

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

**GENERAL OPTICAL COUNCIL**

**F(25)06**

**AND**

**MUHAMMAD VALI (01-29602)**

**DETERMINATION OF A SUBSTANTIVE HEARING  
23-24 & 26 SEPTEMBER 2025**

<b>Committee Members:</b>	Ms Sarah Hamilton (Chair/Lay) Ms Audrey McFarlane (Lay) Ms Victoria Smith (Lay) Ms Denise Connor (Optometrist) Ms Gemma O'Rourke (Optometrist)
<b>Legal adviser:</b>	Ms Jayne Wheat
<b>GOC Presenting Officer:</b>	Ms Holly Huxtable
<b>Registrant present/represented:</b>	Yes and represented
<b>Registrant representative:</b>	Mr Nicholas Hall
<b>Hearings Officer:</b>	Ms Natasha Bance
<b>Facts found proved:</b>	1-10 proved by way of admission
<b>Facts not found proved:</b>	N/A
<b>Misconduct:</b>	Found
<b>Impairment:</b>	Impaired
<b>Sanction:</b>	Erasure
<b>Immediate order:</b>	Imposed

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## ALLEGATION

The Council alleges that in relation to you, Muhammad Vali (01-29602), a registered Optometrist and Director of *[Branch A] Visionplus Limited* and *[Branch B] Specsavers Limited*:

- 1) *Between February 2023 and March 2023, you processed £2,280.00 in false expenses for GOC renewals by creating false invoices and presenting them as genuine invoices; and/or*
- 2) *Between October 2022 and June 2023, you misrepresented personal expenses for gift cards amounting to £6,724.54 by claiming they were legitimate business-related expenses; and/or*
- 3) *Between November 2022 and March 2023, you misrepresented personal expenses amounting to £1,998.87 by claiming they were legitimate business-related expenses; and/or*
- 4) *Between January 2023 and March 2023, you misrepresented personal expenses for car rental amounting to £4,414.97 by claiming they were legitimate business-related expenses; and/or*
- 5) *Between November 2022 and April 2023, you processed false and/or personal expenses for equipment and homeware amounting to £2,927.41 by claiming they were legitimate business-related expenses; and/or*
- 6) *In January 2023, you processed false and/or personal expenses for postage costs amounting to £920.50 by claiming they were legitimate business-related expenses; and/or*
- 7) *Between May 2023 and June 2023, you processed £25,277.21 in false expenses for charitable donations by creating false invoices and presenting them as legitimate business-related expenses; and/or*
- 8) *Between January 2023 and June 2023, you processed false expenses for ink toners or cartridges amounting to £4,043.63 by claiming they were legitimate business-related expenses; and/or*
- 9) *Your actions as set out above at 1) and/or 2) and/or 3) and/or 4) and/or 5) and/or 6) and/or 7) and/or 8) were dishonest; and/or Your actions as set out above at 1) and/or 2) and/or 3) and/or 4) and/or 5) and/or 6) and/or 7) and/or 8) were financially motivated;*

*And by virtue of the facts set out above, your fitness to practise is impaired by reason of misconduct.*

## DETERMINATION

### Declaration

1. At the beginning of the hearing, Ms Denise Connor, Optometrist and Registrant Member of the Committee, placed on record that she had worked in Specsavers branches up until 2009. She confirmed that she had not worked for Specsavers since then, or at all in the branches referred to in these proceedings, and that she did not know the Registrant. There was no objection from either the Council or the Registrant to her hearing this case as part of the Committee. The Committee determined to continue as constituted.

### Admissions in relation to the particulars of the allegation

2. The Registrant admitted all the particulars of the allegation.
3. In accordance with Rule 46(6) of the General Optical Council's Fitness to Practise Rules 2013 ('The Rules') the Chair announced that the facts of the allegation have been found proved.

### Background to the allegations

4. At the time of the allegation, the Registrant was a Specsavers' Director and Ophthalmic Partner of [Branch A] Visionplus Limited [redacted] and [Branch B] Specsavers Limited [redacted], two companies in the Specsavers group (referred to collectively as 'the Practices'). He had been employed at the Practices since 8 January 2021. The Practices operated under a Joint Venture Partner Agreement ("JVA") (otherwise referred to as a Shared Venture Agreement ("SVA")).
5. The Joint Venture Partner Manual ("the Manual") forms part of every JVA. A section on claiming business expenses reads as follows:

#### *'10.15 Expense claims*

*If you or a member of your Store's team incur business expenses on behalf of your Store, you/they are able to make a claim for reimbursement for the Store in accordance with the Specsavers Group's expense policy.*

*Expense claims must only be completed for legitimate business expenditure in accordance with the Specsavers Group's expense policy, which can be found on Connect+. Expense claims must be completed using the Concur system or any replacement expenses system.*

