

BEFORE THE FITNESS TO PRACTISE COMMITTEE OF THE GENERAL  
OPTICAL COUNCIL

GENERAL OPTICAL COUNCIL

F(25)14

AND

KHOOSHAAL DAWOOLET - (01-35426)

---

DETERMINATION OF A SUBSTANTIVE HEARING  
8-9 DECEMBER 2025

---

<b>Committee Members:</b>	Sara Nathan (Chair/Lay) Jacqueline Telfer (Lay) Vivienne Geary (Lay) Caroline Clark (Optometrist) Annabelle Magee (Optometrist)
<b>Legal adviser:</b>	Aaminah Khan
<b>GOC Presenting Officer:</b>	Holly Huxtable
<b>Registrant present/represented:</b>	Yes and represented
<b>Registrant representative:</b>	Christopher Saad
<b>Hearings Officer:</b>	Anwar Henry Terence Yates
<b>Facts found proved:</b>	All following the Registrant's admissions
<b>Facts not found proved:</b>	None
<b>Misconduct:</b>	Found
<b>Impairment:</b>	Impaired
<b>Sanction:</b>	Suspension 3 months – (Without Review)

<b>Immediate order:</b>	No
-------------------------	----

---

## ALLEGATION (AS AMENDED)

*The Council alleges that you, Khooshaal Dawooleet (01-35426), a registered optometrist, whilst working at Specsavers [redacted] you:*

- 1) *On 6 April 2024, you carried out a transaction for your own dispense upgrade, charging £0.00 despite its actual value of £3.50, without authorisation;*
- 2) *On 6 April 2024, you carried out a transaction relating to an upgrade for a relative, Ms. A, charging £0.00 despite its actual value of £60.00, without authorisation;*
- 3) *On 20 April 2024, you carried a transaction for a friend, Ms. B, dispensing her a pair of glasses for £0.00 despite their actual value of £130.00, without authorisation;*
- 4) *On 27 April 2024, you carried out a transaction for a friend, Mr. C, dispensing him glasses for £0.00 despite their actual value of £100.00, without authorisation;*
- 5) *On 27 April 2024, you carried out a transaction for your own glasses, charging £0.00 despite their actual value of £63.00, without authorisation;*
- 6) *Your conduct above was:*
  - a. *Misleading; and/or*
  - b. *Inappropriate; and/or*
  - c. *Dishonest in that you knowingly dispensed glasses and/or upgrades to yourself, friends and family, free of charge and without any authorisation to do so".*

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

## PRELIMINARY ISSUES

1. Ms Huxtable, on behalf of the Council, applied to amend the Allegation. Ms Huxtable stated that the application was being made to better particularise the allegation in relation to dishonesty, to amend the allegation to reflect that the Registrant is now a fully qualified Optometrist and to make minor typographical amendments to change "its" to "their" in particulars 3-5.
2. Ms Huxtable submitted that these were relatively minor amendments and the amended Allegation did not materially differ from the Allegation which was originally referred to the Committee.

3. Mr Saad, on behalf of the Registrant, did not oppose the application.
4. The Committee received legal advice from the Legal Adviser, who referred the Committee to Rule 46(20) of the General Optical Council (Fitness to Practise) Rules 2013 ("the Rules"), which states:

*'Where it appears to Fitness to Practise Committee at any time during the hearing, either upon the application of a party or of its own volition, that –  
The particulars of the allegation or the grounds upon which it is based and which have been notified under rule 28, should be amended; and The amendment can be made without prejudice'.*
5. The Committee was satisfied that the amendments were minor and could be made without prejudice to the Registrant. It therefore allowed the application.

## DETERMINATION

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

6. The Registrant admitted the facts of the Allegation in their entirety. The Committee therefore found all of the facts proved by reason of the Registrant's admissions under Rule 40(6) of the Rules.

