



AXD 1094496/12206267

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

Claim No. CO/337/2015

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

Appellant

-and-

**1. THE NURSING AND MIDWIFERY COUNCIL**

First Respondent

**2. MR RICHARD BUCKLE**

Second Respondent

ORDER

*Francis Patten*  
5.8.2015

BEFORE:

UPON the Appellant and the First Respondent having agreed to the terms of this Order;

AND UPON no party being either a child or a protected party and the appeal not being an appeal from a decision of the Court of Protection;

AND UPON the Court having considered the correspondence sent by the Appellant and First Respondent to the Second Respondent since the lodging of the appeal, annexed to this Order at **Annex 2** and having concluded that the Second Respondent does not intend to participate in the proceedings;

AND UPON the First Respondent conceding that the decision of its Conduct and Competence Committee ('CCC') dated 18 November 2014, which is the decision under appeal ('the Decision'), was unduly lenient within the meaning of Section 29 of the National Health Service Reform and Health Care Professions Act 2002;

AND UPON the Second Respondent being granted leave to apply to set aside or vary the terms of this Order, such an application to be made within seven days of service of the Order;

*By the Court*

**IT IS ORDERED THAT:**

1. The appeal is allowed to the extent conceded by the First Respondent as set out in **Schedule 1**;
2. The Decision is upheld in so far as it refers to the facts, misconduct and impairment of the Second Respondent's fitness to practise;
3. The conditions of practice order imposed on the Second Respondent by the CCC is quashed and an order is substituted suspending the Second Respondent's registration as a nurse for a period of 12 months from the date of this Order;
4. At the review hearing the documents before the First Respondent's CCC shall include those listed in **Schedule 2**.
5. The First Respondent is to pay the Appellant's reasonable costs of the appeal up to 25 March 2015, to be assessed if not agreed;
6. The hearing of this appeal listed for 21 July 2015 is vacated.

Dated this      day of      2015



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**For the First Respondent**

*By the Court*

### Schedule 1

1. The Second Respondent is a registered nurse.
2. On 18 November 2014, the CCC reached the Decision, which included the imposition of an 18 month conditions of practice order on the Second Respondent.
3. The Appellant appealed against the Decision. The Appellant's Grounds of Appeal are attached to this Schedule as **Annex 1**.
4. The First Respondent concedes the appeal on grounds 1 – 4 only. For avoidance of doubt it is not conceded that the CCC erred in finding head of charge 1.1 not proved.

### Schedule 2

1. The bundle before the First Respondent's CCC in October/November 2014.
2. The transcript of the First Respondent's CCC in October/ November 2014 up to (but not including) the sanction stage.
3. The determination of the First Respondent's CCC dated 18 November 2014.
4. This Consent Order, including Annex 1.

### **Annex 1**

Grounds of Appeal

### **Annex 2**

Correspondence with the Second Registrant

*By the Court*