

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

GENERAL OPTICAL COUNCIL

F(21)20 & 21

AND

**KHAIRUL RAHMAN (01-27474)
SANIA SHAH (01-27936)**

**DETERMINATION OF A SUBSTANTIVE HEARING
15 - 26 AUGUST 2022
&
9 - 10 JANUARY 2023**

Committee Members:	Rachel O'Connell (Chair/Lay) Mark Richards (Lay) Ann McKechin (Lay) Gemma O'Rourke (Optometrist) Kalpana Theophilus (Optometrist)
Legal adviser:	Mike Bell
GOC Presenting Officer:	Stephen Ferson
Registrant present/represented:	Both registrants present and represented
Registrant representative:	Christopher Saad (Rahman) Cassandra Dighton – AOP (Rahman) Jonathan Goodwin (Shah)
Hearings Officer:	15 – 26 August 2022 Terence Yates 09 – 10 January 2023 – Nazia Khanom
Facts found proved:	Mr Rahman: all facts proved by way of admission (1-7) Ms Shah: facts proved 1-4 (1-2 by way of admission)
Facts not found proved:	None

Misconduct:	Mr Rahman: Found Ms Shah: Found
Impairment:	Mr Rahman: Impaired Ms Shah: Impaired
Sanction:	Mr Rahman: Erasure Ms Shah: Erasure
Immediate order:	Mr Rahman: Yes Ms Shah: Yes

Heading	Page(s)
Original Allegation	
- Mr Rahman	4
- Ms Shah	5
Preliminary matters	
- Application to amend the allegations	6
Amended Allegation	
- Mr Rahman	7
- Ms Shah	8
Determination	
- Admissions in relation to the particulars of the allegation	9
- Background to the allegations	9
- Application for certain matters to be in private	10
- Application of no case to answer in respect of Ms Shah	11
Findings in relation to the facts (Ms Shah) – Allegation 3 and 4	
- Submissions	17
- Allegation 3	19
- Allegation 4	24
Findings regarding misconduct and impairment	
- Evidence of Mr Rahman	26
- Submissions on misconduct and impairment (Mr Rahman and Ms Shah)	28
- Decision on misconduct (Mr Rahman)	31
- Decision on impairment (Mr Rahman)	32
- Decision on misconduct (Ms Shah)	35
- Decision on impairment (Ms Shah)	37
Sanction	
- Submissions on sanction (Mr Rahman and Ms Shah)	40
- Decision on sanction (Mr Rahman)	44
- Decision on sanction (Ms Shah)	48
Immediate Order	
- Submissions on immediate order (Mr Rahman and Ms Shah)	53
- Decision on immediate order (Mr Rahman)	54
- Decision on immediate order (Ms Shah)	54
Further Information	55

Original Allegation

Allegation against Khairul Rahman:

The Council alleges that you, Khairul Rahman (01-27474), a registered optometrist:

1. Between 05 October 2015 and 05 September 2016, and while working as Ophthalmic Director of **redacted**, you arranged for Ms Sania Shah to be paid £32,400 by Specsavers for her work as a locum optometrist;
2. Between 19 April 2015 and 1 November 2016, you claimed the expenses as set out in Schedule A from Specsavers on the basis that they were legitimate business expenses;
3. Between 19 May 2015 and 08 August 2016, you made purchases as set out in Schedule B using your Specsavers company credit card;
4. Between 01 January 2016 and 01 August 2016, you claimed the expenses as set out in Schedule C from Specsavers for expenses that you purported to have incurred through payments to [Company 1];
5. You claimed the expenses as set out at Allegation 4 by sending receipts to Specsavers purporting to be drafted by [Company 1] but which in fact you had drafted yourself;
6. On 29 July 2016, you signed a receipt that stated "I Khairul acknowledge that the laptop in question serial number **redacted** belongs to and is owned personally by Mr X and has been paid off in full to the amount of £772.80 and was not purchased on the business accounts...";
7. Your conduct was dishonest in that:
 - a. In respect of Allegation 1, you knew Ms Sania Shah had not worked the required number of hours at **redacted** Specsavers to justify the total payment of £32,400 that you arranged for her;
 - b. In respect of Allegation 2, you claimed the expenses knowing that they were for your personal benefit and were not legitimate business expenses;
 - c. In respect of Allegation 3, you made these purchases knowing that they were for your personal benefit and were not legitimate business purchases;
 - d. In respect of Allegation 4, you claimed these expenses knowing that you had never incurred such expenses through payments to **redacted**;

- e. In respect of Allegation 5, you falsified receipts in order to mislead Specsavers into concluding that you had incurred legitimate expenses through payments to redacted;
- f. In respect of Allegation 6, you signed the receipt knowing that you had bought the laptop in question and claimed its cost as a business expense;

And that by reason of the matters alleged above your fitness to practise is impaired by reason of misconduct.

Schedules A, B and C

See Appendix 1

Allegation against Sania Shah:

“The Council alleges that in relation to you, Miss Sania Batool Shah (01-27936), a registered optometrist:

1. Between 5 October 2015 and 5 September 2016, and while working as a locum optometrist at redacted Specsavers, you received gross pay of £32,400 from Specsavers as arranged by Registrant B;
2. Between 5 October 2015 and 5 September 2016, you repaid that £32,400 to Registrant B either in cash payments or by buying him goods of equivalent value for him;
3. Your conduct as set out at Allegation 1 was dishonest in that you knew that your hours worked for redacted Specsavers did not entitle you to gross pay of £32,400;
4. Your conduct as set out at Allegation 2 was dishonest in that you knew or suspected that you were concerned in an arrangement that facilitated the acquisition and retention by Registrant B of money that he had dishonestly taken from Specsavers.

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

Preliminary matters

Application to amend the allegations

1. At the commencement of the hearing, Mr Ferson on behalf of the Council, applied in terms of Rule 46(20) to amend Particular 2 of Schedule A to allegation 2 and Particular 3 of Schedule B to allegation 3 in relation to Mr Rahman. Mr Ferson submitted that the Council sought to: withdraw the first two entries to Schedule A as it did not consider that there was a realistic prospect of these being proved; move entries erroneously set down in Schedule A to Schedule B, correct a number of typographical errors and to make two corrections to the price column of Schedule A. The detailed changes were specified in Appendix 1 to Mr Ferson's skeleton argument.

2. Neither Mr Saad nor Mr Goodwin objected to the application.

3. Rule 46 (20) states:

Where it appears to the Fitness to Practise Committee at any time during the hearing, either upon the application of a party or of its own volition, that—

(a) 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

(b) the amendment can be made without injustice,

it may, after hearing the parties and consulting with the legal adviser, amend those particulars or those grounds in appropriate terms.

4. The Committee determined that the proposed amendments did not change the nature or extent of the allegations and could be made without injustice and therefore granted Mr Ferson's application.

5. Following a query from the Committee Mr Ferson further applied to amend allegation 2 in relation to Ms Shah to include the words 'in whole or in part' after the words 'you repaid that £32,400'.

6. Neither Mr Saad nor Mr Goodwin objected to the application.

7. The Committee determined that the further proposed amendment did not change the nature or extent of the allegation and could be made without injustice and therefore granted Mr Ferson's application.

Amended Allegation

Allegation against Khairul Rahman:

The Council alleges that you, Khairul Rahman (01-27474), a registered optometrist:

- 1. Between 05 October 2015 and 05 September 2016, and while working as Ophthalmic Director of redacted Specsavers, you arranged for Ms Sania Shah to be paid £32,400 by Specsavers for her work as a locum optometrist;*
- 2. Between 28 July 2015 and 9 August 2016, you claimed the expenses as set out in Schedule A from Specsavers on the basis that they were legitimate business expenses*
- 3. Between 19 May 2015 and 08 August 2016, you made purchases as set out in Schedule B using your Specsavers company credit card;*
- 4. Between 01 January 2016 and 01 August 2016, you claimed the expenses as set out in Schedule C from Specsavers for expenses that you purported to have incurred through payments to redacted. ("Company 1");*
- 5. You claimed the expenses as set out at Allegation 4 by sending receipts to Specsavers purporting to be drafted by [Company 1] but which in fact you had drafted yourself;*
- 6. On 29 July 2016, you signed a receipt that stated "I Khairul acknowledge that the laptop in question serial number redacted belongs to and is owned personally by Mr X and has been paid off in full to the amount of £772.80 and was not purchased on the business accounts...";*
- 7. Your conduct was dishonest in that:*
 - a. In respect of Allegation 1, you knew Ms Sania Shah had not worked the required number of hours at redacted Specsavers to justify the total payment of £32,400 that you arranged for her;*
 - b. In respect of Allegation 2, you claimed the expenses knowing that they were for your personal benefit and were not legitimate business expenses;*
 - c. In respect of Allegation 3, you made these purchases knowing that they were for your personal benefit and were not legitimate business purchases;*

- d. *In respect of Allegation 4, you claimed these expenses knowing that you had never incurred such expenses through payments to [Company 1];*
- e. *In respect of Allegation 5, you falsified receipts in order to mislead Specsavers into concluding that you had incurred legitimate expenses through payments to [Company 1];*
- f. *In respect of Allegation 6, you signed the receipt knowing that you had bought the laptop in question and claimed its cost as a business expense;*

And that by reason of the matters alleged above your fitness to practise is impaired by reason of misconduct.

Allegation against Sania Shah –

“The Council alleges that in relation to you, Miss Sania Batool Shah (01-27936), a registered optometrist:

- 1. *Between 5 October 2015 and 5 September 2016, and while working as a locum optometrist at redacted Specsavers, you received gross pay of £32,400 from Specsavers as arranged by Registrant B;*
- 2. *Between 5 October 2015 and 5 September 2016, you repaid that £32,400, in whole or in part, to Registrant B either in cash payments or by buying him goods of equivalent value for him;*
- 3. *Your conduct as set out at Allegation 1 was dishonest in that you knew that your hours worked for redacted Specsavers did not entitle you to gross pay of £32,400;*
- 4. *Your conduct as set out at Allegation 2 was dishonest in that you knew or suspected that you were concerned in an arrangement that facilitated the acquisition and retention by Registrant B of money that he had dishonestly taken from Specsavers.*

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

Amended Schedules A, B and C

See Appendix 2

DETERMINATION

Admissions in relation to the particulars of the allegation

1. Mr Rahman admitted all of the allegations against him.
2. Ms Shah admitted allegations 1 and 2 against her on the basis that the Council accepted that these allegations taken in isolation did not amount to misconduct.

Background to the allegations

3. In July 2016, the Financial Risk Support Team (“FRS Team”) at Specsavers Ltd were informed of concerns raised by an employee [Mr X] of the redacted branch of Specsavers. Mr X’s concerns related to the conduct of Mr Rahman, a registered Optometrist.
4. During the period 5 October 2015 and 5 September 2016, Mr Rahman was a Specsavers ‘Joint Venture Partner’ (“JVP”) and managed the redacted branch of Specsavers (redacted).
5. During this period, Mr Rahman was in a relationship with Ms Shah, a registered Optometrist. Ms Shah was employed at the store on a zero hours contract.
6. Following the concerns being raised by Mr X, Mr A the head of FRS, carried out a preliminary analysis of invoicing and expenses submitted by Mr Rahman as manager of redacted between July 2015 and July 2016.
7. Mr A preliminary report identified numerous discrepancies between the expense claims submitted by Mr Rahman (e.g. between the description / expense codes and the receipt submitted).
8. In light of the issues identified in this preliminary analysis, a full investigation was conducted by Mr A, assisted by Mr B, a Senior Finance Risk Support Consultant for Specsavers, and Mr C, a Finance Risk Support Consultant for Specsavers into Mr Rahman’s financial records as manager at redacted, and purchases made by him at the expense of Specsavers Ltd.
9. During the investigation interviews were conducted with Mr X, Mr Rahman and Ms Shah.
10. The investigation concluded that Mr Rahman had:
 - Fraudulently inflated the salary payments for Ms Shah in the period between October 2015 and September 2016 to the sum of £32,400;
 - Throughout 2015 and 2016 claimed expenses from Specsavers for thousands of pounds worth of personal items / services including: designer electronic goods; Amazon vouchers; a television; a massage and removal services.
 - Purchased thousands of pounds worth of goods and services on the company credit card for his personal use. These included various purchases of Apple products; designer clothing; a massage and automobile services.

- Doctored invoices for ophthalmic services from [Company 1], which he had not purchased and later expensed to Specsavers;
 - Signed a receipt in which he confirmed that a laptop sold to Mr X had not been purchased on the Specsavers business account when it had been purchased on the company credit card.
 - During his interview, Mr Rahman admitted that he had acted as set out above.
11. Ms Shah was also interviewed as part of the investigation. She accepted that she received gross monthly salary payments amounting to £32,400 between 5 October 2015 and September 2016 which greatly exceeded the work she had undertaken at the redacted in that period. She further admitted that she had paid this money back to Mr Rahman in cash or goods at his request when he asked her to. She denied acting dishonestly, stating that she assumed this was Mr Rahman's money, and had not questioned whether he was acting legitimately.

Application for certain matters to be in private

12. During the course of the hearing Mr Ferson made an application for any matters relating to any party's health or personal circumstances to be in private.
13. Mr Saad and Mr Goodwin did not object to the application.
14. Rule 25 states:

25.—(1) Substantive hearings before the Fitness to Practise Committee must be held in public.

This is subject to the following provisions of this rule.

(2) The Fitness to Practise Committee may determine that the proceedings, or any part of the proceedings, are to be a private hearing, where the Committee consider it appropriate, having regard to—

(a) the interests of the maker of an allegation (where one has been made);

(b) the interests of any patient or witness concerned;

(c) the interests of the registrant; and

(d) all the circumstances, including the public interest.

15. The Committee considered it was in the interests of the relevant parties for any part of the proceedings relating to a party's redacted or redacted circumstances to be heard in private.

Application of no case to answer in respect of Ms Shah

Submissions

16. Following the close of the Council's case, Mr Goodwin on behalf of Ms Shah made an application of no case to answer in terms of Rule 46 (8) (a) in relation to allegation 3 and 4 and Rule 46 (8) (b) in respect of all allegations.
17. Mr Goodwin referred the Committee to the cases of R v Galbraith [1981] 73 Crim App R 124 and Ivey v Genting Casino (UK) Ltd [2017] UKSC 67. He submitted that the burden of proof lies with the Council and that the standard of proof is the balance of probabilities.
18. Mr Goodwin stated that his primary submission was that there was no evidence to support either allegation 3 or 4 and that the case should be stopped. He further submitted that, if the Committee did not agree with him that there was no evidence, it was his secondary position that the evidence produced was tenuous and was insufficient to find either allegation 3 or 4 proved.
19. Mr Goodwin submitted that it was accepted by the Council that allegations 1 and 2, which had been admitted by Ms Shah, did not in themselves amount to misconduct and that the misconduct was contained within allegation 3 and 4. He submitted that to prove allegations 3 and 4 the Council had to prove knowledge on Ms Shah's part.
20. Mr Goodwin submitted that the evidence relied upon by the Council to prove these allegations was that of Mr A. Mr Goodwin submitted that Mr A was an investigator of 20 years' experience. He referred the Committee to the transcript of Mr As' interview with Ms Shah and submitted that it showed that Ms Shah had been 'hugely' shocked when the issue of the money she received from Mr Rahman having been dishonestly taken from Specsavers was raised. Mr Goodwin also submitted that the interview showed that Ms Shah was concerned and angry when told of this and 'most importantly' that at the end of the interview Mr A had not challenged Ms Shah on her responses. Mr Goodwin submitted that in cross examination he had put it to Mr A that nothing said by Ms Shah pointed to her having knowledge of or involvement with Mr Rahman's conduct and that Mr A had agreed with this. Mr Goodwin further submitted that it was 'inconceivable' that Mr A would not have challenged Ms Shah on these points if he had had any concerns.
21. Mr Goodwin submitted that there was no evidence or basis for any reasonable or safe inference that Ms Shah knew of or was complicit in Mr Rahman's conduct.
22. Mr Goodwin referred to the Committee's questions to Mr A about Ms Shah's payslips and Mr As' answer that - so far as he could recall - the payslips were sent to the Joint Venture Partner for distribution, but that he did not know if Mr Rahman had provided Ms Shah with payslips.
23. Mr Goodwin submitted that the more serious the allegation the less likely that it occurred and the stronger and more cogent the evidence required to find it proved.
24. Mr Goodwin also submitted that the transcript of Mr As' interview with Mr Rahman was hearsay evidence, and he had not had any opportunity to cross examine Mr Rahman on the contents of the transcript. Mr Goodwin also submitted that Mr Rahman's comments could be subject to misconception, memory fault or distortion

and the transcript of the interview could not safely be relied upon as some parts were inaudible.

