



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

GENERAL OPTICAL COUNCIL

F(23)01

AND

AMANWIL TAKLA (SO-16945)

**DETERMINATION OF A SUBSTANTIVE HEARING
12-16 JUNE 2023**

Committee Members:	Ms Valerie Paterson (Chair/Lay) Ms Ann McKechin (Lay) Mr Nigel Pilkington (Lay) Dr Ewen MacMillan (Optometrist) Ms Sarvat Fida (Optometrist)
Legal adviser:	Mr Ashraf Khan
GOC Presenting Officer:	Mr Charles Drinnan
Registrant present/represented:	Yes and represented
Registrant representative:	Mr David Claxton
Hearings Officer:	Mr Terence Yates
Facts found proved:	Found – particulars 1 and 2.
Misconduct:	Found
Impairment:	Impaired
Sanction:	5 months (With Review)
Immediate order:	None



Preliminary application

1. Mr Drinnan for the General Optical Council (GOC) made an application to amend the particulars of the allegation.

2. The allegation currently before the Committee was:

The Council alleges that you, Mr Amanwil Takla (SO-16945), a registered Registrant:

1. On or around 11 October 2021 you knowingly created and submitted a false tenancy agreement for Property A to the University [redacted] for the purposes of dishonestly claiming £11,400 for your accommodation costs for the 2021/22 academic year.

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

3. The GOC applied to amend the particulars to read as follows:

The Council alleges that you, Mr Amanwil Takla (SO-16945), a registered Registrant:

1. On or around 11 October 2021 you knowingly created and submitted a false tenancy agreement for Property A to the University [redacted] for the purposes of claiming £11,400 for your accommodation costs for the 2021/22 academic year.

2. Your actions as set out at paragraph 1 above were dishonest.

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

4. The Committee heard and accepted the legal advice and considered the submissions from both parties. It noted that Mr Drinnan for the GOC submitted the amendment sought to separately particularise dishonesty to make matters clearer and no objection was taken by Mr Claxton, on behalf of the Registrant.

5. The Committee took into account:

- (a) the reason why the amendment is requested;
- (b) the type of amendment, for example is it to correct a typographical error or a minor change which does not affect the gravamen of the allegation, or is it something more significant which alters the very nature or mischief of the allegation or the way in which the defence has been advanced;
- (c) the stage of the proceedings;
- (d) the representations made by the parties;

- (e) the nature and extent of the amendments requested and whether they are likely to cause injustice.
6. The Committee noted the case of **Salha and Abusheikha v General Medical Council [Privy Council; 32/2003 and 35/2003]** where the Privy Council has held that a fundamental principle of fairness requires a charge of dishonesty to be unambiguously formulated and adequately particularised.
 7. The Committee noted that pursuant to Rule 46(20) of The General Optical Council (Fitness to Practice) Rules 2013 (“the Rules”), the Committee may amend the allegation before findings of fact, provided that the Committee is satisfied that, *“having regard to all the circumstances, the amendments can be made without injustice”*.
 8. Considering all the representations and the legal advice, the Committee was satisfied the allegation is not being changed in any way other than to make matters clearer and given there is no objection to this amendment, the Committee determined there was no injustice and therefore granted the application to amend.

ALLEGATION (as amended)

The Council alleges that you, Mr Amanwil Takla (SO-16945), a registered Registrant:

1. On or around 11 October 2021 you knowingly created and submitted a false tenancy agreement for Property A to the University [redacted] for the purposes of claiming £11,400 for your accommodation costs for the 2021/22 academic year.
2. Your actions as set out at paragraph 1 above were dishonest.

