

**BEFORE THE FITNESS TO PRACTISE COMMITTEE
OF THE GENERAL OPTICAL COUNCIL**

GENERAL OPTICAL COUNCIL

F(09)16

AND

GHUFRAN ABUBAKAR (SO-4566)

DETERMINATION OF THE INQUIRY: 25 MARCH 2010

On 25 March 2010, the Fitness to Practise Committee of the General Optical Council met to consider the following allegation against Ghufran Abubakar:

APPLICATION

The Council made an application to amend the allegation. The proposed amendment was to insert the words “at particulars 2, 3 and 4” into the final paragraph between the words “out” and “above”. The application was not opposed by the registrant’s representative and the Committee agreed that the amendment could be made.

ALLEGATION

The Council alleges that in relation to you Ghufran Abubakar (SO-4566) (a registered student optometrist)

1. At the material time you were enrolled in the Scheme for Registration operated by the College of Optometrists.
2. In preparation for a work based assessment due to take place on 30 December 2008 you:
 - (a) Created; and
 - (b) Submitted to your assessor.

10 false records as evidence of a relevant patient episode to demonstrate your competence.

3. The false records related to the following patients:
 - (a) TR;
 - (b) AM;

- (c) TH;
- (d) RW;
- (e) GK;
- (f) SM;
- (g) KF;
- (h) IW;
- (i) BN; and
- (j) DB.

4. Your actions as referred to above were

- (a) Dishonest;
- (b) Not of the standard of a reasonably competent student optometrist.

And by virtue of the matters set out at particulars 2, 3 and 4 above your fitness to undertake training is impaired by reason of your:

- (a) Misconduct.

DETERMINATION

Findings in relation to the particulars of the allegation

The registrant admitted particulars 1, 2(a)-2(b), 3(a)-3(j), 4(a)-(b) of the allegation and the Committee therefore found the allegation proved.

The Committee has considered all of the evidence before it in C1 and has heard evidence from Mrs Brough, and heard the statement of the assessor, Mr Corby. It has accepted the advice of the legal adviser.

Findings in relation to the facts

The Committee finds as follows:

Paragraph 1 – admitted and proved.

Paragraph 2 – admitted and proved.

Paragraph 3(a)-(j) – admitted and proved.

Paragraph 4(a) – admitted and proved.

Paragraph 4(b) – admitted and proved.

Findings in relation to misconduct

The Committee has heard submissions as to misconduct and notes that the registrant has admitted that his behaviour amounts to misconduct. Honesty and trustworthiness lies at the heart of what it is to be a professional. The registrant's behaviour in falsifying records which he needed to pass competency assessments was clearly misconduct and the Committee so finds.

Findings regarding impairment

The Committee has considered the submissions made by the parties and has accepted the advice given to it by the legal adviser.

The conduct of this registrant was dishonest. Honesty and trustworthiness lie at the heart of what it is to be a profession. The Committee hears in mind that it has a duty to uphold

standards in the profession and public confidence both in it and in the process by which registrants satisfy examiners and assessors that they are of the appropriate standard to be admitted to the profession.

This was a deliberate act which involved the falsification of 10 records and the presentation of them in person to the assessor.

The Committee is satisfied in all the circumstances of this case that the registrant's fitness to undertake training as an optometrist is now impaired by reason of his misconduct in December 2008.

Sanction

In considering sanction the Committee has borne in mind the submissions made by Mr Singh for the registrant and has accepted the advice given to it by the legal adviser.

The Committee does not consider that public confidence in the profession would be upheld in this case by the imposition of no sanction. The Committee accepts that this was an offence of dishonesty which was committed on one day and that since then there has been no challenge to the honesty of the registrant. It bears in mind that he is otherwise of good character. The Committee is satisfied that the registrant has learned a lesson such that he is unlikely to countenance, let alone indulge in dishonest professional behaviour.

In all the circumstances the Committee is satisfied that the appropriate sanction is to impose a financial penalty. Bearing in mind that the registrant has not been able to register for some five months because of these proceedings, the Committee considers that the appropriate order is that the registrant be ordered to pay the sum of £1800 by 24 December 2010.

Chairman of the Committee: Mercy Jeyasingham

Signed _____ Date 25 March 2010

Registrant: Ghufraan Abubakar

Signed _____ Date 25 March 2010