25. Mr Goodwin submitted that the Committee should not conclude that Ms Shah acted dishonestly because she was in a relationship with Mr Rahman.
26. Mr Ferson opposed the application and submitted that it was misconceived. He submitted that there was sufficient evidence to allow the Committee to find that Ms Shah had acted as alleged in allegations 3 and 4.
27. Mr Ferson referred to the case of Ivey and submitted that there was ample evidence that Ms Shah had acted dishonestly.
28. Mr Ferson accepted that there was no direct evidence that Ms Shah had acted dishonestly but submitted that there was strong circumstantial evidence allowing the Committee to infer that Ms Shah had acted dishonestly.
29. Mr Ferson submitted that Ms Shah was a professional person, an Optometrist and member of the redacted who had worked at Specsavers, redacted since 2013. Mr Ferson submitted that she had therefore received her pay on a set day every month and that the sum of £32,400 received by Ms Shah between 5 October 2015 and 5 September 2016 was grossly inflated and in excess of any work done by her. Mr Ferson submitted the sum was not paid in one-off cash payment but paid monthly.
30. Mr Ferson referred to the transcript of Mr As' interview with Ms Shah. Mr Ferson submitted that in this interview Ms Shah stated that she kept what was hers from the money received and passed the balance to Mr Rahman in cash or goods. Mr Ferson submitted it could be inferred that Ms Shah had calculated what she was due when she received the money and therefore this was evidence that she was aware that she was not entitled to all the money that she had received. Mr Ferson said that the extra step of paying the money to Mr Rahman supports the allegation that Ms Shah acted dishonestly.
31. Mr Ferson noted that Mr Goodwin in his submissions relied upon Ms Shah being 'shocked' at being told during Mr As' interview what Mr Rahman had been doing which supported his submission that she had not acted dishonestly. Mr Ferson submitted that Ms Shah appearing shocked did not determine if Ms Shah had or had not been dishonest.
32. Mr Ferson referred the Committee to Mr As' interview with Mr Rahman and Mr Rahman's statement that he had told Ms Shah what he was doing, that she had told him to stop, but then 'kind of accepted' what was going on. Mr Ferson also referred to Mr Rahman saying in this interview that his actions had caused Ms Shah and him to separate for a period. Mr Ferson accepted that the contents of Mr As' interview with Mr Rahman might be hearsay but submitted that the Committee was entitled to consider it and what weight it attached to it was a matter for the Committee.
33. Mr Ferson submitted that, in Mr As' interview with Ms Shah, she had indicated that she was not happy with Mr Rahman's behaviour and that the Committee could reasonably infer that she knew what was going on. Mr Ferson submitted that, whilst Mr Rahman may have initiated the taking of the money from Specsavers, Ms Shah accepted what was occurring and calculated what was due to her and repaid the rest

of the money to Mr Rahman in cash or goods. Mr Ferson submitted that Ms Shah took an active part in the dishonest arrangement.

34. Mr Ferson submitted that the Committee should dismiss the application.

Decision

35. The Committee accepted the advice of the Legal Adviser. He referred to the cases of *Galbraith* and *Ivey*. He advised how the test set out in *Galbraith* should be applied to regulatory hearings. The Legal Adviser advised the Committee that the evidence should be tested holistically, taking it at its highest whilst looking at its strengths and weaknesses.
36. When considering Mr Goodwin's application, the Committee restricted itself solely to consideration of the oral and documentary evidence relied upon by the Council.
37. The Committee considered allegations 3 and 4 separately and in turn and considered whether there was any evidence upon which a properly directed Committee could potentially find the alleged facts proved.
38. In reaching its conclusions, the Committee considered the evidence relied upon by the Council holistically, taking the evidence submitted by the Council at its highest, and taking into account its strengths and weaknesses.
39. In relation to both allegations 3 and 4 the Committee applied the test for dishonesty as set in *Ivey*.
40. The Committee first considered whether there was a case to answer in respect of allegation 3 that states:
'Your conduct as set out at Allegation 1 was dishonest in that you knew that your hours worked for redacted Specsavers did not entitle you to gross pay of £32,400'
41. The Committee considered that there was no direct evidence to support allegation 3 and noted the submission of Mr Ferson that the Council relied on circumstantial evidence.
42. The Committee took into account the contents of Mr As' interview with Mr Rahman on 8 September 2016. It noted Mr Goodwin's submission that the Committee should not rely on this statement as it was the hearsay evidence of Mr Rahman and could be subject to misconception, fault in his memory, mistakes or distortion. The Committee also took into account Mr Goodwin's submission that he would not have the opportunity to cross examine Mr Rahman to test his evidence in this regard and that the transcript may not be reliable with reference to notes in the transcript that some comments were 'inaudible'.
43. The Committee took into account that the interview with Mr Rahman had been electronically recorded and that the transcript had been produced from this recording. Whilst some of the recording may not have been audible, there was nothing before the Committee to suggest that there was any issue with any other section of the transcript not being a proper record of the interview. The Committee noted that Mr Goodwin had not asked Mr A whether the transcript of the interview with Mr Rahman was not reliable. The Committee determined that it could rely on the contents of the transcript.

44. The Committee noted that the evidence before it was that Ms Shah had been an employee of Specsavers since 2013 and during the period of the allegation was on a zero hours contract. The Committee considered that a properly directed Committee could conclude that Ms Shah was therefore aware of the manner in which Specsavers paid employees on a monthly basis and the sums that she would be due for the hours she worked for Specsavers.
45. The Committee further noted that during her interview with Mr A, Ms Shah had stated that Mr Rahman had paid money into her account on a monthly basis and that she had then deducted what she calculated to be the sum that she was due for the hours she had worked and then repaid Mr Rahman the balance either in cash or goods. The Committee determined that a properly directed Committee could conclude that this was evidence of Ms Shah being pro-active in calculating what sums she was actually due for working at Specsavers and what sums she was to pay to Mr Rahman.
46. The Committee also took into account the comments made by Mr Rahman in his interview with Mr A that he authorised payments to Ms Shah's bank account that were in excess of what she was due for the hours that she had worked. The Committee considered this was not hearsay evidence as it was Mr Rahman telling Mr A what payments had been authorised by Mr Rahman to Ms Shah.
47. The Committee also determined that a properly directed Committee could reasonably infer that Ms Shah, in these circumstances would be aware that the sums being paid to her by redacted Specsavers Ltd (redacted) as authorised by Mr Rahman were in excess of what she was due for the hours that she had worked for Specsavers during each month during the period set out in the allegation.
48. The Committee therefore determined that, applying the test as set out in *Ivey*, that a properly directed Committee could conclude that Ms Shah's actual genuine belief during the period set out in the allegations was that she knew that the hours that she had worked for redacted Specsavers during this period did not entitle her to gross pay of £32,400. Further, the Committee determined that a properly directed Committee could conclude that by the standards of ordinary decent people that this conduct was dishonest.
49. The Committee therefore determined that there was a case to answer in respect of allegation 3.
50. The Committee then went onto consider whether there was a case to answer in respect of allegation 4.
51. Allegation 4 states:

'Your conduct as set out at Allegation 2 was dishonest in that you knew or suspected that you were concerned in an arrangement that facilitated the acquisition and retention by Registrant B of money that he had dishonestly taken from Specsavers.'
52. The Committee noted that Mr Goodwin, in his submission that there was no case to answer in respect of this allegation, relied upon the oral evidence of Mr A, particularly Mr As' position in relation to questions put to him by Mr Goodwin during cross examination relating to Ms Shah's responses during her interview and her reaction to his questions. The Committee accepted that Mr A was an experienced investigator, with around 20 years' experience in carrying out such investigations. However, the

Committee took into account that Mr A was not an expert witness and that the comments made by him and referred to by Mr Goodwin in his submissions were Mr As' own subjective view of Ms Shah's answers and reactions to his questions and that it was for the Committee to reach its own views on this evidence.

53. The Committee again considered that there was no direct evidence to support allegation 4 and noted the submission of Mr Ferson that the Council relied on circumstantial evidence.
54. The Committee took into account the contents of Mr As' interview with Mr Rahman on 8 September 2016. It noted Mr Goodwin's submission that the Committee should not rely on this statement as it was the hearsay evidence of Mr Rahman and could be subject to misconception, fault in his memory, mistakes or distortion. The Committee also took into account Mr Goodwin's submission that he would not have the opportunity to cross-examine Mr Rahman to test his evidence in this regard and that the transcript may not be reliable with reference to notes in the transcript that some comments were 'inaudible'.
55. The Committee took into account that the interview with Mr Rahman had been electronically recorded and that the transcript had been produced from this recording. Whilst some of the recording may not have been audible, there was nothing before the Committee to suggest that there was any issue with any other section of the transcript not being a proper record of the interview. The Committee noted that Mr Goodwin had not asked Mr A whether the transcript of the interview with Mr Rahman was not reliable. The Committee determined that it could rely on the contents of the transcript.
56. The Committee accepted that the comments made by Mr Rahman were hearsay evidence, but considered it was entitled to take account of it.
57. The Committee took into account that in the interview with Mr A, Mr Rahman indicated that Ms Shah was aware that the sums being transferred into her account by him were inflated and that 'she kind of accepted it'. The Committee determined that for the purposes of consideration whether there was a case to answer that it was required to take the contents of the interview at its highest. Taking this evidence at its highest, the Committee considered that the comments made by Mr Rahman in his interview on the 8 September 2016 could allow a properly directed Committee to conclude that Ms Shah was aware that the money being transferred to her account from redacted under Mr Rahman's authorisation was in excess of what she was due. The Committee further determined that it could be reasonably inferred that Ms Shah was aware that this money was purportedly being transferred to her as payment for work undertaken at Specsavers.
58. The Committee has already determined above that a properly directed committee could conclude that Ms Shah knew she was not entitled to these sums.
59. The Committee therefore determined that a properly directed committee could therefore conclude that Ms Shah knew or was aware that she was concerned in an arrangement that facilitated the acquisition and retention by Mr Rahman of money he had dishonestly taken from Specsavers.
60. Further, the Committee determined that a properly directed committee could conclude that by the standards of ordinary decent people that this conduct was dishonest.

61. The Committee therefore determined that there was a case to answer in respect of allegation 4.
62. Having determined that there was a case to answer in relation to allegations 3 and 4, the Committee did not require to consider the question of whether allegations 1 and 2 alone were sufficient to support a finding of impairment.

Findings in relation to the facts (Ms Shah) – Allegation 3 and 4

Submissions

63. The Committee heard live evidence from Mr A for the Council and from Ms Shah and Ms A. It had the witness statements of Mr B, Mr C and Ms B in the Council's bundle.
64. In examination in-chief, Mr A adopted the terms of his witness statements and explained the concept of a Joint Venture Partner in the context of Specsavers.
65. Ms Shah told the Committee of her professional background and career. In examination in-chief, Ms Shah explained aspects of her relationship with Mr Rahman. Ms Shah told the Committee that Mr Rahman had told her there was a limit on his business bank account and that he needed to transfer his profits to her account and that she believed him. She told the Committee that she had no suspicions that the money was not Mr Rahman's and specified reasons why this was the case. In cross examination Ms Shah continued to deny knowledge or suspicion that Mr Rahman was acting dishonestly. Ms Shah stated that some of her answers given during Mr As' interview with her were incorrect as she was trying to answer as well as she could in the circumstances.
66. Ms A told the Committee of her background and her knowledge and relationship with Ms Shah. She confirmed the character testimonial that she had provided and had been produced and expanded on it.
67. The Committee heard submissions on behalf of the Council from Mr Ferson, Mr Saad on behalf of Mr Rahman and Mr Goodwin on behalf of Ms Shah.
68. Mr Ferson, on behalf of the Council, referred to his written skeleton argument and submissions contained therein.
69. Mr Ferson submitted that the weight of evidence before the Committee supported allegations 3 and 4.
70. He referred the Committee to the test for dishonesty set out in *Ivey*. He submitted that the question for the Committee was what Ms Shah genuinely believed during the relevant period.
71. Mr Ferson submitted that Ms Shah was a professional person registered with the GOC. He submitted she had set out her employment history; Mr Ferson asked the Committee to accept that Ms Shah had worked freelance or as a locum and had ensured that she was paid the correct amount for the work she had done.
72. Mr Ferson further submitted that Ms Shah had been employed by Specsavers **redacted** since 2014, and had received payment on a monthly basis on a set day each month. He referred the Committee to the payslips lodged by the Council.
73. Mr Ferson submitted that the amount paid to Ms Shah was not disputed. Mr Ferson submitted that the sums paid to Ms Shah during the relevant period were grossly inflated and paid to her in monthly instalments and that it was not a one-off payment. He further submitted that Ms Shah had deducted what she was owed and repaid the rest to Mr Rahman in cash, having taken it out of an ATM, or by purchasing goods for him. Mr Ferson submitted it was a reasonable inference that Ms Shah would have checked her bank account before doing this.

74. Mr Ferson directed the Committee to what he said were the sections of Mr A's interviews with Mr Rahman and Ms Shah that supported the allegations. He submitted that it was a reasonable inference that it was more likely than not that Ms Shah knew or suspected that Mr Rahman was taking money from Specsavers redacted and that she assisted him in this. Mr Ferson submitted that her reaction of shock when confronted with this by Mr A was not determinative of whether she had acted dishonestly or not.
75. Mr Ferson also submitted the hearsay evidence of Mr Rahman supported the allegations.
76. Mr Ferson submitted that Ms Shah had been wholly inconsistent in what she said in her interview with Mr A's interview and her evidence before the Committee. He referred the Committee to what he submitted were inconsistencies. He submitted that a mutually beneficial relationship existed between Mr Rahman and Ms Shah.
77. Mr Ferson submitted that the evidence supported that Ms Shah did know that the hours she worked for redacted Specsavers did not entitle her to the sum of £32,400 and that she was pro-actively involved in facilitating the acquisition of the money by Mr Rahman.
78. Mr Ferson concluded by submitting that by the standards of ordinary decent people this would be seen as dishonest.
79. Mr Saad, on behalf of Mr Rahman, submitted that he was instructed not to cross-examine Ms Shah and that Mr Rahman did not seek to challenge what she had said to the Committee.
80. Mr. Goodwin, on behalf of Ms Shah, submitted that Ms Shah's oral evidence had been entirely consistent with her explanations given during Mr A's interview with her and that she had had no knowledge of Mr Rahman's dishonesty. Mr Goodwin submitted that the Council had fairly accepted that their case was circumstantial, but suggested in reality the Council was asking the Committee to make inferences. He submitted there was no reasonable basis upon which to draw any such inferences.
81. Mr Goodwin submitted that Mr A was an experienced investigator who was well aware of the admissions made by Mr Rahman prior to interviewing Ms Shah. Mr Goodwin submitted that Mr A had accepted that Ms Shah appeared shocked, concerned and angry. He further submitted that, at no point prior to the interview was Ms Shah aware of any suspicions or concerns. Mr Goodwin stressed that Mr A did not challenge Ms Shah in any respect as to what she said or how she appeared during the interview.
82. Mr Goodwin submitted that when Ms Shah said she '*wasn't happy with it*' when interviewed by Mr A, she was not speaking about the totality of the money paid to her but about one specific incident relating to one invoice.
83. Mr Goodwin submitted that Mr A, as an experienced investigator, had clearly formed a view that Mr Rahman was personally at fault and did not challenge Ms Shah's denial of any involvement.
84. Mr Goodwin reminded the Committee that he had not been afforded the opportunity to cross-examine Mr Rahman, that Mr Rahman had admitted dishonesty and that the Committee should therefore be cautious about relying on what Mr Rahman had said when interviewed by Mr A.