*All expense claims must be approved by you or your fellow partner in your Store and will be subject to a tax compliance review before being paid. It is advisable for you to keep copies of all supporting receipts/ documents for any claims submitted'.*

6. On 26 March 2024 an anonymous whistleblowing concern was raised to Specsavers Optical Group Limited ('Specsavers'), regarding expenses being submitted by the Registrant. The whistle-blower had expressed suspicions regarding expense claims made by the Registrant at both [Branch A] and [Branch B].
7. As a result, the Financial Risk Support Team ('FRS Team') at Specsavers completed a preliminary remote analysis and report dated 18 April 2024. The evidence reviewed as part of the remote analysis, appeared to demonstrate that the Registrant had potentially processed personal and/or erroneous expenses through the [Branch A] & [Branch B] businesses and misrepresented those expenses as business related, which would have been in contravention of the Specsavers expense policy.
8. The FRS Team recommended that further investigation be undertaken regarding these expense claims. The [Branch A] and [Branch B] directors subsequently attended a Board Meeting, and authorised an investigation relating, but not limited, to any financial, operational or transactional concerns within the two businesses.
9. A Financial Risk Support Consultant employed by Specsavers ('Investigator') was appointed to carry out an investigation and produce a report. His report is dated 21 August 2024. The report set out the mechanism for submitting expenses electronically using a Specsavers system known as Concur. Expenses were usually signed off by an 'Approver' – an 'A' Director at the business.
10. The Council's allegations cover the period between October 2022 and June 2023, when the Registrant was the only 'A' Director at the Practices and therefore nobody was counter signing his expenses on Concur. His claims were set to "Auto approve" which happens automatically when a store has no other "A" Directors to act as an Approver.
11. The report highlighted eight specific areas of concern in relation to the Registrant's claims and further investigation was carried out in these areas. The eight areas of concern were with regard to the claiming of expenses in relation to the following:
  - GOC Fees
  - Gift Cards/Vouchers
  - Hotels & Meals
  - Car Rental
  - Equipment & Homeware
  - Postage
  - Charitable Donations
  - Ink toners and cartridges

12. As part of the investigation, the Investigator conducted an interview with the Registrant, in which he made significant admissions to submitting expenses that were not genuine or in line with Specsavers policy across the areas highlighted.
13. The report concluded that the Registrant processed personal and/or fabricated expenses through the Practices totalling £48,587.63, of which £39,412.14 related to [Branch A] and £9,175.49 related to [Branch B].
14. The Registrant wrote to members of the Specsavers Board about the investigation, admitting his actions and expressing remorse:

*'The findings of the FRS investigation will likely make it clear that my actions were not in line with the standards and expectations of our organisation and profession. I acknowledge that my shortcomings and dishonesty have caused concern and disruption. For this, I am truly sorry'*

15. The Registrant subsequently left the Practices and repaid the amounts in full to Specsavers, from the sale of his shares.

### **Misconduct**

16. The facts of the allegation were proved by way of admission. Therefore, the Committee went on to consider whether or not the facts found proved amounted to misconduct, and if so, whether the Registrant's fitness to practise was currently impaired.
17. In reaching its decisions, the Committee had regard to the Council's Statement of Facts and the documentary evidence provided in the Council's bundle and exhibits. It also took into account the documentary evidence in the Registrant's bundle, which included, but was not limited to, a reflective statement, evidence of courses undertaken and CPD, and a number of testimonials in support of him.
18. The Committee heard evidence from the Registrant under affirmation, summarised here:
19. The Registrant confirmed his understanding of dishonesty being a serious breach of professional standards and that he had read the Code of Conduct and the standards. He accepted that his conduct fell well below what was expected. He said he understood the seriousness of his actions and that he had read previous GOC cases. He stated that he understood the importance of honesty when dealing with the public, customers, staff, consultants, and professionals outside of High Street practice. He said optometrists maintain integrity by providing the best care.
20. He told the Committee that there was nothing good about what he had done, but to try to understand why he did it, he said a lot of things were at play, stress and [redacted], financial pressures, loans, business loans all of which led to clouded

judgment. He said his thinking at the time was to recoup some of the money he felt had been wrongly removed from the business by managers external to the Practices. He said the Gibbs' Reflective Cycle was a great way to analyse his behaviour. He told the Committee that he should have escalated his concerns for example, by contacting the AOP or speaking to mentors for support. He said that he had learnt the lesson not to let external pressures cloud professional judgement.