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



DETERMINATION

Admissions in relation to the particulars of the allegation

9. The Registrant admitted particulars 1 and 2 of the allegation.

Background to the allegations

10. Amanwil Takla (“hereafter the Registrant”) was an optometry student at the University of [redacted] (“the University”) from September 2018, reading for the MOptom Degree. He commenced his studies at this university in 2018. The duration of the course was 4 years. The Registrant chose to study there because it was within commutable distance from his home in [redacted] and this allowed him to look after his [redacted].
11. By end of 2019, the General Optical Council (“the Council”) withdrew its provisional licence permitting the University to teach the MOptom course. This impacted 32 students, including the Registrant, who was in his second year of study.
12. The Committee heard oral evidence from Mrs A. She is now Head of Corporate Governance at the University, although at the relevant time, she was employed as the University Solicitor. Mrs A provided three statements and exhibits. The Committee had considered all the statements and exhibits.
13. Mrs A told the Committee that as per its regulatory requirements, the University maintained a student protection plan to provide compensation and deal with unusual circumstances like this where courses are closed. This plan protected students when the University is in breach of its contract. The University acknowledged it was in breach and measures were put in place to remedy the breach so that as far as possible the students put back to their original position as if the course had been able to continue.
14. A place was eventually secured for the Registrant at the University of [redacted], commencing September 2020. This meant the Registrant could no longer live at home. The University agreed to fund his accommodation costs and other costs for each year for the four years of the course.
15. Mrs A produced a Schedule identifying the figures of itemised compensation up to July 2022, for the Registrant. According to that schedule, one hundred thousand four hundred and twelve pounds and seventy pence (£100,412.70) had been paid out. This included, payments to the Registrant for loss of future salary and reimbursement of travel costs. This also included accommodation costs paid to a letting agency plus student fees that were paid directly to the University of [redacted].

16. Mrs A has given evidence that for the 2020/2021 academic year, the Registrant's accommodation costs amounting to twelve thousand pounds (£12,000) for a 1 bedroom flat had been paid by the University to a letting agency. In relation to the 2021/22 academic year, a claim for eleven thousand four hundred pounds (£11,400) had been requested by the Registrant for the rental of Property A. This accommodation had not been secured via a letting agency unlike the previous year. The tenancy agreement submitted by the Registrant contained a number of errors and raised concerns which alerted Mrs A to its validity. This was confirmed by the results of a Land Registry search.
17. On 16 March 2022, in a letter from the Registrant's then Barrister, the Registrant admitted to fraudulently creating the tenancy agreement submitted to the University for the academic year 2021/22. The Committee also noted that the Registrant himself had provided a written statement to the Case Examiner on 30 October 2022 providing an explanation of his circumstances. In that statement, he also admitted to dishonestly and fraudulently creating the tenancy agreement. He stated that he only supplied a fictitious lease agreement due to the University's delay in processing his payments. He stated he was entitled to have his rent paid for his accommodation whilst attending the University [redacted].
18. The alleged facts in particulars 1 and 2 were admitted by the Registrant at the hearing.

Findings in relation to the facts

19. The Committee has found the alleged facts to be proven.

Findings in relation to misconduct

20. The Committee heard submissions on behalf of the Council and the Registrant. It has accepted the advice of the Legal Adviser.
21. The Registrant admitted having knowingly created and submitted a false tenancy agreement for Property A to the University [redacted] for the purposes of claiming £11,400 for accommodation costs for the 2021/22 academic year on or around 11 October 2021 and that this was dishonest. However, it remains for the Committee to decide whether the facts found proved amount to misconduct.
22. The Committee note the case of *Cheatle v General Medical Council* [2009] EWHC 645 (Admin) where Mr Justice Cranston said at paragraph 19:
- "A Committee must engage in a 2-step process. First, it must decide whether there has been misconduct. Then it must go on to determine whether, as a result, fitness to practise is impaired. But it may be that despite a practitioner having been guilty of misconduct, the Committee may decide that his or her fitness to practise is not impaired."*

23. The Committee was advised that there is no definition of misconduct. It is for the Committee to exercise its judgement to determine whether an act or omission amounts to misconduct.
24. The Committee further noted that misconduct is a word of general effect and that in *Roylance v GMC (No.2)* [2000] 1 AC 311, misconduct was described as:
“a falling short by omission or commission of the standards to be expected among practitioners and such falling short must be serious. It is of course possible for negligent conduct to amount to serious professional misconduct, but the negligence must be to a high degree”.
25. The Committee was advised that in deciding whether something is to be considered “serious”, it should note that in *Johnson & Maggs v NMC* [2013] EWHC 2140 (Admin) the courts have said the question to ask yourself is:
“would the facts found proved be considered deplorable by other members of the profession?”
26. Furthermore, the Committee was advised that the standard of propriety may often be found by reference to the GOCs Standards for Optical Students. Specifically, the Committee had regard to Standard 15: Be honest and trustworthy and Standard 16: Do not damage the reputation of your profession through your misconduct. The Committee noted that not every instance of falling short of what would be proper in the circumstances, and not every breach of a standard, would be sufficiently serious that it could properly be regarded as misconduct and careful regard must be had to the context and circumstances of the matters found proved. The Committee was advised that it is a matter for its judgement and it can take into account the Registrant’s admission.
27. The Committee was advised to take into account all the evidence heard and the submissions made.
28. The Committee took account of submissions made on behalf of both parties. On behalf of the Council, Mr Drinnan was submitted the misconduct was serious in accordance with the case law. On behalf of the Registrant, Mr Claxton it was accepted the threshold of misconduct had been reached but that he had not sought to enrich himself and that the University was not likely to be “worse”. He also submitted that the Registrant was entitled to the payment.
29. The Committee has given careful consideration to all the submissions and the documentation provided within the bundles of both the Council and the Registrant.
30. The Committee found the facts amounted to serious misconduct. The Committee noted the dishonesty and the circumstances in which it occurred and that it breached the standards of behaviour expected of a Registrant. In particular, the Committee accepted that whilst the Registrant was entitled to be reimbursed for accommodation costs, the entitlement only arose at the point that it was incurred. In this case the Registrant had admitted that he had knowingly created and submitted a false tenancy agreement for the purposes of claiming accommodation costs to the amount of £11,400.

