



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

GENERAL OPTICAL COUNCIL

F(21)24/32

AND

TINA STEVENS (SD-9848)

**DETERMINATION OF A SUBSTANTIVE HEARING
03 MAY AND 04 MAY 2022
26 SEPTEMBER AND 27 SEPTEMBER 2022**

Committee Members:	Ms Valerie Paterson (Chair/Lay) Ms Vivienne Geary (Lay) Mr Paul Curtis (Lay) Mr Ian Taylor (Dispensing Optician) Mr Simon Pinnington (Dispensing Optician)
Legal adviser:	Ms Margaret Obi
GOC Presenting Officer:	Ms Tope Adeyemi (3 & 4 May 2022) Dr Francis Graydon (26 & 27 September 2022)
Registrant present/represented:	Present and not represented on 3 - 4 May 2022 and 26 September 2022. Not present and not represented on 27 September 2022.
Hearings Officer:	Ms Abby Strong-Perrin (3 & 4 May 2022) Ms Nazia Khanom (26 & 27 September 2022)
Facts found proved:	1(a), 1(b), 1(c), 1(d), 2, 3 and 4
Facts not found proved:	Not applicable
Misconduct:	Misconduct and Conviction
Impairment:	Impairment found
Sanction:	Erasure



Immediate order:	No
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ALLEGATION

It is alleged that the Registrant's fitness to undertake training is impaired by reason of misconduct/conviction. The particulars of the Allegation are as follows:

- 1) On 21 January 2011 at *redacted* were convicted of offences contrary to section 111A(1A) and (3) of the Social Security administration Act 1992 in that:
 - a) Between 21 August 2004 and 10 November 2008 at *redacted*, knowing that a change in your circumstances, namely that you were *redacted* with [Mr B], would affect your entitlement to benefit under any provision of relevant social security legislation, dishonestly failed to give prompt notification of that change to the Department for Work and Pensions in the prescribed manner;
 - b) Between 21 August 2004 and 15 December 2008 at *redacted*, knowing that a change in your circumstances, namely that you were *redacted* with [Mr B], would affect your entitlement to benefit under any provision of relevant social security legislation, dishonestly failed to give prompt notification of that change to a Local Authority, namely *redacted*, in the prescribed manner;
 - c) On or about 18 November 2005 at *redacted* dishonestly made a false representation, namely on a claim form for Housing Benefit that the information provided was correct and complete, whereas you failed to declare that you *redacted* with [Mr B], appropriate housing authority, namely *redacted* with a view to obtaining a benefit for yourself;
 - d) On or about 11 December 2008 at *redacted* dishonestly made a false representation, namely on a claim form for Housing Benefit that the information provided was correct and complete, whereas you failed to declare that you *redacted* with [Mr B], appropriate housing authority, namely the *redacted* with a view to obtaining a benefit for yourself.
- 2) On 1 July 2019, when completing your student registration application with the GOC you failed to declare that, on 21 January 2011 at *redacted* were convicted of offences contrary to section 111A(1A) and (3) of the Social Security Administration Act 1992;

- 3) *On 6 July 2020, when completing your student retention application with the GOC, you failed to declare that, on 21 January 2011 at **redacted**, were convicted of offences contrary to section 111A(1A) and (3) of the Social Security Administration Act 1992;*
- 4) *Your conduct set out at (2) and/or (3) above was dishonest in that you knew, or ought to have known, that you were required to provide details of your convictions to the GOC and did not do so;*

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

DETERMINATION

Admissions

1. The Registrant admitted particulars 1(a) - 1(d), 2 and 3 of the Allegation. Particular 4 (dishonesty), in relation to particulars 2 and 3, was denied.
2. The Chair announced that particulars 1(a) - 1(d), 2 and 3 of the Allegation had been found proved by admission.

