

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

**GENERAL OPTICAL COUNCIL**

**F(25)33**

**AND**

**RAHI MIAH (SD-10324)**

**DETERMINATION OF A SUBSTANTIVE HEARING  
20- 23 APRIL 2026**

<b>Committee Members:</b>	Julia Wortley (Chair/Lay) Diane Roskilly (Lay) Nicola Enston (Lay) Ian Taylor (Dispensing Optician) Lesley Reid (Dispensing Optician)
<b>Legal adviser:</b>	Megan Ashworth
<b>GOC Presenting Officer:</b>	Roy Donnelly
<b>Registrant present/represented:</b>	Yes and not represented
<b>Registrant representative:</b>	N/A
<b>Hearings Officer:</b>	Latanya Gordon
<b>Facts found proved:</b>	1.a, 1.b.i, 1.b.ii, 1.b.iii, 2, 3 and 4 By way of admission
<b>Facts not found proved:</b>	None
<b>Misconduct:</b>	Found
<b>Impairment:</b>	Found
<b>Sanction:</b>	Order of suspension for 12 months – (With Review)

### Application to amend

1. Mr Donnelly, on behalf of the General Optical Council (GOC) applied to amend particular 2 of the Allegation, to replace the word “refund” with the word “payment”. Mr Donnelly submitted that the change was technical and would not change its nature, which was that the Registrant had allegedly misappropriated the cash payment and had later processed a payment through the till, rather than it being a refund.
2. The Registrant made no observations on the application.
3. The Committee heard and accepted the advice of the Legal adviser.
4. The Committee decided to allow the application. It was satisfied that it did not change the nature of the Allegation against the Registrant, who had not opposed the amendment sought. The Committee was satisfied that there would be no unfairness to the Registrant by allowing the proposed amendment.

### ALLEGATION (as amended)

*The Council alleges that you, Rahi Miah (SD-10324), a registered Student Dispensing Optician:*

1. *On 4 January 2023, while working at Specsavers Opticians, [redacted], you:*
  - a. *informed Patient A that the card machine was not working and asked for to make a cash payment for a pair of spectacles;*
  - b. *took a cash payment of approximately £60.00 from Patient A and:*
    - i. *failed to place the money in the till;*
    - ii. *concealed the money about your person;*
    - iii. *removed the money from the premises without authorisation to do so.*

2. *On 13 January 2023, you processed a payment of £60.00 through the till in relation to the transaction on 4 January 2023 claiming that you had made a mistake.*
3. *Your actions as set out at 1 above were dishonest in that you:*
  - a. *falsely informed Patient A that the cash machine was not working;*
  - b. *deliberately sought to retain the cash payment which you knew you were not entitled to.*
4. *Your actions as set out at 2 above were dishonest in that you sought to retrospectively account for the original transaction when you knew that you had deliberately retained the cash payment.*

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

## **DETERMINATION**

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

5. The Registrant admitted factual particulars 1.a, 1.b.i, 1.b.ii, 1.b.iii, 2, 3 and 4 of the allegation.
6. The Committee, having accepted the advice of the Legal Adviser, was satisfied that the admissions were unequivocal. In reaching this view, the Committee noted that the Registrant had put his admissions in writing, in an email to the GOC, dated 13 April 2026, and had confirmed those admissions again today. He also accepted that he had seen the evidence that had been provided to the Committee and stated that he understood the test for dishonesty.
7. In all the circumstances, the Committee accepted the Registrant's admissions and found each of the factual particulars proved by way of admission under Rule 46(6).