85. Mr Goodwin submitted that the burden of proof was on the Council in respect of each and every element of the allegations and that the standard was that of the balance of probabilities. He referred to the case of *In re H* [1996] AC 563 and submitted that the more serious the allegation the stronger the evidence that was required to prove it.
86. Mr Goodwin submitted that there was no evidence that Ms Shah knew that the hours she worked at the time did not entitle her to the gross pay or that she was involved in any way to commit fraud. Mr Goodwin submitted that Ms Shah had stated that she did not check her bank account and trusted Mr Rahman implicitly. He said Ms Shah had no reason to be suspicious. Mr Goodwin submitted these were her genuine beliefs and that the Council's case was based on speculation and inference without any direct evidence. Mr Goodwin submitted that Ms Shah had never run a business herself and believed Mr Rahman when he said he could not pay money into his own account due to limits being put on it. Mr Goodwin further submitted that Ms Shah had never received a payslip and that she was not due to pay tax until 2017.
87. Mr Goodwin submitted that Ms Shah was of good character. He referred the Committee to the evidence of Ms A and the various positive character testimonials produced by Ms Shah. He referred to the case of *Donkin v Law Society* [2007] EWHC 1497 (*Admin*).
88. Mr Goodwin submitted that the Committee should consider the chronology of the matter and in particular that, following on the investigation by Specsavers, Ms Shah had not heard from the Council until November 2020 and this might give rise to issues of recollection on the part of Ms Shah.
89. The Legal Adviser referred the Committee to the case of *Ivey* and gave a good character direction.
90. The Committee took account of all the evidence before it, the submissions of the parties and accepted the advice of the Legal Adviser.
91. The Committee considered the remaining allegations 3 and 4 separately and in turn. In consideration of both allegation 3 and 4, the Committee applied the test for dishonesty as set out in *Ivey* which states:
'When dishonesty is in question the fact-finding tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest.'

Allegation 3

'Your conduct as set out at Allegation 1 was dishonest in that you knew that your hours worked for redacted Specsavers did not entitle you to gross pay of £32,400;'

92. The Committee carefully considered all the evidence before it and the submissions of Mr Ferson, Mr Saad and Mr Goodwin in relation to this allegation. It also took into account that Ms Shah had admitted allegations 1 and 2 on the basis that it was accepted by the Council that these allegations, in isolation, did not amount to misconduct.
93. In reaching its decision, the Committee considered how the relevant witnesses' oral evidence fitted with non-contentious or agreed facts, contemporaneous documents, the inherent probability or improbability of any account of events and any consistencies and inconsistencies.
94. The Committee took into account that Ms Shah has admitted the terms of Allegation 1 and that therefore her receipt of a gross pay of £32,400 as arranged by Mr Rahman was accepted by her.
95. The Committee also took into account the sections of Mr As' investigation reports and his further oral evidence which related to this allegation. In particular, the Committee took into account Mr As' evidence in relation to the procedure by which salary payments were made by Specsavers, the specific details of salary payments made to Ms Shah between October 2015 and September 2016, and the payslips issued by Specsavers in respect of Ms Shah during this period. The Committee also took into account the evidence of Mr C in his statement and the report showing the sight test summary for Ms Shah; this gave detailed analysis of the differentiation between work undertaken by Ms Shah and money paid to her. In applying what weight to attach to the evidence of Mr C, the Committee took into account that he had not given evidence before it, but also that his evidence had not been contested by Mr Rahman or Ms Shah.
96. The Committee noted Mr Goodwin's submissions that Mr A was an experienced investigator and that it should take into account that he had not challenged Ms Shah's denial of any knowledge of Mr Rahman dishonestly taking money from Specsavers, and Mr As' evidence before the Committee. The Committee in its determination on Mr Goodwin's application of no case to answer has already concluded that Mr A is not an expert witness and that any view expressed by him is his personal subjective view of Ms Shah. Further, the Committee considered that it is for the Committee, in light of the particular facts and circumstances before it, to reach its own independent view on the reliability and credibility of Ms Shah's evidence. The Committee further noted Mr Goodwin's submissions on Mr A stating in evidence that Ms Shah was 'shocked' when told by him of what Mr Rahman had been doing. The Committee firstly concluded that, once again, these were simply the subjective views of Mr A, and secondly, that the demeanour of Ms Shah during that interview was not reliable guidance to her credibility and reliability in relation to the matters before this Committee.
97. The Committee also considered the transcript of the interview between Mr A and Mr Rahman. The Committee, when considering the transcript, took into account Mr Goodwin's submission that Mr Rahman had not given evidence and therefore, that Mr Goodwin had not had the opportunity to cross-examine Mr Rahman on the contents of the transcript. The Committee also noted Mr Goodwin's submission that: a) the transcript was hearsay evidence, and the content was inconclusive and inconsistent; and b) Ms Shah's oral evidence that Mr Rahman was lying during his interview. The Committee further took account of Mr Saad's submissions that he had been instructed

by Mr Rahman not to cross-examine Ms Shah and that Mr Rahman did not challenge Ms Shah's evidence before the Committee. The Committee has already concluded – for the reasons set out above - in its determination at the stage of Mr Goodwin's application of no case to answer, that it could rely on the contents of the transcript being a correct reflection of what was said during the interview of Mr Rahman.

98. The Committee took into account the oral evidence of Ms Shah, her representations to the Council dated 19 January 2021, her witness statement dated 1 August 2022 and associated documents, the character testimonial and oral evidence of Ms A and the further character testimonials provided by Ms Shah.
99. The Committee accepted that Ms Shah had no prior regulatory concerns against her name and was of good character. The Committee had regard to the Legal Adviser's direction in relation to good character and how the Committee should consider it when reaching its conclusions in relation to the allegations against Ms Shah.
100. In relation to the character testimonial and oral evidence of Ms A, the Committee considered that Ms A spoke of her knowledge of Ms Shah's character in the generality and noted that she stated during cross-examination that she was not in fact aware of the exact allegations against Ms Shah and had never worked in redacted. The Committee concluded that the evidence of Ms A was of little assistance in respect of the matters before it.
101. Ms Shah had also provided the Committee with a number of character testimonials from persons who did not give evidence before the Committee. The Committee noted that these character testimonials pre-dated this hearing and did not explicitly state that the authors were aware of the allegations currently against Ms Shah at these proceedings. The Committee also considered that the authors of these testimonials knew of and spoke to Ms Shah's character in a clinical setting and that none of them had worked at redacted.
102. The Committee reviewed the evidence that Ms Shah had given before it and considered that there were a number of internal inconsistencies in the evidence it heard from Ms Shah.
103. The Committee considered that Ms Shah's evidence regarding her understanding and knowledge of the type of contract she was on during the relevant period to be internally inconsistent. During her interview with Mr A on 8 September 2016 he asked her 'Ok and have you a contract on [sic] employment have you a zero hour contract?' and Ms Shah replied 'I do'. However in her oral evidence to the Committee Ms Shah stated that she did not have a contract. The Committee also took into account that during cross examination by Mr Ferson, Ms Shah had given evidence that during the period January 2016 to July 2016 she had not been doing sight tests, but had been doing other duties including working on the shop floor. When questioned by the Committee Ms Shah then stated that she had not worked at Specsavers redacted during this period.
104. Ms Shah told the Committee that when working as a locum elsewhere she would submit invoices and carry out a subsequent check of her bank account to ensure that they had been paid. The Committee also noted that in Mr As' interview with Mr Rahman, Mr Rahman had said that he was inputting hours onto the Specsavers system. The Committee concluded that Ms Shah's evidence in respect of her having

a contract of employment was inconsistent and internally contradictory and her position in evidence before the Committee that she did not have a contract was inherently implausible.

105. The Committee also took into account Ms Shah's evidence before it in relation to her knowledge of the amount of money that had been transferred to her, and as to how this was apportioned and repaid to Mr Rahman. In paragraph 27 of her witness statement Ms Shah stated that she did not '*calculate how many hours I worked for Mr Rahman during the relevant period.*' However, the Committee noted the following dialogue that took place between Mr A and Ms Shah during his interview with her:

"[Mr A] Ok so you deduct off the hours you work?

[Ms Shah] Yes

[Mr A] So for instance if you've done 2 days that month, presumably you've got a daily rate type thing have you?

[Ms Shah] Yes

[Mr A] Ok, what's your daily rate?

About, I believe it works out to redacted an hour or so redacted an hour rather than a daily rate

[Ms Shah] Yes"

106. The Committee considered that here Ms Shah was stating that she calculated what sums she was due for the actual hours she worked each day. However, in oral evidence, Ms Shah stated in cross-examination that Mr Rahman had told her in advance how much would be paid each month and how much should be removed.
107. The Committee also noted that Ms Shah gave evidence before it that she routinely noted and stored on her phone diary the hours she had worked, and that she checked her bank account every 5 weeks or so. Ms Shah also told the Committee that when she had worked for other stores as a locum she had invoiced them, kept a record of these invoices, and checked her bank account to confirm they had been paid. However, the Committee noted the content of Ms Shah's representations to the Council dated 19 January 2021 in response to the allegations in which she states that she did not check her bank account regularly.
108. The Committee also took into account Mr Rahman's comments when interviewed by Mr A that he did not calculate the actual sum that would be paid to Ms Shah when he entered the hours on the Specsavers payroll system. For the reasons set out above, the Committee accepted what Mr Rahman had said. The Committee considered that Ms Shah's evidence that she did not calculate what she was due each month and deduct this sum from the money paid into her account by Specsavers was internally inconsistent with her contemporaneous evidence to Mr A and her further evidence as to how she kept a record of hours worked and checked her diary. The Committee also considered that this evidence was inconsistent with Mr Rahman's contemporaneous evidence to Mr A. The Committee concluded that Ms Shah's evidence that she was not aware of her hourly rate was inconsistent with her answers to Mr A and was inherently implausible. The Committee further considered that Ms Shah's evidence that she did not calculate what sums were actually due to her was not credible or reliable and inherently implausible. The Committee concluded that Ms Shah did calculate what she was actually due each month during the relevant period.

109. The Committee took into account Ms Shah's evidence regarding how the balance of the money was paid to Mr Rahman. Ms Shah told the Committee that she paid Mr Rahman cash or bought goods that he asked her to. Ms Shah told the Committee that she went to an ATM at least 10 times a month to withdraw cash to give to Mr Rahman. The Committee considered that it was inherently implausible that Ms Shah would repay Mr Rahman in this manner if she believed that the money was truly his. The Committee took into account Ms Shah's evidence that a limit had been put on Mr Rahman's account which meant that he could not pay any more money into it. There was no independent evidence before the Committee to confirm this and the Committee therefore considered that there was insufficient evidence for it to conclude on the balance of probabilities that this was the case. The Committee also considered that this proposition was inherently implausible.
110. The Committee also took into account that there had been a large increase in the monthly payments that Ms Shah had received during the period in question in comparison to monthly payments received prior to that period. The Committee determined that, given its conclusion that Ms Shah was aware of the hours she had worked, it was inherently implausible that she was not aware that she was not entitled to the extra money that was being paid into her account.
111. The Committee noted two further inconsistencies; whilst these are not directly pertinent to the allegations, they are relevant in the Committee's view to the reliability of Ms Shah's evidence. The Committee considered that Ms Shah had been internally inconsistent in the evidence she gave in respect of Mr Rahman reimbursing her for her annual membership of the AOP. The Committee considered that Ms Shah's explanation, that she and Mr Rahman were at the time not living together and that her laptop was at the flat where Mr Rahman was living and that he must have obtained the receipt for her AOP membership from this, was inherently implausible. The Committee noted that in paragraph 4.10 of her representations to the Council dated 19 January 2021, Ms Shah stated that Mr Rahman had offered to pay her back for this as he said she was entitled to it as an employee of redacted Specsavers. This was inconsistent with her explanation that Mr Rahman must have accessed the receipt for the membership on her laptop without her knowledge. Further, Ms Shah provided no credible explanation for how Mr Rahman would have known that the receipt for her membership was on her laptop or how he gained access to it. The Committee noted that the date of the receipt of Ms Shah's payment (5 January 2016) for her AOP membership was the same as the date that Mr Rahman submitted an eBis expense claim to Specsavers for Ms Shah's AOP membership. Taking all these into account, the Committee considered that it did not accept Ms Shah's evidence on this matter.
112. Similarly, the Committee considered that Ms Shah had been internally inconsistent in the evidence she gave in respect of Mr Rahman reimbursing her for her membership of the redacted. Ms Shah said in her interview with Mr A that she did not know how Mr Rahman had obtained the invoice to allow him to reclaim the expense via the eBis system. However, in her evidence before the Committee Ms Shah varied this explanation to one similar to that she gave for her AOP membership, that being that Mr Rahman must have found the invoice on her computer and used this information. The Committee considered these explanations were contradictory and the explanation regarding Mr Rahman using Ms Shah's laptop to access information

regarding her redacted account inherently implausible, for the reasons set out in relation to her evidence on her AOP account. The Committee concluded that it did not accept Ms Shah's evidence on this matter.

113. The Committee concluded that Ms Shah was fully aware of what sums she was due for the hours worked for redacted Specsavers during the period set out in allegation 1. The Committee further concluded that Ms Shah was aware that the sums she was receiving were payment from redacted Specsavers in relation to hours allegedly worked during this period and not funds which belonged to Mr Rahman. The Committee also concluded that Ms Shah was aware that the hours that she actually worked for redacted Specsavers during this period did not amount to gross pay of £32,400. The Committee did not accept Ms Shah's alternative explanations regarding her understanding that the sums transferred were sums that Mr Rahman was due in respect of profits from the business and that the funds were his.
114. In all these circumstances, the Committee determined that between 5 October 2015 and 5 September 2016 Ms Shah knew that the hours she had worked for redacted Specsavers did not entitle her to gross pay of £32,400. The Committee further considered that Ms Shah's explanation that she thought this money was Mr Rahman's was inherently improbable.
115. Having determined that this was Ms Shah's genuine knowledge and belief during the relevant period, the Committee considered that her actions would be considered dishonest by the standards of ordinary decent people.
116. Allegation 3 is therefore found proved.

Allegation 4

'Your conduct as set out at Allegation 2 was dishonest in that you knew or suspected that you were concerned in an arrangement that facilitated the acquisition and retention by Registrant B of money that he had dishonestly taken from Specsavers.'