Background to the Allegation

3. The Registrant first registered with the General Optical Council ('the Council') as a student dispensing optician on 9 September 2019 by completing the requisite application form. The following question was asked within the form (amongst others): "*Do you have any declarations to make?*". The Registrant answered "no" to the question. On 6 July 2020 the Registrant completed a retention application online. No declarations were made at that stage.
4. On 4 December 2020, the Registrant declared online via her registration account that she had received a criminal conviction from "**redacted**" in May 2010. She stated that she had been told by her barrister that after 6 years she would not need to disclose the conviction. However, after attending a webinar organised by the Association of British Dispensing Opticians, the Registrant stated that she learnt that even if a conviction was spent it would still need to be disclosed. The Registrant went on to apologise for not disclosing the conviction.
5. Following the notification received from the Registrant on 4 December 2020, an investigation was undertaken, and further information was obtained concerning the conviction.



6. It was established that the Registrant pleaded guilty to four counts of *redacted* in January 2011. The conduct giving rise to the conviction occurred between August 2004 and December 2008. The Registrant received a *redacted* In light of the information received, two sets of allegations were framed. The first allegation concerned the convictions and the second concerned the Registrant's failure to declare those convictions to the Council.
7. The matter was referred to the case examiners who determined on 12 October 2021 to refer the matter to the Fitness to Practice Committee.
8. On 15 February 2022 a procedural hearing took place to consider the Council's application to join the allegation concerning the convictions together with the allegation relating to a failure by the Registrant to declare those convictions. The committee concluded that it was just for the matters to be heard together and therefore granted the application for joinder.

Preliminary Matters

Partly Private Hearing

9. At the outset of the hearing the Committee determined, in accordance with Rule 25 of the Fitness to Practise Rules 2013, that matters relating to the Registrant's *redacted* would be heard in private and would not form part of the public record in order to protect her right to a private life. The Committee also determined that should it be necessary to refer to private matters relating to the Registrant's *redacted* or other aspects of her private life these would also be heard in private to protect her right to a private life.
10. The Committee also directed that it would take regular breaks at appropriate intervals to ensure that the Registrant would be able to maintain appropriate concentration levels.

Findings in relation to the facts

The Committee's Approach

11. The Committee was aware that the burden of proving the facts was on the Council. The Registrant did not have to prove anything, and the disputed fact could only be found proved, if the Committee was satisfied, on the balance of probabilities.
12. In reaching its decision, the Committee took into account the documentary evidence including: (i) the mitigation statement that had been prepared, on behalf of the Registrant, in preparation for the sentence hearing at *redacted* ('the 2010

mitigation statement’); (ii) the oral evidence of the Registrant; and (iii) the oral submissions from both parties.

13. The Committee accepted the advice of the Legal Adviser. The Committee noted that in accordance with the Supreme Court decision in *Ivey v Genting Casinos* [2017] UKSC 67 the test for dishonesty is an objective test only. The Committee first had to determine the Registrant’s actual knowledge or belief and then determine whether her act or omission was, on the balance of probabilities, dishonest by the ordinary standards of reasonable and honest people.

The Registrant’s Oral Evidence

14. The Registrant chose to give oral evidence under affirmation.
15. The Registrant confirmed that she had been convicted *redacted* at in May 2010. She reiterated the assertion that she had made in her 2020 declaration of her conviction to the Council that she had been advised by her barrister, following the sentence hearing at *redacted*, that her conviction would not have to be declared after the expiry of 6 years. The Registrant stated that it was for this reason that she believed that she did not have to disclose her conviction to the Council. She informed the Committee that she disclosed her convictions only because she attended a course on 23 November 2020. The course lecturer informed the attendees that all convictions, even if spent, have to be disclosed to the Council. She stated that the lecturer further advised that if a conviction has not already been disclosed to the Council, it should be disclosed as soon as possible.
16. During cross examination the Registrant acknowledged that the registration form is an important document. She accepted that she had ascertained what was required in order to properly complete the form by reading the guidance. However, she stated that she did not recall reading the part of the guidance which refers to spent convictions. The Registrant also stated that she did not read the letter from her solicitor dated 24 January 2011, which she had provided to the Council in preparation for this hearing. The letter stated:

*“...please find enclosed relevant information on the provisions of the Rehabilitation of Offenders Act 1974, to see how the above conviction may affect you. For your information the Rehabilitation Period is the length of time **from the date of Conviction**, set by law, after which the conviction will become Spent. A Spent Conviction is one that you may not disclose for most (but not all) purposes.”*

17. The Registrant stated that she was embarrassed by her conviction and acknowledged that she “*nearly got a prison sentence.*” She stated that it had been reported in the papers and her work colleagues all knew about it. However, the day after her court appearance she had to go into work.

