

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

GENERAL OPTICAL COUNCIL

F(21)06

AND

HAROON ZUBAIR (SO-14452)

**DETERMINATION OF A SUBSTANTIVE REVIEW
11 JANUARY 2022**

Committee Members:	Ms Eileen Carr (Chair/Lay) Mr Kevin Connolly (Lay) Dr Jackie Alexander (Lay) Ms Amritpreet Basra (Optometrist) Mr Alexander Howard (Optometrist)
Legal adviser:	Mr David Mason
GOC Presenting Officer:	Mr Dean Taylor
Registrant Present:	Present
Registrant representative:	Ms Natalie Bird – Case Presenter Ms Katie Holland (AOP)
Hearings Officer:	Ms Abby Strong-Perrin
Outcome:	Order to expire

Background

1. This is the first review of an order of suspension made by a Fitness to Practice Committee on 28 July 2021. The Registered Student Optometrist is a student optometrist having registered on 23 October 2018. He admitted all of the particulars of the Allegation at the original hearing.
2. The original Committee found that the Registered Student Optometrist's conduct amounted to misconduct, and that as a result, his fitness to practise was impaired. The Committee imposed an order of suspension for a period of six months. This is the first review of that order.

ALLEGATION

The Council alleges that in relation to you, Mr Haroon Zubair (SO-14452), a registered student optometrist:

1. Between 11 June and 1 August 2020, you used a social media platform, namely [Redacted], inappropriately, in that you:
 - a. [Redacted] some or all of the following:
 - i. "Where all the hoes at now that were distracting me from my revision";
 - ii. "No one is more bitter than that mousey friend who cockblocks all her mates coz you didnt make a move on her";
 - iii. "Scared the GOC might bum me";
 - iv. "I miss making someones cheeks clap every Thursday at 8oclock for the nhs";
 - v. "Think I'm gonna block her toilet to assert some dominance";
 - vi. "Covid kinda messed up the whole uni experience think I'm gonna have a much lower body count than what the bookies predicted";
 - vii. "17th abortion";
 - viii. "Some girls never did get dm'd by sexually frustrated Indian men and it shows";
 - ix. "I'd rather get head from her then lips her";

- x. "I'd rather park up in a quiet place with her dad and then push his seat all the way back";
 - xi. "Why do some [Redacted] only sound good when a thot with her tits out posts them";
 - xii. "His hair looks bit calmer these days or maybe its eid trim";
 - xiii. "At least you can read Eid namaaz this year without the worry of your new eid shoes getting nicked at mosque";
 - xiv. "If only more girls these days were as mentally strong and as clued on as Eva Smith was";
- b. [redacted] some or all of the following:
- i. "Thousands of Palestinian children are arrested by Israel and raped";
 - ii. "SHUTCHO BITCHASS THE FUCK UP";
 - iii. "If you not my girl, you ugly and I hate you";

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

DETERMINATION

3. That Committee in considering misconduct said:

"The Registered Student Optometrist's behaviour had fallen far below the standards expected of a student Optometrist in the circumstances. It was the judgement of the Committee that the language he had deployed was morally repugnant and would be regarded as deplorable by other members of the profession. The Committee was also concerned that the underlying attitudes displayed scant regard for the important principles of equality and diversity by using sexist, racist and homophobic language."

4. That Committee found that the Registered Student Optometrist's fitness to practise was not impaired for the purposes of public protection but that a finding of impairment was necessary on public interest grounds, to maintain standards in the profession and to protect its reputation. The Committee was not satisfied that the misconduct it had found had been fully remedied. It said:

"The Registered Student Optometrist had chosen not to give evidence before the Committee, providing instead a detailed written reflection statement and remediation"

statement. The Registered Student Optometrist had explained that after his activity had been detected by the GOC, he had switched off the offending [Redacted] account and had refrained from further [Redacted]. However the Committee had received insufficient reassurance regarding the attitudinal issue or issues underlying his behaviour. The Registered Student Optometrist had explained, and the Committee understood, the difficulties caused by the Covid pandemic. However it was the judgement of the Committee that this did not explain how the Registered Student Optometrist had come to use such extreme language, on so many occasions, covering such a very wide range of areas of discrimination. The Committee was not satisfied that the Registered Student Optometrist had provided sufficient material to conclude that the Registered Student Optometrist was unlikely to repeat his behaviour. The Committee accepted that the Registered Student Optometrist was of good character, but did not regard his behaviour as an isolated event, in that it comprised numerous [Redacted] reflecting a range of offensive attitudes using deplorable language over a period of time. Further, the Committee was not satisfied that the Registered Student Optometrist had developed genuine insight into his behaviour, in that he had expressed remorse but had failed to demonstrate a genuine understanding of the unacceptability of [redacted] such morally repugnant views.”

