

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

**GENERAL OPTICAL COUNCIL**

**F(20)34**

**AND**

**BELLA REID (SO- 11342)**

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**DETERMINATION OF A SUBSTANTIVE HEARING  
22 February 2021 and 21 April 2021**

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<b>Committee Members:</b>	Ms Hermione McEwen (Chair/Lay) Mr Ubaidul Hoque (Lay) Ms Nicola Enston (Lay) Ms Agnes Ali (Optometrist) Mr Kamlesh Gohil (Optometrist)
<b>Clinical adviser:</b>	N/A
<b>Legal adviser:</b>	Mr Mike Bell
<b>GOC Presenting Officer:</b>	Mr Dean Taylor
<b>Registrant present/represented:</b>	No and not represented
<b>Registrant representative:</b>	N/A
<b>Hearings Officer:</b>	Ms A Strong-Perrin
<b>Facts found proved:</b>	All
<b>Facts not found proved:</b>	N/A
<b>Misconduct:</b>	Found
<b>Impairment:</b>	Impaired
<b>Sanction:</b>	Erasure
<b>Immediate order:</b>	N/A

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### **Proof of service**

The Committee heard an application from Mr Taylor on behalf of the General Optical Council (the Council) for the matter to proceed in the Registrant's absence. First, the Council was required to satisfy the Committee that the notice of inquiry had been served in accordance with Section 23A of the Opticians Act 1989 (the Act) and Rules 34 and 61 of the Fitness to Practise Rules 2013 (the Rules).

The Committee accepted the advice of the Legal Adviser who referred the Committee to the terms of Section 23A of the Act and Rules 34 and 61 of the Rules.

The Committee was satisfied that the notice of inquiry contained all necessary information and had been served more than 28 days before the hearing. The Committee was satisfied that all reasonable efforts had been made to notify the Registrant of the hearing. The Committee concluded that service of the notice of inquiry had been carried out in accordance with the statutory requirements.

### **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. Mr Taylor for the Council submitted that the Registrant had voluntarily absented herself from the hearing and that it was in the public interest to proceed in her absence.

The Committee accepted the advice of the Legal Adviser who referred the Committee to the documents contained within the Council's 'Service Bundle' and *R v Jones [2003] 1 AC 1, HL*, and the decision of the Court of Appeal in *General Medical Council v Adeogba [2016] EWCA Civ 162*.

The Committee took into account the factors set out in the case of *R v Jones [2003] 1 AC 1, HL*, and the decision of the Court of Appeal in *General Medical Council v Adeogba [2016] EWCA Civ 162*.

The Committee was mindful that this was a discretion that must be exercised with the utmost care and caution. In deciding whether to proceed in the absence of the Registrant, the Committee weighed its responsibilities for public protection and the expeditious disposal of the case with the Registrant's right to a fair hearing.

The Committee had regard to the Council's 'Service Bundle', in particular the various attempts by the Council to contact the Registrant by letter, email and telephone.

The Committee decided to proceed in the absence of the Registrant. In reaching this decision, the Committee considered the submissions of Mr Taylor and the advice of the Legal Adviser. It had particular regard to the factors set out in the decisions of *Jones*

and Adeogba. It had regard to the overall interests of justice and fairness to all parties. It noted the following:

- The Registrant's lack of engagement with the regulatory process;
- The numerous attempts by the Council to contact the Registrant;
- There was no application for an adjournment before them;
- Adjourning the proceedings was unlikely to secure the Registrant's attendance as she had not engaged; and
- There was a strong public interest in the expeditious disposal of this case.

### **ALLEGATION**

1. On or around April/May 2017 you forged your supervisor's signature on your practice placement workbook to confirm that you had attended the last day of your placement;

2. Your actions above were dishonest, in that, you knew:

- a. you were forging your supervisor's signature, and/or
- b. you had not attended the last day of your placement.

