

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

GENERAL OPTICAL COUNCIL

F(25)02

AND

EMILY GRAY (D-15417)

**DETERMINATION OF A SUBSTANTIVE REVIEW
7 NOVEMBER 2025**

Committee Members: Ms Julia Wortley (Chair/Lay)
Mr Nigel Pilkington (Lay)
Ms Miriam Karp (Lay)
Ms Lesley Reid (Dispensing Optician)
Ms Claire Anstee (Dispensing Optician)

Legal adviser: Ms Lara Akande

GOC Presenting Officer: Ms Leonie Hinds

Registrant: Present and represented

Registrant representative: Mr John Graham

Hearings Officer: Ms Natasha Bance

Outcome: No impairment - Order to expire on
8 December 2025

Background

1. The Registrant joined the GOC as a registered Dispensing Optician on 15 September 2014 (GOC Number D-15417). At the material time, the Registrant was employed by Boots Opticians in [redacted].
2. Between March and April 2024, she ordered 140 trial contact lenses, valued at over £100, for [redacted] Mr A. These lenses were ordered free of charge and recorded on the Boots Opticians OPS records system as being for a patient.
3. The allegations were as follows:
 - *Allegation 1: Between March 2024 and April 2024, you ordered 140 trial contact lenses worth over £100 in stock value, free of charge for Mr A, indicating that he was a patient despite knowing there was no clinical record of Mr A as a patient;*
 - *Allegation 2(a)(ii): Your actions above were dishonest in that you knowingly falsified information by indicating Mr A as a patient when ordering the contact lenses; an*
 - *Allegation 2(b): Your actions above were unprofessional in that you supplied contact lenses to Mr A contrary to Section 25 and Section 27 of the Opticians Act 1989, and the General Optical Council Standards of Practice for Optometrists and Dispensing Opticians.*
4. The issue came to light when, the Team Leader at Boots Opticians [redacted], queried a delivery of contact lenses addressed to Mr A. Upon checking the clinical database, it became clear there were no records of Mr A ever attending the practice for a contact lens fitting, 'teach' (i.e. insertion, removal and care of contact lenses) or any clinical appointment of any kind. Further investigation at [redacted] revealed multiple contact lens orders had been placed under the initials "[redacted]", all matching the same specification, again without any corresponding patient record. These concerns were escalated to Witness A, Assistant Hub Manager, who initiated an internal investigation.
5. During an informal meeting on 18 April 2024, between the Registrant and Witness A, the Registrant admitted that she had been ordering contact lenses for Mr A, who she later clarified was her [redacted]. She stated to Witness A, *"I'm not hiding it, and typical when that time someone opened the delivery when I wasn't here"*. She initially justified the orders by claiming Mr A had been seen at a previous Boots Opticians location "[redacted]". However, upon Witness A's inquiry with two stores in [redacted], he could not locate a record of any contact lens appointment, or patient record for Mr A at those locations.
6. The Registrant had listed Mr A as a contact lens patient to access free trial lenses. When asked to explain the high volume of orders (140 lenses) she conceded, during

the internal investigation, that a typical patient would receive 15 to 20 lenses for a trial and acknowledged she had “*probably ordered more than [she] should have.*”

7. Following the internal inquiry, a disciplinary hearing was set for the Registrant for 26 April 2024. However, the Registrant resigned from her position on 25 April 2024, citing [redacted] reasons. In her resignation letter, she did not deny the facts of the case. In her subsequent email, dated 27 October 2024, to the GOC the Registrant argued that her decisions were motivated by her [redacted], which made in-person appointments nearly impossible. She stated that she had exercised her professional judgement in supplying him lenses and expressed regret for failing to keep the necessary documentation. She also asserted that past managers had informally permitted similar actions and that she misunderstood the implications of ordering trial contact lenses for Mr A in this way.
8. Between 4 and 11 August 2025 (excluding 8 August), a substantive hearing was held, which the Registrant attended and at which she was represented. The Committee found all of the admitted particulars of the allegation proved, with the exception of Allegation 2(a)(i), which was withdrawn. The Committee determined that the proven facts amounted to misconduct and that the Registrant’s fitness to practise was impaired by reason of that misconduct. Consequently, it imposed a Suspension Order for a period of three months. The Suspension Order is due to expire on 8 December 2025.
9. The Substantive Committee indicated that the Reviewing Committee may be assisted by evidence of any relevant CPD and by a detailed reflective statement.