21. He explained his roles and responsibilities as an Ophthalmic Director in managing the clinical side of things. He said that his retail partner was suddenly removed, with no notice, such that he was alone in the business, managing 25-30 staff members and the retail side of the store, adding to the stress, which affected his judgement.
22. The Registrant confirmed he had never been the subject of disciplinary proceedings before this and never thought he would find himself in this situation. He described how he was ambitious and '*gave one hundred percent*', but did not feel heard within the business, felt lonely and the business was '*losing performance*'.
23. He explained that undertaking CPD and structured learning was very valuable, that the courses he had completed helped him to reflect a lot, which was hard to do. He said it was easy to deflect and blame others. He told the Committee that it helped him to understand why he acted as he did, what he should do, coping mechanisms and why honesty is most important. He said he had learnt stress management, and to talk to mentors, and to review his work with peers. He acknowledged that he needed to work towards building back trust.
24. [Redacted]. He confirmed that he was [redacted], did a lot of sport, spoke to peers, and had developed a great relationship with his employers at the University, where he has worked for the past year as a tutor. [Redacted].
25. The Registrant explained that he had decided to hand in his resignation at the University as a result of the uncertainty of not knowing what the outcome of these proceedings might be, having understood that a possible sanction was erasure, and not wanting to leave the University inconvenienced by his leaving at short notice.
26. The Registrant confirmed that the testimonials provided to the Committee were from a variety of people whom he had known and worked with, some of whom had mentored him and some were in positions of seniority to him.
27. Further, the Registrant confirmed that he gave all the money he had fabricated expenses claims for back to Specsavers, and that the police were not involved.
28. He told the Committee that he would absolutely want to return to optometry if he were allowed to, having always wanted to be the best optometrist possible. He gave examples of his work in the last six months and said he felt he had a lot to give.
29. In cross examination, the Registrant explained that his conduct impacted on the profession by affecting his team and the peers he worked with. He said it affects public trust, his students and created a '*dynamic of distrust*' in him.

30. He reiterated that before the allegations, he did not think of speaking with people outside of the business whereas now he talks to a mentor, [redacted] and friends and family to turn to. He explained his work at the University was outside that setting, without monetary problems and with students, whom he had taught the importance of upholding ethics, which he enjoyed.
31. He told the Committee that he could not go back and change what happened, but he had put things in place, apologised, took full responsibility and owned up.
32. He said he had learned from his mistakes and would love the opportunity to show he was a good optometrist.
33. In answer to Committee questions the Registrant explained the financial implications of joining the business as a director, raising a business loan of £250,000 with his co-director and the responsibility of repaying the loan of £2,000 per month. He explained that he earned a salary of approximately [redacted], and when the business did well, took more in dividends. He had disagreed with a management decision to remove £20,000 from the business account, together with an ongoing direct debit of approximately [redacted] per month for refits. The £20,000 was moved when his business partner was removed suddenly from the business. This left the business 'going down' at a time when it was taking more and more losses.

## Submissions

34. The Committee also heard submissions from Ms Huxtable on behalf of the Council and from Mr Hall on behalf of the Registrant, which are a matter of public record. A summary of the submissions is set out below:
35. On behalf of the Council, Ms Huxtable highlighted several standards from the Council's '*Standards of Practice Standards of Practice for Optometrists and Dispensing Opticians*', effective from April 2016. ('The Standards') that she submitted the Registrant had departed from:
  - Standard 16 – be honest and trustworthy
  - Standard 17 – do not damage the reputation of your profession through your conduct
  - Standard 19 – be candid when things go wrong.
36. Ms Huxtable submitted that the facts proved by way of admission amounted to misconduct. She submitted that the conduct took place over a long period, breached standards and would be viewed as deplorable by fellow practitioners.

37. Mr Hall, on behalf of the Registrant, submitted that the Registrant accepts that his conduct, as proved, amounted to misconduct. Mr Hall stated that in relation to the conduct itself, no patients were put at risk. He said the conduct is most likely to be explained by the stress caused by financial difficulties and general stress the Registrant found himself in. He further submitted that there was no effort to conceal his actions once the investigation was initiated.
38. The Committee accepted the advice of the Legal Adviser, in summary, that misconduct is not defined by statute, but in accordance with the case of **Roylance v GMC (2000) 1 AC 311** is described as:
- ‘Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a medical practitioner in the particular circumstances’*
39. The Committee found that the admitted facts do amount to misconduct.
40. In reaching this conclusion, the Committee had regard to the Hearings and Indicative Sanctions Guidance last updated in November 2021. (the ‘HISG’).
41. The Committee took into account that the claiming of fabricated expenses was for personal financial gain and was dishonest. The Committee considered that the following standards are engaged, and were breached by this conduct:
- Standard 16 – be honest and trustworthy
  - Standard 17 – do not damage the reputation of your profession through your conduct
42. The Committee found that the dishonest conduct was premeditated and calculated, involving the submitting of entirely fabricated claims for expenses for personal financial gain, using a variety of types of expenses. In some instances, goods were ordered, claimed for as expenses and then the original order cancelled. Other claims involved high amounts of postage stamps from his [redacted], which were never actually purchased, the use of hotels for personal stays and the purchase of points to use in playing FIFA, a video game. In particular, the Committee considered that claiming under the guise of making significant charitable donations (around £25,000), was particularly serious and dishonourable and would be seen to be deplorable by fellow professionals.
43. In all the circumstances therefore, the Committee determined the facts found proved by admission amounted to misconduct which was serious.