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

### **DETERMINATION**

#### **APPLICATION TO ADMIT HEARSAY EVIDENCE**

Mr Taylor, on behalf of the Council, made an application to admit the witness statements of REDACTED as 'hearsay' evidence.

He referred the Committee to Rule 41 of the General Optical Council (Fitness to Practise) Rules Order of Council 2013 (the "Rules") which states:

*"...admit any evidence it considers fair and relevant to the case before it, whether or not such evidence would be admissible in a court of law. This is subject to paragraphs (2) and (3)."*

Mr Taylor further referred the Committee to *Thorneycroft v NMC [2014] EWHC 1565 (Admin)*.

Mr Taylor informed the Committee that the Registrant had been sent a bundle of documents, including the three witness statements, and had not responded to the Council's correspondence. He submitted that the statements were supported by contemporaneous documentation and it would be fair to admit them.

The Committee formed the view that the contents of the three witness statements were non-controversial and supported by contemporaneous documentation. The Committee noted that two of the statements were from members of staff at REDACTED documenting and detailing the University's Fitness to Practice procedure which the Registrant had been subject to. The Registrant was aware of the Council's intentions to ask for them to be admitted and had not objected.

In all the circumstances the Committee considered that the Registrant would not be prejudiced by the admission of these statements and that it would be relevant and fair to admit them.

The Committee granted the application.

### **Admissions in relation to the particulars of the Allegation**

The Registrant has not admitted any particulars of the allegation.

### **Background to the Allegation**

The Registrant enrolled on an Optometry Degree course at the University in September 2015.

As part of this course the Registrant had to undertake a work placement in an optical practice and complete a Workbook detailing the work and training she had undertaken.

The Workbook contained sections for confirming her attendance and the experience obtained, to be signed by the student and her supervisor. Ideally this section should be completed daily on placement, but the University acknowledged that it would be acceptable for the section to be completed at the end of each week.

It was a requirement for the supervisor to sign the Workbook and students were not allowed to sign on behalf of their supervisor. To do so was considered forgery by the University.

It is alleged that, following the Registrant's return to University after her placement, her Workbook was reviewed by REDACTED, the Placement Coordinator. It is further alleged that REDACTED was suspicious about the signature of the supervisor in the Workbook and contacted the placement practice to investigate this matter further.

As a result, the matter was referred to the University's Fitness to Practice Panel who, it is alleged, concluded that the Registrant had falsified the supervisor's signature in the Workbook.

## **Findings in relation to the facts**

In reaching its decision on facts, the Committee considered all the evidence adduced in this case together with the submissions made by Mr Taylor on behalf of the Council.

The Committee accepted the advice of the Legal Adviser, who advised the Committee of the burden and standard of proof and the legal requirements for a finding of dishonesty.

The Committee was aware that the burden of proof rests on the Council, and that the standard of proof is the civil standard, namely the balance of probabilities.

The Committee drew no adverse inference from the non-attendance of the Registrant or her lack of representation.

The Committee had before it the witness statements on behalf of the Council from REDACTED. The Committee noted that these statements were 'hearsay evidence' and as such had not been tested. However, the Committee also noted that there was no information before it undermining these statements and that they were supported by contemporaneous documentation from the University and the Council. The Committee determined that the witness statements were helpful, credible, and reliable.

The Committee considered each particular of the Allegation and made the following findings:

### **Particular 1 of the Allegation.**

On or around April/May 2017 you forged your supervisor's signature on your practice placement workbook to confirm that you had attended the last day of your placement.

#### **This particular of the Allegation is found proved.**

Mr Taylor directed the Committee to the witness statements of REDACTED. He submitted that REDACTED completed the investigation and presented the case to the University's Fitness to Practice Panel and that her evidence detailed how the concerns had arisen. He further submitted that REDACTED statement evidenced that the Registrant had 'admitted to falsifying signatures' at a meeting on 2 June 2017. He also directed the Committee to the notes of the Fitness to Practice Panel procedure produced by REDACTED.