### **Background to the Allegation**

8. The Registrant was a student Dispensing Optician, registered with the GOC. At the material time he was working as an Optical Assistant at [redacted] Specsavers Limited.
9. On 16 May 2023, the GOC received a referral from the Directors of Specsavers in respect of the Registrant. The referral stated:

*On 13 January 2023, a supervisor employed by Branch A, Ms A, raised a concern with one of the directors of Branch A, Mr B, relating to a pair of spectacles which had been supplied but, according to till data, had been discounted down to £0. This gave the impression that the customer had not paid for the spectacles when they ordered them on 4 January 2023. When attending for a Dispensing Concern appointment on 13th January at 2pm, the customer subsequently advised that they had paid in full.*

*The customer advised that they had paid in cash, having been advised by [the Registrant] that for technical reasons it would not be possible to pay with a debit or credit card.*

*[The Registrant] became aware of Ms A's concerns and, at approximately 17:45 on 13th January 2023, he returned to the store and told Ms A that he had made a mistake when taking payment for a pair of spectacles and needed to put £60 through the till. Having confirmed the customer details, [the Registrant] then placed £60 cash in the till.*

*[The Registrant] called in sick on 14 January 2024, then went on holiday for 10 days and the store manager, given the unusual nature of these events, began the process of investigating and taking statements from those involved.*

*As [the Registrant] was on holiday, it was not possible to interview him until his return on 24<sup>th</sup> January.*

10. The Registrant resigned before the conclusion of the investigatory interview, sending a text to his employers, which stated:

*Hey Mr C, I don't want to waste your time, I know it is leading to a dismissal and I'd rather just dismiss myself. Thanks for everything. I wish you the best.*

## **Findings in relation to misconduct**

11. The Committee heard submissions from Mr Donnelly on behalf of the GOC. The Registrant made no submissions on misconduct.
12. The Committee accepted the advice of the Legal Adviser. The Legal Adviser advised that not every breach of the expected standards will necessarily amount to misconduct. She advised that for conduct to amount to misconduct, it must be serious and a falling far below the expected *standards*. *She cited the cases of Roylance v GMC (No. 20 [2000] 1AC 311 and Nandi v GMC [2004 EWHC 2317 (Admin).*
13. The Committee had regard to the GOC's Standards for Optical Students (the Standards), effective from April 2016 (and in effect at the time of the Registrant's actions). The Committee considered that the Registrant had breached the following Standards:

*Standard 15 – Be honest and trustworthy, specifically:*

*15.1 – Act with honesty and integrity to maintain public trust and confidence in your profession; and*

*Standard 16 – do not damage the reputation of your profession through your conduct, specifically:*

*16.1 – Ensure that your conduct, whether or not connected to your professional study does not damage public confidence in you or your profession;*

*Standard 18 – Be candid when things have gone wrong, specifically:*

*18.2 – be open and honest with your supervisor or training provider and take part in reviews when requested and with the [GOC]... and*

*18.3 – Ensure that when things go wrong, you reflect on what happened and use the experience to improve.*

14. The Committee was mindful that not every breach of the Standards will necessarily amount to misconduct and understood that for conduct to amount to misconduct, it must amount to a serious departure from the Standards expected. Therefore, the Committee considered the nature, context and circumstances of the admitted conduct.
15. The Committee considered the Hearings and Indicative Sanctions Guidance for the Fitness to Practise Committee, (the Guidance) effective from 20

December 2021. The Committee was of the view that the conduct was made more serious by the following, in that the conduct:

- a. Was dishonest;
- b. Involved an abuse of trust; and
- c. Included a failure to be candid with his employers.

16. The Committee also considered that the initial dishonesty of the Registrant was pre-meditated. In particular, he had lied to a customer by saying the card payment machine was broken and so required payment in cash, with the patient having to leave the store to obtain money from a cash machine. The Committee considered that the initial dishonesty was further compounded some days later, because when the Registrant was told about the transaction, he then processed the cash sum through the system in a dishonest attempt to cover up that he had taken it, saying that he had made a “mistake”.

17. The Committee noted that the Registrant, aside from his admissions, had given no account of his actions. He had provided no explanation for what he did or the reasons why he did it.

18. In all the circumstances, the Committee concluded that the Registrant's conduct fell far below the standards expected of a student Dispensing Optician and therefore found that the facts proved by way of admission are so serious as to amount to misconduct.

### **Findings regarding impairment**

19. The Registrant gave evidence on affirmation.

20. The Committee heard submissions from Mr Donnelly on behalf of the GOC and from the Registrant. It also had regard to the Registrant's email sent to the GOC, dated 13 April 2026, in which he indicated his intention to admit all of the allegations, expressed his sincere apology and said he acknowledged the seriousness of the situation.