117. The Committee carefully considered all the evidence before it and the submissions of Mr Ferson, Mr Saad and Mr Goodwin in relation to this allegation. It also took into account that Ms Shah had admitted allegations 1 and 2 on the basis that it was accepted by the Council that these allegations, in isolation, did not amount to misconduct.
118. For the reasons set out fully in relation to allegation 3, the Committee has concluded that Ms Shah was fully aware of what sums she was due for the hours worked for redacted Specsavers during the period set out in allegation 1.
119. The Committee has further concluded that Ms Shah was aware that the sums she was receiving were payment from redacted Specsavers in relation to hours allegedly worked during this period. The Committee has also concluded that Ms Shah was aware that the hours that she actually worked for redacted Specsavers during this period did not amount to gross pay of £32,400.
120. The Committee has not accepted Ms Shah's alternative explanations regarding her understanding that the sums transferred were sums that Mr Rahman was due in respect of profits from the business and that the funds were his.

121. The Committee therefore determined that between 5 October 2015 and 5 September 2016 when repaying the sums set out in allegation 2 to Mr Rahman, Ms Shah knew that she was concerned in an arrangement that facilitated the acquisition and retention by Mr Rahman of money that he had dishonestly taken from Specsavers.
122. Having determined that this was Ms Shah's genuine knowledge and belief during the relevant period, the Committee considered that her actions would be considered dishonest by the standards of ordinary decent people.
123. Allegation 4 is therefore found proved.

Findings regarding misconduct and impairment

Evidence of Mr Rahman

124. All parties were agreed that the Committee should deal with the matter of ground of impairment, that being misconduct, and impairment as one issue.
125. The Committee heard evidence from Mr Rahman in relation to the issue of misconduct and impairment.
126. Mr Rahman told the Committee that he accepted that his actions fell below the standards to be expected of a professional and that a finding of impairment may be necessary to maintain public confidence in the profession.
127. Mr Rahman, in examination-in-chief, informed the Committee of his position regarding ongoing risk to the public. He stated that prior to these allegations he had no previous regulatory findings.
128. He told the Committee how he had initially worked at Specsavers as a 'Saturday boy', and his academic history prior to qualifying in 2013. Mr Rahman told the Committee that he completed his pre-registration placement at Specsavers at redacted in 2013. He said that after he qualified, he moved to work at the redacted branch of Specsavers with a view to developing a role as a director. He said that he bought shares of the company for redacted to become a director, of which redacted, with the balance provided from Mr Rahman's modest savings. Mr Rahman referred the Committee to a letter of thanks from a patient to him and photographs of awards received by the branch in 2014.
129. Mr Rahman told the Committee in detail about the circumstances surrounding redacted. He explained that due to work pressures he had seen less of his family in the year prior to his redacted.
130. Mr Rahman explained to the Committee the Pathway programme of study required for approval as a director. He said the level of this work had left him exhausted and that he had underestimated the effect that these studies and stresses would have on him. He said he was working 6 days a week doing eye tests from 9am to 5pm and dealing with administration and paperwork on top of this. He was regularly working from 8am to 8pm. Mr Rahman told the Committee that redacted.
131. Mr Rahman referred the Committee to a letter from Specsavers dated 10 July 2015 relating to his request for reduced working hours. Mr Rahman explained that, after his redacted he had realised that he 'was not able to perform' and had requested a reduced working week. He said that he had calculated the hours that he had previously worked above his contracted working hours and requested a reduction of hours to reflect this without a cut in pay. He explained that Specsavers had declined this request for time in lieu. Due to his financial situation, he only reduced his hours for one month.
132. Redacted
133. Redacted

134. Mr Rahman told the Committee that following the Specsavers' investigation, Mr A had not recommended that Specsavers suspend him and referred the Committee to the sections of Mr As' report relating to this decision.
135. With regard to the settlement agreement, Mr Rahman told the Committee that he had 'disposed of' all the items that Specsavers had allowed him to keep and that lots of them were boxed up and he hadn't touched them. He said he had no use for 'redacted'.
136. Mr Rahman told the Committee that due to his redacted. He stated that he had not been influenced by anyone and accepted full responsibility for his actions. He stated that he had not faced redacted head on. He also stated it was purely self-greed.
137. Redacted. Mr Rahman told the Committee that the individuals identified in his plan were aware of the Council's investigation and these proceedings.
138. Mr Rahman explained how he watched free videos on YouTube which had helped him, specifically those of Professor A, Professor of Psychology and Behavioural economics at redacted University redacted. Mr Rahman said he related to Professor A's statement that 'once you accept dishonesty you can accept you won't be dishonest again'.
139. Mr Rahman referred to the last paragraph of his reflective statement where he states that he is 'aware of his wrongdoings and I have put actions in place to ensure that I do not repeat any of these in the future and ultimately put the profession into disrepute'.
140. In cross-examination, Mr Rahman continued to assert that his actions of dishonesty spiralled into greed due to emotions and redacted that affected his decision making. When directed by Mr Ferson to comments he made in his interview with Mr A that he had needed the money to survive and eat, Mr Rahman confirmed this was the case. Mr Rahman however acknowledged that he had purchased luxury goods for himself and for Ms Shah; he accepted that he did this out of greed and not necessity.
141. Mr Rahman continued to assert that at the time he was redacted. He however accepted that he had, in addition to his work pressures, created false receipts, submitted false expense claims, inflated Ms Shah's salary and fraudulently purchased and sold a laptop to Mr X, but denied that these actions had taken a great deal of work and effort. In reply to Mr Ferson, Mr Rahman asserted that he accepted his dishonesty and that he had not been influenced by any other person. He stated that these were silly decisions which led to greed.
142. In relation to questions from Mr Ferson about his redacted, Mr Rahman stated that he was referring to his redacted and redacted. Redacted not going to affect his future. When Mr Ferson suggested that Mr Rahman had made a choice to act as he did, Mr Rahman accepted that this was the case. When challenged by Mr Ferson that he had enjoyed the goods that were purchased, Mr Rahman disagreed and told the Committee that he didn't like luxury things and that he made the purchases for comfort. When asked by Mr Ferson what he would do if tempted again, Mr Rahman told the Committee that he now gained comfort from redacted. Mr Rahman disagreed that he had roped others into what he was doing and told the Committee that he fully accepted the allegations. Mr Rahman reiterated that he had been in denial of his actions. Mr Rahman disagreed with Mr Ferson's suggestion to him that the dishonesty

had been 'sophisticated.' When asked why he had initially denied acting dishonestly when interviewed by Mr A, Mr Rahman told the Committee that it was only when he spoke to Mr A during a break in the interview that he identified his dishonesty.

143. Redacted

Submissions on misconduct and impairment (Mr Rahman and Ms Shah)

144. The Committee heard submissions on misconduct and impairment from Mr Ferson, on behalf of the Council, Mr Saad on behalf of Mr Rahman and Mr Goodwin on behalf of Ms Shah.
145. Mr Ferson adopted his skeleton written submissions in relation to both misconduct and impairment.
146. In relation to misconduct he referred the Committee to the cases including *Roylance v GMC [2000] 1AC 311*, the Standards Practice for Optometrists and Dispensing Opticians and the Council's Hearing and Indicative Sanctions Guidance.
147. In relation to Mr Rahman, Mr Ferson submitted that Mr Rahman's conduct fell so far below the standards to be expected of a registered professional as to be deplorable and was so serious as to amount to misconduct.
148. Mr Ferson submitted that, following discussions with Mr Saad and Mr Goodwin, the Council accepted that the funds obtained by Mr Rahman had been reduced by the redacted from Specsavers, sums legitimately due to Ms Shah and tax due.
149. Mr Ferson submitted that Mr Rahman had carried out acts of sophisticated and sustained dishonesty over a period of over a year. Mr Ferson further submitted that Mr Rahman had used various forms of deception, including false invoices, doctoring of invoices, credit card purchases and false representations to an employee.
150. Mr Ferson submitted that there was no burden of proof in relation to misconduct and it was a matter for the Committee's professional judgement.
151. In relation to impairment, Mr Ferson again submitted that there was no burden of proof, and it was also matter for the Committee's professional judgment. He referred the Committee to the cases including *CHRE V NMC Grant [2011]* and *Cohen v GMC [2008] EWHC 581 (Admin)*.
152. He submitted that the question was of current impairment, but that the Committee had to look at the way Mr Rahman has acted in the past.
153. Mr Ferson submitted that there was a risk of repetition in relation to Mr Rahman's dishonest conduct and that a finding of current impairment was necessary on the grounds of public protection.
154. Mr Ferson further submitted that public confidence in the profession and the Council as a regulator would be undermined if a finding of current impairment was not made in respect of Mr Rahman and therefore a finding of current impairment was necessary on the grounds of public interest.
155. In relation to Ms Shah, Mr Ferson submitted that her conduct fell far below the standard to be expected of a registered professional and was so serious as to amount to misconduct.

156. Mr Ferson referred the Committee to the case of *Sawati v GMC [2022] 283 (Admin)* in relation to the Committee's rejection of her defence.
157. In respect of misconduct, Mr Ferson submitted that the Committee had found that Ms Shah had regularly taken money out from her bank account at an ATM and given it to Mr Rahman. Mr Ferson submitted she had further bought goods for him. Mr Ferson submitted that these were deliberate dishonest acts on her part.
158. In relation to impairment, Mr Ferson submitted that Ms Shah was entitled to defend the allegations and referred the Committee to the approach to take to a 'rejected defence' as set out in *Sawati*.
159. Mr Ferson said the Committee could conclude that Ms Shah had shown no real insight into her dishonest conduct and that a finding of impairment was required on both public protection and public interest grounds.
160. Mr Saad, on behalf of Mr Rahman, submitted that Mr Rahman accepted misconduct and that a finding of impairment might be required on the grounds of public interest.
161. Mr Saad set out the basis on which the sum obtained by Mr Rahman had been reduced but submitted this did not mean Mr Rahman sought to minimise his actions. Mr Saad however submitted that it showed Mr Rahman had not just 'pocketed the cash.'
162. In relation to impairment, Mr Saad stated that he took no issue with the case law referred to by Mr Ferson and referred the Committee to section 16 of the Guidance.
163. Mr Saad addressed the issue of whether Mr Rahman continues to pose a risk, as of today, in relation to the regulatory concerns identified in the allegations. Mr Saad submitted the following factors were mitigatory:
 164. That Mr Rahman had no adverse fitness to practise concerns prior to the concerns arising in the allegations.
 165. That Mr Rahman was a skilled practitioner as reflected by the testimonials provided by him.
 166. That Mr Rahman had admitted to dishonest conduct during Mr As' interview with him in 2016.
 167. Mr A's conclusions that Mr Rahman did not pose a risk.
168. Mr Saad submitted that Mr Rahman had expressed genuine remorse. Mr Saad further submitted that the Committee should take into account the particular circumstances that existed at the time of Mr Rahman acting dishonestly. Mr Saad submitted that Mr Rahman was redacted that were particular to the position he was in during 2016 and 2017. Mr Saad submitted that the Committee should consider the context in which the conduct took place.
169. Mr Saad submitted that the most important point for the Committee to consider was that Mr Rahman had practised for 6 years following the date of the misconduct with no issues or concerns being raised. Mr Saad submitted this was the best evidence in relation to the risk of repetition. Mr Saad submitted that Mr Rahman had provided evidence of insight and remediation and had completed targeted Continuing Professional Development (CPD). Mr Saad referred the Committee to the positive testimonials provided for Mr Rahman and submitted that these had been provided by

professional people who were registered with the Council, knew about the allegations and were not obliged to provide the testimonials. Mr Saad took the Committee through the testimonials and explained the authors' connection with Mr Rahman and submitted that weight should therefore be attached to them.

170. Mr Saad submitted that Mr Rahman had not been required to give evidence and that it had been redacted at the time of his dishonest conduct. Mr Saad further submitted that given the circumstances that had existed and Mr Rahman's intervening period of unrestricted practice with no concerns it was difficult to see how he presented a current risk to the public.
171. Mr Goodwin, on behalf of Ms Shah, submitted that the day of the Committee's findings of facts was 'the worst day of [Ms Shah's] professional life' and that she was devastated by the findings of the Committee.
172. Mr Goodwin submitted that the Committee should have regard to the nature and extent of what had been found proved and that, whilst dishonesty was serious, that there was a distinction between the misconduct of Mr Rahman and that of Ms Shah. Mr Goodwin submitted that Ms Shah had been a reluctant participant and that there was a distinction between her culpability and that of Mr Rahman. Mr Goodwin submitted that Mr Rahman, in his evidence, had made it clear that he had not been influenced by anyone, including Ms Shah.
173. Mr Goodwin submitted that it was regrettable and unfortunate that Mr Rahman had not given evidence at the facts stage. Mr Goodwin invited the Committee to draw no adverse inference in relation to him not cross-examining Mr Rahman on the issues of fact when Mr Rahman gave evidence at the impairment stage, findings in fact already having been made. Mr Goodwin referred the Committee to section 17.8 of the Guidance and the case of *Lusinga v NMC [2017] EWHC 1458 (Admin)* and submitted that the Committee should be mindful that there is a scale of seriousness of dishonesty.
174. Mr Goodwin submitted that there was no question of there being any concerns about Ms Shah's clinical practice and that Ms Shah was an excellent professional and no risk to patients. Mr Goodwin submitted that Ms Shah had not been the subject of any regulatory concerns prior to the allegations found proved and had an unblemished six years of practice since. Mr Goodwin referred the Committee to the various positive testimonials provided for Ms Shah. Mr Goodwin submitted that the Committee should have regard to these, and the views expressed by Mr A in relation to Ms Shah.
175. Mr Goodwin submitted that the Committee had to look at Ms Shah's fitness to practise as of today and in the future. Mr Goodwin referred the Committee to the cases of *Sawati v GMC [2022] 283 (Admin)*, *GMC v Awan [2020] EWHC 15553 (Admin)* and paragraph 16.6 of the Guidance. Mr Goodwin submitted that the Committee should not make any adverse inference from Ms Shah's denial of the allegations against her.
176. Mr Goodwin submitted that the Council had not sought any interim order against Ms Shah and that this indicated there were no concerns about repetition and Ms Shah's fitness to practise was not impaired.

Decision on Misconduct (Mr Rahman)

177. The Committee noted that Mr Rahman had accepted misconduct, and this was reiterated by Mr Saad in his submissions.
178. In reaching its decision in respect of misconduct, the Committee had regard to the submissions of Mr Ferson, on behalf of the Council, Mr Saad on behalf of Mr Rahman and Mr Goodwin, on behalf of Ms Shah, insofar as they related to Mr Rahman. The Committee took account of Mr Rahman's oral evidence at this stage and the documents contained in the bundle provided on behalf of Mr Rahman.
179. The Committee accepted the advice of the Legal Adviser. He referred the Committee to cases including *Roylance v NMC 1 AC 311* and *Calhaem v GMC [2007] EWHC 2606*. He referred the Committee to advice given generally at the stage of facts in relation to the Committee's approach to the assessment of evidence and the weight to be attached to evidence.
180. The Committee considered all of the allegations admitted by Mr Rahman and found proved. The Committee considered that the allegations admitted by Mr Rahman and found proved involved pre-meditated dishonest behaviour for Mr Rahman's personal gain and a secondary benefit to Ms Shah. Mr Rahman pro-actively instigated and carried out a sophisticated course of deception over a significant period of time and by various methods, including claiming false expenses, making purchases on Specsavers' company credit card, the creation of false invoices and inflating the hours worked by Ms Shah. He involved others in his dishonest behaviour, and it only stopped once information had been passed to Specsavers by a 'whistle blower'. The Committee determined that Mr Rahman's dishonest behaviour was not a 'one off' event, but a prolonged course of deliberate dishonest conduct.
181. The Committee further determined that Mr Rahman's actions breached the trust placed in him as a JVP and director by Specsavers and his colleagues at redacted Specsavers. The Committee noted the Council's acceptance, that the sums Mr Rahman eventually ended up benefiting from had been reduced by redacted, tax repayments and other matters, but this did not vary the Committee's conclusions in respect of the nature and extent of Mr Rahman's conduct as the actual amount originally gained by the dishonest conduct had been substantial.
182. The Committee considered that Mr Rahman's conduct constituted breaches of standards 16, 16.1, 17 and 17.1 that state:
- '16. Be honest and trustworthy***
- 16. 1 Act with honesty and integrity to maintain public trust and confidence in your profession.*
- 17. Do not damage the reputation of your profession through your conduct***
- 17.1 Ensure your conduct, whether or not connected to your professional practice, does not damage public confidence in you or your profession.'*
183. The Committee determined that all the allegations constituted serious misconduct, and that Mr Rahman's dishonesty was a serious departure from the standards expected of a Registered Optometrist.