18. In response to questions from the Committee the Registrant stated that she is currently employed as a department manager at a wholesale opticians. She has worked for the same employer for 14 years. She stated that her general manager and her regional supervisor are aware of her conviction, but she has not told the optometrist she works with directly, who is also her training supervisor. She stated that she was too embarrassed to tell him and thought that he would be judgmental.

Decision on Facts

19. There was no dispute that the Registrant was convicted of four counts of *redacted* in January 2011. There was also no dispute that the Registrant did not disclose her convictions to the Council until 4 December 2020.

20. The Registrant informed the Committee, during her oral evidence and submissions, that the failure to disclose her convictions reference was a genuine mistake rather than an act of dishonesty.

21. The Committee noted that the Registrant had been made subject to a *redacted* and was required to repay an overpayment of *redacted* and other *redacted*. This was a significant sentence and as acknowledged by the Registrant demonstrates that the sentencing judge concluded that the offences crossed the custody threshold. The Committee also noted that the Registrant dishonestly *redacted*, to which she was not entitled, for a period in excess of 4 years. During cross examination the Registrant accepted that, given her conviction, she ought to have been diligent when making formal declarations.

22. The Committee noted that the Registrant read at least some of the guidance on completing the online registration form. The Committee also noted that, even if the Registrant had not read the specific guidance on declarations relating to convictions before completing the form, her attention was directed to the guidance during completion of the form. The Registrant confirmed on the online form that she had read the guidance and that the information she had provided was true and accurate. The Committee had no reason to doubt that the Registrant was informed by her barrister in 2011 that her conviction would be spent after 6 years. However, by July 2019, the Registrant had decided to register as a student with the Council. This was an important decision. The Registrant knew that she was completing a significant document and that she was required to make a formal declaration. The Registrant also knew that she had convictions and that she had come close to receiving an immediate custodial sentence. The Committee took the view that it was implausible, given the serious nature of the Registrant's convictions and sentence imposed, that she did not recognise the importance of reading the specific guidance on declaring convictions. The Registrant's convictions are likely to have had a profound effect upon her and as these convictions relate to false declarations it is also implausible that she did not make herself aware of the disclosure requirements.

23. The Committee noted that the guidance on declaring convictions is clear. It states:

“You must declare on your application if you have ever received a conviction or a caution... . The Rehabilitation of Offenders Act 1974 (“the Rehabilitation of Offenders Act”) does not apply to people wishing to join the GOC register. This means that you must tell us about any conviction or caution that you have received, even if it is ‘spent’ under that Rehabilitation of Offenders Act, unless it is a ‘protected’ caution of conviction. If you do not inform us of these matters, and they come to our attention at a later date, you may be referred to the GOC’s Fitness to Practise Department and action could be taken against you that might affect your continuing registration.

...

A conviction is protected from disclosure after 11 years. ... However, ...a conviction will only be protected from disclosure if the offender received a non-custodial sentence and has no other convictions.”

24. The Committee concluded that the Registrant knew the importance of making an accurate declaration with regard to her convictions and was aware that specific guidance on this issue had been provided. She either read the guidance and chose to ignore it or chose not to read it because she did not want to declare her convictions. In any event, the Committee concluded that the Registrant made a conscious and deliberate choice with regard to the non-disclosure of her convictions in order to avoid the possible adverse consequence that she would be prevented from registering with the Council as a student member.

25. In these circumstances, the Committee determined that the Registrant’s acts and omissions would be regarded as dishonest by the standards of honest and reasonable people.

26. Accordingly, particular 4 in relation to particulars 2 and 3 was found proved.

Findings in relation to Misconduct

The Committee’s Approach

27. The Committee, having found particular 4 proved, went on to consider whether the facts found proved in relation to particulars 2, 3 and 4 amount to the statutory ground of misconduct.

28. The Committee took into account the submissions made by both parties and accepted the Legal Adviser’s advice.

29. The Committee bore in mind the explanation of the term 'misconduct' provided by the Privy Council in the case of Roylance v GMC (No.2) [2000] 1 AC 311 where it was stated that:

“Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a ... practitioner in the particular circumstances. The misconduct is qualified in two respects. First, it is qualified by the word ‘professional’ which links the misconduct to the profession of medicine. Secondly, the misconduct is qualified by the word ‘serious.’ It is not any professional misconduct which will qualify. The professional misconduct must be serious.”

