

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

GENERAL OPTICAL COUNCIL

IO(10)01

AND

SYED SHAH (SD-808)

**DETERMINATION OF APPLICATION FOR AN INTERIM ORDER
- 3 FEBRUARY 2010 -**

The Fitness to Practise Committee considered an application for an Interim Order made by the Council.

Decision

The Committee has considered the interim order sought in this case namely an application that this registrant's registration be suspended.

The Committee has to consider whether it is satisfied that it is necessary for the protection of members of the public or is otherwise in the public interest for his registration to be suspended.

The Committee has considered with great care the judgement of Mr Justice Davis in the case of Sheikh v GDC and in particular his ruling that orders of the type sought in this situation are likely to be relatively rare. The Committee is of the view that this is sadly, one of those relatively rare cases.

Among the features of this case are the following facts - all of which establish that suspension is appropriate and why attaching conditions to his registration would not meet the needs of the public or preserve the public confidence in the profession:

1. In September 2008 the registrant informed his employer that he had passed the relevant examinations to hold full registration with the GOC as a dispensing optician. This was a lie.
2. A consequence of this lie was an increase in his salary to reflect his employer's understanding of his qualified status and change in role. No reparation has been made or offered.

3. The registrant completed an application for full registration which he sent to the Council. He certified that the information in the form was correct. It was not.

4. Section 8 of that form purports to be signed by Mark Chandler of the ABDO. Mark Chandler did not see that form or sign it. His signature was forged by the registrant.

5. The circumstances were investigated and one of the consequences was that the ABDO wrote to the registrant to inform him that an examination he was to take on 8 January 2010 had been suspended. On 2 December 2009 the registrant sent an email to Mark Chandler where he sought to explain away the false material he had supplied as confusion. A further lie.

6. Underlying his actions between September 2008 and December 2009 are a number of false and forged documents prepared by the registrant coupled with misrepresentations made to his employer and the GOC.

For a period from September 2008 to his resignation in December 2009 the registrant wilfully put the public at risk by undertaking unsupervised dispensing of restricted categories and the fitting and verification of contact lenses in circumstances where he knew he should not.

The Committee ordered that the registrant's registration be suspended for a period of 12 months from today. The order will be reviewed within 6 months from today unless all matters are resolved within that time, or earlier should new evidence be made available, or if the registrant, at any time after three months from today's date, requests an early review.

The Committee is of the view that the substantive hearing in this matter should be held as soon as is possible.

Chairman of the Committee: Francesca Jones

Signed _____

Date 3 February 2010