BEFORE THE FITNESS TO PRACTISE COMMITTEE
OF THE GENERAL OPTICAL COUNCIL

GENERAL OPTICAL COUNCIL

F(26)22

AND

MOHAMMED ALI (01-29374)

DETERMINATION OF A SUBSTANTIVE HEARING
5-6 NOVEMBER 2026

Committee Members:	Gerry Wareham (Chair/Lay) Mark McLaren (Lay) Miriam Karp (Lay) Dilraj Gumber (Optometrist) Gaynor Kirk (Optometrist)
Legal adviser:	Lara Akande
GOC Presenting Officer:	Jon Trussler (33 BR)
Registrant present/represented:	Yes and represented
Registrant representative:	Eleanor Curzon (23 ES)
Hearings Officer:	Terence Yates
Facts found proved:	1) proven by admission
Facts not found proved:	N/A
Conviction	Proved
Impairment:	No impairment – warning imposed (12 months)

ALLEGATION

The Council alleges that you, Mohammed Ali (01-29374), a registered Optometrist:

1. *On 20 June 2025, you were convicted at Westminster Magistrates' Court of contravening a prohibition imposed by a prohibition notice served under section 22 of the Health and Safety at Work Act etc 1974, between 6 September 2018 and 26 February 2019, contrary to sections 22 and 33(1)(g)*

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

DETERMINATION

Preliminary matters

1. The Committee confirmed it had received and read the General Optical Council's (the Council) bundle of evidence (C1), a skeleton argument on behalf of the Council (C2), a Health and Safety Executive (HSE) press release (C3) and the Registrant's Defence bundle (R1).
2. At the outset of the hearing, Mr Trussler, on behalf of the General Optical Council (the Council), made an application pursuant to Rule 40 of the General Optical Council (Fitness to Practise) Rules 2013 to admit hearsay evidence in the form of a press release issued by HSE. He submitted that, as the Registrant's conviction and sentencing had taken place in the Magistrates' Court, no transcript or sentencing remarks had been available. Although the author of the press release had not been identified, Mr Trussler submitted that its provenance had been established. He invited the Committee to consider the nature and source of the publication and its relevance in providing context to the offence. He also noted that the Registrant would have the opportunity to comment on the accuracy of its contents during the proceedings and that the Committee could attach such weight to the evidence as it considered appropriate.
3. The Committee heard submission from Ms Curzon, on behalf of the Registrant. Ms Curzon opposed the Council's application, submitting that admission of the press release would be unfair and its relevance limited. Ms Curzon relied on the case of *White v NMC* [2014] EWHC 520 (Admin), and submitted that the press release had been authored anonymously, leaving no opportunity to assess the author's expertise or verify the accuracy of its contents. She further submitted that the document contained multiple hearsay, including comments attributed to an HSE

inspector, and information extending beyond the fact of the conviction, which had the potential to be prejudicial and misleading.

4. Ms Curzon submitted that the memorandum of conviction, the accuracy of which had been accepted by the Registrant, provided appropriate evidence of the conviction. Ms Curzon invited the Committee to find that the additional information contained within the press release had been unnecessary for the Committee's determination and could not properly be tested or challenged by the Registrant. She acknowledged the standing of the HSE as a public authority but submitted that this would not redress the evidential deficiencies in the document. Ms Curzon submitted that to admit the press release, even with limited weight attached to it, would be unfair, and invited the Committee to refuse the Council's application.

5. The Committee received and accepted the advice of the Legal Adviser, who referred to *Thorneycroft v Nursing and Midwifery Council* [2014] EWHC 1565 (Admin) and *Nursing and Midwifery Council v Ogbonna* [2010] EWCA Civ 1216. She advised that hearsay evidence may only be admitted where the Committee is satisfied that it is fair to do so. Fairness must be assessed having regard to the circumstances of each case, including the seriousness and gravity of the allegations and the significance of the hearsay evidence to any disputed facts or allegations.