Misconduct

30. The Registrant on two separate occasions, namely 1 July 2019 and 6 July 2020, failed to declare on her student registration application that she had been convicted at **redacted** on 21 January 2011, for which she received a **redacted**. The Committee has found that these omissions were dishonest.

31. The Committee noted that although the Registrant's convictions relate to acts and omissions within her private life, they nonetheless have a direct bearing on her professional practice. The Committee was mindful that all registered student optometrists and dispensing opticians are expected to uphold high standards of conduct and behaviour whilst training as an optical professional. These high standards include being honest and trustworthy when completing forms or signing documents and taking responsibility to ensure that trust and confidence in the optical profession is maintained. The Committee noted that the conviction in this case and the matter found proved by this Committee in respect of the Registrant's completion of her registration application, related to making dishonest statements for her own benefit.

32. The Registrant omitted to declare her convictions when completing her student registration forms in 2019 and 2020, in circumstances where she knew, or ought to have known, that this was required. As acknowledged by the Registrant during the fact finding stage the registration form is an important document. The Registrant's dishonest failure to declare her convictions deprived the Council of the opportunity to fully perform its regulatory function and demonstrates a disregard for her own professional obligations. The willingness and ability to adhere to high standards of behaviour is fundamental to effective practice as an optical professional. Patients, colleagues and the wider public are likely to lose confidence in the Registrant, and the profession as a whole, when measures put in place to uphold high standards are disregarded.

33. The considered the Council's Standards for Optical Students ('the Standards') (effective from April 2016). The Committee concluded that the Registrant's conduct breached the following:

- *Standard 15:
Be honest and trustworthy;*
- *Standard 15.1:
Act with honesty and integrity to maintain public trust and confidence in your profession;*
- *Standard 15.6:
Do not make misleading, confusing, or unlawful statements within your communications;*
- *Standard 16:
Do not damage the reputation of your profession through your conduct;*
- *Standard 16.1:
Ensure that your conduct, whether or not connected to your professional study does not damage public confidence in you or your profession; and*
- *Standard 16.3:
Be aware of and comply with the law and all the requirements of the General Optical Council.*

34. The Committee was aware that breach of the Standards alone does not necessarily constitute misconduct. However, the Committee was satisfied that the Registrant's dishonest conduct was serious as it fell far below the threshold standards expected of a registered optical student. Furthermore, the Committee took the view that fellow colleagues and the public would be appalled by the Registrant's failure to adhere to her professional obligation to declare her convictions.

35. For the reasons stated above, the Committee concluded that the Registrant's conduct and behaviour is sufficiently serious to be characterised as misconduct.

Findings in relation to Impairment

The Committee's Approach



36. In considering whether the Registrant's fitness to practise is currently impaired, the Committee took into account its findings in relation to misconduct, the Registrant's convictions, and the oral submissions from both parties.
37. The Committee accepted the advice of the Legal Adviser. In determining current impairment, the Committee had regard to the following aspects of the public interest:
- The extent to which the Registrant has the character to be a safe and effective optical student and
 - The wider public interest which includes the need to promote and maintain public confidence in the optical profession and the need to promote and maintain proper professional standards.

Impairment

38. The Committee considered the Registrant's current fitness to practise firstly from the perspective of her ability to work safely and effectively as an optical student and then from the perspective of the wider public interest.
39. The Registrant's convictions in relation to four counts of *redacted* have undermined her professional standing and the optical profession as a whole. The Committee noted that the convictions themselves involve dishonesty. The Registrant then went on to dishonestly omit these convictions from her student registration forms in 2019 and 2020. The Registrant's dishonesty was sustained for a significant period of time and breached the high standards expected of registered optical students. The Committee acknowledged that the Registrant declared her convictions without being prompted to do so by the Council. However, the Committee took the view that the repeated dishonest declarations fundamentally undermine the Council's regulatory function.
40. The Committee recognised that the Registrant's misconduct and her convictions are capable of being remediated provided there is evidence of meaningful reflection and a willingness to take appropriate steps to ensure that the risk of repetition is sufficiently low.
41. The Committee noted that the Registrant has demonstrated a degree of insight in that she self-declared her convictions in December 2020, apologised for her actions and appeared to be remorseful. The Committee acknowledged that the Registrant appears to be developing insight. However, the Committee concluded that the nature and scope of her current insight is limited. During these proceedings, the Registrant's reflections were primarily focussed on the personal impact of her convictions and the effect these current proceedings have had on her. There is little evidence before the Committee that the Registrant has developed any further insight to the extent that she fully appreciates the gravity