## Findings regarding Impairment



44. The Committee heard submissions on the question of impairment from Ms Huxtable on behalf of the Council and from Mr Hall for the Registrant. It took into account all of the documentary evidence before it, and the evidence under affirmation given by the Registrant as summarised above.
45. In summary, on behalf of the Council, Ms Huxtable submitted that the Registrant's dishonest conduct brought the profession into disrepute and breached a fundamental tenet of the profession, referencing the case of *CHRE v NMC and Grant (2011) EWCH 927 (Admin)*. She submitted that this is a case where the Registrant deliberately submitted invoices to fund a lifestyle, that the dishonesty was multi-faceted, occurring over a significant period of time. It was not opportunistic; it was not a single incident. There were 8 different areas raised regarding the claims, which included GOC renewals, voucher cards and postage stamps. She stated that the fabricated charitable donations claimed as expenses were particularly unsavoury and in the highest amounts. Ms Huxtable acknowledged that the Registrant has repaid the money and undertaken targeted remediation but submitted that a risk of repetition cannot be ruled out when the behaviour was intrinsically dishonest. She further submitted that a finding of impairment was required to meet the wider public interest and maintain public confidence in the profession.
46. In summary, on behalf of the Registrant, Mr Hall submitted that the Registrant accepted that his fitness to practise was currently impaired on public protection and public interest grounds but if put on a spectrum, is at a lower level compared to cases involving other registrants. He said that proceedings are not punitive in nature and are concerned with the present and forward thinking. He submitted it is difficult, not to gain insight and remediation, but to demonstrate it. Mr Hall submitted that the Registrant has shown significant insight, which has reduced the risk that this could possibly happen in the future, although he accepted that there still remains a risk. Further, he said the Registrant has tried to engage with his wrongdoing and wants to try to return to practice. He asked the Committee to consider the multitude of remediation, CPD, attending courses and reading. He submitted that the misconduct was out of character (before and after the period covered by the misconduct) and there had been engagement with the investigation and with the Committee.
47. Mr Hall submitted that the matters before the Committee were not linked to clinical practice. He drew the Committee's attention to the detailed testimonials, the authors of which all know the Registrant, some are more senior than him and have mentored, managed or worked with him. He submitted that the best remediation of all was the Registrant getting a new role and excelling at it. He said that this was a hard-working Registrant who made a series of bad errors or judgments. If a member of the public had read his evidence and heard him give evidence, Mr Hall submitted, although they may want the conduct to be marked, he suggested it was not a case that one hundred percent fell into the category of being required to maintain public confidence.

48. The Committee accepted the advice of the Legal Adviser. In summary, the Legal Adviser reminded the Committee to consider whether the Registrant's fitness to practise was currently impaired; taking into account the nature and seriousness of the dishonest conduct; whether it was remediable, had been remedied and what the likelihood of repetition was. She further reminded the Committee that it should have regard to the wider public interest and whether a finding of impairment was necessary to uphold public confidence in the profession.
49. The Committee had regard to the Standards it has identified as being breached, and the nature and seriousness of the dishonest conduct. It took into account the guidance in the HISG.
50. The Committee determined that, in the past, the Registrant's dishonest conduct has brought the profession into disrepute and has breached a fundamental tenet of the profession, to act with honesty and integrity. It did not consider that the Registrant's conduct has impacted upon patient safety such as to put patients at an unwarranted risk of harm.
51. The Committee next considered whether dishonest conduct of the nature it has identified was remediable. It determined that whilst such conduct, being attitudinal in nature, may be more difficult to remedy than other types of misconduct, for example clinical skills, it was theoretically possible for a registrant to demonstrate they had remedied their dishonest conduct.
52. In deciding whether the Registrant has remedied his misconduct, the Committee had regard to the remediation undertaken and the level of insight he has shown.
53. The Committee considered the Registrant's detailed reflective statement, and his oral evidence. The Committee had regard to the targeted courses, extensive CPD and self-directed reading undertaken by the Registrant. Further, it took into account the positive testimonials provided by those who know and work with him or who had mentored him, in particular those in positions of seniority.
54. The Committee also took into account the Registrant's successful employment as an Optometry Tutor with the University [redacted], undertaken since the events in question, albeit acknowledging this was in an entirely different role.
55. The Committee accepted as genuine the remorse and regret expressed by the Registrant in both his written reflections and in his oral evidence.
56. The Committee found that the Registrant has demonstrated full insight into the negative effect dishonesty has on the public perception of the profession, and why it was damaging to the profession, and therefore colleagues, if the public could not rely upon the honesty and integrity of optometrists. It considered that, to a large extent, he has understood where he has gone wrong, and that he has put into place mechanisms to avoid similar conduct happening again in future. The Committee was satisfied that through learning and reflection on courses which related to ethics and honesty, as well as speaking to his mentors and [redacted], the Registrant was

better equipped to recognise and act upon stressful situations to try and avoid a repetition of similar conduct in future.