21. The Committee has accepted the advice of the Legal Adviser. The Legal Adviser advised in respect of the cases of *GMC v Meadow* [2006] EWCA Civ 1319, *CHRE v NMC & Grant* [2011] EWHC 927 and *Cohen v GMC* [2008] EWHC 581 (Admin).

22. The Committee first considered whether the Registrant's fitness to undertake training is currently impaired in respect of public protection grounds. Whilst it acknowledged that this was not a clinical case which may expose patients to risk of harm, it considered that a patient had been deceived and persuaded to visit the cash machine to withdraw money so as to pay in cash and had not been given a receipt by the Registrant. The Committee was, therefore, satisfied that the Registrant's dishonest misconduct had caused a risk of financial harm to the patient. The question for the Committee was whether there was a risk of repetition.
23. The Committee considered that the Registrant's misconduct was, in principle capable of remediation, albeit with difficulty, given the attitudinal nature of the misconduct. The Committee considered that remediation might be achieved through, for example, self-reflection to achieve insight and references from others attesting to subsequent trustworthiness, particularly when working in a position of trust and responsibility.
24. The Committee was of the view that the Registrant had not remedied his misconduct. The Committee noted that the Registrant had said in both his email of 13 April 2026 and his oral evidence that he had reflected on his actions. In his email he had said:
- I deeply regret my actions and the impact they have had on others and on my own future. I am committed to learning from this experience, taking full responsibility, and working towards making positive changes moving forward.
25. However, in the Committee's view, the Registrant had not expanded on this and had not explained the impact his actions had on the patient concerned, his employers or the public's trust and confidence in the profession. He had not appeared able to describe what he had learnt and how he would apply such learning in future. Furthermore, it did not seem to the Committee that the Registrant had taken full responsibility for his misconduct. The Committee considered that it had seen little evidence of real reflection by the Registrant.
26. In the first instance, the Committee did not consider that the Registrant had demonstrated a real understanding of the seriousness of what was, in effect, theft from the workplace in breach of the trust placed in him by his employer and a subsequent dishonest attempt to cover up the theft. The Committee noted that the Registrant had repeatedly referred to the theft as a 'mistake', a 'petty crime' and not being a 'heist'. He stated that he knew his behaviour

'fell a little bit short' of what was required. The Committee considered that he appeared to minimise the seriousness of his misconduct.

27. The Committee acknowledged that the Registrant had admitted his misconduct both in his email to the GOC of 13 April 2026 and at the outset of the hearing. He had also apologised for his actions and expressed some awareness of the reputational damage his theft would have on the profession. However, the Committee considered that the Registrant had focussed primarily on the adverse outcomes of his misconduct on himself, and what it had cost him, in terms of loss of career and relationships. The Committee did not consider that the Registrant had a real and in depth understanding of the importance of honesty and integrity of members of the profession.
28. The Committee noted that the Registrant, when asked by Mr Donnelly why he had acted as he had, replied that he asked himself the same question and did not have an answer, alluding that this was due to the passage of time since the misconduct had occurred. The Committee considered that if the Registrant did not know why he had acted dishonestly in the way he did, the Committee could not be reassured that he had taken positive steps to reduce the risk of repetition of acting in a similar way in future.
29. Given the limited insight demonstrated, and the absence of evidence of any other remediation, the Committee was unable to conclude anything other than that the Registrant had not remedied his misconduct and that there remained a consequent risk of repetition. The Committee therefore concluded that the Registrant is currently impaired on public protection grounds.
30. In respect of the public interest, the Committee was mindful of its responsibility to protect the public, maintain public confidence in the profession and uphold professional standards. In terms of protecting the public, this is a case that includes protecting the public from risk of financial harm. In terms of maintaining public confidence, the Committee considered that the public was entitled to expect a registrant to act with honesty and integrity in their professional financial dealings with them. In terms of upholding professional standards, the Committee considered that the Registrant had brought the profession into disrepute and breached a fundamental tenet of the profession, namely, to act with honesty and integrity.
31. In all the circumstances, the Committee was of the view that public confidence in the profession would be undermined if no finding of current impairment were made in respect of a Registrant who had effectively deceived a patient,

stolen from his employer in abuse of his position of trust and had then dishonestly attempted to conceal his theft.