of a finding of dishonesty. Nor is there any significant evidence before the Committee that she fully appreciates the impact of her behaviour on her current employer, her professional standing as a registered optical student and the wider profession as a whole. There is also no detailed explanation as to how the Registrant would behave in the future and no assurance that she has taken appropriate steps to reduce the risk of repetition. In the absence of any meaningful insight and steps taken towards remediation, the Committee concluded that there is a real risk of repetition. In reaching this conclusion the Committee noted that the Registrant has not informed the optometrist with whom she works directly due to embarrassment.

42. Furthermore, whilst the Committee acknowledged that the Registrant's convictions relate to conduct which occurred more than 10 years ago and the failure to declare her convictions to a discrete period in 2019-2020, there is no testimonial evidence before the Committee to demonstrate that the Registrant has the character to work safely and effectively as an optical student.
43. In these circumstances, the Committee concluded that there is an ongoing risk of repetition. In the event of repetition, employers and the Council would be exposed to an unwarranted reputational harm. As a consequence, the Committee concluded that the Registrant's ability to be registered as an optical student is currently impaired.
44. In considering the wider public interest the Committee had regard to the need to promote and maintain public confidence in the profession and to promote and maintain proper standards of conduct and behaviour.
45. The Registrant's conduct and behaviour breached a fundamental tenet of the profession and, in so doing, brought the profession into disrepute and demonstrated that her integrity could not be relied upon. The Committee concluded that a reasonable and well-informed member of the public would be extremely concerned by the Registrant's misconduct and her convictions. In these circumstances, the Committee concluded that a finding of impairment is required to publicly declare that it is unacceptable for a registered optical student to disregard her professional responsibility to act within the law at all times and to make honest declarations when completing a registration form.
46. The Committee took the view that public trust and confidence in the profession would be significantly undermined if a finding of impairment of fitness to practise was not made, given the nature and seriousness of the Registrant's failings and in the absence of sufficient remediation.
47. Therefore, the Committee concluded that the Registrant's current fitness to practise is also impaired based on the wider public interest.



Findings in relation to Sanction

The Committee's Approach

48. The Committee considered the submissions made by both parties. Dr Graydon, on behalf of the Council, invited the Committee to conclude that the proportionate and appropriate sanction to impose in the circumstances of this case is either a suspension order or an erasure order. Ms Stevens, during her oral submissions, stated that erasure would be 'too harsh.' She stated that she understands the severity of her historical convictions because she *redacted*. Although she reiterated that she had not been dishonest in completing her registration form she stated that there would be no repetition. Ms Stevens explained that she did not know that she could obtain a statement from a character witness; had she known she would have requested a statement from her employer. She informed the Committee that she has 'not put a foot wrong' in the 14 years she has been working for her current employer and cannot afford to lose her job.
49. The Committee accepted the advice of the Legal Adviser. As part of her legal advice she reminded the Committee that the purpose of any sanction is to address the impairment finding. It would not be appropriate to impose an order for the primary purpose of giving Ms Stevens more time to develop insight or demonstrate remediation as the time for these issues to be addressed was back in May of this year. However, the opportunity to address these issues may arise as a consequence of the Committee's decision on sanction but that is not the purpose at this stage.
50. The Committee also took into account the *Fitness to Practise Committee: Hearings and Indicative Sanctions Guidance* (ISG) published by the Council. The Committee was mindful that the purpose of any sanction is not to punish the registrant, but to protect the public and the wider public interest. The public interest includes promoting and maintaining public confidence in the profession and promoting and maintaining proper standards of conduct and behaviour.
51. The Committee applied the principle of proportionality by weighing the Registrant's interests with the public interest and by considering each available sanction in ascending order of severity.