184. The Committee considered that, both individually and cumulatively, Mr Rahman's conduct would be viewed as deplorable by fellow members of the profession.
185. As such the Committee determined that the facts found proved amounted to misconduct.

Decision on Impairment (Mr Rahman)

186. The Committee next went on to decide if, as a result of the misconduct, Mr Rahman's fitness to practise is currently impaired.
187. In this regard the Committee considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC* and *Grant* in reaching its decision. In paragraph 74, she said:

'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'

188. In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's "test" which reads as follows:

'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that s/he:

- a) has in the past acted and/or is liable in the future to 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 the 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 the future.'*

189. The Committee first considered the oral evidence given by Mr Rahman and the documents provided on his behalf.

- The Committee considered that there were a significant number of inconsistencies and contradictions both internally within the evidence given by Mr Rahman and in relation to documentation provided to it relating to the original Specsavers' investigation. These include the following examples, but this is not an exhaustive list:
- Mr Rahman told the Committee during his oral evidence that he had **redacted**. During Mr As' interview with him, Mr Rahman stated that he had 'never had **redacted**.' The Committee has already found that it can rely on the transcript of Mr As' interview and did not have any evidence before it to support Mr Rahman's

assertions that the transcript was wrong. The Committee considered this was an inconsistency in Mr Rahman's evidence.

- **Redacted.** The Committee considered this to be a further inconsistency in Mr Rahman's evidence.
 - During cross-examination by Mr Ferson, Mr Rahman stated that due **redacted** at the time of the allegations, he did not realise he was acting dishonestly. During Mr As' interview with him, Mr Rahman stated 'I knew what I was doing was wrong.' When asked by Mr A 'Did you know what you was doing was wrong' Mr Rahman answered '100% yes' and later in the interview stated 'So I do realise that a lot of it, probably not, a lot of it was fraudulent and illegal if you want to say against the law, yes'. The Committee considered that Mr Rahman's evidence was inconsistent with his statements to Mr A and in many cases contradicted them. The Committee considered that the interview with Mr A was the most contemporaneous record available of Mr Rahman's state of knowledge in relation to his conduct. The Committee concluded that Mr Rahman's evidence before it on this issue was inherently implausible and wholly incredible.
 - Initially in his evidence before the Committee, Mr Rahman stated that at least two months prior to the Specsavers investigation he had been told by 'multiple people' that he had been acting dishonestly. When asked who these people were, he then varied this to just Mr X and explained he had been mistaken when he said, 'multiple people'. The Committee considered this was an internal inconsistency and that it was inherently implausible that he would make a mistake on such an important point.
 - The Committee also considered Mr Rahman's evidence regarding goods that he had purchased. The Committee noted that Mr Rahman told it that most of these items had remained boxed and had not been used by him 'in a meaningful way'. The Committee noted the terms of an email contained in the Council's bundle from Mr Rahman to Specsavers dated 8 September 2018 which clearly identified a number of items that were, at that time either being used by him or had been given to others. The Committee considered that this was inconsistent and contradictory to Mr Rahman's evidence that a large number of the goods bought had remained in their boxes and had been purchased for '**redacted**'. The Committee concluded that Mr Rahman's evidence in this regard was inherently implausible and wholly incredible.
 - In his evidence before the Committee Mr Rahman explained that he had disposed of the items listed in schedule 1 of the settlement agreement including recycling the Apple products, having furniture removed, taking items to the skip or, in the case of a fridge, to the 'scrap yard'. Given the nature of the items in question, the Committee concluded that this was inherently implausible and wholly incredible.
190. In considering Mr Rahman's evidence holistically, the Committee determined that there were a large number of internal and external inconsistencies and contradictions and some of his evidence was inherently improbable and wholly incredible.
191. **Redacted.**

192. The Committee concluded that it was inherently implausible and wholly incredible that Mr Rahman, a registered health practitioner, redacted with his historic behaviour was neither credible nor reliable.
193. The Committee considered that the allegations admitted and found proved are suggestive of attitudinal issues. The Committee also considered that Mr Rahman's misconduct was potentially remediable, albeit this might be difficult.
194. In totality, therefore, the Committee determined that much of the evidence given by Mr Rahman was neither credible nor reliable.
195. In relation to insight, having found much of Mr Rahman's evidence to be neither credible nor reliable, the Committee determined that he had not demonstrated any true insight into the nature and extent of his misconduct, or its consequences for colleagues at Specsavers, Specsavers as a company, other members of the profession, or public confidence on the profession and in the Council as a regulator. Mr Rahman, in evidence, had repeatedly referred to his dishonest actions spiralling into, or leading to, greed, which reflected a fundamental failure to acknowledge that greed had been a primary factor throughout his course of dishonest conduct. Further, the Committee concluded that Mr Rahman had not shown any genuine regret or remorse.
196. In relation to remediation, the Committee took account of the targeted CPD undertaken in 2022 and the associated reflection, and the professional testimonials submitted on Mr Rahman's behalf. The Committee noted that Mr Rahman's clinical skills were held in high regard. However, having found much of Mr Rahman's evidence to be neither credible nor reliable, the Committee determined that he had demonstrated that he had not effectively addressed the underlying attitudinal concerns integral to his misconduct. The Committee concluded that there is insufficient evidence of appropriate remediation of the misconduct identified.
197. The Committee considered Mr Saad's submission that prior to and post the time of the misconduct there had been no repeat of similar behaviour by Mr Rahman, but concluded that certainly post the misconduct there was no evidence before it that Mr Rahman had held a position with similar financial responsibility to that which he held in 2015 and 2016 or been afforded the opportunity to act in a similar manner to that in the allegations admitted and found proved. The Committee determined that the 6-year period relied upon by Mr Saad was not sufficient evidence to satisfy it that there was no risk of repetition.
198. The Committee determined that taking all of these factors into account there remains a high risk of repetition. The Committee therefore decided that a finding of impairment is necessary on the grounds of public protection.
199. The Committee further concluded that a finding of no impairment would be tantamount to giving an indication on behalf of the profession, that such serious misconduct need not have regulatory consequences. The Committee determined that a finding of impairment on public interest grounds is required because public confidence in the profession and in the regulator would be undermined if a finding of impairment were not made in this case.

200. Having regard to all of the above, the Committee was satisfied that Mr Rahman's fitness to practise is currently impaired both on the grounds of public protection and public interest.

Decision on Misconduct (Ms Shah)

201. In reaching its decision in respect of misconduct the Committee had regard to the submissions of Mr Ferson, on behalf of the Council, Mr Goodwin on behalf of Ms Shah and Mr Saad on behalf Mr Rahman, insofar as they related to Ms Shah. The Committee took account of its prior decision on facts in relation to Ms Shah and all relevant documentation.
202. The Committee noted Mr Goodwin's submission that Ms Shah 'was resigned' to the Committee making a finding of misconduct.
203. The Committee accepted the advice of the Legal Adviser. He referred the Committee to cases including *Roylance v NMC 1 AC 311*, *Calhaem v GMC [2007] EWHC 2606* and *Sawati v GMC [2022] 283 (Admin)*.
204. In considering the issue of misconduct the Committee adopted the approach for 'rejected defences' as set out in *Sawati v GMC [2022] 283 (Admin)*. In particular it noted paragraphs 103 to 108 of *Sawati* that state:

103. The principle of due process may not be sophisticated or complicated. The principle of protecting the public from practitioners who cannot accept or deal with findings of fault, and are at risk of repeating their failings, is not complicated either. Reconciling the two may however be difficult in an individual case, and is undoubtedly fact-sensitive. So the question is how best to approach the facts of a given case. I have recounted the caselaw at some length, to identify not just guidance of principle, but also the pattern of relevant factors to which the appellate courts have consistently attached importance. The following stand out.

104. First: the primary allegations against the doctor. The proper place of dishonesty (or other states of mind such as 'deliberate' and 'knowing') in the scheme of the allegations matters. A rejected defence of honesty may be more fairly relevant to an overall assessment of conduct where dishonesty (the noun) is the primary allegation - deceit, fraud, forgery or similar - than where 'dishonestly' (the adverb) is a secondary allegation, aggravating a primary allegation of other misconduct which may or may not be done honestly - or not a formal allegation at all. As Lord Hoffmann emphasised, particular alertness is needed to the 'charging trap': adding 'dishonestly' to a primary allegation to aggravate it disproportionately, colour any denial of the primary allegation with dishonesty, or characterise denial of the dishonesty as itself dishonest or lacking insight. But even short of oppressive charging, the fair relevance to sanction of a doctor's rejected honesty defence depends on its relationship to what they were primarily defending.

105. Second: what if anything the doctor is positively denying. There is a difference between denying 'primary facts' - what happened and what the doctor did or did not do - and denying 'secondary facts' - the evaluation of the primary facts

through the lens of what the doctor knew or thought and the choices available to them. Resistance to the objectively verifiable is potentially more problematic behaviour (and more relevant to sanction) than insistence on an honest subjective perspective. This is not of course an exclusive binary classification: what a doctor thinks or knows will often have to be deduced evidentially from objective circumstances. A secondary fact such as dishonesty may be inferred in some defended cases from an overwhelming accumulation of primary facts. If a doctor denies their alleged state of mind with a defence at the unreal, unreasonable or 'frankly ludicrous' end of the spectrum, that may be more fairly relevant to sanction than one where the only thing being denied is that dishonesty rather than honest mistake gives the better account of things.

106. *Third: whether there is evidence of lack of insight other than the rejected defence. Before a rejected defence is held to be relevant evidence of 'lack of insight', it is necessary to consider what other evidence of insight or lack of insight is present. There are cases, including some of the sexual impropriety cases, where being 'in denial' up to and including sanction proceedings is a richly evidenced course of conduct, in which a range of supportive and restrictive interventions have demonstrably failed to bring a doctor to a proper, fair and reasonable acknowledgment of the reality of their established problems and failings. At the other end of the spectrum, there are cases in which the only evidence of failure of insight seems to be robust defence at the factfinding stage. Damascene conversions aside, a rejected defence which on a fair analysis adds to an evidenced history of faulty understanding is more likely to be relevant fairly to sanction than one said to constitute such faulty understanding in and of itself.*
107. *(I am not myself assisted by analogy with criminal proceedings in this respect. A plea of guilty can secure a mitigation of sentence because it spares the victim and the public purse the human and financial cost of a trial. The risk the offender may or may not pose to the public is dealt with in other ways. Insight is a genuine and proper issue in professional regulatory proceedings in and of itself. But as such it needs to be properly considered on a substantive and not just a procedural basis.)*
108. *Fourth: the nature and quality of the rejected defence. 'Not telling the truth to the Tribunal', when not freshly charged in separate proceedings as akin to perjury, has to amount to something more than a failure to admit to an allegation (especially a secondary allegation of dishonesty) or a putting to proof, before it can properly count against a doctor. It is likely to have to amount to more than offering an 'honest' alternative explanation of events alleged to be explicable as dishonesty, or it is hard to see how a dishonesty charge is to be effectively defended. It is going to require some thought to be given to the nature of the rejected defence. Was it a blatant and manufactured lie, a genuine act of dishonesty, deceit or misconduct in its own right? Did it wrongly implicate and blame others, or brand witnesses giving a different account as deluded or liars? Or was it just a failed attempt to tell the story in a better light than eventually proved warranted?*
205. The Committee considered all of the allegations found proved. The Committee considered that the allegations found proved involved Ms Shah pro-actively assisting

Mr Rahman to misappropriate funds from Specsavers over a sustained period of time and involved her being aware that Mr Rahman was misappropriating these funds. The Committee considered that this had resulted in personal gain for Ms Shah and that she had breached the trust placed in her by Specsavers and her colleagues at **redacted** Specsavers.

206. The Committee determined that Ms Shah's dishonest behaviour was not a 'one off' event, but a sustained course of dishonest conduct, involving multiple transactions on her part either by withdrawal of cash from an ATM or the purchase of goods.
207. The Committee noted the Council's acceptance, that the sum Ms Shah benefited from had been reduced by tax and that she was due payment for hours worked, but this did not vary the Committee's conclusions in respect of the nature and extent of Ms Shah's conduct.
208. The Committee considered that Ms Shah's conduct constituted breaches of standards 16, 16.1, 17 and 17.1 that state:
- '16. Be honest and trustworthy*
- 16. 1 Act with honesty and integrity to maintain public trust and confidence in your profession.*
- 17. Do not damage the reputation of your profession through your conduct*
- 17.1 Ensure your conduct, whether or not connected to your professional practice, does not damage public confidence in you or your profession.'*
209. The Committee considered that Ms Shah's conduct was serious and fell far below the standards to be expected of a registered Optometrist. It considered that the conduct would be viewed as deplorable by fellow members of the profession.
210. As such the Committee determined that the facts found proved amounted to misconduct.

Decision on Impairment (Ms Shah)

211. The Committee next went on to decide whether as a result of the misconduct, Ms Shah's fitness to practise is currently impaired.
212. In this regard the Committee considered the judgment of Mrs Justice Cox in the case of *CHRE v NMC* and *Grant* in reaching its decision. In paragraph 74, she said:
- 'In determining whether a practitioner's fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not only whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.'*
213. In paragraph 76, Mrs Justice Cox referred to Dame Janet Smith's "test" which reads as follows:

'Do our findings of fact in respect of the doctor's misconduct, deficient professional performance, adverse health, conviction, caution or determination show that his/her fitness to practise is impaired in the sense that s/he:

- a) has in the past acted and/or is liable in the future to 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 the 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 the future.'*

214. The Committee considered Ms Shah's rejected defence in line with the approach as laid out in *Sawati*. The Committee considered its determination on facts and concluded that the allegations found proved relate to an allegation where dishonesty is the primary allegation as defined in paragraph 104 of *Sawati*. The Committee further determined that Ms Shah in her defence was positively denying a primary fact, that is her actual state of knowledge of Mr Rahman's dishonest actions as admitted by him. The Committee also kept in mind the third and fourth limbs of the approach in *Sawati* when assessing the issue of Ms Shah's current fitness to practise, that being whether there is other evidence of 'lack of insight' and the nature and quality of the rejected defence.
215. The Committee wholly accepted that Ms Shah was entitled to challenge the allegations by the Council against her. However, in its findings of fact the Committee has determined that it found in Ms Shah's evidence that she was unaware that she knew that her hours worked for Specsavers did not entitle her to gross pay of £32,400 or that she knew or suspected that Mr Rahman was acting dishonestly was wholly implausible. Ms Shah did not give any further evidence before the Committee at the stage of impairment nor was any further documentary evidence provided on her behalf. The only further information as to Ms Shah's position came through Mr Goodwin's submission that 'yesterday was the worst day of her professional career'.
216. The Committee considered that it had no evidence before it that Ms Shah had demonstrated insight into the nature and extent of her misconduct, or its consequences for colleagues at Specsavers, Specsavers as a company, other members of the profession, or public confidence in the profession and the Council as regulator. Further, the Committee considered that Ms Shah had not shown any regret or remorse.
217. The Committee took account of Mr Goodwin's submission that she had no prior regulatory findings to her name and that there had been no repetition of similar conduct since the date on the allegations found proved. However, the Committee concluded that certainly post the misconduct there was no evidence before it that Ms Shah had been in an analogous position to that existing at the time of the allegations found proved or been afforded the opportunity to act in a similar manner. The Committee determined that the 6-year period relied upon by Mr Goodwin was not in itself sufficient evidence to satisfy it that there was no risk of repetition.

