided for at paragraph 2 of this Order is to be reviewed not less than 28 days prior to expiry pursuant to Article 30(1) of the Nursing and Midwifery Order 2001 as amended or in the alternative at the request of the Second Respondent at any time during the duration of the suspension order pursuant to Article 30(2) of the Nursing and Midwifery Order 2001 ;
5. In carrying out any review referred to at 4 above the First Respondent's CCC Panel will consider the documents listed in the Schedule attached to this Order;
6. The First Respondent is to pay the Appellant's reasonable costs of the appeal to be subject to detailed assessment if not agreed.

Schedule

1. The CCC Panel decision from the substantive hearing relating to the Second Respondent and case reference 39466 dated 8 July 2014;
2. Any subsequent substantive order review decisions by a CCC Panel relating to the Second Respondent and case reference 39466;
3. The CCC decision from the substantive hearing relating to the Second Respondent and case reference 49595 dated 30 September 2016;
4. The Appellant's Grounds of Appeal dated 17 November 2016;
5. The sealed order from the Court;
6. The First Respondent's Indicative Sanctions Guidance;

Sent on: 19.5.2017

Claimant Solicitors: Weightmans Solicitors, Ref: TLA SIT CUR 54170 1000
Defendant Solicitors: Nursing and Midwifery Council, Ref: None

By the Court