

**BEFORE THE REGISTRATION APPEALS COMMITTEE
OF THE GENERAL OPTICAL COUNCIL**

R(21)03

APPLICATION FOR RESTORATION

ARZOO MAQSOOD

**DETERMINATION OF THE REGISTRATION APPEALS COMMITTEE
MS ARZOO MAQSOOD**

Committee Members:	Ms Eileen Carr (Chair) Ms Audrey McFarlane (Lay) Dr Jackie Alexander (Lay) Mr Simon Pinnington (Dispensing Optician) Mr Ian Taylor (Dispensing Optician)
Legal adviser:	Mr David Mason
GOC Presenting Officer:	Ms Rose Stringer
Applicant present/represented:	Yes and not represented
Hearings Officer:	Mr Chris Liddell
Outcome:	Restored to the Register of Student Dispensing Opticians.

On 25 November 2021 the Registration Appeals Committee (the Committee) of the General Optical Council (GOC) met to consider an application by Arzoo Maqsood (The Applicant) for restoration to the register of Student Dispensing Optician.

Background

The Applicant was first registered with the GOC on 19 December 2016 as a Student Dispensing Optician. Her name was erased from the register on 25 September 2019 as directed by the GOC Fitness to Practise Committee (the FTP Committee).

The Direction of erasure followed a hearing before the FTP Committee on 27 and 28 August 2019 where the Applicant admitted all of the facts contained in an Allegation which she faced which alleged misconduct and dishonesty. The Allegation related to an attempt by the

Applicant to obtain by deception a place on an Optometry degree course at [redacted] (the University) for which she was not qualified.

The FTP Committee recorded the events leading to its Direction to erase as follows:

In 2016, the Applicant was a first year student at [redacted] (the College), attending their Ophthalmic Dispensing Programme. In December 2016, she made an application to transfer from that programme to the three year BSc degree course in Optometry at the University. Her application was rejected on the basis that she did not meet the entry requirements for the degree course which included a requirement to attain three grade C's (sic) at A-Level with at least two of those grade C's being in purely scientific subjects.

The Applicant complained of her rejection on 7 December 2016. The basis of her complaint was that she maintained that the University had earlier given her a document which set out admissions criteria for the BSc degree course which did not include the requirement to obtain three grade C's (sic) at A-Level. In an email sent to an admissions tutor at the University, dated 7 December 2016, the Applicant wrote with reference to the information she claimed to have been given by the University:

...

"I came to admissions office early October, don't remember which date and it was a lady with blonde hair. She was about late 30s- mid 40s. She gave me this slip, I don't remember what she actually looked like as it was a while ago.

...

The false hope, to then being told it today it [sic] was an error. Is not acceptable. I understand criterias change every year, but this wasn't in my case. I'm just so astonished and so surprised how a University with a big reputation can do something like this? I hope you understand where I'm coming from. If it means to take this further, I will. Because to me is a duty of care [sic] and I'm very very upset by this.

...

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Attached is a picture of the slip I was given. I also have all the evidence of the emails from yesterday."

At the Applicant's request a meeting was arranged with the [redacted]. At that meeting, which took place on 13 January 2017, the Applicant showed [redacted] (Person A) a document on her phone which she claimed had been that which was given to her by the University, and was the "slip" referred to in her email. The document showed criteria for admission which were out of date but had been used for admission to the BSc Optometry course in September 2015. Person A asked to see the original of this document, as it was not a document which would ordinarily be in the possession as an applicant for admission.

The Applicant subsequently delivered a document [document B] to the University. This document aroused further suspicion as it did not appear to match the document on the Applicant's phone and contained a number of spelling errors.

When the discrepancies were drawn to the Applicant's attention by Person A in a subsequent telephone call, the Applicant eventually admitted that she had typed out the admission criteria on a piece of paper and had lost the document given to her. She said she had been foolish to do so and it had been done in a moment of madness.

At a further meeting on 1 February 2017 the Applicant admitted producing that document herself but continued to maintain that she had received a piece of paper from the university setting out the admissions criteria upon which she was relying.

Later the Applicant contacted the university and claimed that she had found the piece of paper which on her account she had lost. She brought a document into the University but it also did not match the original.

The matter was referred to the Council on the basis that the Applicant had made a fraudulent application to obtain a place on the BSc Optometry degree course and had manufactured documents to support that fraudulent application.

The FTP Committee found that the actions of the Applicant amounted to a sustained and planned course of dishonest conduct. It was not persuaded that the Applicant had insight into her misconduct such that it could be satisfied that dishonesty would not be repeated. The FTP Committee found that the Applicant's misconduct required a finding of impaired fitness to practise to be made in the public interest in the maintenance of standards in the profession and of maintaining public confidence in it.