Mr Taylor further submitted that the witness statement of REDACTED set out why students are required to complete Work Books and that students were not allowed to sign their own Work Books and to do so would be forgery. Mr Taylor also submitted that REDACTED stated that 'there was always members of staff available to seek advice if a student was confused over who should sign their book'. Mr Taylor directed the Committee to the certified copy of the Registrant's placement Work Book exhibited by REDACTED and highlighted the difference between the supervisor's signature on the entry for her last day on her placement and those on preceding days.

Mr Taylor finally submitted that, although there were no formal admissions in this matter,

the Registrant had admitted falsifying the signature at the University's informal Fitness to Practice meeting on 2 June 2017 and in a letter to the University dated 7 June 2017. The Registrant had repeated this admission in a self-referral letter to the Council attached to her email dated 22 July 2017.

The Committee accepted the evidence in the witness statements REDACTED. It further determined that the supervisor's signature on the placement Work Book for the last day of the Registrant's placement differed markedly from the those for the preceding days. The Committee noted that when confronted the Registrant initially denied forging the signature, she later admitted forging the signature both in the meeting of 2 June 2017 and in subsequent correspondence. The Committee further noted that the Registrant sought to defend the false signature by stating that 'other colleagues' also did this.

The Committee had regard to an email from the Assistant Manager of the optical practice where the Registrant did her placement dated 24 May 2017. This detailed her poor attendance and her poor time keeping.

The Committee therefore determined that, on the balance of probabilities, on or around April/May 2017 the Registrant forged her supervisor's signature on her practice placement Work Book to confirm that she had attended the last day of her placement.

### **Particular 2 of the Allegation**

Your actions above were dishonest, in that, you knew:

- a. you were forging your supervisor's signature, and/or
- b. you had not attended the last day of your placement.

**This particular of the Allegation is found proved in respect of both limbs (a) and (b).**

Mr Taylor submitted that if the Committee accepted his position in relation to particular 1 of the Allegation, then applying the test set out in *Ivey v Genting Casinos (UK) Ltd [2017] UKSC 67*, then the only reasonable inference was that the Registrant had acted dishonestly.

The Committee noted the test as set out in *Ivey*:

*"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.”*

For the reasons set out above the Committee concluded that the Registrant knew that she was forging her supervisor’s signature.

The Committee also accepted the evidence of REDACTED that the Registrant had admitted to her that she had not fully completed the placement programme. The Committee determined that the Registrant had not attended the last day of her placement. The Committee determined that the Registrant forged her supervisor’s signature in her practice placement workbook when fully aware that she was forging the signature and had not attended the last day of her placement.

The Committee determined that this act would be viewed as dishonest by the standards of ordinary decent people.

Having reached its determination on the facts of this case, the Committee then moved on to consider whether the facts found proved amount to misconduct and, if so, whether the Registrant’s fitness to undertake training as a Student Optometrist is currently impaired.

### **Findings in relation to misconduct**

The Committee heard submissions from Mr Taylor, on behalf of the Council. Mr Taylor submitted that the particulars of the Allegation found proved amounted to breaches of Standards 15 and 16 of the Council’s Standards for Optical Students (the Standards); that the misconduct was professional misconduct; and were serious breaches of the Standards. He referred the Committee to the case of *Roylance v GMC (No. 2) [2000] 1 AC*; *Calheam v GMC [2007] EWHC (Admin) 2606*; *Remedy UK Ltd v GMC [2010] EWHC 1245* and *PSA v AJeneye [2016] EWHC 1237 (Admin)*.

The Committee accepted the advice of the Legal Adviser. He referred the Committee to *Roylance v GMC (No. 2) [2000] 1 AC*; *Calheam v GMC [2007] EWHC (Admin) 2606* and *Remedy UK Ltd v GMC [2010] EWHC 1245* and *PSA v AJeneye [2016] EWHC 1237 (Admin)* and advised that it should consider all of the Standards.