6. The Committee carefully considered the Council's application and decided to refuse admission of the HSE press release (C3) as hearsay evidence. The Committee considered that the press release had been written from a particular perspective rather than providing an objective account of the matters described. It noted that the language used had the potential to be prejudicial and that the document added little, if anything, to the evidence already before it. The Committee also had regard to the Registrant's concerns regarding potential inaccuracies in the press release and the absence of any opportunity to test or challenge its contents. In all the circumstances, the Committee concluded that it would be unfair to admit the document and therefore refused the application. On account of its decision, the Committee instructed itself to disregard the content of the HSE press release.

Admissions in relation to the particulars of the allegation

7. The Registrant admitted the facts contained in the allegation in full.

Background to the allegations

8. The Registrant was first registered with the Council as an optometrist on 8 January 2010.

9. On 20 June 2025, the Registrant had been convicted at Westminster Magistrates' Court of contravening a prohibition notice served under section 22 of the Health and Safety at Work Act etc 1974, between 6 September 2018 and 26 February 2019, contrary to sections 22 and 33(1)(g).

10. On 7 October 2025, the Registrant had been sentenced to a term of imprisonment of 20 weeks suspended for 18 months, ordered to carry out a 200-hour unpaid work requirement and to pay a fine/costs of £12,266.40.
11. On 11 November 2025, the Registrant notified the Council that he had received a criminal conviction for breach of a HSE prohibition notice relating to a construction site.

Findings in relation to the conviction

12. The Committee bore in mind that the burden of proof for the facts rests on the Council and that the standard of proof is the civil standard, namely the balance of probabilities.
13. The Registrant admitted that he had been convicted of this offence following his guilty plea.
14. The Committee was also provided with a copy of the Memorandum of Conviction. Pursuant to rule 40 (3) of the Fitness to Practice Rule 2013, production of a certificate of conviction shall be conclusive evidence of the offence committed and the facts were accordingly found proved.
15. The Committee found the conviction proved.

Impairment

16. The Committee went on to consider whether the Registrant's fitness to practise is impaired by virtue of the criminal conviction.
17. The Registrant gave evidence and relied on the contents of his witness statement. In his evidence, the Registrant acknowledged the potential impact of a conviction on public confidence in the optical profession, recognising that healthcare professionals are trusted by the public and that a conviction could undermine that trust and adversely affect the reputation of colleagues and optometrists more generally. He explained that, since 2024, he had undertaken two construction projects, one of which had lasted approximately a year and the other remained ongoing. The Registrant stated that he had completed a five-day Site Management Safety Training Scheme (SMSTS) course in 2024 to improve his knowledge of health and safety and site management, having recognised a lack of knowledge in these areas when about to embark on a small construction project. He explained that the course had given him a greater understanding of his legal duties and responsibilities as a named 'client'.
18. The Registrant described how he had applied this learning to his subsequent construction projects. He explained that he now obtains regular professional health and safety advice, receives weekly reports from an external consultant and maintains a health and safety file documenting site checks, changes and relevant certificates. He stated that he ensures competent and professional contractors are appointed and that no work takes place in his absence without appropriate

supervision. The Registrant informed the Committee that he has an agreement with contractors, prior to their appointment, that no work is to take place on the site in his absence. Reflecting on the events of 2018 and 2019, the Registrant acknowledged that he had previously relied too heavily on the appointed Construction, Design and Management consultant to manage health and safety matters and accepted that, as the named client, he remained responsible for ensuring the safety of workers on his site, and that decisions and arrangements complied with health and safety legislation.

19. In relation to managing his professional and construction responsibilities, the Registrant explained to the Committee that he works as an optometrist at his own practice four days per week and oversees construction work on the remaining three days. The Committee heard that the Registrant has employed an optometrist to provide cover when he is out of the practice undertaking construction work, and on the days he is present, the pre-registration optometrist works under his supervision.

20. The Registrant informed the Committee that, should he receive any notification from HSE in the future, he would comply with any notice, cease work if required, seek professional advice, and engage with the HSE to resolve any concerns to ensure the safety of workers and the public. He confirmed that he had completed the unpaid work element of his sentence and expected to pay the fine in full by January 2027.