When deciding upon the appropriate sanction to impose following its finding of impaired fitness to practise, the FTP Committee found that the Applicant's conduct was incompatible with continued registration and directed that her name be erased from the relevant Register. The Applicant now seeks to have her registration restored to the Register, having been erased from it for a period in excess of two years.

DETERMINATION

The Committee heard submissions from Ms Rose Stringer on behalf of the GOC who informed the Committee that the GOC was now neutral as to the Application for Restoration. It also heard submissions and evidence from the Applicant.

The Committee accepted the advice of the Legal Adviser that the Applicant was entitled to make an application for restoration to the Register as her erasure occurred more than two years before the date of this hearing.

The issue which the Committee had before it was whether the Applicant had discharged the burden of proving that she was currently fit to practise and as such, the Committee should restore her to the Register pursuant to the Opticians Act 1989 s13K.

The Committee followed the guidance set out in paragraph 26.5 of the Hearings and Indicative Sanctions Guidance 2018.

Factors the Committee may wish to consider for restoration cases are:

- 1. The original allegations.*
- 2. The Committee's reasons for the original sanction imposed.*
- 3. Has the applicant demonstrated insight?*
- 4. What steps has the applicant undertaken towards rehabilitation?*
- 5. How has the applicant kept up-to-date with professional knowledge and skills?*

The Committee found the allegations which led to the Applicant's erasure and the reasons given by the FTP Committee to be particularly serious and troubling. It accepted that the Applicant was only nineteen years old at the time these events took place and that she had no experience of professional practice and its demands. However, this was a sustained series of dishonest acts over a period of about three months which was intended to persuade the University to admit the Applicant to a course of study for which she knew she was not qualified. The events did not involve single acts of dishonest conduct, but amounted to a determined effort by the Applicant to obtain entry to a course solely for her own benefit by multiple related dishonest acts. The Applicant was clearly determined to succeed in progressing her path into the profession she wished to join and in doing so demonstrated a sustained level of dishonesty. Her dishonest acts included the provision of documents she knew were falsely created and her insistence on a personal meeting with Person A. It was clear that in the course of meeting them, the Applicant was prepared to deliberately mislead them using statements and documents which she knew were untrue.

The Committee considered the issue of insight with great care. It was not satisfied that the lengthy written reflection statement provided by the Applicant showed sufficient insight, or insight of the required kind. There was a great deal of reflection on the impact of her actions on the Applicant and her ambitions for the future. However, the reflective document failed to show insight or understanding into the effect of the Applicant's dishonest conduct on the public and its confidence in the profession. The Committee found the reflective document to be introspective, concentrating as it did on the effects of her actions on the Applicant and her future. There was little reflection on the impact of her actions on others, including that if she dishonestly obtained a place on the course a candidate who had worked for and obtained the necessary qualifications may have been deprived of a place to which they were entitled.

The Committee was, however, impressed and persuaded by the Applicant's oral evidence before it. She said that she had elected not to be legally represented partly for financial reasons but also because as dishonesty had led to her erasure, she wanted to personally express her reflections upon it and her regret for what had occurred. Throughout her evidence she expressed her remorse and regret, and stated that although distressed at the time of the erasure, she now accepts that it has given her an opportunity to reflect on her character and her behaviour. The Committee was satisfied from what she said directly to it, the Applicant had genuine insight into the effects of her actions on others, the profession and the public. She acknowledged that the use of the word 'mistake' in her reflective document did not convey the magnitude of the seriousness of her actions. The Applicant spoke with real conviction of her wish to have a career in optics and the Committee was persuaded that her insight was sufficient to avert the possibility of her dishonest conduct being repeated.

The Committee accepted that dishonesty is difficult to remedy but that it is not impossible to do so. The Applicant told the Committee that she had taken part in ethics and other courses; she articulated the learning she had gained and how this had assisted her in gaining further insight into her dishonest behaviour. It took fully into account the number of testimonials from those who both knew her and of the events which led to her erasure and their impressive content. It was satisfied that those with whom she had worked since she was erased, knowing of that, regarded her as an honest and useful member of the teams in which she had worked.

The Committee was impressed by her efforts, within the constraints imposed by her erasure, to work hard to increase her knowledge of optical practice and has maintained some aspects of her training that was curtailed when she was erased.

The Committee concluded that the Applicant had shown in the course of the hearing that she had developed genuine and sufficient insight and had achieved sufficient remediation of her actions to persuade it that on that basis it was proper to return her to the Register.

The Committee determined that Arzoo Maqsood should be restored to the Register of Student Dispensing Opticians.

Chairman of the Committee: Ms Eileen Carr

Signed 

Date 25 November 2021

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 Applicant 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 Applicant 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.
Effect of orders for suspension or erasure
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.
Contact
If you require any further information, please contact the Council's Hearings Manager at 10 Old Bailey, London, EC4M 7NG or, by telephone, on 020 7580 3898.