218. The Committee also took into account Mr Goodwin's submission that, as the Council had not sought to have an interim order imposed on Ms Shah, this reflected that it must have considered there was no risk of repetition. The Committee determined that the issue of whether or not an interim order had been sought was a matter for the Council and required to be decided by it in light of the relevant matters then existing. The Committee considered that, as it has found on facts, the position is varied from that which previously existed. Further, the issue of risk of repetition, is a matter for the Committee to decide, based on the information currently available to it. The Committee did not accept Mr Goodwin's submission that it should find there is no risk of repetition because there has been no prior interim order in place.
219. The Committee took into account the positive testimonials provided on behalf of Ms Shah and the evidence of Ms A. With regard to the testimonials, the Committee had previously noted that these character testimonials pre-dated this hearing and did not explicitly state that the authors were aware of the allegations currently against Ms Shah at these proceedings. The Committee also considered that the authors of these testimonials knew of and spoke to Ms Shah's character in a clinical setting and that none of them had worked at redacted. The Committee concluded that the testimonials were of little assistance to it in respect of the matters before it in respect of the assessment of the risk of repetition.
220. Similarly, in relation to the character testimonial and oral evidence of Ms A, the Committee had also concluded that Ms A spoke of her knowledge of Ms Shah's character in the generality and noted that she stated during cross-examination that she was not in fact aware of the exact allegations against Ms Shah and had never worked in redacted. The Committee concluded that the evidence of Ms A was of little assistance in respect of the matters before it.
221. The Committee, for the same reasons, concluded that neither the testimonials or the evidence of Ms A was of assistance to it in relation to Ms Shah's current insight or remediation.
222. The Committee considered that the allegations admitted and found proved relate to pre-meditated dishonest acts over a significant period of time and was suggestive of attitudinal issues. However, the Committee also considered that Ms Shah's misconduct was potentially remediable, albeit this might be difficult.
223. Taking all the above into account, the Committee determined that Ms Shah had not demonstrated that she had addressed the regulatory concerns arising from her misconduct and concluded that she had not remediated her misconduct.
224. The Committee determined that as a result of Ms Shah's lack of insight and remediation there remains a risk of repetition.
225. The Committee therefore decided that a finding of impairment is necessary on the grounds of public protection.
226. The Committee further concluded that a finding of no impairment would be tantamount to giving an indication on behalf of the profession that the misconduct need not have regulatory consequences. The Committee determined that a finding of impairment on public interest grounds is required because public confidence in the profession and in the regulator would be undermined if a finding of impairment were not made in this case.

227. Having regard to all of the above, the Committee was satisfied that Ms Shah's fitness to practise is currently impaired both on the grounds of public protection and public interest.

Sanction

Submissions on Sanction (Mr Rahman and Ms Shah)

228. Having determined that Mr Rahman's and Ms Shah's fitness to practise were impaired, the Committee went on to consider what sanction, if any, it should impose. In reaching its decision, the Committee considered all the evidence provided, together with the submissions of Mr Ferson on behalf of the Council, Mr Saad on behalf of Mr Rahman and Mr Goodwin on behalf of Ms Shah.
229. Mr Ferson advised the Committee that the Council sought a sanction of erasure in respect of both Mr Rahman and Ms Shah.
230. In relation to Mr Rahman, Mr Ferson submitted that Mr Rahman had not demonstrated any insight into the nature and extent of his misconduct or its consequences for colleagues at Specsavers, Specsavers as a company, other members of the profession and in the Council as a regulator. He referred the Committee to paragraph 196 of its decision on impairment in relation to Mr Rahman and its findings that "*Mr Rahman, in evidence, had repeatedly referred to his dishonest actions spiralling into, or leading to, greed, which reflected a fundamental failure to acknowledge that greed had been a primary factor throughout his course of dishonest conduct. Further, the Committee concluded that Mr Rahman had not shown any genuine regret or remorse*".
231. In relation to Ms Shah, Mr Ferson referred the Committee to paragraph 217 of its decision on *impairment* in relation to Ms Shah and its findings that "*Ms Shah had not demonstrated insight into the nature and extent of her misconduct, or its consequences for colleagues at Specsavers, Specsavers as a company, other members of the profession, or public confidence in the profession and the Council as regulator. Further, the Committee considered that Ms Shah had not shown any regret or remorse.*"
232. Mr Ferson submitted that the Committee should first consider the seriousness of the misconduct. In relation to Mr Rahman, he referred the Committee to paragraph 181 of its decision on *impairment* in relation to Mr Rahman and its findings that "*the allegations admitted by Mr Rahman and found proved involved pre-meditated dishonest behaviour for Mr Rahman's personal gain and a secondary benefit to Ms Shah. Mr Rahman pro-actively instigated and carried out a sophisticated course of deception over a significant period of time and by various methods, including claiming false expenses, making purchases on Specsavers' company credit card, the creation of false invoices and inflating the hours worked by Ms Shah. He involved others in his dishonest behaviour, and it only stopped once information had been passed to Specsavers by a 'whistle blower'. The Committee determined that Mr Rahman's dishonest behaviour was not a 'one off' event, but a prolonged course of deliberate dishonest conduct.*"

233. In relation to the seriousness of Ms Shah's misconduct Mr Ferson referred the Committee to paragraph 206 of its decision on impairment in relation to Ms Shah and its findings that *"the allegations found proved involved Ms Shah pro-actively assisting Mr Rahman to misappropriate funds from Specsavers over a sustained period of time and involved her being aware that Mr Rahman was misappropriating these funds. The Committee considered that this had resulted in personal gain for Ms Shah and that she had breached the trust placed in her by Specsavers and her colleagues at redacted Specsavers."*
234. Mr Ferson submitted that the purpose of a sanction was to uphold the standards of the profession and maintain public confidence in the profession and that the Committee should start by considering the least severe sanction and move upwards until it reached the most proportionate sanction. Mr Ferson further submitted that the Committee should take into account aggravating and mitigating factors in respect of Mr Rahman and Ms Shah.
235. In relation to Mr Rahman, Mr Ferson submitted that the following were aggravating factors:
- That Mr Rahman's misconduct involved prolonged pre-meditated dishonest conduct for personal gain.
 - That Mr Rahman had not addressed the underlying attitudinal concerns integral to his misconduct.
 - That there was a high risk of repetition.
236. In relation to Ms Shah, Mr Ferson submitted that the following were aggravating factors:
- That Ms Shah had pro-actively assisted Mr Rahman over a sustained period in his dishonest behaviour resulting in personal gain for her.
 - That Ms Shah had not shown insight.
 - There remained a risk of repetition.
237. Mr Ferson reminded the Committee that it had previously been observed that there was a 'difference in the culpability' of Mr Rahman and Ms Shah. He submitted that Mr Rahman had more extensive culpability, but that Ms Shah's dishonesty was also deliberate and sustained. He submitted that the actions of both Mr Rahman and Ms Shah exceeded the threshold for erasure.
238. Mr Ferson referred the Committee to the Council's Hearing and Indicative Sanctions Guidance (ISG), in particular paragraphs 21.35 – 21.39 and 22.4 – 22.6. In relation to the issue of Mr Rahman's evidence that, at the time of his dishonest behaviour, redacted that the Committee had found this evidence neither credible nor reliable.
239. Mr Ferson submitted that in relation to both Mr Rahman and Ms Shah that the seriousness of their misconduct was incompatible with ongoing registration.
240. Mr Saad, on behalf of Mr Rahman, told the Committee that Mr Rahman accepted that this was a serious case and did not seek to shy away from that. He submitted that the full range of sanctions were available to the Committee and, with reference to

paragraph 22.4 of the ISG, that there was no blanket rule or presumption that erasure was the appropriate sanction in all cases of dishonesty.

241. Mr Saad submitted that the Committee should take into account the following points of mitigation in relation to Mr Rahman:
- That during Specsaver's investigation Mr Rahman had made full admissions.
 - That Mr Rahman had reached a financial resolution with Specsavers in August 2017.
 - That Specsavers' investigation had concluded that Mr Rahman had expressed remorse.
 - That a sustained period of time had passed since the dates of the dishonest conduct with no further issues.
 - That no clinical concerns had been identified with Mr Rahman's clinical practice.
 - That the dishonest conduct had occurred during a redacted.
 - That Mr Rahman had accepted misconduct and that a finding of impairment was required on the grounds of public interest.
 - That Mr Rahman was a highly regarded practitioner and had provided good testimonials evidencing this.
 - That the Committee had determined that Mr Rahman's conduct was remediable.
 - That Mr Rahman had no fitness to practise history.
242. Mr Saad submitted that there was good evidence that the risk to the public had been addressed by Mr Rahman's change of conduct. He further submitted that the public might ask why, if no interim order had been required for the period of 6 years following the conduct occurring, there was no alternative to erasure.
243. Mr Saad submitted that the only change in circumstances during this period was that there had been no further problems since. Mr Saad accepted that personal mitigation was secondary to the fundamental aims of protection of the public and public interest but stressed that personal mitigation was not unimportant. He submitted that the Committee had to act proportionately.
244. Mr Saad further submitted that Mr Rahman had redacted as a result of the delay in the Council dealing with this case and that it was a testament to his commitment to the profession that he had continued to practise and had undertaken continuing CPD including further CPD following the Committee's decision on impairment.
245. Mr Saad submitted that the Committee required to start by considering sanctions at the lower end of the scale. He referred the Committee to various paragraphs of its decision on impairment in relation to Mr Rahman and submitted that a sanction of Conditional Registration, including conditions such as not holding the role of a director of a practice and providing a review committee with a reflective piece, would manage any risk to the public.

246. Mr Saad submitted that suspension was not necessary given the level of risk to the public and the public might see the imposition of such a sanction as perverse. Mr Saad referred to paragraph 21.29 of the ISG and relied upon his position that there had been no repetition of conduct since the incident and the Committee's determination at impairment stage that Mr Rahman's conduct was remediable. He submitted that a period of suspension for 12 months would allow for Mr Rahman to do this.
247. Mr Saad finally submitted that, given the mitigating factors identified by him, that individually and cumulatively, they did not accord with a sanction of erasure.
248. Mr Goodwin on behalf of Ms Shah submitted that the appropriate approach was for the Committee to consider the least severe sanction first and move upwards. He accepted that to impose no sanction would not be appropriate.
249. Mr Goodwin submitted that the question of the perceived culpability of Ms Shah was important, and that the Committee should keep in mind the concession by the Council that there was a difference between the culpability of Mr Rahman and Ms Shah. He submitted that the Committee required to act proportionately and referred it to paragraphs 8.1 and 8.3 of the ISG.
250. Mr Goodwin submitted that erasure should not be seen as the only appropriate sanction and that it was too severe a sanction given that there had been no further concerns in the 6 or 7 years following the incident. He submitted that Ms Shah did not represent any danger to the public and identified positive aspects of her practice and that she was highly regarded and competent practitioner.
251. Mr Goodwin referred the Committee to paragraph 22.4 of the ISG. He submitted that Ms Shah recognised the seriousness of her conduct and that the conduct could be addressed by some other sanction rather than erasure. Mr Goodwin submitted that the public might think it surprising, if not perverse, for a sanction of erasure to be imposed where there had been a 7-year period without further concerns being identified. He further submitted that in these circumstances it would be perverse if Ms Shah's ability to make a living were removed from her. He suggested that Ms Shah's comments that the Committee's finding on facts 'was the 'worst day of her life' could suggest that the Committee's findings on facts was 'sufficient punishment itself'.
252. Mr Goodwin submitted that the Committee should not remove an otherwise competent and useful registrant. He submitted that the presence of a competent registrant on the register could only enhance the reputation of the profession.
253. Mr Goodwin referred the Committee to the delay in regulatory proceedings being started by the Council against Ms Shah, that this only occurred in November 2020 and since then Ms Shah has continued with her career.
254. Mr Goodwin submitted that the appropriate sanction was a financial penalty order.
255. He referred to the Council not having sought an interim order and submitted this was on the basis that the Council did not consider Ms Shah presented a risk to the public. He submitted that the delay and the decision not to seek an interim order were matters that the Committee could take into its considerations on sanction.

256. Mr Goodwin referred the Committee to the four further testimonials produced by Ms Shah and took the Committee through each of them. He also explained Ms Shah's redacted.
257. Mr Goodwin advised the Committee that Ms Shah had a genuine and deep wish to remain as a member of the profession and that she had a great deal to contribute to the profession and patients. He submitted it was to Ms Shah's credit that she had continued to practise with the current proceedings ongoing.
258. Mr Goodwin submitted that the Committee should bear in mind that Ms Shah was entitled to deny the allegations. He further submitted that this could be perceived as a lack of remorse and insight but should not adversely affect the evaluation of future risk or risk of repetition. He stated that there were no adverse concerns relating to Ms Shah prior to or since the incidents.
259. Mr Goodwin invited the Committee to be lenient and that the imposition of a financial penalty would properly reflect the difference in culpability between Ms Shah and Mr Rahman. Mr Goodwin submitted that alternatively conditional registration may be appropriate to address potential risk and that no more than a suspension order was required.
260. The Committee accepted the advice of the Legal Adviser. He referred the Committee to the ISG and to the case of *Lusinga v. NMC [2017] 1458 (Admin)*. He also advised the Committee that it was required to act proportionately and start with consideration of the least severe sanction.

Decision on Sanction in relation to Mr Rahman

261. In reaching its decision on sanction in respect of Mr Rahman, the Committee took into account the submissions of Mr Ferson and Mr Saad, all relevant evidence before it and its prior decisions in this hearing.
262. The Committee bore in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. It recognised that the decision on sanction is a matter for the Committee, exercising its own independent judgement.
263. Before making its decision on the appropriate sanction, the Committee established the aggravating and mitigating features in this case.
264. The Committee took into account the submissions of Mr Saad in relation to mitigating factors. It considered that whilst Mr Rahman reached a financial resolution with Specsavers, he was required to do so as part of the outcome of the investigation. The Committee did not consider that any financial resolution arose through wholly voluntary acts on the part of Mr Rahman. The Committee accepted that Specsavers' investigation may have concluded that Mr Rahman had expressed remorse but considered that the issue of remorse was a matter for the Committee as reflected by its findings at impairment.
265. The Committee also took into account its conclusions in its findings on impairment in relation to Mr Rahman that *"In considering Mr Rahman's evidence holistically, the Committee determined that there were a large number of internal and external inconsistencies and contradictions and some of his evidence was inherently*

improbable and wholly incredible’ and that ‘In relation to insight, having found much of Mr Rahman’s evidence to be neither credible nor reliable, the Committee determined that he had not demonstrated any true insight into the nature and extent of his misconduct, or its consequences for colleagues at Specsavers, Specsavers as a company, other members of the profession, or public confidence on the profession and in the Council as a regulator. Mr Rahman, in evidence, had repeatedly referred to his dishonest actions spiralling into, or leading to, greed, which reflected a fundamental failure to acknowledge that greed had been a primary factor throughout his course of dishonest conduct. Further, the Committee concluded that Mr Rahman had not shown any genuine regret or remorse”.