The Review Hearing

10. For the purpose of the review hearing, the Committee has consideration of the following documentation:
 - a. The Council’s bundle consisting of 26 pages which included a skeleton argument dated 24 October 2025;
 - b. The Registrant’s bundle consisting of 70 pages;
 - c. A skeleton argument on behalf of the Registrant dated 6 November 2025; and
 - d. Two single page emails from two of the Registrant’s referees.
11. The Committee heard evidence from the Registrant and received submissions from Ms Hinds on behalf of the Council and from Mr Graham on behalf of the Registrant in relation to the issue of current impairment.
12. Ms Hinds outlined the background to the case, the findings of the Substantive Committee, and the law and procedure on review hearings. She reminded the

Committee that there was a persuasive burden upon the Registrant to show that her fitness to practise was no longer impaired and that the Committee had to consider the matter of impairment afresh.

13. Ms Hinds acknowledged that the issue of current impairment was a matter for the independent judgement of the Committee. Ms Hinds submitted that the central question for the Committee was whether the Registrant had taken sufficient steps to demonstrate that the risk of repetition was fully mitigated and she had remedied the misconduct. Ms Hinds informed the Committee that the Registrant had provided a reflective statement, evidence of continuing professional development undertaken during the intervening period, and several testimonials from colleagues attesting to her positive contribution in the workplace. She further noted that the Committee might consider this evidence sufficient to address any concerns previously identified by the Substantive Committee. In light of this, Ms Hinds departed from the Council's original position as set out in its skeleton argument and submitted that the Council would adopt a neutral stance on the issue of impairment.
14. The Committee next heard evidence from the Registrant, who described what the CPD courses she had completed had involved and the topics they covered. In particular, she elaborated on her learning regarding consent, professionalism, leadership, accountability and record-keeping.
15. The Registrant was asked, how she would, upon reflection, act differently if she were faced with similar circumstances in the future. The Registrant stated that if she had a family member or anyone she knew as a patient, she would ensure that another practitioner attended to them in order to avoid any conflict of interest. She added that she would treat them professionally, as she would any other member of the public. The Registrant acknowledged that her previous conduct had been inadequate. When asked to elaborate on what aspects she considered inadequate, the Registrant explained that she had failed to follow the correct procedures and there had been a lack of appropriate documentation. The Registrant further stated that she recognised she had put Mr A at risk of harm and had not been as precise or as thorough as she should have been.
16. The Committee heard submissions from Mr Graham on behalf of the Registrant. Mr Graham highlighted that that Registrant had fully engaged with the recommendations of the Substantive Committee and had provided a reflective statement, evidence of CPD, and four references all from within the Registrant's current workplace.
17. Mr Graham submitted that the concerns identified in the earlier determination have now been satisfactorily addressed through the Registrant's engagement in remediation and her demonstration of genuine insight and remorse. Mr Graham invited the Committee to find that, as a result, the Registrant is now fit to return to practice without restriction. The Committee was informed that during the period of suspension, the Registrant has remained employed in a carefully monitored

capacity, maintaining her professional skills and continuing to make a positive contribution within her workplace. She is held in high regard by colleagues and management. Of the four referees who provided testimonials, three are registrant members and one is a senior manager; none expressed any concerns or reservations regarding her conduct or competence.

