

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

GENERAL OPTICAL COUNCIL

F(09)14

AND

ROBYN LEACH (SD-2853)

DETERMINATION OF THE INQUIRY: 21 JANUARY 2010

On 21 January 2010, the Fitness to Practise Committee of the General Optical Council met to consider the allegation (below) against Robyn Leach:

Application - Service of notice of inquiry

The Committee has heard an application from the Council to proceed in the absence of the registrant. There has been no contact between the Council and the registrant; all correspondence having been returned. The Committee has considered the documents before it and the additional explanation given by Mr Hepworth, on behalf of the Council as to the steps taken to notify the registrant of the hearing. In the light of this evidence and these explanations, and in the light of the legal advice to the Committee which it accepts, the Committee is satisfied that all reasonable efforts have been made to notify the registrant of this hearing.

No reasons for her absence today have been provided by the registrant. The Committee has considered the matters put to it by Mr Hepworth and has accepted the legal advice in respect of Rule 21(b). The Committee notes that no attempt appears to have been made by the registrant to correct or amend her contact details which the rules provide that each registrant should do. In all the circumstances the Committee is satisfied it is in the public interest to proceed in the absence of the registrant with this hearing.

ALLEGATION

The Council alleges that in relation to you, Robyn Leach, a registered student dispensing optician

1. On 12 November 2008 at Fareham Police Station you were formally cautioned for the offence of theft by employee;

And by virtue of the matters set out above your fitness to undertake training is impaired by reason of your:

- (a) Caution

DETERMINATION

Findings in relation to the facts of the allegation and caution

Having all the evidence before the Committee in bundle C1, and having heard all evidence from the employer today and in the light of the legal advice it has received and accepted, the Committee is satisfied that Ms Leach, a registered student dispensing optician, was on 12 November 2008 at Fareham Police Station cautioned for an offence of theft from her employer.

The Committee in the light of the documents appearing at pages 1 and 2 of C1 is satisfied that the allegation is proved.

Findings regarding impairment

The Committee, in considering the question of impairment, has been concerned to discern so far as is possible the submissions which might have been made on the registrant's behalf. The Committee must not speculate. It reminded itself that this was a serious breach of trust involving the manipulation of records and misuse of the employer's financial system by a person who was in sole charge on the days when the offences occurred. The profession rightly demands honesty and trustworthiness in its registrants. This registrant was neither.

The Committee is, in all the circumstances, satisfied that the registrant's fitness to undertake training now is impaired by reason of the caution given on 12 November 2008.

Sanction

The Committee is bound to regard this matter seriously and is bound to give serious regard to the need to uphold public confidence in the profession and the need to uphold professional standards. This registrant is now only 24 and was 22 at the date of the thefts and had no previous convictions or disciplinary matters recorded against her. She has expressed remorse and the money has been returned to the employer. The Committee has considered with particular care the effect of the letter at pages 6-7 of the bundle C1. It has also considered why the Police regarded this serious matter as being suitable for disposition by way of caution.

However, having considered all these matters in the light of the way in which these offences were committed and the legal advice which the Committee has received and accepted, the Committee concludes that the only appropriate sanction is an order for erasure.

Given that the registrant has not engaged with the procedure thus far, the Committee sees no reason why any order should take immediate effect.

Chairman of the Committee: Mercy Jeyasingham

Signed _____

Date 21 January 2010