21. The Registrant informed the Committee that his responsibilities at the optical practice include supervising pre-registration optometrists and maintaining systems to protect patient safety. He confirmed that, if he were in a situation where he was unable to provide the required supervision, the pre-registration optometrist currently under his supervision would need to find an alternative placement.

22. The Committee went on to hear submissions from the parties on the matter of impairment. Mr Trussler relied on his skeleton argument and made additional submissions. Mr Trussler acknowledged that the Registrant had undertaken responsible and detailed reflection, had engaged with the criminal and regulatory proceedings, entered a guilty plea at the earliest opportunity and had complied with the sentence imposed by the Court. Mr Trussler conceded that the risk of harm to the public had been significantly reduced by these actions. However, Mr Trussler invited the Committee to have regard to the gravity of the offending and the fact that the sentencing court had imposed a custodial sentence, which demonstrated the seriousness with which it had viewed the offence. He submitted that the offending had placed those working on the construction site at significant risk of harm and highlighted its potential impact on public confidence. Referring to *Fopma v General Medical Council* [2018] EWHC 714 (Admin), Mr Trussler submitted that the seriousness of the offence and its potential impact on public confidence in the profession were matters the Committee must factor into their assessment. Mr Trussler submitted that the misconduct could not properly be regarded as having had no impact on public confidence and that a finding of current impairment was necessary to mark the seriousness of the offending. Accordingly, he invited the Committee to find the Registrant currently impaired on public interest grounds.

23. On behalf of the Registrant, Ms Curzon invited the Committee to find his fitness to practise not currently impaired. She reminded the Committee that its assessment should be forward-looking and that the purpose of fitness to practise proceedings was not to impose further punishment for a conviction. Referencing *Cohen v General Medical Council* [2008] EWHC 581 (Admin*),* Ms Curzon submitted that the underlying conduct in issue is capable of being remediated, had been remedied, and presented a low risk of repetition.

24. Ms Curzon's first submission was that the conduct giving rise to the conviction was capable of remediation. She emphasised that the offending had been neither dishonest nor clinical in nature and had been entirely separate from the Registrant's practice as an optometrist. She also reminded the Committee that the Registrant had no previous fitness to practise history and had been of good character prior to his criminal conviction.

25. Ms Curzon then addressed the Committee on the steps taken by the Registrant to remediate his conduct. She submitted that he had taken full responsibility for his actions, demonstrated a clear understanding of his failings and identified how his approach to health and safety on construction sites should have been different. She highlighted his successful completion of the SMSTS course, his appointment of a health and safety adviser, and the additional safeguards and documentation procedures he had introduced in relation to his construction projects. She submitted that these steps demonstrated genuine insight and a commitment to ensuring that the conduct was not repeated. Ms Curzon also relied on three positive professional references, which described the Registrant's conduct as being entirely out of character and his conviction as wholly inconsistent with the individual they knew professionally.

26. The Committee heard Ms Curzon's representations in respect of the risk of repetition. Ms Curzon submitted that, notwithstanding the Registrant's involvement in further construction projects since 2024, there had been no repetition of the offending. She argued that the training undertaken and the practical safeguards introduced demonstrated that the Registrant had learned from his mistakes and that the likelihood of repetition was very low. She also highlighted that the Registrant had voluntarily disclosed the matter to the Council and had engaged fully throughout the regulatory proceedings. She submitted that there is no ongoing risk to the public requiring a finding of impairment on public protection grounds.

27. In relation to the public interest, Ms Curzon submitted that the conviction did not, of itself, establish current impairment and that the underlying conduct had occurred some years ago, had been unrelated to his optometric practice and had resulted in no actual harm. She invited the Committee to find that an informed member of the public would not consider public confidence in the profession to be undermined by the absence of a finding of impairment, given the Registrant's level of insight and the steps he had taken to remediate his conduct.

28. In conclusion, Ms Curzon submitted that permitting the Registrant to continue practising as an optometrist and supervising the pre-registration optometrist was consistent with the public interest.