18. Mr Graham invited the Committee to find that the references, when considered alongside the Registrant's evidence of reflection, insight, remorse, and remediation, provide clear assurances that she is capable of returning to unrestricted practice.
19. The Committee heard and accepted the advice of the Legal Adviser who advised that upon Review, the Committee would need to consider impairment afresh and referred them to the case of *Clarke v GOC* [2017] EWHC 521 (Admin). She advised that the question of impairment was a matter for the Committee's independent judgement taking into account all of the evidence it has seen and heard so far, and that a finding of impairment does not automatically follow a finding of misconduct - outlining the relevant principles set out in *Cohen v GMC* [2008] EWHC 581 (Admin). The Legal Adviser referred the Committee to the case of *Azzam v GMC* [2008] EWHC 2711 (Admin), and asked it to consider facts material to the practitioner's fitness to practise looking forward, and for that purpose to take into account evidence as to her present skills or lack thereof and any steps taken, since the conduct criticised, to remedy any defects. As the case involves a proven allegation of dishonesty, the Legal Adviser directed the Committee to give particular consideration to the judgments in *Yeong v General Medical Council* [2009] EWHC 1923 (Admin) and *Professional Standards Authority v Health and Care Professions Council and Ajeneye* [2016] EWHC 1237 (Admin).
20. The Legal Adviser referred the Committee to the test for considering impairment as set out by Dame Janet Smith in the fifth report of the Shipman Inquiry (para 25.67), and cited with approval the case of *CHRE v NMC & Paula Grant* [2011] EWHC 927 (Admin). The Committee was advised that at a review hearing, there is in effect a persuasive burden upon a Registrant to demonstrate that they are fit to resume unrestricted practice.

Findings on impairment

21. The Committee noted that the focus of a review hearing is upon the current fitness of the Registrant to resume practice, judged in light of what remedial action they have undertaken since the substantive hearing and whether they remained currently impaired.
22. The Committee took account of the substantive hearing decision and the findings of that Committee, as well as the steps which it had recommended may assist at a Review Hearing, as set out above.

23. The Committee bore in mind the Council's overarching objective and gave equal consideration to each of its limbs:

"To protect, promote and maintain the health, safety and well-being of the public, the protection of the public by promoting and maintaining public confidence in the profession and promoting and maintaining proper professional standards and conduct".

24. The Committee first considered the questions endorsed in *Grant* in relation to the Registrant's past behaviour. It concluded that by ordering a high volume of contact lenses without a valid specification for Mr A, the Registrant had in the past placed a patient at a risk of harm. The Committee further found that the Registrant had acted dishonestly by misrepresenting Mr A's status as a contact lens patient, and that this dishonesty was premeditated, repeated, and motivated by personal gain (albeit limited). The Committee determined that, in doing so, the Registrant had brought the profession into disrepute and had breached fundamental tenets of the profession.

25. The Committee then went on to consider the questions to be asked from the case of *Cohen* as follows:

- *Whether the conduct leading to the allegations is easily remediable?*
- *If it is, whether it has been remedied, and then,*
- *Whether it is likely to be repeated?*

26. The Committee acknowledged that dishonest conduct is difficult, though not impossible, to remediate. It noted that the Registrant had engaged fully with these proceedings and had provided a comprehensive bundle of documents for the Committee's consideration.

27. The Committee carefully considered whether the Registrant's fitness to practise remains impaired, particularly in light of the public interest concerns arising from her past misconduct involving dishonesty. Based on the evidence before it, the Committee was satisfied that the Registrant accepts and fully understands the seriousness of her misconduct. It found that she recognises the importance of professional standards, honesty, and accurate record-keeping. The Committee was encouraged by her learning around professional boundaries and by the positive references provided, all of which demonstrated that the referees were aware of the findings made against her.

28. The Committee concluded that the public interest had been adequately marked by the three-month suspension, which afforded the Registrant the opportunity to reflect on her misconduct and engage fully with the recommendations of the Substantive Committee. The Committee was satisfied that the Registrant has demonstrated genuine remorse, developed mature insight, and that the conduct is unlikely to be repeated.

Declaration

29. The Committee makes a formal declaration that the Registrant's fitness to practise is no longer impaired for the reasons above.

Chair of the Committee: Julia Wortley

Signature



Date: 7 November 2025

Registrant: Emily Gray

Signature *Present remotely and received via e-mail* **Date:** 7 November 2025

FURTHER INFORMATION	
Transcript	
A full transcript of the hearing will be made available for purchase in due course.	
Appeal	
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).	
Professional Standards Authority	
<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 www.professionalstandards.org.uk or by telephone on 020 7389 8030.</p>	
Contact	
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.	