5. In relation to the appropriate sanction, that Committee found that the appropriate sanction was one of a six month suspension. It said:

”In all the circumstances, the Committee concluded that an order of suspension was sufficient to declare and uphold proper standards of conduct and behaviour and maintain confidence in the profession. The Committee understood that a period of suspension would disrupt the Registered Student Optometrist’s studies, but concluded that the disadvantage to him was outweighed by the public interest. A period of suspension would provide time for the Registered Student Optometrist to develop genuine insight into the seriousness of his past behaviour.”

6. That Committee ordered a Review of the order and said:

“The Committee was of the view that a future Committee may well be assisted by a further reflective statement from the Registered Student Optometrist and evidence of completion of a course in “cross-strand” equality and diversity, covering the full range of protected characteristics.”

Submissions

7. This Committee heard submissions from Mr Dean Taylor on behalf of the GOC and from Ms Natalie Bird on behalf of the Registered Student Optometrist.
8. Mr Taylor told the Committee that he relied on the written submission of the GOC of 8 December 2021. He referred the Committee to the relevant parts of the GOC’s documents and set out the steps by which the original Committee had found the facts in

the Allegation proved, its findings over conduct and impairment and its conclusion that a suspension for 6 months was the proportionate sanction. Mr Taylor summarised the powers of the Committee in relation to the review. He said that the GOC was satisfied that the Registered Student Optometrist's reflective statement showed an improved level of insight and that the Registered Student Optometrist had complied with the recommendations of the previous Committee. Mr Taylor informed the Committee that the GOC adopted a neutral position and that the decision in relation to this review was a matter for the Committee.

9. Ms Bird submitted that the appropriate course for the Committee to take was to allow the order of suspension to expire on 24 February 2022 without extension. She reminded the Committee that the order of suspension was made on public interest, not public protection, grounds and submitted that it had served its purpose in allowing time for the Registered Student Optometrist to reach complete insight.
10. Ms Bird said that the Registered Student Optometrist had thoroughly learnt a lesson from the experiences of the last eighteen months. She referred the Committee to the GOC Guidance to Committees and said that the Registered Student Optometrist fully appreciated his misconduct, it had not repeated it and he posed no risk to patients. She said it was accepted that the Registered Student Optometrist had broken fundamental tenets of the profession over equality and diversity but submitted that it was possible for him to remedy his conduct.
11. Ms Bird referred the Committee to the Registered Student Optometrist's documents, in particular to his reflective statement and the activity he had been involved in since his suspension to remedy his deficiencies. Ms Bird said that the Registered Student Optometrist had taken steps to inform himself over all of the protected characteristics contained in the Equality Act, through a cross strand online learning course delivered by CPD Online College. This was completed on 23 October 2021. She referred to his reading on the subject of feminism, his undertaking of Stonewall training in LGBTQ+ issues and his research into disability equality. She referred the Committee to the Registered Student Optometrist's attempts to gain further insight into the issues underlying the Israeli/Palestinian dispute. Ms Bird also referred the Committee to the six-month course that the Registered Student Optometrist had undertaken through Bradford Muslim College, entitled Character Development – in light of the Prophetic Sunnah (teachings). She pointed to the Registered Student Optometrist's participation in activities involving the Bradford University Islamic Theology Society and at his Mosque, which she said showed the Registered Student Optometrist was active in diversity and was not engaged only in study. Ms Bird said that the employment the Registered Student Optometrist had been engaged in at an airport Covid testing centre had allowed him to have practical experience of diversity. She also drew the Committee's attention to the positive testimonials, which she stated were given in the full knowledge of the conduct which led to the Fitness to Practise hearing.
12. Ms Bird submitted that the Registered Student Optometrist's fitness to train was no longer impaired. She said that if his suspension ended in February 2022, he could apply

for pre-registration training and that if he could not he might lose the opportunity of qualifying, which would be a loss to him and a wasted expense to the public. Ms Bird said that proportionality was at the core of the Regulator's actions and that it would be disproportionate to prevent the Registered Student Optometrist from completing his training and a loss to the public.