Findings regarding impairment

29. The Committee has carefully considered its decision on whether the fitness to practise of the Registrant is currently impaired as a result of his conviction. In reaching its determination, the Committee has exercised its judgment, and taken into account the submissions of both parties, the Registrant's evidence, all the documentary evidence including the references provided by the Registrant.

30. The Committee received and accepted the advice of the Legal Adviser, namely that impairment is a matter of judgment rather than proof, that the purpose of fitness to practise proceedings is not to punish the practitioner, and that the Committee must look forward while also taking account of past matters. The Legal Adviser referred the Committee to the test identified by Dame Janet Smith in the Fifth Shipman Report, as considered in *Council for Healthcare Regulatory Excellence v Nursing and Midwifery Council and Grant* [2011] EWHC 927 (Admin), and to the questions identified by Silber J. in *Cohen v General Medical Council* [2008] EWHC 581 (Admin).

31. Applying *Cohen*, the Committee considered in turn whether the conduct which led to the conviction was easily remediable, whether it had been remedied and whether it is highly unlikely to be repeated.

32. The Committee carefully considered whether the conduct which led to the Registrant's conviction was capable of remediation and, if so, whether it had been sufficiently remediated. The Committee recognised the seriousness of the offending and the fact that the Registrant's failure to understand and discharge his responsibilities in relation to the construction site had exposed a number of individuals to a risk of very serious harm. It also recognised that the offence was one of strict liability. Nevertheless, the Committee noted that the Registrant had failed to take the steps required of him, including stopping the construction work when he had been required to do so.

33. The Committee considered that the underlying failings arose, in significant part, from a lack of knowledge and understanding on the part of the Registrant in respect of his legal responsibilities as the named "client" of a construction site. It considered that such shortcomings were capable of remediation through appropriate training, education and changes to working practices. The Committee noted that the Registrant had completed a five-day SMSTS course in 2024, had engaged a professional health and safety adviser to undertake regular site visits and provide reports, and had introduced additional safeguards and documentation procedures. It also accepted the Registrant's evidence that, since his conviction, no construction work is undertaken in his absence. The Committee considered these to be positive and practical steps which demonstrated that the Registrant had taken his responsibilities seriously and had sought to address the deficiencies in his previous approach. The Committee was therefore satisfied that the Registrant had taken sufficient steps to remediate the failings which led to the conviction and that the conduct giving rise to the conviction had been appropriately remediated.

34. In relation to the public protection element of impairment, the Committee noted that the offending did not concern the Registrant's clinical practise or his ability to provide optometric care. It was satisfied that the Registrant had recognised and addressed the shortcomings in his knowledge and approach to health and safety and had put appropriate safeguards in place. In light of the remediation undertaken, the Committee decided that there was a low to minimal risk of repetition, and no risk of harm to the public arising from the matters before it which required a finding of impairment. Accordingly, the Committee determined that the Registrant's fitness to practise was not currently impaired on the public protection ground.

35. The Committee then considered the public interest, including the need to maintain public confidence in the profession and to uphold proper professional standards of conduct and behaviour. It recognised that the offending had been serious, that the Registrant had occupied a position of responsibility and that his failure to discharge his duties had exposed others to a risk of very serious harm. The Committee also considered that, as a healthcare professional and a person responsible for supervising others, the Registrant had been expected to demonstrate an appropriate level of care and responsibility. It acknowledged the concern that a failure to appreciate and comply with legal responsibilities in one area of a person's working life could raise questions about their approach to responsibilities in another.

36. However, the Committee considered that a criminal conviction does not automatically mean that a Registrant's fitness to practise is currently impaired. It had regard to the particular circumstances of this case, including that the offence had been one of strict liability, that there had been no evidence of an intention to cause harm and that, although the risk had been serious, no actual harm had occurred. It also took account of the fact that the offending had taken place seven years ago, was not directly connected with the Registrant's optometric practice and had not involved dishonesty or clinical failings. The Committee further considered the Registrant's acceptance of responsibility, his self-referral to his regulator, his engagement with the proceedings, the remediation undertaken and the positive professional references provided on his behalf. It was satisfied that the Registrant had demonstrated insight into his shortcomings and had taken appropriate steps to address them.

