



**BEFORE THE REGISTRATION APPEALS COMMITTEE
OF THE GENERAL OPTICAL COUNCIL**

MOHAMED JIVA

A(10)01

AND

GENERAL OPTICAL COUNCIL

REGISTRATION APPEALS COMMITTEE DECISION: 22 APRIL 2010

On 22 April 2010, the Registration Appeals Committee considered an appeal against the decision of the Council not to register Mohamed Jiva in the register of student optometrists.

The Committee took account of the evidence it has heard and read and the submissions made by Mr Singh on behalf of the appellant and Mr Albuery on behalf of the Council. It has accepted the advice of the Legal Adviser.

In reaching its decision, the Committee paid particular attention to the two offences involving the appellant's violent conduct which had led to two appearances before the courts. These offences showed that, at the relevant time, the appellant lacked self control and was prone to the use of violence in particular situations. This caused the Committee considerable concern. It also noted the three offences of using motor vehicles without insurance. It noted the explanations given with regard to these offences by the appellant. It concluded that it could distinguish the offence in 2008 from the offences in 2006. It noted the level of the fine imposed and the fact that the minimum number of penalty points were endorsed on his licence and concluded that the magistrates had accepted that there were mitigating circumstances in that case. The Committee concluded that, in considering whether the appellant was fit to undertake training, it would be proper to give less weight to the fact of this conviction.

The Committee took account of the Guidance available to the decision maker. It took account of the contents of the references and the evidence of the appellant's brother. In reaching its decision it concluded that there had been no further relevant offending since 2006. There was evidence of a major change in the appellant's character and his appreciation of his offending and its impact on his life. In his evidence, he demonstrated a motivation and enthusiasm for his chosen profession which was, on the evidence, very different to his attitude previously. Lastly, and most importantly, he produced a number of references from authoritative figures including three from

senior figures within the University of Aston who could speak with knowledge of the changes in the appellant's attitude and approach both to his studies and to his life. The Committee was impressed by the contents of these references and has concluded that the appellant has demonstrated a sufficient change in his character and attitude to permit the Committee to allow this appeal and overturn the decision made. In reaching this difficult decision, the Committee would expect that the appellant would take full advantage of the opportunity offered to him, and that he would fulfil the trust that has been placed in him.

The Committee determined that the Registrar's decision be overturned.

The order of the Committee is that this case is remitted to the Registrar to dispose of in accordance with the following direction:

Subject to the other relevant requirements being satisfied the registrant should be considered fit to undertake training and shall have his name entered on the register of student optometrists.

Chairman of the Committee: Mercy Jeyasingham

Signed _____

Date 22 April 2010

FURTHER INFORMATION

Transcript

A full transcript of this hearing will be made available via the GOC website in due course.

Appeal

Where the decision by the Registrar been upheld by the Registration Appeals Committee, the appellant may appeal against that decision through the Courts. The relevant court is shown at section 23G(4)(b)-(c) of the Opticians Act 1989 (as amended).

Council for Healthcare Regulatory Excellence

This decision will be reported to the Council for Healthcare Regulatory Excellence.

Contact

If you require any further information, please contact the Council's Hearings Manager at 41 Harley Street, London, W1G 8DJ or, by telephone, on 020 7580 3898.