266. The Committee also had previously determined that *‘it was inherently implausible and wholly incredible that Mr Rahman, a registered health practitioner, redacted with his historic behaviour was neither credible nor reliable’.*
267. The Committee had also previously determined that *‘certainly post the misconduct there was no evidence before it that Mr Rahman had held a position with similar financial responsibility to that which he held in 2015 and 2016 or been afforded the opportunity to act in a similar manner to that in the allegations admitted and found proved. The Committee determined that the 6-year period relied upon by Mr Saad was not sufficient evidence to satisfy it that there was no risk of repetition’.*
268. The Committee noted Mr Saad’s submissions that Mr Rahman had accepted misconduct and that a finding of impairment was required on the grounds of public interest, but also took into account that it had found that a finding of impairment in relation to Mr Rahman was required both on the grounds of public protection and public interest. The Committee also accepted that there were no concerns about Mr Rahman’s clinical practice as reflected by the testimonials provided by him but was aware that Mr Rahman’s clinical practice was not the subject matter of the allegations or regulatory concerns.
269. In these circumstances the Committee considered that the aggravating factors in this case were:
- Prolonged and multiple acts of deliberate pre-meditated dishonesty.
 - The dishonesty was for the purpose of personal gain.
 - Mr Rahman had given evidence before the Committee which it had found on multiple occasions was inherently implausible and incredible.
 - A persistent lack of insight and remorse throughout the regulatory process.
270. The Committee considered that the mitigating factors in this case were:
- Full admission to the allegations at the outset of this hearing.
 - Targeted CPD undertaken, albeit minimal.
271. The Committee first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. The Committee decided that it would be neither proportionate nor in the public interest to take no further action.
272. The Committee then considered whether to impose a financial penalty. However, it determined that these matters are too serious for a financial penalty to be considered appropriate or sufficient to reflect adequately the public interest.

273. The Committee next considered the imposition of a Conditional Registration Order.

274. The Committee noted the terms of paragraph 21.5 of the ISG which states:

'Conditional registration may be appropriate when most, or all, of the following factors are apparent (this list is not exhaustive):

- 1. No evidence of harmful deep-seated personality or attitudinal problems.*
- 2. Identifiable areas of registrant's practise in need of assessment or retraining.*
- 3. Evidence that registrant has insight into any health problems and is prepared to agree to abide by conditions regarding medical condition, treatment, and supervision.*
- 4. Potential and willingness to respond positively to retraining.*
- 5. Patients will not be put in danger either directly or indirectly as a result of conditional registration itself.*
- 6. The conditions will protect patients during the period they are in force.*
- 7. It is possible to formulate appropriate and practical conditions to impose on registration and make provision as to how conditions will be monitored.'*

275. The Committee considered that, as reflected by its prior decisions, that there was no evidence before it of Mr Rahman demonstrating genuine insight or remorse and that the *'allegations admitted and found proved are suggestive of attitudinal issues'*. The Committee also took into account that the allegations admitted and found proved did not relate to concerns about Mr Rahman's clinical practice. The Committee further considered that it would be difficult to formulate appropriate conditions in a case where repeated prolonged pre-meditated dishonesty for personal gain had been found.

276. In these circumstances, the Committee determined that there were no practical or workable conditions that could be formulated at this time which would adequately or appropriately address the concerns in this case and protect the public and the wider public interest.

277. For similar reasons the Committee concluded that conditions and a financial penalty would not adequately address the concerns in this case and protect the public and the wider public interest.

278. The Committee then went on to consider whether a suspension order would be an appropriate sanction.

279. The Committee noted the terms of paragraph 21.29 of the ISG which states:

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.*

280. The Committee noted that it was not a matter of dispute between the parties that Mr Rahman's conduct was serious. As set out above, the Committee has already determined that there was no evidence before it of Mr Rahman demonstrating genuine insight or remorse. Further, the Committee has determined that Mr Rahman's conduct amounted to repeated prolonged pre-meditated dishonesty for personal gain. The Committee had previously determined in its findings on impairment that Mr Rahman *'had not effectively addressed the underlying attitudinal concerns integral to his misconduct. The Committee concluded that there is insufficient evidence of appropriate remediation of the misconduct identified'* and that accordingly there remained a high risk of repetition.
281. In these circumstances, the Committee determined that a suspension order was insufficient to satisfy public protection and maintain public confidence in the profession and the Council as its regulator.
282. For similar reasons the Committee concluded that suspension and a financial penalty would not adequately address the concerns in this case and protect the public and the wider public interest.
283. The Committee then went on to consider erasure.
284. The Committee considered the terms of paragraph 21.35 of the ISG that 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):
1. *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;*
 2. *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;*
 3. *Abuse of position/trust (particularly involving vulnerable patients) or violation of the rights of patients;*
 4. *Offences of a sexual nature, including involvement in child pornography;*
 5. *Offences involving violence;*
 6. *Dishonesty (especially where persistent and covered up);*
 7. *Repeated breach of the professional duty of candour, including preventing others from being candid, that present a serious risk to patient safety; or*
 8. *Persistent lack of insight into seriousness of actions or consequences'.*
285. The Committee was satisfied that Mr Rahman's conduct amounted to a serious departure from the relevant professional standards. The Committee has determined that Mr Rahman's conduct amounted to repeated prolonged pre-meditated dishonesty resulting in initial personal gain. The Committee considered that Mr Rahman had abused the trust put in him by Specsavers and his colleagues at Specsavers. Further, the Committee has determined that there was insufficient evidence of remediation, that Mr Rahman failed to address the regulatory concerns arising from his conduct and that there remained a high risk of repetition. The Committee determined that Mr Rahman has shown a persistent lack of insight into the seriousness of his actions and the consequences of them.

286. The Committee was wholly satisfied that Mr Rahman's conduct was fundamentally incompatible with continued registration.

287. The Committee took into account paragraphs 21.37 and 21.38 of the ISG that state:

21.37 Erasure from the register is appropriate if it is the only means of protecting patients and/or maintaining public confidence in the optical profession. The Privy Council in Bijl v GMC (Privy Council Appeal No. 78 of 2000) emphasised that a Committee should not feel it necessary to remove:

"...an otherwise competent and useful [registrant] who presents no danger to the public in order to satisfy [public] demand for blame and punishment."

and

21.28 It is the Committee's role to maintain confidence in the profession, in some cases, this may mean considering whether erasure is appropriate despite a practitioner presenting no risk. In Bolton v Law Society, adopted by the Privy Council in the case of Dr Gupta [2001], Lord Bingham said:

"The reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is part of the price."

288. The Committee determined that there remained a risk of repetition and therefore this was not a case where an otherwise competent and useful registrant presented no danger to the public. It considered that the reputation of the profession was more important than Mr Rahman's fortunes.

289. Balancing all of these factors and after taking into account all the evidence before it during this case, the Committee determined that the appropriate and proportionate sanction is that of erasure. Having regard to the matters it identified, in particular the effect of Mr Rahman's actions in bringing the profession into disrepute, the Committee has concluded that nothing short of erasure would be sufficient in this case.

290. The Committee considered that this order was necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of an Optometrist.

291. The Committee considered the significant adverse impact this decision may have on Mr Rahman but considered his dishonest misconduct was such that the public interest outweighed Mr Rahman's own interests.

292. The Committee determined that to impose a financial penalty as well as erasure would be disproportionate and punitive.

293. The Committee therefore determined that Mr Rahman's name should be erased from the register.

294. Decision on Sanction in relation to Ms Shah

295. In reaching its decision on sanction in respect of Ms Shah the Committee took into account the submissions of Mr Ferson, and Mr Goodwin, all relevant evidence before it and its prior decisions in this hearing.
296. The Committee bore in mind that any sanction imposed must be appropriate and proportionate and, although not intended to be punitive in its effect, may have such consequences. It recognised that the decision on sanction is a matter for the Committee, exercising its own independent judgement.
297. Before making its decision on the appropriate sanction, the Committee established the aggravating and mitigating features in this case.
298. The Committee took into account its conclusions in its findings on misconduct and impairment in relation to Ms Shah that *“the allegations found proved involved Ms Shah pro-actively assisting Mr Rahman to misappropriate funds from Specsavers over a sustained period of time and involved her being aware that Mr Rahman was misappropriating these funds. The Committee considered that this had resulted in personal gain for Ms Shah and that she had breached the trust placed in her by Specsavers and her colleagues at redacted Specsavers”*... *‘that it had no evidence before it that Ms Shah had demonstrated insight into the nature and extent of her misconduct, or its consequences for colleagues at Specsavers, Specsavers as a company, other members of the profession, or public confidence in the profession and the Council as regulator. Further, the Committee considered that Ms Shah had not shown any regret or remorse’* and *‘that certainly post the misconduct there was no evidence before it that Ms Shah had been in an analogous position to that existing at the time of the allegations found proved or been afforded the opportunity to act in a similar manner. The Committee determined that the 6-year period relied upon by Mr Goodwin was not in itself sufficient evidence to satisfy it that there was no risk of repetition.’*
299. The Committee also took into account its findings at the stage of impairment in relation to Ms Shah that *‘the allegations admitted and found proved relate to pre-meditated dishonest acts over a significant period of time and was suggestive of attitudinal issues. However, the Committee also considered that Ms Shah’s misconduct was potentially remediable, albeit this might be difficult’*... *‘that Ms Shah had not demonstrated that she had addressed the regulatory concerns arising from her misconduct and concluded that she had not remediated her misconduct’* and *‘that as a result of Ms Shah’s lack of insight and remediation there remains a risk of repetition’*.
300. In relation to testimonials the Committee had previously determined that the testimonials provided to it were of little assistance to it. The Committee took the further testimonials provided by Ms Shah into account when considering sanction but was aware that Ms Shah’s clinical practice was not the subject matter of the allegations or regulatory concerns.
301. In these circumstances the Committee considered that the aggravating factors in this case were:
- That Ms Shah’s dishonesty was serious.

- That Ms Shah engaged in a pre-meditated prolonged course of dishonest conduct facilitating Mr Rahman's misappropriation of funds from Specsavers resulting in her personal gain.
- That Ms Shah has failed to demonstrate any insight.
- Ms Shah had failed to apologise for her dishonest actions.

302. The Committee considered that the mitigating factor in this case was:

- Ms Shah was not the instigator of the scheme to misappropriate funds from Specsavers.

303. The Committee first considered whether to take no action but concluded that this would be inappropriate in view of the seriousness of the case. The Committee decided that it would be neither proportionate nor in the public interest to take no further action.

304. The Committee then considered whether to impose a financial penalty. However, it determined that these matters are too serious for a financial penalty to be considered appropriate or sufficient to reflect adequately the public interest.

305. The Committee next considered the imposition of a Conditional Registration Order.

306. The Committee noted the terms of paragraph 21.5 of the ISG which states:

'Conditional registration may be appropriate when most, or all, of the following factors are apparent (this list is not exhaustive):

- 1. No evidence of harmful deep-seated personality or attitudinal problems.*
- 2. Identifiable areas of registrant's practise in need of assessment or retraining.*
- 3. Evidence that registrant has insight into any health problems and is prepared to agree to abide by conditions regarding medical condition, treatment, and supervision.*
- 4. Potential and willingness to respond positively to retraining.*
- 5. Patients will not be put in danger either directly or indirectly as a result of conditional registration itself.*
- 6. The conditions will protect patients during the period they are in force.*
- 7. It is possible to formulate appropriate and practical conditions to impose on registration and make provision as to how conditions will be monitored.'*

307. The Committee considered that Ms Shah's pre-meditated prolonged course of dishonest conduct was suggestive of attitudinal issues. Further, the Committee had already determined that Ms Shah had failed to demonstrate insight and, whilst her conduct was potentially remediable, she had failed to demonstrate any remediation and consequently there remained a risk of repetition. The Committee also took into account that the allegations found proved did not arise from Ms Shah's clinical practice. The Committee further considered that it would be difficult to formulate appropriate conditions in a case where repeated prolonged pre-meditated dishonesty resulting in personal gain had been found.

308. In these circumstances, the Committee determined that there were no practical or workable conditions that could be formulated at this time which would adequately or appropriately address the concerns in this case and protect the public and the wider public interest.
309. For similar reasons the Committee concluded that conditions and a financial penalty would not adequately address the concerns in this case and protect the public and the wider public interest.
310. The Committee then went on to consider whether a suspension order would be an appropriate sanction.
311. The Committee noted the terms of paragraph 21.29 of the ISG which states:
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.*
312. The Committee noted that it was not a matter of dispute between the parties that Ms Shah's conduct was serious. As already noted, the Committee considered that Ms Shah's pre-meditated prolonged course of dishonest conduct were suggestive of attitudinal issues. Further, the Committee had already determined that Ms Shah had failed to demonstrate insight or remorse. The Committee also took into account its prior conclusion that, whilst Ms Shah's conduct was potentially remediable, she had failed to demonstrate remediation or address the regulatory concerns arising from her misconduct and there remained a risk of repetition.
313. In these circumstances, the Committee determined that a suspension order was insufficient to satisfy public protection and maintain public confidence in the profession and the Council as its regulator.
314. For similar reasons the Committee concluded that a suspension order and a financial penalty would not adequately address the concerns in this case and protect the public and the wider public interest.
315. The Committee then went on to consider erasure.
316. The Committee considered the terms of paragraph 21.35 of the ISG that 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):
1. *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;*

2. *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;*
3. *Abuse of position/trust (particularly involving vulnerable patients) or violation of the rights of patients;*
4. *Offences of a sexual nature, including involvement in child pornography;*
5. *Offences involving violence;*
6. *Dishonesty (especially where persistent and covered up);*
7. *Repeated breach of the professional duty of candour, including preventing others from being candid, that present a serious risk to patient safety; or*
8. *Persistent lack of insight into seriousness of actions or consequences’.*

317. The Committee was satisfied that Ms Shah’s conduct amounted to a serious departure from the relevant professional standards. The Committee has determined that Ms Shah engaged in a pre-meditated prolonged course of dishonest conduct facilitating Mr Rahman’s misappropriation of funds from Specsavers resulting in her personal gain. Further, the Committee has determined that there was insufficient evidence of remediation and that Ms Shah had not addressed the regulatory concerns arising from her conduct and that there remained a high risk of repetition. The Committee determined that Ms Shah had persistently failed to provide any evidence of insight into the seriousness of her actions and the consequences of them.

318. Ms Shah did not provide any reflection, expression of remorse, evidence of targeted CPD or any other evidence that would allow the Committee to conclude that she had developed insight or that there was any remediation in this case. In the circumstances and in the absence of such evidence the Committee was wholly satisfied that Ms Shah conduct was fundamentally incompatible with continued registration.

319. The Committee took into account paragraphs 21.37 and 21.38 of the ISG that state:

21.38 *Erasure from the register is appropriate if it is the only means of protecting patients and/or maintaining public confidence in the optical profession. The Privy Council in Bijl v GMC (Privy Council Appeal No. 78 of 2000) emphasised that a Committee should not feel it necessary to remove:*

“...an otherwise competent and useful [registrant] who presents no danger to the public in order to satisfy [public] demand for blame and punishment.”

and

21.29 *It is the Committee’s role to maintain confidence in the profession, in some cases, this may mean considering whether erasure is appropriate despite a practitioner presenting no risk. In Bolton v Law Society, adopted by the Privy Council in the case of Dr Gupta [2001], Lord Bingham said:*

“The reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is part of the price.”

