

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

**GENERAL OPTICAL COUNCIL**

**F(20)25**

**AND**

**ROGER LEE (D-2992)  
PRIVATE HEARING**

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**DETERMINATION OF A 2<sup>nd</sup> SUBSTANTIVE REVIEW  
8<sup>th</sup> November 2022**

<b>Committee Members:</b>	Ms Julia Wortley (Chair/Lay)
	Ms Audrey McFarlane (Lay)
	Ms Miram Karp (Lay)
	Mr Adrian Street (Dispensing Optician)
	Ms Sarah Baylay (Dispensing Optician)
<b>Legal Adviser:</b>	Ms Helen Gower
<b>Clinical Adviser:</b>	Dr Desmond Dunleavy
<b>GOC Presenting Officer:</b>	Mr Alex Adamou
<b>Registrant:</b>	Not present and unrepresented
<b>Hearings Officer:</b>	Mr Lee Wood
<b>Outcome:</b>	Order of Indefinite Suspension

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**Hearing in private**

The Committee accepted the advice of the Legal Adviser and decided that the hearing should be held entirely in private.

**Proof of service**

The Committee heard an application from Mr Adamou for the matter to proceed in the Registrant's absence. First, the Council was required to satisfy the Committee



that the documents had been served in accordance with Section 23A of the Act and Rule 61 of the Fitness to Practise Rules 2013. The Committee accepted the advice of the Legal Adviser.

Having reviewed the documents, the Committee was satisfied that all reasonable efforts have been made to notify the Registrant of the hearing.

### **Proceeding in the absence of the Registrant**

The Committee then went on to consider whether it would be in the public interest to proceed in the Registrant's absence in accordance with Rule 22 of the Fitness to Practise Rules. The Committee accepted the advice of the Legal Adviser. The Committee was aware that it should exercise the utmost care and caution in deciding whether or not to proceed in the Registrant's absence.

The Committee decided that it was fair and appropriate to proceed with the hearing in the Registrant's absence

## **DETERMINATION**

### **Background**

The Registrant's registration was suspended for a period of twelve months. At the first review hearing on 23 November 2021 the order of suspension was extended for a further period of twelve months which is due to expire on 27 December 2022.

### **Findings regarding impairment**

The Committee decided that the Registrant's fitness to practise remains impaired.

### **Sanction**

The Committee decided to extend the Order of Suspension indefinitely commencing on 28<sup>th</sup> December 2022

**Chair of the Committee: Julia Wortley**

**Signature:**

A handwritten signature in blue ink that reads "Julia Wortley".

**Date: 8<sup>th</sup> November 2022**

<b>FURTHER INFORMATION</b>
<b>Transcript</b>
A full transcript of the hearing will be made available for purchase in due course.
<b>Appeal</b>
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).
<b>Professional Standards Authority</b>
<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 <a href="http://www.professionalstandards.org.uk">www.professionalstandards.org.uk</a> or by telephone on 020 7389 8030.</p>
<b>Effect of orders for suspension or erasure</b>
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.
<b>Contact</b>
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.