57. However, the Committee considered that the Registrant was still developing insight into the effects of his protracted dishonesty upon the business itself, especially in circumstances where he had admitted to feeling disgruntled towards senior management and reacting to the stress, he felt their actions put him under, by acting dishonestly. The Committee noted that the Registrant has suggested his thinking at the time of the dishonesty was to recoup for himself monies that he felt had been wrongly removed from the business. The Committee considered that the nature of a lot of the fabricated claims related to non essential items, or the playing of video games, which did not fit this explanation.
58. In addition, the Committee considered the Registrant has not fully reflected on the potential impact upon those individual colleagues who were unwittingly used in the fabrication of expense claims relating to for example, rewards, and who were interviewed as part of the investigation.
59. The Committee could not conclude that this dishonest conduct was highly unlikely to be repeated. It was of the opinion that a low risk of repetition remained. Therefore, it considered the Registrant may, in future, bring the reputation of the profession into disrepute, or breach a fundamental tenet or act dishonestly.
60. The Committee considered whether a finding of impairment was necessary to ensure public confidence in the profession and to declare and uphold standards. It had regard to the nature of the dishonest conduct. It has already determined that the dishonest conduct was protracted, involved a degree of sophistication, such as using computer software to fabricate receipts, and was not spontaneous. The dishonesty involved several different areas of fabricated expenses, including claims for points for video games and non essential items. In particular, the Committee considered the claims for supposed high value charity donations would be viewed by the public as extremely serious. Overall, the value of the fabricated expense claims was high at approximately £48,000, and purely for personal gain.
61. In all these circumstances, the Committee was of the view that the public interest in declaring and upholding standards for the profession outweighed the remediation, insight and remorse demonstrated by the Registrant. A reasonable and well-informed member of the public would expect a finding of current impairment. Public confidence in the profession would be undermined if a finding of impairment were not made.
62. The Committee therefore found that the Registrant's fitness to practise is currently impaired.

## **Sanction**

63. The Committee has heard submissions from Ms Huxtable on behalf of the Council and from Mr Hall, on behalf of the Registrant.
64. In summary, Ms Huxtable reminded the Committee that sanctions are not meant to be punitive but may well have that effect and that the Committee should have regard to the HISG. She acknowledged that there were some mitigating factors in the Registrant's favour, in that no harm was caused to patients, that he had repaid the monies, shown insight and that there was no previous fitness to practise concerns.
65. She submitted that there were aggravating factors present, including the breach of trust involved as the Registrant was a director, that the dishonesty involved a degree of sophistication to conceal a high value gain, that it was committed to fund his lifestyle, and was deliberately planned. She said it must fall at the higher end of seriousness.
66. Ms Huxtable dealt with the least restrictive sanctions together, submitting that to take no action was not appropriate or proportionate, likewise for the imposition of a financial penalty, as they do not reflect the nature of the conduct. She submitted that conditional registration was inappropriate, as the conduct was deep seated, attitudinal and not compatible with conditions. She said that such inherent dishonesty was not readily addressed by conditional registration.
67. Ms Huxtable submitted that it was the Council's case that erasure was the only appropriate and proportionate outcome given the seriousness and aggravating factors. She drew the Committee's attention to the HISG which sets out, at paragraph 21.35 a list of factors which may indicate erasure is necessary, which was not an exhaustive list.
68. She submitted that three points are present:
- a. *Serious departure from the relevant professional standards as set out in the Standards of Practice for registrants...*
  - c. *Abuse of position/trust (particularly involving vulnerable patients) or violation of the rights of patients;*
  - f. *Dishonesty (especially where persistent and covered up).*
69. She submitted that the Registrant's behaviour was fundamentally incompatible with being a registered professional.
70. In summary, Mr Hall's overarching submission on behalf of the Registrant was that the appropriate and proportionate sanction is a period of suspension, which adequately protects the public and maintains public confidence, and affords the Registrant an opportunity to continue to demonstrate insight and remediation. He said erasure was unnecessary, disproportionate, inappropriate and draconian.
71. He further submitted that suspension strikes the right balance in not depriving the public of a competent optometrist but meeting the public interest.