### **Background to the allegations**

7. At the time of the events in the Allegation, the Registrant was a student Optometrist and was employed as an optical assistant at Specsavers **[redacted]** ('the Practice').
8. The Registrant made a declaration to the Council on 14 May 2024 as follows:

*"At work I amended 2 pairs of glasses by changing the lens and frame design, however as I did not see the price change I was unaware of the difference in price that had to be paid. I reduced the price of 3 frames to £0. This affected the basket numbers, which the manager realised after the fact. This was raised to the directors where a formal interview was done and they deemed it Misconduct during the Disciplinary".*
9. A referral was also received from the Practice, dated 16 May 2024, which notified the Council that the Registrant was responsible for discounting and dispensing orders for himself, friends and family. An internal investigation into this matter identified that the Registrant had completed 5 transactions between 6 and 27 April 2024, in which he dispensed glasses and upgrades free of charge, without authorisation, amounting to £356.50.
10. The Council relied upon the witness evidence of Mr A, retail store director for the Practice and Mr B, store manager, neither of whom were required to attend the hearing to give live evidence.
11. It is the Council's case that the Registrant knowingly dispensed glasses and upgrades to himself, friends and family free of charge and without any authorisation to do so and that his conduct was therefore dishonest.

## **Misconduct**

12. As the Registrant admitted the Allegation in its entirety, and the facts were accordingly found proved, the case proceeded to the misconduct stage. The Committee heard submissions in respect of misconduct and impairment together. However, it considered and decided the two issues separately and in turn.
13. Following Ms Huxtable opening the case on behalf of the Council, the Registrant gave evidence and was questioned by his representative Mr Saad, Ms Huxtable, on behalf of the Council and the Committee.
14. In summary, the evidence of the Registrant was that he was *[redacted]* now and at the time of the relevant events he was *[redacted]* and it was shortly before his final exams. He explained that he has since fully qualified as an Optometrist and received his registration number on 13 November 2025. The Registrant explained the various roles that he had held, including the ambassador roles with his University, the AOP and volunteering that he had recently started with the RNIB.
15. The Registrant accepted that when he dispensed items to himself, friends and family on the five occasions in question, it was a deliberate act and it was for his own gain or for the gain of his friends and family. The Registrant apologised and said that he took full responsibility for his actions. He stated that he has no acceptable excuse and it was a silly, immature decision and a lack of judgment. He explained that at the time he had not thought clearly about the wider implications for the public and the profession but that he understood the negative impact of his actions now. The Registrant stated that he was not seeking to minimise his conduct and that he accepted that it was grave.
16. The Registrant gave evidence regarding the reflections that he had undertaken and explained what he had learnt since the events in question. He referred to using the Gibbs model of reflection and explained how this helped him to develop insight and analyse his behaviour. The Registrant stated that his conduct will not be repeated and that his learning will stay with him and remind him to do better.
17. When asked what he would do if he found himself in a pressurised situation, the Registrant stated that he has had a lot to handle in the past year with his final assessments and moving on from his pre-registration year, but even under pressure he stated that his mistakes would not be repeated. He stated that he would ask for support from colleagues if unsure, as he understood that they were there to support him. The Registrant stated that he realised that he bore greater responsibility now as a qualified Optometrist than he did as a student Optometrist and that he was open to carrying that burden, as he had learnt a lot in the past 18 months.
18. In response to Committee questions, the Registrant explained that he had been able to dispense himself and use the till in his roles between 2022 and 2024. When asked what in particular led to the dishonest transactions in April 2024, he stated that he just made the wrong decisions. He referred to there being some financial struggles around that time for his family and the family of a friend and that he wanted to support them. However, he said that this was not an excuse and whatever was going at home, he should not have acted in the way he did.

19. The Committee asked the Registrant about his understanding of what integrity was and he replied that to him, '*it was doing the right thing when no-one was watching*'. He stated that at that time he did not have integrity but that it was now a massive part of his life and that he realised that he had to uphold integrity for the profession and to do everything in the best interests of patients and the profession. The Registrant stated that he now does have integrity and he strives to be a better person.
20. The Committee heard submissions on misconduct from Ms Huxtable, on behalf of the Council, and from Mr Saad, on behalf of the Registrant.
21. Ms Huxtable in her submissions invited the Committee to find that the facts admitted by the Registrant and found proved by the Committee, amounted to misconduct. She referred the Committee to the case of *Cheatle v General Medical Council* [2009] EWHC 645 (Admin), that it was a two-step process and that the Committee should first decide whether there has been misconduct and then go on to decide whether the Registrant's fitness to practice is impaired.
22. Ms Huxtable referred the Committee to the case of *Roylance v General Medical Council (No.2)* [2000] 1 A.C. 311, where, at paragraph 35, Lord Clyde stated:

*"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 in the particular circumstances."*
23. Ms Huxtable highlighted the guidance from the case of *Nandi v GMC* [2004] EWHC 2317 (Admin), where Collins J held that the conduct must be serious and the adjective "serious" must be given its proper weight. This had been described as conduct that fellow practitioners would find deplorable.
24. Ms Huxtable referred the Committee to the Council's Standards for Optical Students, effective from April 2016, submitting that the Committee may consider that the Registrant has departed from the following standards by virtue of his conduct:
  - a. *Standard 15 – be honest and trustworthy.*
  - b. *Standard 16 - do not damage the reputation of your profession through your conduct.*
25. Ms Huxtable reminded the Committee that there were repeated instances of deliberate dishonesty, which must come high up the scale of seriousness, and that repetition may indicate a tendency to be dishonest.
26. Mr Saad, on behalf of the Registrant, stated that the Registrant did not dispute that the conduct amounted to misconduct. However, he made submissions regarding the severity and the degree of the misconduct. He reminded the Committee that although the conduct was repeated, it was limited to a brief period in April 2024 and that there had been no regulatory concerns about the Registrant either before or since then.
27. The Committee heard and accepted the advice of the Legal Adviser, who reminded the Committee that misconduct was a matter for its own independent judgement and no burden or standard of proof applied at this stage. Further, that

the Committee needed to consider whether the conduct was sufficiently serious to amount to professional misconduct.

### **The Committee's Findings on Misconduct**

28. The Committee proceeded to consider whether the admitted facts, which were found proved, amounted to misconduct, which was serious.
29. In making its findings on misconduct, the Committee had regard to the evidence it had received to date, the submissions made by the parties, and the legal advice given by the Legal Adviser.
30. The Committee agreed that the Registrant's conduct breached the Council's Standards for Optical Students and that the Registrant has departed from the following standards:
  - Standard 15: Be honest and trustworthy;
  - Standard 16: Do not damage the reputation of your profession through your conduct.
31. The Committee was of the view that the conduct of the Registrant, on five instances on three dates, of deliberately dispensing glasses and/or upgrades without charge for himself or his friends and family, breached his employer's trust. The period of time that the conduct spanned was relatively limited, but the amount of money in total was not insignificant and was a loss to his employer. It was conduct that fell far below the standards of what was expected of him and what was proper in the circumstances.
32. In addition, the motivation was for the Registrant's own financial gain or for the gain of his friends and family. The Committee also noted that whilst the Registrant self-reported himself to the Council, the conduct only stopped when it was discovered in an internal investigation.
33. The Committee was of the view that this dishonest conduct is damaging to the reputation of the profession and has brought it into disrepute. Further, fellow professionals would consider it deplorable.
34. The Committee was satisfied that the conduct of the Registrant, of repeated instances of dishonesty for financial gain (to him or friends and family) amounted to professional misconduct, which was serious. Therefore, the Committee concluded that the facts found proved amount to misconduct.

### **Impairment**

35. The Committee then went on to consider whether the Registrant's fitness to practise is currently impaired by virtue of his misconduct.
36. In her submissions on current impairment, Ms Huxtable reminded the Committee that impairment was a forward-looking exercise and that the purpose of fitness to practise proceedings is not to punish the Registrant for past wrongdoings but to protect the public from the acts of those who are not fit to practise.

37. Ms Huxtable referred the Committee to the test that was formulated by Dame Janet Smith in the report to the Fifth Shipman Inquiry, which was approved in the case of *CHRE v (1) NMC and (2) Grant* [2011] EWHC 927 (Admin), namely that impairment may be found where a Doctor (but applicable to Optometrists) has either in the past, or is liable in future to:

- a. put a patient(s) at unwarranted risk of harm, and/or
- b. brought the profession into disrepute, and/or
- c. breached one of the fundamental tenets of the profession and/or
- d. acted dishonestly.

38. Ms Huxtable submitted that limbs (b), (c) and (d) of the *Grant* test are all engaged in this case. She submitted that the allegations demonstrate a propensity on the part of the Registrant to act dishonestly, which brings the profession into disrepute and breaches a fundamental tenet of the profession.

39. Ms Huxtable referred to the cases of *Professional Standards Authority v Health and Care Professions Council and Ajeneye* [2016] EWHC 1237 (Admin), which stated that deliberate dishonesty must come high on the scale of misconduct and *GMC v Armstrong* [2021] EWHC 1658, which suggested that it is rare for a person who has acted dishonestly to escape a finding of impairment. Ms Huxtable submitted that the exceptional circumstances identified in *Armstrong*, did not apply here, for example, it was not an isolated incident of dishonesty in front-line challenging circumstances.