32. Accordingly, in the Committee's judgement, the Registrant's fitness to undertake training is currently impaired.

## Sanction

33. The Committee heard submissions from Mr Donnelly on behalf of the GOC. He submitted that this was an appropriate case for a sanction of suspension.

34. The Registrant did not make any positive submissions about which type of sanction should be imposed, but he acknowledged that due to the seriousness of the case, there were effectively two options available to the Committee, namely suspension or erasure. He acknowledged that his misconduct had affected a lot of people around him, including the patient, colleagues and the profession and he said he understood that patients needed a safe place in which to receive services. The Registrant stated that it was a profession he was passionate about and would like to return to.

35. The Committee accepted the advice of the Legal Adviser and has exercised its independent judgement. It had regard to the Hearings and Indicative Sanctions Guidance (the Guidance). In following the legal advice, the Committee adopted a stepped approach, considering the sanctions in ascending order of severity. The Committee was aware that the purpose of a sanction is not to be punitive but to protect members of the public and to safeguard the wider public interest, which includes upholding standards within the profession, together with maintaining public confidence in the profession and its regulatory process.

36. The Committee identified the mitigating and aggravating factors, and evaluated them in respect of each sanction under consideration, in accordance with the case of *O v NMC [2015] EWHC 2949 (Admin)*.

37. The Committee considered the following to be the mitigating factors in this case:

- a. The Registrant was a student and at an early stage in his career;

- b. The Registrant had no fitness to practise history and there was no evidence of any repetition of dishonesty since these events in January 2023;
- c. The Registrant had made admissions to his dishonesty at the outset of the hearing.

38. The Committee considered the following to be the aggravating factors in this case:

- a. The dishonesty was pre-meditated and involved the Registrant deceiving a patient, retaining cash provided by the patient as payment for services and subsequently attempting to cover up his dishonesty;
- b. The dishonesty was carried out in the workplace and was an abuse of trust of his employer; and
- c. The Registrant had subsequently failed to be candid with his employers about his actions.
- d. The Registrant's insight was limited, in particular regarding his understanding of the seriousness of the dishonesty and its implications on public protection and public confidence.

39. The Committee did not consider that the options of taking no further action or a fine respectively to be appropriate or proportionate in the circumstances of this case. The Committee considered that neither of these options would address the risk of repetition that the Committee had been unable to rule out at the impairment stage. In any event, the Committee considered that the case is too serious and neither option would meet the significant public interest considerations, of maintaining public confidence in the profession or upholding professional standards.

40. The Committee did not consider that conditional registration would be appropriate or proportionate. It noted that this was not a case where there was evidence of shortcomings in specific areas of the Registrant's practice which may be amenable to conditions. The Committee was also of the view that conditions would not address the dishonesty of what was, in effect, theft from the workplace and subsequent attempt to cover it up. It considered that conditions were not sufficient to meet the public interest considerations in this case.

41. The Committee next considered suspension. It had regard to the factors set out in the Guidance which may make a Suspension Order appropriate, namely:

- 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. ...[not relevant]*

42. The Committee was satisfied that this was a serious instance of misconduct where a lesser sanction was not sufficient, given that it involved dishonesty which was carried out in breach of trust of his employer and involved a subsequent attempt to cover it up. The Committee noted its observations at the impairment stage to the effect that the misconduct was capable of remediation, albeit with difficulty as dishonesty is attitudinal in nature. Notwithstanding the attitudinal nature of dishonesty in general, the Committee was satisfied that there is no evidence in this case of harmful deep-seated personality or attitudinal problems on the part of the Registrant. The Committee also acknowledged that there was no evidence of repetition of dishonesty since the incident, which occurred some three years ago.