37. The Committee carefully balanced the seriousness of the offending and the need to maintain public confidence against the significant remediation undertaken by the Registrant and the circumstances in which the offending occurred. It concluded that, in this case, a finding of current impairment was not necessary to maintain public confidence in the profession or to uphold proper professional standards and conduct. The Committee was satisfied that the public interest would not be undermined by a finding that the Registrant's fitness to practise was not currently impaired. Accordingly, the Committee decided that the Registrant's fitness to practise was not impaired on the public interest ground.

Warning

38. The Committee considered whether to exercise its power to issue a warning under section 13F(5) of the Opticians Act 1989 and invited submissions from the parties on the issue.

39. Mr Trussler submitted that the seriousness with which the criminal Court viewed the offending was reflected in the imposition of a custodial sentence, albeit one that was suspended.

40. Ms Curzon submitted that it was neither necessary nor proportionate to issue a warning. She invited the Committee to find that, in light of its conclusion that the Registrant's fitness to practise was not impaired, a warning would serve no practical purpose. She further submitted that the public interest was sufficiently met by the Committee's determination, which would be publicly available and would adequately demonstrate that the matter had been considered and addressed through the regulatory process.

41. Both parties agreed that, should the Committee be minded to issue a warning, a short period would be appropriate.

42. The Committee accepted the advice of the Legal Adviser who advised the Committee should consider the public interest when considering whether a warning is necessary.

43. The Committee reiterated that the public interest did not require a finding of current impairment. However, it recognised that the public would be concerned by the gravity of the offence, which had been sufficiently serious to warrant prosecution, a suspended custodial sentence, and had exposed people to the risk of very serious harm. The Committee considered that, as a member of the optical profession, the Registrant had been expected to exercise appropriate care and diligence in discharging his legal responsibilities, including those outside his optometric practice.

44. The Committee therefore determined that, taking into account all the circumstances of the case, it was appropriate to issue a warning.

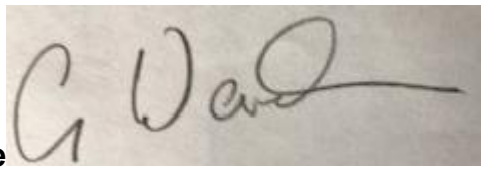
45. The Committee carefully considered the appropriate length of any warning, balancing the need to mark the seriousness of the conduct giving rise to the conviction and uphold the public interest against the remediation undertaken and insight demonstrated by the Registrant. The Committee was satisfied that a warning for a period of 12 months would be appropriate and proportionate.

46. The Committee decided that the warning should be worded as follows:

> *"The Fitness to Practise Committee has concluded that your fitness to practise is not currently impaired. However, the Committee considered that the offence had been serious, as your failure to discharge your responsibilities as a client on the construction site exposed those working there to the risk of potentially serious harm. The Committee considers that, as a registrant, you are expected to exercise appropriate care and diligence in discharging your responsibilities, including those outside your optometric practise. The Committee was*

concerned that a failure to demonstrate appropriate care and diligence in one area of your working life could have potentially extended to your professional optometric responsibilities, and affect public confidence in the profession. The Committee therefore considers it appropriate and proportionate to issue you with a formal warning for a period of 12 months. This warning will be placed on your registration record and may be taken into account in any future fitness to practise proceedings. The Committee expects you to maintain the understanding and safeguards you have developed and to ensure that there is no repetition of the conduct which led to your conviction. This warning will expire on 6 November 2027".

Chair of the Committee: Gerry Wareham

Signature  **Date: 6 November 2026**

Registrant: Mohammed Ali

Signature present and received via email **Date: 6 November 2026**

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
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). Further information about the PSA can be obtained from its website at www.professionalstandards.org.uk or by telephone on 020 7389 8030.
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.