40. Ms Huxtable acknowledged that there had been no harm or risk of harm to patients, however when having regard to public interest considerations, she submitted that the Registrant's fitness to practise is currently impaired. She stated that the Registrant knowingly dispensed glasses and upgrades free of charge to himself, friends and family. Whilst his conduct occurred over a short period of time, it was repetitive and demonstrates a pattern of behaviour. His conduct was inherently dishonest and therefore attitudinal, which is not easy to remedy.

41. Ms Huxtable acknowledged that the Registrant has undertaken a degree of targeted remediation, had positive testimonials and sought to demonstrate insight in respect of his conduct. However, she submitted that there did not seem to be a great deal of acknowledgment by the Registrant that the conduct was deliberate or for financial gain and the references, whilst positive, '*do not right a wrong*'. Ms Huxtable submitted that the circumstances of this case are such that a finding of impairment is required to meet the wider public interest, notably to uphold proper professional standards and maintain public confidence in the profession.

42. Mr Saad, on behalf of the Registrant, highlighted what the Registrant had said in the workplace investigation interview, which was that this conduct was disloyal and greedy and "*100% my fault.*" Further, that at the end of that interview the Registrant's employer thanked him for his honesty and genuine remorse.

43. Mr Saad submitted that the Registrant had undertaken targeted CPD, highlighting the range of courses completed and he had undertaken detailed reflection using the Gibbs cycle. Additionally, there was evidence of good clinical

work, with positive patient reviews and no clinical concerns had been raised. Mr Saad submitted that the Registrant had shown resilience and a commitment to the profession, having developed himself since April 2024.

44. Mr Saad highlighted parts of the Registrant's evidence and reflective statement, submitting that he had made a timely apology and deeply regretted his conduct. Mr Saad submitted that the Registrant had demonstrated a proper appreciation for the gravity of his conduct and the ramifications of it on the wider profession.
45. Mr Saad highlighted the positive comments from the Registrant's referees and submitted that none were obliged to give a reference but it was clear that the Registrant was highly regarded. Mr Saad described the references as excellent and that they fit together, making similar comments, from both past and current employers. Mr Saad stated that it was very unusual for one of the Council's witnesses to be also giving a positive testimonial in support of the Registrant, which was the case here.
46. Mr Saad submitted that in terms of risk, this was extremely low. The conduct relates to three dates in April 2024 and since then the Registrant has demonstrated robust insight and targeted remediation, with very positive references and an otherwise unblemished record. Mr Saad submitted that all of that collectively indicates that this was a very short-lived period in the Registrant's past. Mr Saad invited the Committee to find that the Registrant was not impaired on the personal component.
47. In relation to the wider public interest, Mr Saad submitted that in a dishonesty case, a finding of impairment was not an inevitability and referred the Committee to the case of *PSA v Uppal* [2015] EWHC 1304 (Admin), which sets out that not all instances of dishonesty will necessarily lead to a finding of impairment.
48. Mr Saad submitted that the Committee could make a finding of no impairment and then consider issuing the Registrant with a warning. Mr Saad referred the Committee to the section on warnings in the Council's Hearings and Indicative Sanctions Guidance and submitted that many of the factors applied here. Mr Saad submitted that the Registrant's risk to the public was 'vanishingly low' and that whether a finding of impairment was necessary in the public interest was a matter for the Committee, but that in his submission the Registrant's conduct could be addressed with a warning.
49. The Committee accepted the advice of the Legal Adviser who advised the Committee that the question of impairment was a matter for its independent judgement taking into account all of the evidence it has seen and heard so far. She reminded the Committee that a finding of impairment does not automatically follow a finding of misconduct and outlined the relevant considerations set out in the case of *Cohen v GMC* [2008] EWHC 581(Admin), namely whether the conduct is remediable, whether it has been remedied, and whether it is likely to be repeated.
50. The Legal Adviser referred the Committee to the case of *GMC v Armstrong* [2021] EWHC 1658 (Admin), which sets out that dishonesty can arise in a variety of circumstances and in a range of seriousness and that Committees must have proper regard to the nature and extent of the dishonesty and engage with the weight of the public interest factors tending towards a finding of impairment. The Legal Adviser advised that the case of *Armstrong* had considered the case of *Uppal*, referred to by Mr Saad. The case of *Armstrong* also sets out that, in cases

of dishonesty, the impact on public confidence in the profession is not diminished by a low risk of repetition and that the Committee must consider the weight that it puts on personal mitigation as this may have a more limited role in cases of dishonesty. It also sets out that it is a rare or unusual case where dishonesty does not lead to a finding of impairment.

