

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

**GENERAL OPTICAL COUNCIL**

**F(21)28**

**AND**

**JEREMY FRANKLIN - (D-13422)**

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**NOTICE OF INQUIRY  
SUBSTANTIVE HEARING**

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Take notice that an inquiry will be conducted in the above matter by the Fitness to Practise Committee of the General Optical Council.

A substantive hearing will be proceeding:

**Remotely**

The substantive hearing will take commence at 9:30am on **Thursday 05 May - Friday 06 May and Tuesday 10 May -Tuesday 17 May 2022** by way of video conference or telephone conference facilities.

The Inquiry will be based upon the allegation submitted by the Council (see below) and will determine whether the fitness to practise of **Jeremy Franklin** is impaired by virtue of the provisions contained in section 13D(2) of the Opticians Act 1989.

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Vineeta Desai  
Hearings Manager, General Optical Council

**15 March 2022**

## ALLEGATION

The Council alleges that in relation to you, Mr Jeremy Franklin (D-13422), a Dispensing Optician:

1. You failed to comply with the terms of your NHS General Ophthalmic Services (“GOS”) contracts, in that you:
  - a. did not provide information requested by NHS England to comply with your GOS contract requirements as listed in the GOS Contract Application Report(s) and Action Plan(s) that were issued to you on:
    - i. 9 June 2016;
    - ii. 9 August 2017.
  - b. failed to attend a scheduled Mandatory Contract Monitoring Visit on or around 12 June 2017 which was scheduled for the purpose of you providing information requested by NHS England;
  - c. failed to provide three-months’ notice to NHS England about the closure of your optical practices based in:
    - i. [redacted];
    - ii. [redacted]; and
    - iii. [redacted].
  - d. following the termination of your GOS contract on or around 10 October 2017, failed to inform NHS England until 3 January 2018 about any arrangements in place in relation to the NHS England patient records you held.
2. On one or more occasion, you failed to communicate with NHS England and/or take appropriate action following:
  - a. NHS England’s remedial notice dated 9 August 2017;
  - b. Breach Notice issued under the GOS Contract Regulation 2013 dated 29 August 2017;
  - c. Notice of Contracts Termination dated 10 October 2017.
3. Prior to or immediately after the closure of your [redacted] optical practices, you failed to inform patients about the arrangements that were in place in relation to their patient records previously held at these practices.

### Patient A

4. On 27 June 2017, Patient A attended a consultation with you and you failed to:
  - a. adequately consider Patient A’s history prior to or during the consultation;
  - b. adequately assess Patient A during the consultation;

- c. take appropriate measurements during the consultation;*
  - d. consider dispensing two separate pairs of glasses to Patient A for an initial period before suggesting varifocals;*
  - e. record adequate notes of the consultation.*
- 5. On 1 August 2017, Patient A attended a consultation with you and you failed to:*
  - a. adequately consider Patient A's history prior to or during the consultation;*
  - b. adequately assess Patient A during the consultation;*
  - c. record adequate notes of the consultation.*
- 6. On 16 August 2017, Patient A attended a consultation with you and you failed to:*
  - a. adequately consider Patient A's history prior to or during the consultation;*
  - b. adequately assess Patient A during the consultation;*
  - c. carry out a dispensing triage prior to adjusting the frames of Patient A's spectacles;*
  - d. record adequate notes of the consultation;*
  - e. book a further eye examination for Patient A.*

*Patient B*

- 7. On 27 June 2017, Patient B attended a consultation with you and you failed to:*
  - a. adequately consider Patient B's history prior to or during the consultation;*
  - b. adequately assess Patient B during the consultation;*
  - c. take appropriate measurements during the consultation;*
  - d. select suitable frames in that the frames you selected were not sufficiently robust to accommodate the weight of the lenses;*
  - e. record adequate notes of the consultation.*
- 8. On 1 August 2017, Patient B attended a consultation with you and you failed to:*
  - a. adequately consider Patient B's history prior to or during the consultation;*
  - b. adequately assess Patient B during the consultation;*
  - c. check or set up the spectacles that were dispensed to Patient B prior to collection;*
  - d. make adequate adjustments to Patient B's frames;*
  - e. record adequate notes of the consultation.*

9. *On 16 August 2017 Patient B attended a consultation with you and you failed to:*
  - a. *adequately consider Patient B's history prior to or during the consultation;*
  - b. *adequately assess Patient B during the consultation;*
  - c. *take appropriate action to mitigate the issues that Patient B reported to you;*
  - d. *make adequate adjustments to the frames of Patient B's spectacles;*
  - e. *carry out a dispensing triage prior to adjusting the frames of Patient B's spectacles;*
  - f. *record adequate notes of the consultation.*

*Patient A and B*

10. *Between 26 September 2017 and 26 October 2017, you failed to:*
  - a. *respond to telephone calls from Patient A and/or Patient B regarding further issues with their spectacles;*
  - b. *attempt to resolve the concerns of Patient A and/or Patient B regarding their spectacles.*
  
11. *Prior to 26 October 2017, you failed to:*
  - a. *inform Patient A and/or Patient B of the closure of your [redacted] Practice;*
  - b. *provide Patient A and/or Patient B with alternative arrangements in relation to continuing professional services.*

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

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**Committee Members:** Ian Crookall (Chair)  
Mark Richards (Lay)  
Nicola Enston (Lay)  
Judith Stodel(Dispensing Optician)  
Claire Hayes (Dispensing Optician)

**Legal Adviser:** Austin Stoton

**Hearings Officer:** Terence Yates

**Transcribers:** Marten Walsh Cherer Limited

If you require further information relating to this hearing, please contact the Council's Hearings Manager at [hearings@optical.org](mailto:hearings@optical.org).