Sanction

52. The Committee noted that the Registrant has engaged with these proceedings, despite some personal difficulties including *redacted*. It acknowledged that self-representation is inherently difficult and stressful. It has previously acknowledged in its impairment determination that the Registrant declared her conviction without prompting from the Council. The Committee also recognised that the Registrant is unfamiliar with fitness to practise proceedings and made appropriate

allowances for this when considering the appropriate sanction, if any, to impose. Although the Committee took these factors into account as part of the overall context, it did not consider them to be mitigating factors in the sense that they would not support a finding that no sanction or a lesser sanction should be imposed.

53. The Committee identified the following mitigating factors:

- The Registrant pleaded guilty to the criminal charges which led to her convictions at *redaction*.
- The Registrant is an optical student at an early stage of her career and less experienced with regard to the significance of professional registration.

54. The Committee identified the following aggravating factors:

- The Registrant lacks a sufficient level of insight;
- The Registrant's convictions relate to repeated instances of dishonesty involving false declarations and her dishonest failure to declare her convictions was repeated on two occasions.
- The Registrant's dishonest declarations (convictions and registration forms) have a direct bearing on her standing as a registered optical student.

No Further Action

55. The Committee first considered whether to conclude the case by taking no further action.

56. The Committee concluded that, in view of the nature and seriousness of the Registrant's convictions and misconduct and its findings on impairment, it would be insufficient and inappropriate to take no further action. The Committee was unable to identify any exceptional circumstances which would justify no action being taken on the Registrant's registration. Furthermore, taking no action would undermine rather than promote and maintain public trust and confidence and proper professional standards in the profession.

Financial Penalty

57. Although the Registrant's convictions involved a financial benefit the Committee's finding of impairment related to the nature and seriousness of the convictions, in and of themselves. Furthermore, the dishonest declarations in the registration forms were not directly related to a financial motivation or financial gain. In these



circumstances, the Committee concluded that a financial penalty would be inappropriate, either as a standalone sanction or in addition to another sanction, as it would not adequately address the need to uphold public trust and confidence and professional standards of conduct and behaviour.

Conditions

58. The Committee next considered whether it would be appropriate to impose conditions on the Registrant's registration. It bore in mind that any conditions imposed should be appropriate, proportionate, workable, and measurable.

59. The Committee concluded that there are no conditions it could impose which would adequately address the attitudinal deficiency which underlies the convictions and the dishonest declarations on the registration forms. The Committee concluded that the Registrant's convictions and misconduct fundamentally undermines the public's trust and confidence in her as an optical student and the optical profession as a whole. Therefore, even if appropriate conditions could be formulated, the Committee determined that it would be neither sufficient nor appropriate to direct the imposition of conditions on the Registrant's registration.

Suspension

60. The Committee then went on to consider whether a period of suspension would be an appropriate and proportionate sanction to impose on the Registrant's registration.

61. The Committee had regard to paragraph 21.29 of the ISG which states that a suspension order may be appropriate when some or all of the following factors are apparent:

- a. *A serious instance of misconduct 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 Committee is satisfied the registrant has insight and does not pose a significant risk of repeating behaviour.*
- e.

62. In considering the relevant factors in paragraph 21.29 of the ISG the Committee acknowledged that there is no evidence to indicate that the Registrant would be incapable of demonstrating remediation given sufficient time and a willingness to be open and honest with herself. Furthermore, there is no evidence of further repetition since the Registrant's conviction and sentence and the false declarations in the registration forms. However, the Registrant has demonstrated only limited insight and there is only limited evidence of remediation. Therefore, the Committee was unable to conclude that there has been any significant reduction in the risk of repetition.