31. In all the circumstances, the Committee found that the facts found proved do amount to misconduct pursuant to Section 13D(2)(a) of the Opticians Act 1989.

Findings regarding impairment

The Registrant's evidence

32. The Committee heard evidence from the Registrant. During the course of his evidence, he stated he was currently 6 months into his pre-registration year and in the third year of his academic studies. During the first year of his time at the University of [redacted], he confirmed that he stayed near the University but during the second year he had to commute. This commute was 2.5 hours each way by car. His attendance at University varied but generally it would be between three to five days per week.
33. The Registrant said he is very much enjoying his pre-registration. He feels he has made the right decision to go to Optometry. He really enjoys the work and being involved in healthcare generally. The Registrant enjoys communicating with patients, understanding their needs and helping them. He will qualify either this November or early next year and hopes to continue practising in his current place at Specsavers, who have offered him a permanent place there upon qualification. The Registrant provided the Committee with several examples of occasions when he has helped patients during his time in pre-registration.
34. The Registrant told the Committee he had decided to become an Optometrist after witnessing the care an Optometrist had provided [redacted]. The Registrant lives with [redacted]. In 2017 he applied to the University of [redacted] only, so that he could continue to live at home and support his family.
35. The Registrant was offered a place at the University of [redacted] and commenced an MOptom degree course in Optometry in 2018.
36. During his second year he, together with the rest of the students on that course, were informed the General Optical Council had withdrawn its accreditation of the course from the University. It was clear this news had a significant impact on the Registrant. The Registrant explained this was highly unusual and something he had never heard of before.
37. The Registrant told the Committee the University had found a place for him at the University of [redacted]. This institution was a considerable distance from home which meant the Registrant would have to live near the University to undergo his studies. The Registrant was very unhappy with the situation as it meant changes would have to be made at home in order for the Registrant to attend University.
38. The Registrant told the Committee that he had to restart the degree. Furthermore, as the course had been withdrawn in late 2019, he had to wait until September 2020 to re commence his academic studies. Effectively losing two years of study and this was a frustrating period for him.
39. The Registrant stated that in his second academic year, 2021/22, he decided against renting the same flat or selecting different accommodation through the same or even a different letting agency. He told the Committee the original flat had mould and despite complaints, the letting agency did nothing about it. He

decided rather than going through a letting agency in his second year, he would find a flat by himself.

40. In earlier documents and during his evidence, the Registrant admitted that he had attempted to deceive the University of [redacted] by creating and then submitting a false tenancy agreement. During his evidence, he also admitted the bank account details that he had provided for the rent to be paid in relation to property A was in fact his [redacted] bank details. The Registrant stated his [redacted] was not aware he had done this.
41. The Registrant told the Committee that he and the University could not agree on the issue of the University paying the utility bills which were not included in his tenancy for year 2 of his studies. He said the discussions had gone on for weeks. He was concerned that he would miss classes, in particular, 'labs' which had mandatory attendance requirements so failure to attend, would result in a fail. He told the Committee he was already two years behind in his studies, when he decided to create a false tenancy agreement and it was 'pure frustration' on his part. He accepted this was not the correct way to go about resolving his problems.
42. The Registrant was asked how he has learned from this incident. He told the Committee that before last Christmas (December 2022), during his third year at the University of [redacted] he studied a module called 'Professional Practice for Optometry'. He said this 'education' (course content) helped him to realise the seriousness of his actions and that he had gone about resolving his issues the wrong way. He told the Committee he believes honesty matters because the public need to be able to trust an Optometrist, otherwise a patient could withhold information if they had no trust. He said until year 3, of his training, he did not recall any education relating to standards of professional practice.
43. The Registrant told the Committee he has spoken to the referees who have provided references for him in these proceedings. He said he had discussed this case with them and he knows what he did 'wasn't the right thing to do'. He said at the time, he did not have any professional colleagues to discuss his problems with. Nobody else in his family was a trained professional.
44. The Registrant referred to a letter he has written addressed to the Committee. In this letter, the Registrant acknowledged his actions and took full responsibility for creating a false tenancy agreement and submitting it to the University. He stated he understood the importance of trust, transparency and honesty. He also stated he understood the value of maintaining the highest standards of patient care and professional conduct. The Registrant recognised that his actions were in direct violation of these principles and that he was deeply disappointed in himself for failing to meet the standards. He acknowledged the seriousness of his misconduct and the implications of his dishonesty. He assured the Committee that his behaviour was not a reflection of his true character or values and that he was committed to rectifying his mistakes and rebuilding the trust that he has broken. He said he was prepared to accept any consequences or disciplinary actions that the GOC deems appropriate and recognised that the Regulator primary concern is to protect the public and maintain the standards of the optical profession. He said he was open to any measures necessary to demonstrate commitment to personal growth, professional development and ethical practice.
45. To address his actions the Registrant stated he had taken steps to ensure that this behaviour will not be repeated in the future. Firstly, he has been educated in

