

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

GENERAL OPTICAL COUNCIL

F(10)06

AND

JEREMIAH MICHAEL FRANCIS KELLY (01-23549)

DETERMINATION OF THE INQUIRY: 24 MAY 2010

On 24 May 2010, the Fitness to Practise Committee of the General Optical Council met to consider an allegation against Jeremiah Kelly.

ALLEGATION

The Council alleges that in relation to you, Jeremiah Michael Francis Kelly, a registered optometrist:

1. On 23 March 2009 you were cautioned for common assault contrary to the Criminal Justice Act 1988 Section 39.

And by virtue of the matters set out above your fitness to practise is impaired by reason of your caution.

DETERMINATION

Findings in relation to the particulars of the allegation

The registrant admitted the particular of the allegation and the Committee found the allegation proved.

Findings in relation to the caution

The caution has been admitted by the registrant. The Committee has before it a record of caution. On this evidence the caution alleged is found proved.

Findings regarding impairment

The Committee found that the fitness of Mr Kelly to practise as an optometrist is not impaired.

The Committee considered all of the evidence, including the character references. The Committee concluded that whilst the incident was a serious one, it was an isolated occurrence which appeared to be out of character for the registrant. The Committee disregarded the opinions expressed as to his professional competence which were not relevant to this issue but it did take into account evidence of relationships with patients and professional colleagues in reaching its conclusion. The Committee also took into account the registrant's age and his good character throughout his period of registration as an optometrist and that there had been no previous incidents of violent behaviour.

The serious nature of the incident nevertheless is a matter of concern for the Committee and whilst it has found that the registrant's fitness to practise is not impaired, it is concerned at the potential impact that such conduct may have on the confidence of the public in the profession. The Committee is therefore minded to issue a warning to the registrant as to his future conduct and for the warning to remain on his record for a period of five years. The Committee invites the registrant's representative to make submissions if he so wishes.

Chairman of the Committee: Mercy Jeyasingham

Signed _____ Date 24 May 2010

Registrant: Jeremiah Michael Francis Kelly

Signed _____ Date 24 May 2010