



**in the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref:

CO/2575/2019

In the matter of an application for Judicial Review

The Queen on the application of THE GOOD THINKING SOCIETY

Claimant

-and-

PROFESSIONAL STANDARDS AUTHORITY FOR HEALTH AND
SOCIAL CARE

Defendant

-and-

THE SOCIETY FOR HOMEOPATHS

Interested Party

**Application for permission to apply for Judicial Review
NOTIFICATION of the Judge's decision (CPR Part 54.11, 54.12).**

Following consideration of the documents lodged by the Claimant and the Acknowledgement of service filed by the Defendant.

Order by the Honourable Mr Justice Freedman

Permission is hereby granted

Observations:

1. The Claimant has raised an arguable case to the effect that in taking an accreditation decision, the Defendant must make an assessment of the likely impact of doing so in particular on users of health care and other members of the public. There is an issue between the parties as regards the nature of, and the limits of, the Defendant's role and remit in making accreditation decisions. The Defendant says that the impact of accreditation is to impose standards of organisation and governance on bodies, but the Claimant says that it goes beyond that because the effect of accreditation is indirectly to sanction treatments performed by members of the accredited organisation. This then gives rise to issues regarding the inquiries required of the Defendant and whether the inquiries made were sufficient.
2. It is acknowledged that the Claimant says that this is not a public law issue, but one of whether the Claimant would have formed a different view from that of the Defendant. That might be the conclusion at the end of the case, but it is at least arguable that the difference was about the Defendant failing to pay adequate regard to relevant considerations required of a person accrediting. The effect contended for was that the Defendant did not ask itself the right question or make sufficient inquiries or conscientiously consider the facts. There are also arguments about whether the Defendant breached the public sector equality duty and/or acted irrationally.
3. The issue about delay is a matter for the full hearing, but there is an arguable case that the Claimant was not guilty of delay nor was there any prejudice arising from the delay.

The Claimant has at least an arguable case on locus standi.

4. Consideration should be given as to whether the scope of relief is too broad referring to a declaration of about accreditation generally. Further, there is a question as to whether the declaration as regards the Decision is about the Interested Party generally or as regards the Interested Party relating to CEASE therapy. These are matters as to which greater definition is required as to the scope of the challenge. This appears to be the intention of the Grounds of Claim, whereas as currently drafted, the relief may be broader than is required.

Case management directions

- The Defendant and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve detailed grounds for contesting the claim or supporting it on additional grounds and any written evidence, within 35 days of service of this order.
- Any reply and any application by the Claimant to lodge further evidence must be lodged within 21 days of the service of detailed grounds for contesting the claim.
- The Claimant must file and serve a trial bundle not less than 4 weeks before the date of the hearing of the judicial review.
- The Claimant must file and serve a skeleton argument not less than 21 days before the date of the hearing of the judicial review.
- The Defendant and any interested party must file and serve a skeleton argument not less than 14 days before the date of the hearing of the judicial review.
- The Claimant must file an agreed bundle of authorities, not less than 3 days before the date of the hearing of the judicial review.

Listing Directions

The application is to be listed for a time to be agreed between the parties; the parties to provide a written time estimate within 14 days of service of this order if they disagree with this direction.

Case NOT suitable for hearing by a Deputy High Court Judge* Suitable for a High Court Judge only.

Criminal case NOT suitable for hearing by a Single Judge*

[*Tick if applicable]

Directions as to venue, if applicable:

Signed: MR JUSTICE FREEDMAN

Date: 13.09.2019

The date of service of this order is calculated from the date in the section below

16 SEP 2019

For completion by the Administrative Court Office

Sent / Handed to the claimant, defendant and any interested party / the claimant's, defendants, and any interested party's solicitors on (date):

Solicitors:
Ref No.

Bindman LLP. Reg: 260944/6/SBUD:TMV

Notes for the Claimant

To continue the proceedings a fee is payable.

For details of the current fee please refer to the Administrative Court fees table at <https://www.gov.uk/court-fees-what-they-are>. Failure to pay the fee or submit a certified application for fee remission may result in the claim being struck out. The form to make an application for remission of a court fee can be obtained from the Justice website <https://www.gov.uk/get-help-with-court-fees>

You are reminded of your obligation to reconsider the merits of your claim on receipt of the defendant's evidence.