

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

CLAIM NO: CO/4146/2021

BETWEEN

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

- and -

(1) THE NURSING AND MIDWIFERY COUNCIL

First Respondent

(2) DEBORAH ELLEN SHARPLES

Second Respondent



Appellant

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 neither party 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 Committee of the Fitness to Practise Committee ("the Committee") of the First Respondent having found on 27 September 2021 that the Second Respondent's fitness to practise was impaired and having imposed a suspension order on the Second Respondent's registration as a nurse for a period of twelve months with a review before the expiry ("the decision")

AND UPON the Appellant having lodged an appeal on 3 December 2021 against the decision of the Committee pursuant to Section 29 of the National Health Service Reform and Health Care Professions Act 2002

AND UPON the First and Second Respondent having conceded that the decision of the Committee was not sufficient for the protection of the public within the meaning of Section 29 of the National Health Service Reform and Health Care Professions Act 2002 for the reasons set out in schedule 1 to this order.

BY CONSENT IT IS ORDERED THAT:

1. The appeal is allowed.
2. The decision to suspend the Second Respondent for 12 months with a review is quashed, and substituted with an order directing the Registrar of the First Respondent to strike the Second Respondent's name from 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.

Browne Jacobson LLP

Signed:

Browne Jacobson
For and on behalf of the Appellant



Signed:

Nursing and Midwifery Council
For and on behalf of the First Respondent

Signed: *Deborah Ellen Sharples*

Deborah Ellen Sharples
The Second Respondent

Signed: *Mr Justice Choudhury*

Mr Justice Choudhury, Thursday 12 May 2022

Schedule 1

1. The Panel was wrong to find that the Second Respondent's misconduct was not fundamentally incompatible with her remaining on the register.
2. The Panel was wrong to find that there was no evidence of harmful or deep-seated personality or attitudinal problems.
3. The Panel gave excessive weight to the mitigating factors it found and insufficient weight to the aggravating factors. The Panel also failed to identify the deliberateness of the harm as an aggravating factor.
4. The Panel was wrong to find that the Second Respondent might develop insight during the period of suspension as there was no evidence before it on which it could properly reach such a conclusion.
5. The Panel failed to give appropriate weight to the importance of maintaining public confidence in the profession and the public interest in declaring and upholding professional standards.
6. The Panel's decision was wrong or unjust because of a serious procedural or other irregularity in that the Panel failed to have proper regard to relevant guidance published by the NMC.
7. Further or alternatively, the Panel's decision was unjust because of a serious procedural or other irregularity due to the Panel's failure to give any, or any adequate, reasons for its decision