The Committee was aware that, in considering the question of misconduct, there was no burden of proof, nor standard of proof.

In reaching its decision on misconduct, the Committee bore in mind its duty to protect the public, to maintain public confidence in the profession and in the regulatory process, and to declare and uphold proper standards of behaviour and conduct.

The Committee appreciated that breaches of the Standards do not automatically result in a finding of misconduct.

The Committee considered that the Registrant by having acted in the manner found proved in the Allegation comprised a deliberate act to conceal the fact that she had not attended on the last day of her placement and was an attempt to mislead the University that she had.

The Committee concluded that the Registrant was in breach of the following Standards:

- Standard 15: Be honest and trustworthy; and
- Standard 16: Do not damage the reputation of your profession through your conduct.

The Committee was satisfied that the Registrant's actions fell seriously below the standards to be expected of a Student Optometrist and amounted to misconduct.

### **Findings regarding impairment**

The Committee went on to consider if as a result of this misconduct the Registrant's fitness to practise is currently impaired.

The Committee heard submissions from Mr Taylor, on behalf of the Council in relation to impairment.

Mr Taylor referred the Committee to the case of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin) and in particular paragraph 76 where Mrs Justice Cox stated:

*'I would also add the following observations in this case having heard submissions, principally from Ms McDonald, as to the helpful and comprehensive approach to determining this issue formulated by Dame Janet Smith in her Fifth Report from Shipman, referred to above. At paragraph 25.67 she identified the following as an appropriate test for panels considering impairment of a doctor's fitness to practise, but in my view the test would be equally applicable to other practitioners governed by different regulatory schemes.*

*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.'*

Mr Taylor submitted that limbs (b) – (d) were engaged.

Mr Taylor further referred the Committee to *Cohen v GMC* [2008] EWHC 581 (Admin); *Cheatle v GMC* [2009] EWHC 645 Admin; *Yeong v GMC* [2009] EWHC (Admin) EWHC 1923 (Admin).

Mr Taylor submitted that the Registrant had failed to demonstrate insight or remorse and that her actions might encourage other students to act in a similar manner.

The Committee accepted the advice of the Legal Adviser. He referred the Committee to the cases of *Council for Healthcare Regulatory Excellence v (1) Nursing and Midwifery Council (2) Grant* [2011] EWHC 927 (Admin); *Cohen v GMC* [2008] EWHC 581 (Admin); *Cheatle v GMC* [2009] EWHC 645 Admin; *Yeong v GMC* [2009] EWHC (Admin) EWHC 1923 (Admin).

The Committee considered the nature of Registrant's misconduct met all the criteria set out above in paragraphs (b), (c) and (d).

Regarding insight, the Committee noted that the Registrant has not engaged with this regulatory process. The Committee further noted that REDACTED details that the Registrant expressed no remorse for her actions during the University Fitness to Practice process.

The Committee accepted that during the University's Fitness to Practice proceedings and in her letter to the Council the Registrant had accepted that she had forged her supervisor's signature. The Committee further noted that the Registrant had produced a 'Reflective Professionalism Essay', but that she had been required to do this by the outcome of the University's formal Fitness to Practice Panel Meeting on 13 July 2017. The Committee also considered that the contents of the essay were generic in nature and the Registrant had not shown any personal reflection on her dishonest actions. The Committee noted that the Registrant had not complied with the other requirements of the University's Fitness to Practice Panel: to seek counselling and to seek sessions on stress management from Student Services.

The Committee was not satisfied the Registrant had demonstrated a full understanding of the nature of her dishonesty and its effect on public confidence in the profession.

Given the Registrant's lack of remorse and failure to demonstrate any real insight or understanding of the nature of her dishonest misconduct and the consequent lack of remediation, the Committee concluded that there exists a real risk of the Registrant repeating her actions in the future.