72. He said the Council have '*gone straight to erasure*' but that regulators have an obligation to analyse the least invasive order.
73. He submitted that of the factors demonstrating erasure, for example a serious departure from a fundamental tenet -there is double counting, in that the Standards breached had been identified and it was accepted that dishonesty breached a fundamental tenet. He submitted that erasure is not always appropriate, even the Council's own guidance says so.
74. He highlighted that this was not behaviour that had led to a dishonest 'cover up'. It was claiming false expenses, which when investigated, the Registrant fully cooperated with.
75. In relation to persistency, Mr Hall agreed the dishonesty took place over a period of time, but submitted that it was a single dishonest decision to defraud the company. This was, Mr Hall submitted, different to persistently lying to patients, for example. Dishonesty in and of itself does not satisfy the guidance – it had to be persistent and covered up.
76. Mr Hall said the Council has not addressed the Committee's findings, that there was remediation and remorse and full insight in respect of certain factors of the behaviour.
77. On behalf of the Registrant, Mr Hall accepted that he still needed to demonstrate more insight, and he '*flagged*' the two areas; business and colleagues, where insight could be developed whilst suspended and dealt with upon review. He said it was not so fundamentally lacking that erasure is the only option. He submitted that the Committee had recognised there was a low risk of repetition. He said that does not sit with the Council saying the behaviour was fundamentally incompatible with registration.
78. In relation to the public interest, Mr Hall accepted on behalf of the Registrant that the misconduct required a sanction. He asked the Committee to consider that there was one decision to be dishonest by way of claiming expenses, and it was then repeated. He said that the public may be more merciful, being aware of the nature of the dishonesty, and taking into account that there was no patient harm, it was not covered up, the money was paid back, and it was not a police matter.
79. Mr Hall reminded the Committee of the Registrant's efforts to remediate, his insight and remorse and his engagement with proceedings. He submitted that the dishonest conduct was not directly linked to optometry practice, rather, it was commercial or financial. He took the Committee through the factors which might indicate that suspension was the appropriate sanction, accepting that the misconduct was such that a lower sanction was not appropriate. Mr Hall said that the Registrant's conduct was not indicative of a deep-seated attitudinal problem; it was out of character as borne out by the testimonials produced on his behalf. He

submitted that there had been no repetition and the insight shown indicated a low risk of repetition.

80. Mr Hall then took the Committee to the guidance on erasure at paragraph 21.35 and said that the Registrant's conduct was not covered up as he had admitted to it when he was investigated. Mr Hall reminded the Committee of paragraph 21.37 and questioned whether erasure was inevitable in all the circumstances he had outlined, and whether the public should be deprived of an otherwise competent and useful registrant.
81. Mr Hall concluded that suspension was the appropriate and proportionate sanction and asked the Committee to consider that any such order would have a negative effect, therefore the length should be the least possible to meet the demand.
82. The Committee accepted the advice of the Legal Adviser, who in short, advised the Committee to have regard to the Council's overarching objective of protecting the public, which includes the wider public interest, to identify and apply the aggravating and mitigating factors in the case to its decision-making process and to apply the principle of proportionality in weighing the Registrant's interests with the public interest. The Legal Adviser reminded the Committee to have regard to the HISG and to explain why if it departed from the guidance. The Legal Adviser reminded the Committee that sanctions are not meant to be punitive, but in achieving the overarching objective, they may have a punitive effect.
83. Throughout its deliberations, the Committee has had regard to all the evidence before it, and the submissions made by the parties. It was mindful of the principle of proportionality as outlined above, recognising that any sanction imposed may have a negative effect upon the Registrant, but weighing that with the need to achieve the overarching objective.

### **Aggravating Factors**

84. The Committee first identified the aggravating factors of this case as follows:
  - The Registrant held a position of trust and responsibility as a director in charge of 25 -30 staff members. He breached the trust placed in him by submitting false expenses at a time when he was aware his expenses would not be signed off by anyone else.
  - The dishonesty was premeditated, with a degree of sophistication, in that numerous types of expenses were claimed for, in a variety of ways, over a significant period of time.
  - The overall value of the dishonesty was high at almost £50,000.
  - The dishonesty was committed for personal gain to fund a lifestyle, including hotel stays, car hire, food deliveries, household goods and video game points.

- The Registrant used the pretence of charitable donations to obtain significant sums of money in the region of £25,000 for his personal financial gain.

### **Mitigating Factors**

85. The Committee next considered the mitigating factors in this case:

- The Registrant admitted his wrongdoing at the investigation stage and has co-operated throughout with his regulator.
- His actions did not impact upon patient safety.
- The Registrant has repaid the amounts he dishonestly claimed in full.
- He has demonstrated a significant amount of remediation, remorse and insight.
- The Registrant has no previous fitness to practise history, and no concerns have arisen since his misconduct.
- There are positive testimonials, including from senior colleagues.