63. In any event, none of the factors set out in paragraph 21.29 (b), (c) or (d) are capable of adequately addressing the Committee's conclusion in relation to (a) that repeated dishonesty, in the context of criminal convictions resulting in a suspended sentence, followed by repeated dishonest failures to declare those convictions, demonstrate a significant departure from the principles of professional regulation and the high standards expected of registered students. The mitigating factors and the background circumstances carry little weight in this context. The Committee concluded that the Registrant's convictions and misconduct are of a very serious nature and that even the maximum period of suspension would be insufficient to mark the seriousness of her conduct and behaviour. Nor would it send a clear message to the Registrant, the profession, or the public reaffirming the high standards expected of registered students. Therefore, a suspension order would not adequately address the wider public interest. Rather than promote and maintain public confidence and proper professional standards in the profession a suspension order would undermine these objectives. In these circumstances, the Committee concluded that the Registrant's conduct and behaviour is fundamentally incompatible with continued registration.
64. For these reasons, the Committee determined that suspension would not be an appropriate or proportionate sanction.

Erasure

65. The Committee, having concluded that a suspension order would be insufficient to protect the wider public interest, determined that the appropriate and proportionate sanction is erasure.
66. In reaching this conclusion the Committee took into account the following extracts from paragraph 21.35 of the ISG with regard to the factors which indicate that erasure is the appropriate sanction:
- 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. ...*
 - c. ...*
 - d. ...*
 - e. ...*
 - f. Dishonesty (especially where persistent and covered up);*
 - g. ...; or*
 - h. Persistent lack of insight into seriousness of actions or consequences.*

67. The Committee also took into account paragraphs 22.4 and 22.5 of the ISG with regard to dishonesty:



“22.4 There is no blanket rule or presumption that erasure is the appropriate sanction in all cases of dishonesty, although a failure to impose any sanction for dishonesty may be found to be unreasonable in light of the importance of maintaining public confidence in the profession. ... The Committee must balance the particular circumstances of the case against the effect a finding of dishonesty has on public confidence in the profession.

22.5 When deciding on the appropriate sanction on dishonesty, the Committee must first assess the particular conclusions about the act of dishonesty itself, then, it must consider the extent of the dishonesty and its impact on the registrant’s character and, most importantly, its impact on the wider reputation of the profession and public perception of the profession. ...”

68. The Committee concluded that the above paragraphs are relevant to this case. The Committee concluded that the Registrant’s dishonesty demonstrates a serious departure from the high standards expected of registered students. Dishonest declarations seriously undermine trust in confidence in the Registrant and in the profession as a whole and inevitably brings the profession into disrepute. The dishonesty was repeated on several occasions and, as the Committee stated in its facts determination, the Registrant made a conscious and deliberate choice with regard to the non-disclosure of her convictions in order to avoid the possible adverse consequence that she would be prevented from registering with the Council as a student member. Furthermore, the Registrant has not taken full advantage of the opportunity to demonstrate that she has insight and that her dishonesty is firmly in the past and will not be repeated.

69. In these circumstances, the Committee concluded that the only appropriate and proportionate sanction is erasure.

70. The Committee has therefore directed that the Registrant’s name be erased from the student Register.

Proceeding in Absence

71. The Committee handed down the sanction determination in the absence of Ms Stevens. She had confirmed in an email, dated 26 September 2022, that she would be unable to attend the final stage of these proceedings due to work commitments. She also confirmed in her email that she was not seeking an adjournment and did not wish to make any oral submissions with regard to an immediate order.

72. The Committee was satisfied that it was fair and appropriate to proceed in the Registrant’s absence as she had made it clear that she had no further submissions to make and was not requesting an adjournment.



Interim Order

73. Dr Graydon did not make an application for an interim order to cover the 28 day appeal period and, if necessary, any appeal.
74. The Committee accepted the advice of the Legal Adviser that an interim order will only be justified, if it is necessary for the protection of members of the public, is otherwise in the public interest or the interests of the Registrant herself.
75. The Committee determined that an interim order was not necessary as there are no patient safety concerns and there was no basis for concluding that it would be in the Registrant's interests. The Committee was satisfied that the wider public interest has been adequately addressed by the imposition of a substantive order which will come into effect at the end of the appeal period or if an appeal is submitted once the Committee's direction has been upheld. The Committee was concluded that a fully informed member of the public would not be concerned by the absence of an interim order, during the intervening period, given that the Registrant poses no risk to patients.

Chair of the Committee: Valerie Paterson

Signature:  Date: 27 September 2022

Registrant: Tina Stevens

Signature: Attended remotely on 26 September 2022 **Date: 26 September 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
<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.