The Committee considered whether a finding of impairment was necessary to maintain public confidence in the profession. The Committee was in no doubt that the Registrant's past actions did bring the profession into disrepute and given the seriousness of the dishonest misconduct that public confidence in the profession would be seriously damaged if a finding of current impairment was not made.

The Committee is therefore satisfied that the Registrant's fitness to undertake training as a Student Optometrist is currently impaired on public interest grounds in order to maintain public confidence in the profession.

### **Sanction**

Having found the Registrant's fitness to undertake training is currently impaired, the Committee went on to consider what sanction, if any, it should impose in this case. 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.

The decision on sanction is a matter for the Committee independently exercising its own judgement.

The Committee heard submissions from Mr Taylor on behalf of the Council. He referred the Committee to the Council's Hearings and Indicative Sanctions Guidance (ISG) and the cases of *Bolton v Law Society* [1994] 2 ALL ER 486; *Siddiqui v GMC* [2013] EWHC 1082 (Admin); *PSA v NMC* [2015] EWHC 1887; *Parkinson v NMC* [2010] EWHC 1898 (Admin) and *PSA v Hussain* [219] EWHC 2640 (Admin). He submitted that the Registrant had treated her dishonest misconduct as trivial and had sought to gain credit for practical experience she had not done and deceive the University. Mr Taylor submitted that the appropriate sanction was that of Erasure.

The Committee accepted the advice of the Legal Adviser who referred it to the ISG and reminded it that the question of sanction was a matter for the Committee's professional judgement.

The Committee took into account the following aggravating features:

- The Registrant has not engaged with her regulator;
- The Registrant has shown a lack of remorse;
- The Registrant has shown very limited insight into her dishonest misconduct; and
- The Registrant initially denied her dishonest misconduct and when admitted sought to justify it.

The Committee also took into account the following mitigating features:

- The Registrant was apparently suffering from personal difficulties;
- The Registrant admitted during the course of the University's Fitness to Practice Procedure that she forged the supervisor's signature.

The Committee first considered whether to Take No Action, but concluded that this would not be appropriate in view of the seriousness of the case. The Committee decided that it would not be in the public interest to take no further action.

The Committee next considered whether placing Conditions of Practice on the Registrant would be a sufficient and appropriate response. The Committee was mindful that any conditions imposed must be proportionate, measurable and workable.

Given the nature of the Registrant's dishonest misconduct and the Committee's prior conclusions regarding her lack of insight and remorse it was of the view that there are no practicable or workable conditions that could be formulated that would be appropriate to address the wider public interest. The Committee noted that the

Registrant was subject to a Compliance Meeting at the University for failing to comply with all the requirements of the Fitness to Practice Panel.

The Committee then went on to consider whether a Suspension Order would be an appropriate sanction.

Paragraph 34.1 of the ISG 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 but 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 panel 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 was allowed to continue to practise even under conditions; or

The Committee noted the Registrant's unprofessional conduct during her work placement and her failure to comply with all the University's requirements following the Fitness to Practice Panel. The Committee considered that this, together with the Registrant's failure to understand the full nature of her dishonest misconduct and its effect on public confidence in the profession, was indicative of attitudinal problems. Further, the Committee was not satisfied that the Registrant had developed insight into her dishonest misconduct and therefore concluded that there remains a significant risk of repetition.

The Committee concluded that a period of suspension would not be sufficient to protect public interest.

Finally, the Committee considered Erasure.

It noted the terms of paragraph 36.5 of the ISG which states:

This sanction 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):

- a. 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;

- b. Doing serious harm to individuals (patients or otherwise), either deliberately or through incompetence, and particularly where there is a continuing risk to patients;
- c. Abuse of position/trust (particularly involving vulnerable patients) or violation of the rights of patients;
- d. Offences of a sexual nature, including involvement in child pornography;
- e. Offences involving violence;
- f. Dishonesty (especially where persistent and covered up); or
- g. Persistent lack of insight into seriousness of actions or consequences.