professional practice during his time at the University of [redacted], which covered the optometric legal framework, information and data handling, professional bodies and the NHS, the law in everyday practice, complaints, and vocational law. Again, the Registrant emphasised that after studying this module, it helped him to understand and appreciate the gravity of what he had done wrong.

46. Also within this letter, the Registrant told the Committee that he is engaging in self-reflection to address underlying issues that contributed to his dishonesty. He confirmed that he is committed to personal growth working on improving his character and ethical decision making abilities. He said that he wanted to continue to develop at University, as it is helping him to enhance his knowledge and skills in optometry. By furthering his education, he hoped to demonstrate his commitment to professional growth and maintaining the highest standards of practice.
47. In concluding the letter, the Registrant expressed his deepest apologies to his colleagues and peers and those affected by his dishonesty. He said he understood his actions were disappointing and that he had lost their trust. He stated he was truly sorry for any distress or harm caused and hoped that in time, through his actions and 'dedication to ethical practice', he can regain that trust and respect. He stated he is committed to making amends, accepts responsibility and has learned from this experience. He asked the Committee to accept that he was remorseful, committed to personal growth, education and restoring trust.
48. During cross examination the Registrant was asked to explain why he engaged in serious dishonesty. He said it was to speed up the rent payment and maintained he did not want to gain financially for himself. He said he was always going to rent a flat near the University but he wanted the money up front so he could find somewhere a little further away from the University that was cheaper and included bills. It was put to him that his accommodation was paid promptly during year one at the University of [redacted]. He did not accept that and said 'it took a few weeks'. He said the fake tenancy agreement was simply a means to obtain money in advance for renting a flat. At the time he had already started University and commuting from home 'was wearing me out'. He said he knew he needed to live in [redacted] as soon as possible but nothing was being done and he was getting frustrated so his actions were made in 'pure frustration'.
49. When asked how long it took the Registrant to find the lease on the Internet, he told the Committee it took him an hour.
50. The Registrant said that although he had received over fifty thousand pounds (£50,000) compensation from the University, he did not want to spend any of this money in securing the flat and then find he could not recover this from the University.
51. The Registrant stated he did contact Mrs A to expedite the process so that his rent was paid quicker. He said he had contacted her several times via e-mail.
52. The Registrant told the Committee at the time when he committed the dishonesty he did not know as much as he knows now. At the time he could not see an alternative solution but looking back he accepted he was completely wrong. Explaining this comment further he said 'you could say at the time, I didn't think fraudulently getting a document to the University was wrong'.

53. The Registrant was taken to an email letter he wrote to Mrs A on 13 October 2021 at 10:24am. In that letter he told her that he had called the landlord and asked him to provide proof of ownership of Property A. He went further and said the landlord had told him that he did not want to get involved with a third party; that the Registrant was supposed to move in yesterday but didn't; that this looked like it was going to be a lengthy procedure so the landlord had decided not to rent to him. The Registrant accepted this was a lie and said he realised it was wrong and tried to backtrack and just ended it. He said he regretted his actions at that point.
54. When asked why he did not just 'come clean' and tell Mrs a the truth, he said 'I know she wouldn't have listened', and that having already dealt with her for two years he 'knew she wouldn't understand'. He was sorry for what he had done and when asked he stated he had not apologised directly to Mrs A. Looking back, he should have apologised.
55. The Registrant was asked about how he deals with pressure. He acknowledged that optometry was a pressurised job but said he would not do anything dishonest again because now he has received a high level of ethical education and understands the importance of trust. He also said he had spoken to others who have helped him to reflect. He accepted he was not fully aware of the gravity of his actions until the third year after completing a module named 'Professional Practice for Optometry' and until then he did not realise how serious his actions were.
56. [redacted]