### **The Committee's findings on current impairment**

51. In making its findings on misconduct, the Committee had regard to the evidence it had received to date, the submissions made by the parties, and the legal advice given by the Legal Adviser.
52. The Committee considered whether the Registrant's conduct was capable of being remediated, whether it had been remediated and whether there is a risk of repetition of the conduct in future. The Committee considered that whilst dishonesty can be difficult to remediate, it was not impossible to do so.
53. The Committee considered the level of insight and remediation that had been demonstrated in this case by the Registrant and the steps that he has taken since the misconduct occurred in April 2024.
54. The Committee noted that the Registrant had apologised, made admissions at an early stage, referred himself to the Council and made full admissions to the Allegation in these proceedings. He had also shown remorse and the Committee was convinced that these proceedings were a salutary experience for him. The Committee also noted that the Registrant was very young (**[redacted]** and still a student) at the time of the misconduct.
55. The Committee considered the Registrant's insight, as shown by his reflective statement and his oral evidence to the Committee. The Committee was impressed by the level of the Registrant's reflections and in particular, his explanation in his evidence of what integrity meant to him.
56. The Committee was also reassured by the range of targeted CPD courses that he had undertaken, and his reflection on these courses, his commitment to the profession, voluntary work and the positive references provided. The Committee considered that the Registrant had developed insight and undertaken appropriate remediation, by attending targeted and relevant courses. Furthermore, there were no clinical concerns in this case.
57. The Committee formed the view that the Registrant had made serious errors of judgment in committing the dishonesty, but that he had since adequately reflected, developed insight and had adequately remediated. The Committee therefore took the view that the risk of repetition of similar conduct in future was negligible and that the Registrant was not a risk to the public. It decided that a finding of current impairment was not required on public protection grounds.
58. The Committee next considered the wider public interest and the guidance in the case of *CHRE v (1) NMC and (2) Grant* [2011] EWHC 927 (admin). In particular, the Committee had regard to the test that was formulated by Dame Janet Smith in the report to the Fifth Shipman Inquiry, as approved in the case of Grant, which is as follows:

*“Do our findings of fact in respect of misconduct... show that his fitness to practise is impaired in the sense that he:*

- a) *Has in the past acted and/or is liable in the future to so act so as to put a patient or patients at unwarranted risk of harm and/or;*
- b) *Has in the past brought and/or is liable in future to bring the medical profession into disrepute and/or;*
- c) *Has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the medical profession and/or;*
- d) *Has in the past acted dishonestly and/or is liable to act dishonestly in future.”*

59. The Committee was satisfied that limbs (b)-(d) of this test are engaged in this case, namely that the Registrant's conduct brought the profession into disrepute, breached one of the fundamental tenets of the profession and was dishonest. The Committee considered that these limbs of the test were engaged on the Registrant's past conduct in relation to the misconduct found proved, rather than being '*liable in future*' given its findings on a negligible risk of repetition.
60. The Committee considered whether a finding of impairment was necessary on the basis of the wider public interest, in order to uphold proper professional standards and public confidence in the profession. It considered the submissions of Mr Saad, on behalf of the Registrant, regarding the case of *Uppal*, that a finding of impairment may not be necessary in the public interest. However, the Committee considered that the facts of *Uppal* were quite different to the present case.
61. The Committee was of the view that despite the remediation that had been undertaken by the Registrant and his young age at the time of the misconduct, given the seriousness of the conduct, the public would be concerned and public confidence in the profession would be undermined, if a finding of impairment was not made. The Committee had regard to the fact that this was five instances of deliberate dishonesty (albeit on three dates within a brief period), where there was a financial gain to the Registrant or his friends and family, which was a breach of his employers trust. The Committee considered that the public would be concerned in this case if a finding of no impairment was made. The Committee decided that it was necessary to make a finding of impairment in this case in order to maintain confidence in the profession and in order to uphold proper professional standards.
62. For the reasons set out above, the Committee decided that the fitness of Mr Khooshaal Dawolet to practise as an Optometrist is currently impaired on the public interest component only.

