

**In the Care Tribunal**

**DM (appellant)**

**and**

**The Northern Ireland Social Care Council (respondent)**

**Order dismissing substantive proceedings following application to withdraw pursuant to Regulation 34(1) of the Care Tribunal Regulations (Northern Ireland) 2005 (as amended)**

1. A decision was made by the Care Tribunal ('the Tribunal') on a preliminary issue on the 18<sup>th</sup> October 2019, whereby the appellant's appeal in respect of the respondent's decision on the 20<sup>th</sup> September 2018 not to adjourn and to proceed in her absence was allowed. The substantive matters raised in the appeal were to be dealt with at a full rehearing by the Tribunal on dates to be listed.
2. Following a directions hearing on the 23rd October 2019, the respondent's representative stated his intention to request a review application in accordance with Regulation 26 of the Care Tribunal Regulations (Northern Ireland) 2005, as amended, in relation to paragraph 43 of the Tribunal's decision of 18<sup>th</sup> October 2019.
3. Paragraph 7 of the Note of Proceedings following the directions hearing stated:  
*"Following the Chairman's decision on the review application, detailed in paragraph 6 above, the appellant intends to withdraw her appeal on the substantive issues. This withdrawal is to be made by agreement of the parties".*
4. Paragraph 8 stated:  
*"No Order as to costs by agreement".*

5. A decision following review was made by the Tribunal on the 25<sup>th</sup> November 2019.
6. On the 12<sup>th</sup> February 2019, the appellant's representative sent an email to the Tribunal Secretary requesting withdrawal of the proceedings on the substantive issues on the following terms:

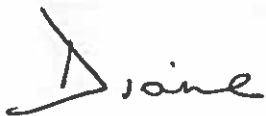

*"Pursuant to Regulation 34(1) of the Care Tribunal Regulations (Northern Ireland) 2005 (as amended) and further to having stated orally that the Registrant intends to withdraw proceedings on the substantive issues, we can confirm that an application is made to do so. The proceedings are no longer necessary given that her appeal regarding the issue of postponement was successful".*

7. On 12<sup>th</sup> February 2019, the respondent's representative agreed to the withdrawal of the appellant's proceedings on the substantive issues on behalf of the respondent council.

The following directions are made:

8. In accordance with regulation 34(1) of the Care Tribunal Regulations (Northern Ireland) 2005 (as amended), the proceedings on the substantive issues are dismissed.
9. No order is made as to costs.

**Order Accordingly**

  17<sup>th</sup> February 2020

**Diane Drennan  
Chairman of the Tribunal**

**Date recorded in register and sent out to the parties**