Committee Questions

57. Accepting that the University did not pay accommodation deposits, in response to a question as to whether the Registrant had used any of his compensation towards accommodation payments he did accept that he paid a deposit of £219 pounds which he did not recover.
58. In response to a question, at the time of creating a fictitious lease, he knew it was wrong at the time. Further, he revealed that he had provided his [redacted] bank account details on the lease without his [redacted] knowledge or consent.
59. When asked why he had not yet apologised Mrs A, the Committee noted the reasons provided by the Registrant as to his non-communication was solely on the basis there is an ongoing dispute.

Committee's Determination on Impairment

60. The Committee heard submissions from Mr Drinnan on behalf of the Council and from Mr Claxton behalf of the Registrant. The Committee heard and accepted the advice of the Legal Adviser. It took these submissions and all the documentation and other evidence into account.
61. The Committee noted that the Council relied on its skeleton argument and submitted that the Registrant is impaired on both the public interest and also the grounds set out in the case of *Healthcare Regulatory Excellence v NMC* and *Grant* [2011] EWHC 927 (Admin) (Grant) under paragraphs (a) (b) (c) and (d).

62. The Committee noted that Mr Claxton on behalf of the Registrant accepted the Registrant is impaired on public interest grounds alone. He stated that, given the circumstances, there is no prospect that the Registrant will repeat this behaviour in the future.
63. The Committee noted Mr Claxton submitted that the Registrant had accepted responsibility for his actions promptly, had shown remorse and demonstrated insight from education. In addition, the Registrant was passionate and stayed committed to the healthcare profession and wanted to succeed and help patients. He added that the Registrant's inexperience did not help him and because he had lost two years of his life, through no fault of his own he had lost perspective, and that was out of character, and this had contributed to [redacted]. Mr Claxton commended the Registrant's engagement in the process to the Committee, submitting that it was unusual for student members of a profession to be held to account by a regulatory body. Moreover, he submitted that the Registrant had learned a lesson from this process and despite this process, the Registrant had worked well with patients and colleagues in practice as evidenced by his employers giving him good references. Mr Claxton submitted that, in light of the above, there was no risk of repetition.
64. The Committee was advised that having found the Registrant's behaviour amounted to misconduct, it must proceed to consider whether, by reason of this behaviour, the Registrant's fitness to undertake training is currently impaired as of today.
65. The Committee was referred to the case of *Cohen v GMC* [2008] EWHC 581, where the High Court stated that in determining impairment, relevant factors for the Committee to take into account include:
- A. Whether the conduct which led to the allegation is remediable;
 - B. Whether it has been remedied; and
 - C. Whether it is likely to be repeated.
66. In determining impairment, the Committee was advised to look forward, not back. The Committee was also asked to bear in mind that conduct may be so bad that even looking forward the Registrant is not fit to train as a student without restrictions or at all. On the other hand, his misconduct may be such that, seen within the context of an otherwise unblemished record, the Committee could conclude that, looking forward, his fitness to train is not impaired, despite the misconduct.
67. The Committee was advised that when considering whether fitness to train is currently impaired, the level of insight shown by the Registrant is central to a proper determination of that issue.
68. In relation to public interest considerations, the Committee was advised to have regard to *Yeong v General Medical Council* [2009] EWHC 1923 (Admin) where Lord Justice Sales said at paragraph 48:
- "Where a Fitness to Practise Panel considers that the case is one where the misconduct consists of violating such a fundamental rule of the professional relationship between medical practitioner and patient and thereby undermining*

public confidence in the medical profession, a finding of impairment of fitness to practise may be justified on the grounds that it is necessary to reaffirm clear standards of professional conduct so as to maintain public confidence in the practitioner and in the profession. In such a case, the efforts made by the practitioner in question to address his behaviour for the future may carry very much less weight than in a case where the misconduct consists of clinical errors or incompetence.”

69. Furthermore, in the case of Grant, the High Court said a Committee should consider:

“not only whether the Registrant continued to present a risk to members of the public, but whether the need to uphold proper professional standards and public confidence in the Registrant and in the profession would be undermined if a finding of impairment of fitness to practise were not made in the circumstances of this case”.

