

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

GENERAL OPTICAL COUNCIL

IO(11)04

AND

ANDREW DAVIES (SD-2230)

PRIVATE HEARING

**DETERMINATION OF APPLICATION FOR AN INTERIM ORDER
- 18 AUGUST 2011 -**

The Fitness to Practise Committee considered the Council's application for an Interim Order on 18 August 2011.

Decision

The Committee has considered the submissions made by Ms Steele, on behalf of the Council, and from Mr Jones, on behalf of the registrant. It has also considered all the evidence and expert reports dated 25 July 2011 from Dr Ghosh and Professor Linden dated 11 July 2011. The Committee has been assisted by its clinical adviser, Dr Seivewright. It has also accepted the advice of the legal adviser.

Mr Davies, a student dispensing optician, is currently under investigation by the Council having received a caution from the South Wales police for **redacted**. As part of the investigation, **redacted** issues have arisen and the Committee was invited by both parties to impose an interim order today.

On 16 October 2010 the registrant was found by South Wales police to be carrying a small packet of powder on his person and later cautioned for possession of a controlled drug (amphetamine). **Redacted**. This continued and on 5 January 2011 the South Wales police apprehended Mr Davies on suspicion of burglary and drink-driving. He pleaded guilty to drink-driving and criminal damage and received a fine at Cardiff Magistrates' Court on 20 January 2011.

As part of this process the registrant was independently assessed by the consultants in July 2011. **Redacted**.

Mr Davies has recently returned to work at Armstrong & North Opticians. The Committee received two letters from his employer, David Armstrong, supporting the excellent work Mr Davies has done, and stating that there have never been any work

place issues or behavioural problems even though Mr Armstrong has been made fully aware of the registrant's redacted problems. Mr Armstrong has committed to fully support the registrant.

Due to the serious nature of Mr Davies's redacted condition redacted the Committee is satisfied that it is necessary for the protection of the public, in the public interest and in the interest of the registrant that an interim order should be made. Mr Jones did not object to an order being made today. The Committee considered that it would be appropriate and proportionate to make a conditional registration order. It is also satisfied that the conditions will provide the necessary degree of protection for the public and the registrant himself.

The Committee therefore orders that the registrant's registration be subject to conditions for a period of 18 months from today. The order will be reviewed within 6 months from today unless all matters are resolved within that time, or earlier should new evidence be made available, or if the registrant, at any time after three months from today's date, requests an early review.

The conditions below will apply immediately.

Chairman of the Committee: Francesca Jones

Signed _____

Date 18 August 2011

CONDITIONS

1. You must place yourself, and remain under the supervision of a specified workplace/learning supervisor, with the agreement of the GOC and who would be prepared to monitor your conditions including workplace attendance, performance and behaviours and provide reports to the Registrar every three months providing details of any progression or regression in the specified areas. You must advise the Registrar of the nominated supervisor's contact details within 21 days of the hearing and of any change to the specified workplace/learning supervisor.
2. The GOC will enter these conditions against your name in the register save any conditions which relate to your health. You must allow the Registrar to share any information, including confidential information, with any employer, supervisor, professional colleague or any organisation for which you provide ophthalmic services for the duration of your conditional registration. You must also allow the Registrar to share this information with other regulatory bodies and the Department of Health.

3. You must notify the Registrar within 14 days of commencement of any professional appointment you accept whilst you are subject to these conditions (this includes any equivalent employer in the EC).
4. You must inform the Registrar within 14 days of any criminal convictions, police cautions or formal disciplinary proceedings taken against you after 5 January 2011.

Conditions 5-13 redacted