43. In relation to whether the Registrant has insight and does not pose a significant risk of repeating the behaviour, the Committee noted its observations at the impairment stage, to the effect that the Registrant's insight was limited, such that the Committee could not rule out a risk of repetition. The Committee carefully considered whether this ruled out suspension as the appropriate and proportionate sanction. The Committee considered that although it had concluded the Registrant's level of insight was limited, it was apparent that the Registrant had taken on board the Committee's findings at the impairment stage, namely that he had minimised the seriousness of the misconduct and had focussed on the impact of it on himself. In his submissions at the sanction stage, having read the Committee's decision, the Committee considered that he had demonstrated a better appreciation of the Committee's concerns.

44. The Committee bore in mind that the Registrant had been a student at the time and was at an early stage in his career. He was also not represented at this hearing and was not well-versed in fitness to practise proceedings, but he had engaged in them. It seemed to the Committee that the Registrant may have the capacity to develop his insight, if he took the time and trouble to do so. In light of this, the Committee considered that a suspension order with a review would be the appropriate and proportionate sanction in the circumstances of this case.

45. In order to satisfy itself that a suspension order was appropriate, proportionate and sufficient, the Committee went on to consider erasure. In this regard it considered paragraph 21.36 of the Guidance, which states:

*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.*

46. Whilst the Committee recognised that a number of the factors which may point towards erasure were present in this case, it did not consider that the Registrant's misconduct was fundamentally incompatible with becoming a registered professional. Whilst there had been three instances of dishonesty, they centred around the single incident of stealing cash, as opposed to being a persistent pattern of theft from the employer. Whilst there had been an abuse of trust, it was in respect of the employer and there was no evidence that the patient involved was particularly vulnerable. Whilst the Committee considered there to be a lack of insight into the seriousness of the misconduct, the Committee did not consider it to be "persistent", noting the Registrant had started to appreciate the seriousness of his misconduct as a result of which the Committee concluded that the Registrant may have the capacity to develop insight. In all the circumstances, the Committee concluded that erasure would be disproportionate.
47. The Committee determined to impose a suspension order of 12 months with a review. In reaching this view, it considered that such a length was necessary to achieve the appropriate level of public protection and to meet the public interest considerations. It also considered that it would afford the Registrant the opportunity, if he wished to take it, to develop his insight and remediate his misconduct. The Committee concluded that a review before the expiry of the suspension order was required, so that a Review Committee would be able to assess whether the Registrant's insight and remediation had developed to a level sufficient to reduce the risk of repetition.
48. The review hearing will be held between four and six weeks prior to the expiration of this order. The Review Committee will need to be satisfied that:
- a. the Registrant has fully appreciated the gravity of the offence,
  - b. the Registrant has not re-offended and has maintained his or her skills and knowledge and
  - c. the Registrant's patients will not be placed at risk by resumption of practice or by the imposition of conditional registration.
49. The Committee did not seek to bind a future Review Committee, but it was of the view that the following may assist such a committee when it assesses whether or not the Registrant's fitness to undertake training remains impaired:

- a. A detailed reflective statement, including the Registrant's acknowledgement of the seriousness of his misconduct and a demonstration of his understanding of why it was so serious.
- b. Any evidence of any learning in respect of the Registrant's understanding of the importance of honesty and integrity to the profession and why dishonesty undermines the public's trust and confidence in the profession.
- c. Any testimonials/character references from any subsequent employment, whether in the field of health care or not, attesting to the Registrant's honesty, integrity and trustworthiness.

50. In terms of the principle of proportionality, the Committee noted that the Registrant would be prevented from undertaking training by the sanction of suspension. However, it was of the view that the public interest in maintaining public confidence in the profession and declaring and upholding standards outweighs the Registrant's own interests.

51. Accordingly, the Committee directs that the Registrant, Mr Rahi Miah, be suspended from undertaking training for a period of 12 months and that there be a review before its expiry.

### **Immediate order**

52. No application for an immediate order was made by either party and therefore, the Committee decided not to impose an immediate suspension order.

**Chair of the Committee: Julia Wortley**

**Signature** 

**Date:** 23 April 2026

**Registrant: Rahi Miah**

**Signature** : Present via MS Teams

**Date:** 23 April 2026

<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.