### **Sanction**

63. The Committee went on to consider what would be the appropriate and proportionate sanction, if any, to impose in this case. It heard oral submissions from Ms Huxtable on behalf of the Council and Mr Saad on behalf of the Registrant. No further evidence was placed before the Committee at this stage of the hearing.

64. Ms Huxtable reminded the Committee that the purpose of imposing a sanction is to protect the public and it is not intended to be punitive, although it may have that effect.
65. When deciding the appropriate sanction Ms Huxtable invited the Committee to have regard to the over-arching objective, as set out in section 1 of the Opticians Act 1989, particularly limbs (b), to promote and maintain public confidence in the profession and (c), to promote and maintain proper professional standards and conduct for members of the profession.
66. Ms Huxtable submitted that the Committee ought to have regard to the principle of proportionality and the Council's Hearings and Indicative Sanctions Guidance ('the Guidance'). She reminded the Committee that it should consider the range of sanctions in ascending order from the least to the most restrictive.
67. Ms Huxtable submitted that when assessing the Registrant's dishonest conduct and the Registrant's young age at the time, the Committee should bear in mind that students are still required to comply with the Council's Standards for Optical Students.
68. Ms Huxtable submitted that dishonesty is particularly serious, as it is likely to undermine the public's confidence in the profession. Ms Huxtable referred the Committee to the case of *SRA v James, MacGregor and Naylor* [2018] EWHC 3058 (Admin), that held that the weight to be placed on personal mitigation should be less than other factors such as the length of time the dishonesty persisted.
69. In relation to mitigating factors, Ms Huxtable acknowledged that there has been no harm or risk of harm to patients. Ms Huxtable further noted that the Registrant fully admitted the allegation at the earliest opportunity and has co-operated from the outset. The Registrant has also sought to reflect upon his conduct, and he has provided positive testimonials. There has been no previous fitness to practise concerns and there is no evidence of any repetition since these incidents.
70. Ms Huxtable submitted that it was an aggravating factor that the Registrant's conduct was deliberate, repetitive and only ceased after detection. Equally, the dishonest transactions were for the gain of either the Registrant or others. Ms Huxtable stated that to date, there has seemingly been no reimbursement to the Practice for the financial loss incurred.
71. Ms Huxtable stated that the Council's position was that the appropriate sanction in this case would be a period of suspension. She submitted that all lesser sanctions would be insufficient given the seriousness of the misconduct. In relation to conditions, she submitted that the Registrant's dishonest conduct was attitudinal and cannot be readily addressed by conditions.
72. In relation to the length of suspension that ought to be imposed, Ms Huxtable suggested that a period of 12 months would be appropriate and proportionate to meet the public interest in this case.
73. When asked by the Committee about the Council's view of whether a review hearing was necessary, Ms Huxtable submitted that it was necessary because although the Registrant had done a fair amount of remediation, there was more work that could be done. Ms Huxtable stated that as the Registrant had only recently fully qualified, it would be appropriate for the Registrant to have a period of further reflection and he could, for example, continue his work with his mentor or complete further CPD.

74. In his submissions relating to sanction, Mr Saad took the Committee through the Guidance, highlighting that the main reason for imposing a sanction is to protect the public and that there were no public protection concerns in this case. Mr Saad reminded the Committee that they ought to take a proportionate approach and that this included considering what a reasonable, fair-minded member of the public would think, if in possession of all the facts.

75. Mr Saad submitted that such a member of the public would be aware that the Registrant was very young and still a student at the time of the misconduct, that he had done CPD tailored to the concerns, and obtained excellent references. Further, he had practised safely since, self-referred to the Council and admitted his wrong doing right at the outset. Mr Saad submitted that when the Registrant gave evidence, he had spoken about integrity with eloquence.

76. In relation to making repayment of the loss to his employer, Mr Saad reminded the Committee that in his workplace interview, the Registrant had offered to pay back the money and he was told that this was not necessary.

77. Mr Saad took the Committee through the hierarchy of sanctioning options starting with taking no further action. Mr Saad highlighted the word 'further', submitting that there had already been action taken by virtue of these proceedings and the Committee's findings of misconduct and impairment. Mr Saad suggested that a finding of impairment was similar to a conviction.