The Committee considered that the Registrant's dishonest misconduct was a serious departure from the relevant professional standards, involved dishonesty and that the Registrant had shown persistent lack of insight into the seriousness of her action or consequences. The Committee determined that Erasure was the only sanction that will sufficiently protect public interest.

The Committee considered that this Order of Erasure 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 standards of behaviour required of a registered Student Optometrist.

### **21 April 2021**

The Committee reconvened on 21 April 2021.

### **Proof of service**

The Committee heard an application from Mr Taylor on behalf of the General Optical Council (the Council) for the matter to proceed in the Registrant's absence. First, the Council was required to satisfy the Committee that the notice of inquiry had been served in accordance with Section 23A of the Opticians Act 1989 (the Act) and Rules 34 and 61 of the Fitness to Practise Rules 2013 (the Rules).

The Committee accepted the advice of the Legal Adviser who referred the Committee to the terms of Section 23A of the Act and Rules 34 and 61 of the Rules.

The Committee was satisfied that the notice of inquiry contained all necessary information and had been served more than 28 days before the hearing. The Committee was satisfied that all reasonable efforts had been made to notify the Registrant of the hearing. The Committee concluded that service of the notice of inquiry had been carried out in accordance with the statutory requirements.

### **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. Mr Taylor for the Council submitted that the Registrant had voluntarily absented herself from the hearing and that it was in the public interest to proceed in her absence. Mr Taylor directed the Committee to the Council's further 'Service Bundle' and the documentation contained *in it showing the attempts of the Council to contact the Registrant*.

The Committee accepted the advice of the Legal Adviser who referred the Committee to the documents contained within the Council's 'Service Bundle' and *R v Jones [2003] 1 AC 1, HL*, and the decision of the Court of Appeal in *General Medical Council v Adeogba [2016] EWCA Civ 162*.

The Committee took into account the factors set out in the case of *R v Jones [2003] 1 AC 1, HL*, and the decision of the Court of Appeal in *General Medical Council v Adeogba [2016] EWCA Civ 162*.

The Committee was mindful that this was a discretion that must be exercised with the utmost care and caution. In deciding whether to proceed in the absence of the Registrant, the Committee weighed its responsibilities for public protection and the expeditious disposal of the case with the Registrant's right to a fair hearing.

The Committee had regard to the Council's further 'Service Bundle', in particular the various attempts by the Council to contact the Registrant by letter and email.

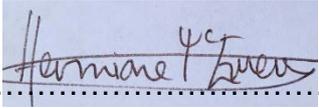
The Committee decided to proceed in the absence of the Registrant. In reaching this decision, the Committee considered the submissions of Mr Taylor and the advice of the Legal Adviser. It had particular regard to the factors set out in the decisions of *Jones and Adeogba*. It had regard to the overall interests of justice and fairness to all parties. It noted the following:

- The Registrant's prior lack of engagement with the regulatory process;
- The Registrant did not attend on the first day of the hearing;
- The numerous attempts by the Council to contact the Registrant;
- There was no application for an adjournment before them;
- Adjourning the proceedings was unlikely to secure the Registrant's attendance as she had not previously engaged; and
- There was a strong public interest in the expeditious final disposal of this case.

### **Immediate Order**

Mr Taylor advised the Committee that no interim order was in place in relation to the Registrant and that the Council did not seek an immediate order.

**Chair of the Committee: Hermione McEwen**

Signature .....  ..... Date: 21 April 2021

**Registrant: Bella Reid**

Signature ..... Date: 21 April 2021

## FURTHER INFORMATION

### Transcript

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

### Appeal

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

### Professional Standards Authority

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

Where a 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).

Further information about the PSA can be obtained from its website at [www.professionalstandards.org.uk](http://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.