

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

GENERAL OPTICAL COUNCIL

F(09)09

AND

CHARANJEEV SINGH VIRDEE (01-17157)

DETERMINATION OF THE INQUIRY: 18 JANUARY AND 27 MAY 2010

On 18 January and 27 May 2010, the Fitness to Practise Committee of the General Optical Council met to consider the following allegation against Charanjeev Virdee:

ALLEGATION

Charanjeev Singh Virdee (a registered optometrist), the Council alleges that:

1. On 1 July 2008 at the West London Courthouse, you were convicted of the following:-
 - (i) An offence contrary to Section 117(1) of the Road Traffic Regulation Act 1984 in that, on 21 January 2008, you displayed, in a car you were using, a disabled person's badge to which you were not entitled; and
 - (ii) An offence contrary to Section 6 of the Fraud Act 2006 in that on 21 January 2008, you had in your possession or under your control a disabled person's badge for use by you in the course of or in connection with a fraud,
2. You completed and provided to Kensington and Chelsea PCT an application form for a contract to provide ophthalmic services dated 18 July 2008;
3. You declared at page 4 of Section B "*Road Traffic* → *Fine*" when asked to provide details of any investigations or proceedings brought against you;
4. You did not declare the full nature of your conviction to the PCT, in particular you did not declare that you had been convicted of an offence under
 - (i) The Fraud Act 2006 ; and
 - (ii) The Road Traffic Regulation Act 1984

5. Your actions referred to at paragraphs 3 and 4 above were

- (a) Dishonest;
- (b) Inaccurate.

AND by virtue of the facts set out above, your fitness to practise is impaired by reason of your:

- (1) Conviction;
- (2) Misconduct.

DETERMINATION

Findings in relation to the facts

The Committee has considered all the evidence put before it and the submissions made by both the Council and Mr Singh on behalf of the registrant. It has accepted the advice given by the legal adviser. The registrant admitted particulars 1(i), 1(ii), 2, 3, 4(i), 4(ii) and 5(b) of the allegation and the Committee therefore found those admitted particulars proven.

Having considered all the evidence the Committee was not, however, satisfied that the actions referred to in paragraphs 3 and 4 of the allegation were dishonest. It follows that the Committee found particular 5(a) of the allegation not proven.

Findings in relation to misconduct and impairment

The Committee has considered the evidence before it, including the whole of the character evidence contained in R1, and the submissions made on the registrant's behalf and by the Council and accepts the legal advice given. The Committee is not satisfied that the registrant's behaviour in completing the application to the Kensington and Chelsea PCT went sufficiently beyond carelessness to amount to a finding of misconduct.

The Committee is, however, deeply concerned about the matters which led to the registrant's conviction on 1 July 2008. The registrant has admitted mean minded offences of using a disability badge to which he had no right. The heart of the offence under the Fraud Act is dishonesty. The question the Committee asks itself is whether or not the public would feel it right and proper to allow a professional man to avoid the professional consequences of such an act of mean minded dishonesty. The convictions are not, in the Committee's view, consistent with the requirement of an optometrist, to be honest and trustworthy as clearly laid out in the code of conduct for registrants. The Committee therefore finds Mr Virdee's fitness to practise as an optometrist is impaired by reason of his convictions.

Sanction

The Committee has heard submissions as to sanction from both parties and has reminded itself of the contents of the testimonials before it and has read the transcript of proceedings before it in January of this year. It has accepted the advice of the legal adviser.

At the heart of this case is the admitted fact that the registrant used a disabled badge to park his motor car when he had absolutely no right to do so. This mean-minded behaviour took place in January 2008.

The Committee is satisfied that it would not be appropriate to dispose of this matter without sanction.

The Committee accepts the evidence before it that this was uncharacteristic behaviour on the part of the registrant and notes the testimonials which are before it which speak highly of the registrant in both a professional and personal capacity.

The Committee has heard evidence as to the financial effect that this behaviour and these proceedings have had on the registrant. He has lost his primary care trust contract for the provision of services under the NHS which has reduced his income by about £20,000 since August 2008. He remains on the performers list but that will be reviewed once these proceedings have finished.

The registrant told the Committee and it accepts that he has felt deep shame about his behaviour and in the effect it has had on his reputation in the community. The Committee has no doubt that the effect of these proceedings has been serious and that they have been hanging over him for 18 months with all the strain that this involves.

The Committee is satisfied that the registrant has shown remorse for his behaviour and has done so from an early stage in the proceedings. In the Committee's judgement there is little risk of future dishonesty on the part of this registrant.

Given the insight shown, the financial effect which this has already had on the registrant and the time which has elapsed, the Committee is satisfied that the appropriate way in which to deal with this matter is by way of financial penalty.

The registrant is a sole practitioner with young dependant family. Having had regard to his likely disposable income the Committee is satisfied that the proportionate and appropriate order is that the registrant be ordered to pay the sum of £1,000 by way of a financial penalty order by 1 October 2010.

Chairman of the Committee: Francesca Jones

Signed _____ Date 27 May 2010

Registrant: Charanjev Virdee

Signed _____ Date 27 May 2010