320. The Committee determined that there remained a risk of repetition and therefore this was not a case where an otherwise competent and useful registrant presented no danger to the public and considered that the reputation of the profession was more important than Ms Shah's fortunes.
321. Balancing all of these factors and after taking into account all the evidence before it during this case, the Committee determined that the appropriate and proportionate sanction is that of erasure. Having regard to the matters it identified, including the effect of Ms Shah's actions in bringing the profession into disrepute, the Committee has concluded that nothing short of erasure would be sufficient in this case.
322. The Committee considered that this order was necessary to mark the importance of maintaining public confidence in the profession, and to send to the public and the profession a clear message about the standard of behaviour required of an Optometrist.
323. The Committee considered the significant adverse impact this decision may have on Ms Shah but considered her dishonest misconduct was such that the public interest outweighed Ms Shah's own interests.
324. The Committee determined that to impose a financial penalty as well as erasure would be disproportionate and punitive.
325. The Committee therefore determined that Ms Shah's name should be erased from the register.

Immediate Order

Submissions on Immediate Order (Mr Rahman and Ms Shah)

326. The Committee then went on to consider if an immediate order was required on the grounds that it was necessary for the protection of the public and was otherwise in the public interest.
327. The Committee heard submissions from Mr Ferson, Mr Saad and Mr Goodwin.
328. Mr Ferson referred to section 13 I of the Opticians Act 1989 and Rule 46 (18). He stated that without an Immediate Order the Committee's order to impose a sanction of erasure in respect of both Mr Rahman and Ms Shah would not come into effect for 28 days. Mr Ferson submitted that the Committee having found that both Mr Rahman and Ms Shah had lacked insight, failed to demonstrate remediation and that there remained a risk of repetition, an Immediate Order of suspension should be made to reflect the Committee's prior decisions.
329. Mr Saad stated that he did not oppose the application. Mr Goodwin reminded the Committee of the delay in the Council initiating regulatory proceedings but made no other submission in respect of the application.
330. The Committee accepted the advice of the Legal Adviser. He referred it to paragraphs 23.1 -23.5 of the ISG and the Opticians Act 1989.

Decision in relation to Mr Rahman

331. The Committee was satisfied that an immediate suspension order is necessary for the protection of the public and is otherwise in the public interest. The Committee had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an immediate order. To do otherwise would be incompatible with its earlier findings and fail to meet public protection and public interest.
332. If no appeal is made, then the immediate order will be replaced by the substantive order of erasure 28 days after Mr Rahman is sent the decision of this hearing in writing.

Decision in relation to Ms Shah

333. The Committee was satisfied that an immediate suspension order is necessary for the protection of the public and is otherwise in the public interest. The Committee had regard to the seriousness of the facts found proved and the reasons set out in its decision for the substantive order in reaching the decision to impose an immediate order. To do otherwise would be incompatible with its earlier findings and fail to meet public protection and public interest.
334. If no appeal is made, then the immediate order will be replaced by the substantive order of erasure 28 days after Ms Shah is sent the decision of this hearing in writing.

Chair of the Committee: Rachel O'Connell

Signature ...  ..

Date: 10 January 2023

Registrant: Mr Rahman

Signature ... Present via video link... **Date: 10 January 2023**

Registrant: Ms Shah

Signature ... Present via video link... **Date: 10 January 2023**

FURTHER INFORMATION
Transcript
A full transcript of the hearing will be made available for purchase in due course.
Appeal
Any appeal against an order of the Committee must be lodged with the relevant court within 28 days of the service of this notification. If no appeal is lodged, the order will take effect at the end of that period. The relevant court is shown at section 23G(4)(a)-(c) of the Opticians Act 1989 (as amended).
Professional Standards Authority
<p>This decision will be reported to the Professional Standards Authority (PSA) under the provisions of section 29 of the NHS Reform and Healthcare Professions Act 2002. PSA may refer this case to the High Court of Justice in England and Wales, the Court of Session in Scotland or the High Court of Justice in Northern Ireland as appropriate if they decide that a decision has been insufficient to protect the public and/or should not have been made, and if they consider that referral is desirable for the protection of the public.</p> <p>Where a registrant can appeal against a decision, the Authority has 40 days beginning with the day which is the last day in which you can appeal. Where a registrant cannot appeal against the outcome of a hearing, the Authority's appeal period is 56 days beginning with the day in which notification of the decision was served on you. PSA will notify you promptly of a decision to refer. A letter will be sent by recorded delivery to your registered address (unless PSA has been notified by the GOC of a change of address).</p> <p>Further information about the PSA can be obtained from its website at www.professionalstandards.org.uk or by telephone on 020 7389 8030.</p>
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.

APPENDIX 1

Original schedule

Schedule A:

<i>Schedule</i>	<i>Item</i>	<i>Price</i>	<i>Date of claim or invoice</i>
A			
1.	<i>Apple Mac products</i>	<i>£644.40</i>	<i>19.04.2015</i>
2.	<i>Apple Mac products</i>	<i>£694.70</i>	<i>17.05.2015</i>
3.	<i>Apple Mac products</i>	<i>£922.80</i>	<i>14.06.2015</i>
4.	<i>Apple Mac products</i>	<i>£418.05</i>	<i>05.07.2015</i>
5.	<i>Hotpoint fridge-freezer</i>	<i>£504.10</i>	<i>28.07.2015</i>
6.	<i>Dining set from Oak Furniture Land</i>	<i>£994.90</i>	<i>29.07.2015</i>
7.	<i>NEC Projector from Office Depot</i>	<i>£257</i>	<i>29.07.2015</i>
8.	<i>Apple Mac products</i>	<i>£406.80</i>	<i>30.07.2015</i>
9.	<i>Apple Mac products</i>	<i>£772.80</i>	<i>30.07.2015</i>
10.	<i>Samsung television and wall bracket from Curry's</i>	<i>£282.47</i>	<i>01.08.2015</i>
11.	<i>Apple Mac keyboard</i>	<i>£43.19</i>	<i>03.08.2015</i>

12.	<i>Apple Mac products</i>	<i>£452.50</i>	<i>08.08.2015</i>
13.	<i>Apple Mac products</i>	<i>£459.60</i>	<i>23.08.2015</i>
14.	<i>Apple Mac products</i>	<i>£383.35</i>	<i>23.08.2015</i>
15.	<i>Corner desk from Office Depot</i>	<i>£517.20</i>	<i>15.09.2015</i>
16.	<i>Apple Mac products</i>	<i>£539</i>	<i>06.10.2015</i>
17.	<i>Moving service by "CityMoves"</i>	<i>£205</i>	<i>24.10.2015</i>
18.	<i>Apple Mac products</i>	<i>£279</i>	<i>06.10.2015</i>
19.	<i>Massage therapy from Redacted Thai</i>	<i>£152</i>	<i>24.11.2015</i>
20.	<i>Apple Mac products</i>	<i>£651.60</i>	<i>13.11.2015</i>
21.	<i>Apple Mac products</i>	<i>£118.60</i>	<i>29.11.2015</i>
22.	<i>Subscription dues to the AOP for Ms Sania Shah</i>	<i>£595</i>	<i>05.01.2016</i>
23.	<i>Furniture from Ikea</i>	<i>£189</i>	<i>18.04.2016</i>
24.	<i>Gift vouchers from Amazon</i>	<i>£30</i>	<i>24.04.2016</i>
25.	<i>Vacuum cleaner and microwave from Argos</i>	<i>£134.98</i>	<i>16.05.2016</i>

26.	<i>Amazon vouchers</i>	£200	01.06.2016
27.	<i>Amazon vouchers</i>	£300	27.06.2016
28.	<i>Apple Mac products</i>	£970.85	01.07.2016
29.	<i>Beats Solo 2 headphones from Apple Store</i>	£269.95	15.07.2016
30.	<i>Subscription dues to the Redacted for Ms Sania Shah</i>	£225	08.08.2016
31.	<i>Amazon vouchers</i>	£300	09.08.2016
32.	<i>Apple Mac products</i>	£382.80	25.10.2016
33.	<i>Apple Mac products</i>	£71.25	25.10.2016
34.	<i>Apple Mac products</i>	£144	01.11.2016

Schedule B

1.	<i>Automobile services from Redacted Tyres</i>	£150	19.05.2015
2.	<i>Clothing from Pull & Bear</i>	£55.99	06.10.2015
3.	<i>Clothing from Pull & Bear</i>	£145.97	20.10.2015
4.	<i>Clothing from Timberland</i>	£346.91	09.11.2015

5.	<i>Clothing from DKNY, Ralph Lauren, and Diesel</i>	£321.59	29.02.2016
6.	<i>Clothing from Oasis</i>	£58.20	01.07.2016
7.	<i>Clothing from TM Lewin</i>	£179	14.07.2016
8.	<i>Clothing from Dolce & Gabbana</i>	£35.50	20.07.2015
9.	<i>Automobile services from Redacted Car Centre</i>	£144	22.02.2016
10.	<i>Automobile services from Redacted Tyre Services</i>	£210.42	24.03.2016
11.	<i>Massage therapy from Redacted Thai Therapy</i>	£75	28.03.2016
12.	<i>Automobile services from Redacted Tyre Service</i>	£78.55	18.05.2016
13.	<i>Automobile services from Redacted Tyres</i>	£150	19.05.2015
14.	<i>Clothing from Pull & Bear</i>	£55.99	06.10.2015
15.	<i>Clothing from Pull & Bear</i>	£145.97	20.10.2015
16.	<i>Clothing from Timberland</i>	£346.91	09.11.2015

17.	<i>Clothing from DKNY, Ralph Lauren, and Diesel</i>	£321.59	29.02.2016
18.	<i>Clothing from Oasis</i>	£58.20	01.07.2016
19.	<i>Clothing from TM Lewin</i>	£179	14.07.2016
20.	<i>Clothing from Dolce & Gabbana</i>	£35.50	20.07.2015
21.	<i>Automobile services from Redacted Car Centre</i>	£144	22.02.2016
22.	<i>Automobile services from Redacted Tyre Services</i>	£210.42	24.03.2016
23.	<i>Massage therapy from Redacted Thai Therapy</i>	£75	28.03.2016
24.	<i>Automobile services from Redacted Tyre Service</i>	£78.55	18.05.2016
25.	<i>Clothing from Savoy Tailors and Ralph Lauren</i>	£507.95	04.08.2016
26.	<i>Automobile services from Redacted Tyre Service</i>	£20	08.08.2016

<i>Schedule</i>	<i>Item</i>	<i>Price</i>	<i>Date of claim or invoice</i>
<i>C</i>			
1.	<i>Quarterly membership with [Company 1] for Ms Sania Shah</i>	<i>£730</i>	<i>01.01.2016</i>
2.	<i>Quarterly training membership with [Company 1] for Mr Khairul Rahman</i>	<i>£730</i>	<i>01.05.2016</i>
3.	<i>Quarterly membership with for Ms Sania Shah</i>	<i>£730</i>	<i>01.05.2016</i>
4.	<i>Quarterly membership with [Company 1] for Ms Sania Shah</i>	<i>£730</i>	<i>01.08.2016</i>
5.	<i>Quarterly training membership with [Company 1] for Mr Khairul Rahman</i>	<i>£730</i>	<i>01.08.2016</i>

APPENDIX 2

Amended schedule

Schedule A

Schedule	Item	Price	Date of claim or invoice
A			
1	<i>Hotpoint fridge-freezer</i>	<i>£504.10</i>	<i>28.07.2015</i>
2	<i>Dining set from Oak Furniture Land</i>	<i>£944.90</i>	<i>29.07.2015</i>
3	<i>NEC Projector from Office Depot</i>	<i>£308.40</i>	<i>29.07.2015</i>
4	<i>Samsung television and wall bracket from Curry's</i>	<i>£282.47</i>	<i>01.08.2015</i>
5	<i>Apple Mac keyboard</i>	<i>£43.19</i>	<i>03.08.2015</i>
6	<i>Corner desk from Office Depot</i>	<i>£517.20</i>	<i>15.09.2015</i>
7	<i>Moving service by "CityMoves"</i>	<i>£205</i>	<i>24.10.2015</i>
8	<i>Massage therapy from Redacted Thai</i>	<i>£152</i>	<i>24.11.2015</i>
9	<i>Subscription dues to the AOP for Ms Sania Shah</i>	<i>£595</i>	<i>05.01.2016</i>
10	<i>Furniture from Ikea</i>	<i>£189</i>	<i>18.04.2016</i>

11	<i>Gift vouchers from Amazon</i>	£30	24.04.2016
12	<i>Vacuum cleaner and microwave from Argos</i>	£134.98	16.05.2016
13	<i>Amazon vouchers</i>	£200	01.06.2016
14	<i>Amazon vouchers</i>	£300	27.06.2016
15	<i>Apple Mac products</i>	£970.85	01.07.2016
16	<i>Beats Solo 2 headphones from Apple Store</i>	£269.95	15.07.2016
17	<i>Subscription dues to the Redacted for Ms Sania Shah</i>	£225	08.08.2016
18	<i>Amazon vouchers</i>	£300	09.08.2016

Schedule B

Schedule	Item	Price	Date of claim or invoice
B			
1	<i>Automobile services from Redacted Tyres</i>	£150	19.05.2015
2	<i>Clothing from Pull & Bear</i>	£55.99	06.10.2015

3	<i>Clothing from Pull & Bear</i>	£145.97	20.10.2015
4	<i>Clothing from Timberland</i>	£346.91	09.11.2015
5	<i>Clothing from DKNY, Ralph Lauren, and Diesel</i>	£321.59	29.02.2016
6	<i>Clothing from Oasis</i>	£58.20	01.07.2016
7	<i>Clothing from TM Lewin</i>	£179	14.07.2016
8	<i>Clothing from Dolce & Gabbana</i>	£35.50	20.07.2015
9	<i>Automobile services from Redacted Car Centre</i>	£144	22.02.2016
10	<i>Automobile services from Redacted Tyre Services</i>	£210.42	24.03.2016
11	<i>Massage therapy from Redacted Thai Therapy</i>	£75	28.03.2016
12	<i>Automobile services from Redacted Tyre Service</i>	£78.55	18.05.2016
13	<i>Clothing from Savoy Tailors and Ralph Lauren</i>	£507.95	04.08.2016

14	<i>Automobile services from Redacted Tyre Service</i>	£20	08.08.2016
15	<i>Apple Mac products</i>	£922.80	14.06.2015
16	<i>Apple Mac products</i>	£418.05	05.07.2015
17	<i>Apple Mac products</i>	£406.80	30.07.2015
18	<i>Apple Mac products</i>	£772.80	30.07.2015
20	<i>Apple Mac products</i>	£452.50	08.08.2015
21	<i>Apple Mac products</i>	£459.60	23.08.2015
22	<i>Apple Mac products</i>	£383.35	23.08.2015
23	<i>Apple Mac products</i>	£539	06.10.2015
24	<i>Apple Mac products</i>	£279	06.10.2015
25	<i>Apple Mac products</i>	£651.60	13.11.2015
26	<i>Apple Mac products</i>	£118.60	29.11.2015
27	<i>Apple Mac products</i>	£382.80	25.10.2015
28	<i>Apple Mac products</i>	£71.25	25.10.2015
29	<i>Apple Mac products</i>	£144	01.11.2015

Schedule C

	Item	Price	Date of claim or invoice
1.	<i>Quarterly membership with [Company 1] for Ms Sania Shah</i>	<i>£730</i>	<i>01.01.2016</i>
2.	<i>Quarterly training membership with [Company 1] for Mr Khairul Rahman</i>	<i>£730</i>	<i>01.05.2016</i>
3.	<i>Quarterly membership with [Company 1] for Ms Sania Shah</i>	<i>£730</i>	<i>01.05.2016</i>
4.	<i>Quarterly membership with [Company 1] for Ms Sania Shah</i>	<i>£730</i>	<i>01.08.2016</i>
5.	<i>Quarterly training membership with [Company 1] for Mr Khairul Rahman</i>	<i>£730</i>	<i>01.08.2016</i>