70. In relation to the elements of risks identified in Grant, the Committee was advised the approach which should be adopted by the Committee in determining issues of impairment as follows:

- a. Has the Registrant 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 the Registrant in the past brought and/or is liable in the future to bring the profession into disrepute; and/or
- c. Has the Registrant in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession; and/or
- d. Has the Registrant in the past acted dishonestly and/or is liable to act dishonestly in the future.

71. The Committee determined the Registrant’s misconduct was such that the public interest required a finding of impairment to uphold proper standards of conduct by registrants and to maintain public confidence in the profession.

72. The Committee determined that the Registrant engaged in serious misconduct by knowingly creating and submitting a false tenancy agreement in relation to Property A to the University claiming £11,400 for accommodation costs and this being dishonest.

73. The Committee considered whether the Registrant is liable to repeat this behaviour in the future. The Committee also took into account this is one incident, very early in the Registrant’s career but it could not ignore there was some level of sophistication involved in the planning and attempted execution of this dishonesty and the sum involved was substantial. The Committee noted the Registrant’s evidence that the precursor to his actions were borne out of anger and ‘pure frustration’ due to events outside his control.

74. [redacted]

75. The Committee was satisfied that the Registrant has shown some limited insight into his behaviour but has not done enough to remediate his conduct. It noted that the Registrant has learned more about ethics during his time at the University of [redacted] and has spoken to other professionals who have helped him to reflect on his conduct.

76. The Committee noted that the Registrant's evidence that it was not until his third year at the University of [redacted] that he realised the true gravity of his dishonesty. The Committee was concerned to note the Registrant's evidence that it was not until he had taken a module in 'Professional Practice for Optometry' that he realised that his actions were dishonest to the extent that he now accepted.
77. The Committee having regard to all the circumstances, determined that the conduct has not been fully remedied and the risk remains and is liable to be repeated in the future.
78. In all the circumstances, the Committee find that the fitness of Amanwil Takla to undertake training as an optometrist is impaired.

Sanction

79. The Committee heard submissions on behalf of the Council and on behalf of the Registrant. It accepted the advice of the Legal Adviser, including all the relevant case law and the Indicative Sanctions Guidance ('the Guidance').

Submissions made on behalf of the Council

80. Mr Drinnan informed the Committee that the written submissions within the GOC skeleton argument was being relied upon.
81. He submitted that whilst the Registrant's interests was an important consideration, this had to be balanced against the interests of the public.
82. Mr Drinnan also submitted the Committee may consider the stage of his career the Registrant is at when deciding sanction and whether he has given sufficient insight with the opportunity to reflect. He pointed out that whilst it may be a mitigating feature that after training he has been able to develop, this must be balanced against the nature of the serious concern. The Committee's attention was drawn to paragraph 8.5 of the Guidance which particularises dishonesty and it was submitted this paragraph be borne in mind when determining sanction.
83. In determining which sanction was most appropriate, Mr Drinnan submitted that the Committee should start with the least serious sanction first and work its way up, whilst bearing mind the need to protect patients and the wider public interest. The Committee may decide that no further action be taken, or it may decide to impose a financial penalty up to £50,000.
84. Mr Drinnan submitted that taking no further action would be inappropriate in a case such as this. So far as a financial penalty is concerned, he submitted that in some allegations a financial penalty order may be more appropriate. Furthermore, he submitted that such a sanction may be imposed in conjunction with an order of conditions of practice (conditions), suspension or erasure.
85. Mr Drinnan then made submissions in respect of conditions. He submitted that the Committee may consider this sanction but it may not be the most appropriate as this is not a case that involved clinical practice.

86. In relation to an order of suspension, the Committee was reminded that the maximum period of suspension is 12 months. Mr Drinnan submitted this may be an appropriate sanction and referred the Committee to paragraph 21.29 of the Guidance which listed the factors that may point towards imposing such an order. In particular, the Committee's attention was drawn to this being an incident of serious misconduct involving dishonesty.
87. Mr Drinnan submitted that the ultimate sanction is erasure. He submitted the Committee should ask itself whether this is the only sanction to protect the patient and public interest and whether the seriousness of this case is incompatible with ongoing registration.
88. Mr Drinnan drew the Committee's attention to paragraph 21.35 of the Guidance which lists the type of conduct which could be fundamentally incompatible with being a registered professional. In particular, he submitted the Committee should note that the list included serious departures from the relevant professional standards set out in the Standards for Optical Students, dishonesty which was persistent and a persistent lack of insight into the seriousness of actions or consequences.
89. Mr Drinnan submitted that there were aggravating features present in the current case and reminded the Committee that there was some level of sophistication involved in the planning and attempted execution of this dishonesty and the sum involved was substantial.
90. Mr Drinnan remained neutral on the question of whether the Committee should either suspend the Registrant or whether erasure is the only appropriate sanction. He submitted it was a matter for the Committee.