86. The Committee assessed where, on a 'scale' of dishonesty it considered the Registrant's misconduct fell. In so doing, it weighed the aggravating and mitigating factors identified above. It concluded that the aggravating factors of the dishonesty being multi-faceted, organised, pre-planned and for personal gain with a high monetary value were such as to put this misconduct at the high end of a scale of seriousness.

87. The Committee next considered the sanctions available to it from the least necessary to the most severe (no sanction, financial penalty, conditional registration, suspension, erasure).

88. The Committee first considered whether to take no action. There were no exceptional circumstances identified in this case, and the Committee concluded that to take no action would not reflect the seriousness of the misconduct and would not be in the public interest.

89. Similarly, the Committee determined that a financial penalty would not be appropriate or proportionate, nor would it reflect the seriousness of this case. Public confidence would be undermined if a more significant sanction were not imposed in a case of protracted dishonesty with the aggravating factors identified.

90. The Committee next considered the imposition of conditional registration and had regard to paragraphs 21.17 and 21.19 of the HISG:

*'Conditions might be most appropriate in cases involving a registrant's health, performance, or where there is evidence of shortcomings in a specific area or areas of the registrant's practice.'*

*'The objectives of any conditions placed on the registrant must be relevant to the conduct in question and any risk it presents...'*

91. The Committee was of the opinion that there were no conditions that could be formulated that would address the dishonesty, taking into account the aggravating factors it had found. Conditional registration would be disproportionate and would not meet the public interest in marking the seriousness of the misconduct.
92. The Committee then considered whether a period of suspension would meet the central aim of sanctions – which in this case was to meet the public interest, taking into account the seriousness of the misconduct found. It had regard to paragraph 21.29 of the HISG:

*‘This sanction may be appropriate when some, or all, of the following factors are apparent (this list is not exhaustive):*

- a. A serious instance of misconduct where a lesser sanction is not sufficient.*
- b. No evidence of harmful deep-seated personality or attitudinal problems.*
- c. No evidence of repetition of behaviour since incident.*
- d. The Committee is satisfied the registrant has insight and does not pose a significant risk of repeating behaviour.*
- e. In cases where the only issue relates to the registrant’s health, there is a risk to patient safety if the registrant continued to practise, even under conditions.’*  
(not applicable)

93. Of these factors, the Committee acknowledged that factors *a.*, *c.* and *d.* were engaged. The Committee has found that there has been no repetition of the misconduct and that the risk of repetition is low, as remediation was demonstrated, and insight shown. Whilst the Committee did not consider there was evidence of ‘*deep-seated*’ attitudinal problems, it was concerned by the aggravating factors it has identified in this case, in particular the prolonged, planned misuse of the expenses claim system to fund a lifestyle and for purely personal gain. It considered that these factors outweighed the mitigation, especially in ensuring that the public interest in maintaining public confidence and declaring and upholding standards was met.

94. The Committee therefore considered the criteria for when erasure is likely to be appropriate, set out at paragraph 21.35:

*‘Erasure is likely to be appropriate when the behaviour is fundamentally incompatible with being a registered professional and involves any of the following (this list is not exhaustive):*

- a. Serious departure from the relevant professional standards as set out in the Standards of Practice for registrants and the Code of Conduct for business registrants;*
- b. Creating or contributing to a risk of harm to individuals (patients or otherwise) either deliberately, recklessly or through incompetence, and particularly where there is a continuing risk of harm to patients;*



- c. Abuse of position/trust (particularly involving vulnerable patients) or violation of the rights of patients;*
  - d. Offences of a sexual nature, including involvement in child pornography;*
  - e. Offences involving violence;*
  - f. Dishonesty (especially where persistent and covered up);*
  - g. Repeated breach of the professional duty of candour, including preventing others from being candid, that present a serious risk to patient safety; or*
  - h. Persistent lack of insight into seriousness of actions or consequences.'*
95. In assessing whether any of the above criteria were present in this case, and whether the Registrant's behaviour was fundamentally incompatible with being a registered professional, the Committee weighed and balanced the aggravating and mitigating factors it had found. It took into account that the dishonesty was at the higher end of the scale. The Committee also reminded itself of the need to act proportionately, and to take into account the negative effect upon the Registrant that such a sanction would have.
96. The Committee found that three of the criteria were met in this case. The misconduct found did constitute a serious departure from the relevant professional standards at paragraph *a.*, as identified throughout this determination. An aggravating factor of the misconduct is the abuse of the trust the Registrant held as a director of the business, and therefore paragraph *c.* was partially engaged. In addition, the Committee has identified the length of time over which the dishonesty took place, and the manner in which it was executed as additional aggravating factors. The Committee did not agree with Mr Hall that to find paragraph *f.* relevant, the dishonesty had to be both persistent and covered up – the use of the word '*especially*' suggested that the factors of the dishonesty should be considered, and in this case, there were multiple aggravating factors. It therefore concluded that paragraph *f.* was also engaged.
97. The Committee acknowledged the lengths that the Registrant has gone to, in order to remediate his conduct, to understand why he did what he did, so as to try to prevent it happening in future. The Committee also took into consideration the context of the stressful working environment the Registrant found himself in. However, it reminded itself that honesty is of central importance to the profession. The public interest in maintaining confidence in the profession and declaring and upholding standards of conduct for professionals was not outweighed by the Registrant's own interests. The dishonesty was at the higher end of a scale of seriousness, and the Committee concluded that it must place more weight on the aggravating factors of that dishonesty than on the mitigating contextual and other factors.
98. In summary, in light of the serious abuse of a position of trust by a director over a prolonged period of time, where there were elements of sophisticated pre -planning and the pretence of large charitable donations, the Committee concluded that, the