Legal Advice

13. The Committee accepted the advice of the Legal Adviser. He referred to the case of *Abrahaem v General Medical Council* [2008] EWHC 183 (Admin) and advised that it was for the Registered Student Optometrist to persuade the Committee that the deficiencies found by the previous the Committee had been remedied so that the Registered Student Optometrist's fitness to engage in training was no longer impaired. The Legal Adviser said that as the finding of impairment was based solely on public interest grounds, the Committee should consider whether public concern over the Registered Student Optometrist's conduct would remain if it knew of the action taken by him to remedy the concerns in the case.


The Committee's decision

14. The Committee began by considering whether the fitness of the Registered Student Optometrist to train remained impaired. It noted that the sole basis for the previous Committee's finding of impairment was the public interest in the maintaining of standards and the protection of the reputation of the profession. The Committee therefore considered whether the Registered Student Optometrist had remedied the misconduct which led to the finding of impairment so that the public interest had been served. It took in to account the Guidance issued to committees (December 2021).
15. The Committee considered carefully all of the material related to training and learning which the Registered Student Optometrist had been engaged in since the last hearing. It considered that whilst attitudinal and behavioural deficiencies are not easily remedied, they are capable of remedy. It found the material placed before it by the Registered Student Optometrist to be extensive and compelling and it accepted that the Registered Student Optometrist's insight into the conduct which led to a finding of impairment was now complete. The Committee noted the testimonials produced by the Registered Student Optometrist, which it found to be positive and to have been given with a full knowledge of the conduct which had led to the findings of the previous Committee. The Committee was encouraged to find that the Registered Student Optometrist had not only undergone training and learning over equality and diversity, but was participating in activities to promote equality and diversity. It was satisfied that the Registered Student Optometrist had in place coping strategies in case he was at some time in the future exposed to stresses similar to those imposed by the Covid lockdown. It accepted that there had been no repetition of the Registered Student Optometrist's conduct in the 18

months since this case began and was satisfied that the risk of repetition was very low. The Committee took full account of the affect upon the Registered Student Optometrist and his career as an optometrist if his registration continued to be suspended, and of the potential loss to the public of a useful member of the profession.

16. The Committee concluded that the Registered Student Optometrist had done all that he could to remedy the conduct which had led to the finding of impairment. It found that the public interest had been served by the period of suspension imposed by the original Committee and that the public would no longer be concerned over the Registered Student Optometrist’s conduct and its effect on the reputation of the profession. The Committee found that it would be disproportionate and unnecessary for the period of suspension now in place to continue beyond its expiration on 24 February 2022. It was therefore content to allow it to expire on that date to allow the Registered Student Optometrist to return to training.

Chair of the Committee: Ms Eileen Carr

Signature  Date: 11 JANUARY 2022

Registered Student Optometrist: Mr Haroon Zubair

Signature Date: 11 JANUARY 2022

FURTHER INFORMATION
Transcript
A full transcript of the hearing will be made available for purchase in due course.
Appeal

Any appeal against an order of the Committee must be lodged with the relevant court within 28 days of the service of this notification. If no appeal is lodged, the order will take effect at the end of that period. The relevant court is shown at section 23G(4)(a)-(c) of the Opticians Act 1989 (as amended).

Professional Standards Authority

This decision will be reported to the Professional Standards Authority (PSA) under the provisions of section 29 of the NHS Reform and Healthcare Professions Act 2002. PSA may refer this case to the High Court of Justice in England and Wales, the Court of Session in Scotland or the High Court of Justice in Northern Ireland as appropriate if they decide that a decision has been insufficient to protect the public and/or should not have been made, and if they consider that referral is desirable for the protection of the public.

Where a Registered Student Optometrist 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 Registered Student Optometrist cannot appeal against the outcome of a hearing, the Authority's appeal period is 56 days beginning with the day in which notification of the decision was served on you. PSA will notify you promptly of a decision to refer. A letter will be sent by recorded delivery to your registered address (unless PSA has been notified by the GOC of a change of address).

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

Effect of orders for suspension or erasure

To practise or carry on business as an optometrist or dispensing optician, to take or use a description which implies registration or entitlement to undertake any activity which the law restricts to a registered person, may amount to a criminal offence once an entry in the register has been suspended or erased.

Contact

If you require any further information, please contact the Council's Hearings Manager at 10 Old Bailey, London, EC4M 7NG or, by telephone, on 020 7580 3898.