78. Mr Saad referred the Committee to paragraph 21.7 of the Guidance, which states that,

*"No action might be appropriate in cases where the registrant has demonstrated considerable insight into their behaviour and has already completed any remedial action the Committee would otherwise require them to undertake. The Committee may wish to see evidence to support the action taken."*

79. Mr Saad submitted that the Registrant fits squarely into that paragraph of the Guidance, as he had already completed his remediation and there was no risk to the public. In relation to exceptional circumstances, Mr Saad submitted that taking together the factors of the Registrant's age, his self-referral, full admissions and the employer whose witness statement made part of the Council's case giving him a character reference, these could collectively amount to exceptional circumstances.

80. Turning to a financial penalty order, Mr Saad invited the Committee to disregard this option submitting that it was more appropriate for business registrants. In relation to conditions, Mr Saad submitted that they did not really fit for a dishonesty case but that they should still be considered, as otherwise there was a 'cliff edge' between taking no further action and suspension.

81. Mr Saad submitted that the Council's suggestion that the Registrant's dishonesty is attitudinal was harsh given that the Registrant has remediated and developed insight. Mr Saad suggested that as the Registrant had worked under supervision, this could continue as a condition for another 12 months. Mr Saad referred the Committee to paragraph 21.25 in the Guidance and the factors that indicate when conditions might be appropriate. He submitted that several of them applied,

although he acknowledged that there were no identifiable areas in the Registrant's practice in need of re-training.

82. Turning to suspension, Mr Saad submitted that there was no minimum period for a suspension and the Council's suggestion of 12 months was wholly disproportionate, given the findings that the Committee had already made.
83. Mr Saad submitted that if the Committee was minded to impose a period of suspension, this should be as short as necessary to meet the public interest and suggested a period of between 1-3 months.
84. In relation to whether a review hearing was required, Mr Saad submitted that this was not necessary as the finding of impairment in this case was solely on public interest grounds and there was no risk of repetition. He stated that the public interest would be met by the substantive order and there would be no practical purpose to a review hearing.

### **The Committee's findings on sanction**

85. The Committee heard and accepted the advice of the Legal Adviser regarding the approach to follow when considering sanction. When considering the most appropriate sanction, if any, to impose in this case, the Committee had regard to all of the evidence and submissions it had heard and the Guidance. The Committee also had regard to its previous findings.
86. The Committee firstly considered the aggravating and mitigating factors. In the Committee's view, the particular aggravating factors in this case are as follows:
  - a. the nature of the dishonesty, which was deliberate, repeated (five instances over three dates) and breached the employer's trust;
  - b. the dishonest transactions resulted in a financial gain to the Registrant, his friends or family;
  - c. the Registrant's conduct only stopped when it was discovered.
87. The Committee considered that the following mitigating factors were present:
  - a. there was no evidence of harm or risk of harm to patients;
  - b. the Registrant was very young, at a very early stage in his career and was still a student at the time of the misconduct;
  - c. the Registrant has apologised, made admissions at an early stage and admitted the Allegation in full in these proceedings;
  - d. the Registrant self-referred his conduct to the Council;
  - e. the Registrant has no fitness to practise history and there has been no repetition of the conduct;
  - f. the positive testimonials from fellow professionals;
  - g. the Registrant has reflected, shown insight and taken steps to remediate;
  - h. the Registrant has fully engaged in the regulatory process, including attending and giving evidence.
88. The Committee next considered the sanctions available to it from the least restrictive to the most severe, starting with no further action.

89. The Committee considered taking no further action as set out in paragraphs 21.3 to 21.8 of the Guidance. The Committee noted that following a finding of impairment, a sanction is usually imposed, unless there are exceptional circumstances, which can justify taking no further action. The Committee considered the submissions of Mr Saad, however it was of the view that whilst there were several mitigating factors in this case, these did not, even when taken together, amount to exceptional circumstances. Additionally, the Committee was of the view that taking no further action would be insufficient to address the public interest concerns in this case. The Committee decided that a sanction was required in order to uphold standards and public confidence in the profession.

90. The Committee considered the imposition of a financial penalty order. It noted that this was available as a sanction, however, considered that it may be more appropriate for business registrants. The Committee further noted that although the loss had not been repaid, the Registrant had previously offered to repay his employer for the loss suffered. In addition, the Committee was of the view that a financial penalty would not reflect the seriousness of the misconduct, nor would it meet the public interest concerns in this case.