Submissions on behalf of the Registrant

91. Mr Claxton for the Registrant provided the Committee with written submissions on sanction.
92. Mr Claxton submitted his overarching submission is that, while this is a serious case, the Registrant's erasure is unnecessary and would be disproportionate, both from the perspective of public protection and the wider public interest.
93. Mr Claxton submitted the Committee should bear in mind it has had limited opportunity to properly know and understand the Registrant. He submitted that, by contrast, those who had worked with the Registrant for six months have a better understanding of him having interacted with him on a day to day basis. Mr Claxton submitted that appropriate weight should therefore be given to the opinions and assessment of the Registrant's professional colleagues, the Optometrist Director and the Retail Director, who speak to the good character and quality of the Registrant's work.
94. Mr Claxton reminded the Committee the Registrant was young both in chronological years and in terms of professional experience and is still acquiring maturity. He submitted that, accordingly, the public would be more forgiving of those who have youth and inexperience as a partial explanation of their actions.
95. Mr Claxton submitted that the interests of the Registrant, the effect of a sanction on him, and his personal mitigation are relevant at this stage and form the basis of a proportionate decision. However, having regard to the legal authorities, he conceded they may have a lesser importance than the need to protect the public

and the importance of maintaining professional standards and public confidence in the profession.

96. Mr Claxton submitted that cases involving findings of dishonesty do not, as a matter of law, involve the presumption of erasure. In this particular case, on behalf of the Registrant, he suggested a suspension would be the most appropriate sanction. He made the following eight points:
97. Firstly, a suspension at this stage in the Registrant's career and studies would have a profound impact. In all likelihood the Registrant may need to repeat all or part of a year and therefore he would incur additional tuition fees. This would delay the overall time in which it would take him to qualify. The impact therefore would be double on the Registrant – extra tuition costs and a further year of studies before being able to qualify. The impact therefore as a student is more profound than on a practitioner who is able to pick up where he/she left off.
98. Secondly, Mr Claxton submitted the public needs competent and committed optometrists. Proportionality involves a triangulation of interests: those of the Registrant, public protection and standard setting, and the future service that the Registrant may offer through future practice. Mr Claxton invited the Committee to take into account that the Registrant is well thought of for his skills and attitude by his colleagues; has shown resilience and determination in the face of setbacks and personal difficulties; and his interest in and commitment to the profession stems from the care he saw provided to his [redacted].
99. Thirdly, Mr Claxton referred the Committee to the Guidance. He submitted that the judgment of the Registrant will improve over the course of training (para 6.9) and Committees are steered towards a more forgiving stance towards student registrants (paras 8.4 and 8.5).
100. Fourthly, Mr Claxton submitted the dishonesty in question was an isolated incident involving one document and it was quickly discovered and therefore short-lived. He further submitted there was no evidence that the Registrant was trying to enrich himself beyond the true cost of accommodation. The money was intended to pay the rent. He conceded it was an act of impetuosity and impatience, driven by the dispute the Registrant was having with the University.
101. He submitted that the point was properly made that the dishonesty did not involve the subject matter of the Registrant's degree course. It was unconnected to the study or practice of optometry and no harm was caused to a patient or members of the public.
102. Fifth, Mr Claxton submitted that this was a lapse in judgment in a particular context, namely, the personal difficulties that the Registrant was experiencing at the time, and the disruption that has been caused to his professional education for reasons beyond his control. The Registrant had arranged to attend University whilst residing at the family home. This had been taken away from him and formed part of the set of pressures 'bearing down on him which resulted in a lapse of judgement'.
103. Sixth, it is submitted the Registrant has demonstrated remorse and some insight. Whilst it is the Committee's view that he has not gained full insight, it is present and developing. In light of this, Mr Claxton submitted there are good reasons to believe that over time, in particular over the period of a suspension, that insight would continue such that his remediation would be complete.

104. Seventh, Mr Claxton submitted that the Registrant's own interests are a proper consideration when assessing what sanction is proportionate. The Registrant has a passion for optometry and has devoted four years to study and training. If he were to be erased, that time, that passion and commitment would be wasted.
105. Mr Claxton's eighth and final submission was that in the circumstances, an order of suspension, subject to a review is not a reprieve but a test for the Registrant. It would be a deferral of a range of potential outcomes. The onus would be on the Registrant to show, at a subsequent review hearing, that his insight had developed fully.