Registrant's misconduct was fundamentally incompatible with being a registered professional.

99. Therefore, the appropriate and proportionate sanction was one of erasure.

### **Immediate order**

100. The Committee invited submissions from the parties on the consideration of the imposition of an immediate order to cover the period of any appeal.

101. Ms Huxtable, on behalf of the Council, submitted that in light of the seriousness of the case and the Committee's imposition of the sanction of erasure, it was in the public interest for an immediate order to be imposed.

102. Mr Hall, on behalf of the Registrant, made no submissions.

103. The Committee accepted the advice of the Legal Adviser, who drew the Committee's attention to the HISG at paragraphs 23.3 and 23.5:

*'If the Committee has made a direction for suspension or erasure (or removal of an entry relating to a speciality or proficiency), it should consider whether there are reasons for ordering immediate suspension. Before doing so the Committee must be satisfied that to do so is necessary for the protection of members of the public, otherwise in the public interest or in the best interests of the registrant.*

*The Committee must always make clear in its determination that it has considered whether to make an Immediate Order and explain the factors considered, even if it decides that an Immediate Order is not necessary.'*

104. The Committee considered the submissions and had regard to the HISG and the test for the imposition of an Immediate Order.

105. It considered the nature and seriousness of the case, and the finding that the Registrant's behaviour was fundamentally incompatible with being a registered professional. Having determined that a sanction of erasure was necessary to maintain public confidence in the profession and declare and uphold standards in the profession, the Committee concluded that it was in the public interest to make an Immediate Order in this case. Not to make an order would be inconsistent with its findings and the sanction imposed.

106. Therefore, the Committee determined to make an Immediate Order of suspension.

107. That concludes this case.

**Chair of the Committee:** Sarah Hamilton

**Signature**



**Date:** 26 September 2025

**Registrant:** Muhammad Vali

**Signature** *Present remotely and received via e-mail* **Date:** 26 September 2025

<b>FURTHER INFORMATION</b>
<b>Transcript</b>
A full transcript of the hearing will be made available for purchase in due course.
<b>Appeal</b>
Any appeal against an order of the Committee must be lodged with the relevant court within 28 days of the service of this notification. If no appeal is lodged, the order will take effect at the end of that period. The relevant court is shown at section 23G(4)(a)-(c) of the Opticians Act 1989 (as amended).
<b>Professional Standards Authority</b>
<p>This decision will be reported to the Professional Standards Authority (PSA) under the provisions of section 29 of the NHS Reform and Healthcare Professions Act 2002. PSA may refer this case to the High Court of Justice in England and Wales, the Court of Session in Scotland or the High Court of Justice in Northern Ireland as appropriate if they decide that a decision has been insufficient to protect the public and/or should not have been made, and if they consider that referral is desirable for the protection of the public.</p> <p>Where a registrant can appeal against a decision, the Authority has 40 days beginning with the day which is the last day in which you can appeal. Where a registrant cannot appeal against the outcome of a hearing, the Authority's appeal period is 56 days beginning with the day in which notification of the decision was served on you. PSA will notify you promptly of a decision to refer. A letter will be sent by recorded delivery to your registered address (unless PSA has been notified by the GOC of a change of address).</p> <p>Further information about the PSA can be obtained from its website at <a href="http://www.professionalstandards.org.uk">www.professionalstandards.org.uk</a> or by telephone on 020 7389 8030.</p>
<b>Effect of orders for suspension or erasure</b>
To practise or carry on business as an optometrist or dispensing optician, to take or use a description which implies registration or entitlement to undertake any activity which the law restricts to a registered person, may amount to a criminal offence once an entry in the register has been suspended or erased.
<b>Contact</b>
If you require any further information, please contact the Council's Hearings Manager at Level 29, One Canada Square, London, E14 5AA or by telephone, on 020 7580 3898.