91. The Committee next considered conditions. The Committee was satisfied that the Registrant would be willing to comply with conditions and that he had been working under a supervisor. However, the Committee was mindful of the primary purpose of conditions, which is to protect the public and there were no public protection concerns in this case.

92. The Committee was of the view that conditional registration would not be practicable due to the nature of the misconduct (dishonesty), which did not involve identifiable clinical areas of practice in need of assessment or retraining, which conditions often seek to address.

93. In addition, the Committee decided that conditions would not sufficiently mark the serious nature of the Registrant's misconduct or address the public interest concerns identified. The Committee therefore concluded that conditions could not be devised which would address the misconduct, while being appropriate, proportionate, workable or measurable.

94. The Committee next considered suspension and had regard to paragraphs 21.29 to 21.31 of the Guidance. In particular, the Committee considered the list of factors contained within paragraph 21.29, that indicate when a suspension may be appropriate, which are as follows:

***Suspension (maximum 12 months)***

*21.29 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.*

95. The Committee was of the view that all of the factors listed in paragraph 21.29 were applicable, apart from factor e), which was not relevant in this case. In relation to factor a), this was a serious matter, where a lesser sanction was not sufficient, as set out above.

96. In relation to b), the Committee did not find that there is evidence of a harmful deep-seated personality or attitudinal problems and took account of the positive testimonials provided and the insight that the Registrant has demonstrated.

97. In relation to c), there was no evidence of repetition of the behaviour since the misconduct occurred.

98. In relation to d), the Committee had earlier found that the Registrant has developed insight and the risk of repetition was negligible. The Committee was therefore satisfied that all of the relevant factors in the Guidance, indicating that suspension may be appropriate, were established in this case.

99. The Committee balanced the mitigating and aggravating factors in the case and considered the principle of proportionality. The Committee was of the view that a suspension order was an appropriate and proportionate sanction to address the public interest concerns that it had identified. It considered that a suspension order would adequately mark the seriousness of the Registrant's conduct, maintain confidence in the profession and declare and uphold proper standards of professional conduct and behaviour.

100. The Committee, having found that suspension would be an appropriate and proportionate sanction, was not required to go on to consider erasure. However, in any event, the Committee considered that the conduct was not fundamentally incompatible with continued registration and erasure would be disproportionate.

101. The Committee gave consideration to the appropriate length of the order of suspension. It decided that, having balanced the mitigating and aggravating factors against the public interest, it would be proportionate and appropriate to suspend the Registrant for a period of three months. When considering the appropriate length of order, the Committee had regard to the considerable mitigation, including the Registrant's youth at the time of the misconduct and the impact of a period of suspension upon the Registrant, at the very start of his career. However, the Committee also had regard to the aggravating factors, including the repeated nature of the dishonesty and the need to adequately meet the public interest and send a signal to the public and the profession that such conduct was not acceptable.

102. In the circumstances, the Committee was of the view that three months was an appropriate and proportionate period of suspension to sufficiently mark the seriousness of the Registrant's misconduct and to address the public interest concerns it had identified. It was also a short enough period that it should not be de-skilling or impact on his competence.

103. The Committee considered whether to direct that a review hearing should take place before the end of the period of suspension. The Committee noted that at

paragraph 21.32 of the Guidance, it states that a review should normally be directed before an order of suspension is lifted, because the Committee will need to be reassured that the registrant is fit to resume unrestricted practice. However, the Committee bore in mind that it had found that the Registrant had developed insight, had remediated and the misconduct was unlikely to be repeated. Additionally, the finding of impairment was on public interest grounds only. In the circumstances, the Committee was not satisfied that it was necessary or appropriate to direct a review hearing before the order of suspension expired.

104. The Committee therefore imposed a suspension order for a period of three months, without a review hearing.

#### **Immediate Order**

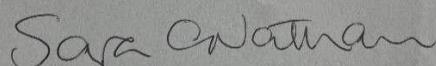
105. The Committee was not invited to make an immediate order and in any event did not consider an immediate order was necessary.

#### **Revocation of interim order**

106. There was no interim order to revoke.

**Chair of the Committee: Sara Nathan**

**Signature**

A handwritten signature in black ink, appearing to read "Sara Nathan".

**Date: 09/12/2025**

**Registrant: Khooshaal Dawoolet**

**Signature** ...present and received via email....

**Date: 09/12/2025**

<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>	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.  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).
<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.