Committee's Determination on Sanction

106. The Committee determined the following aggravating features were present in this case:
- (i) There was some level of sophistication involved in the planning and attempted execution of this dishonesty.
 - (ii) The sum involved was substantial.
107. The Committee determined the following mitigating features were present in this case and noted the circumstances arose during the COVID-19 pandemic:
- (i) This was an isolated incident.
 - (ii) The misconduct did not relate to the Registrant's profession and there was no harm to any patients.
 - (iii) The Registrant has shown some insight.
 - (iv) The Registrant has shown some remorse.
 - (v) The Registrant was placed in a very unusual and difficult position due to the MOptom course at the University of [redacted] losing its accreditation. This disrupted his life, studies and adversely [redacted].
 - (vi) The Registrant was not intending to enrich himself and his actions were borne out of frustration and anger at his situation.
 - (vii) The Registrant was a student optometrist, young and at an early stage in his career.

Committee's Approach to Sanction

108. In approaching sanction, the Committee noted that the purpose of any sanction is not to punish the Registrant but to (a) protect members of the public; (b) maintenance of public confidence in the profession and (c) to uphold proper standards of conduct and performance within the optometry profession.
109. The Committee considered each sanction in ascending order, starting with the least severe and only moving to the next sanction if the one under consideration was deemed not sufficient in terms of dealing adequately with the issues identified.

110. The Committee first considered whether no action would be an appropriate sanction. It determined the conduct was too serious and given the need to protect the public and uphold standards this would be disproportionate as the wider public interest demands the misconduct is marked with a more severe sanction.
111. The Committee proceeded to consider the imposition of a financial penalty. The Committee determined the conduct was too serious and given the need to protect the public and uphold standards this would be disproportionate as the wider public interest demands the misconduct is marked with a more severe sanction.
112. The Committee proceeded to consider the imposition of conditions. The Committee noted conditions must be measurable, workable, enforceable and realistic. Given the nature of the misconduct and the circumstances of this case, the Committee determined the imposition of conditions would not be proportionate or appropriate. It determined there were no conditions, which would adequately address the findings of the Committee.
113. The Committee proceeded to consider the imposition of an order of suspension. The Committee had regard to paragraph 21.29 of the Guidance and noted:
- (a) This was a serious instance of misconduct where a lesser sanction is not sufficient.
 - (b) There is no evidence of harmful deep-seated personality or attitudinal problems in relation to dishonesty.
 - (c) There is no evidence of repetition of behaviour since this incident.
 - (d) The Committee was satisfied the Registrant had some insight.
114. In all the circumstances, the Committee decided to impose an order of suspension for a period of five (5) months. The Committee determined that this was a proportionate response to the Registrant's misconduct and would maintain public confidence in the profession, uphold proper standards of conduct and performance within the optometry profession and protect the public, including patients.
115. The Committee decided there should be a review before the expiry of the suspension order. It determined that a future Fitness to Practise Committee may be assisted in its determination as to the Registrant's impairment if he provided a reflective statement which could include:
- (i) How he has appreciated the gravity of his misconduct,
 - (ii) The impact his misconduct will have had on the public and its confidence in the profession,
 - (iii) How he would manage any future stress or pressurised situation outside of his control, and
 - (iv) Any further steps he has taken to remediate his conduct and develop insight.
116. The Committee decided erasure would be disproportionate, given all the circumstances of this case, including, that this was an isolated incident over a short period of time, there was no persistent dishonesty and it was not covered

up. There was no harm to patients and the Registrant was not in a position of trust. He has shown some limited insight.

Immediate Order

117. The Committee heard submissions from Mr Drinnan, on behalf of the Council and from Mr Claxton, on behalf of the Registrant. Neither party has asked for an immediate order.
118. The Committee has accepted the advice of the Legal Adviser. It has noted that this stage pursuant to section 131 of the Opticians Act 1989, the Committee has the power to order immediate suspension after a finding of impairment of fitness to practise.
119. Before imposing an immediate order of suspension, the Committee must be satisfied that it is (i) necessary for the protection of members of the public, (ii) otherwise in the public interest or (iii) in the best interests of the registrant.
120. The Committee having considered all the circumstances of this case, in particular, noting the GOC has not identified any public protection or public interest matters, it has determined not to impose an immediate suspension order. The Committee having had regard to its determination and taking account of any appeal period during which the Registrant can practise in the absence of an interim order, was satisfied that an immediate order is not necessary to protect the public and/or in the public interest and /or in the best interests of the Registrant.

Chair of the Committee: Valerie Paterson



Signature

Date: 16 June 2023

Registrant: Amanwil Takla

Signature present via video

Date: 16 June 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.