

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

IO(10)05

GENERAL OPTICAL COUNCIL

AND

ANTHONY PLIMMER (01-9062)

Friday, 7 October 2011

THIRD REVIEW OF AN INTERIM ORDER

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Committee Members: Ms Margaret Hallendorff MBE (Lay) - Chair
Mr Alan Baldwin (Lay)
Ms Gordon Ilett (Optometrist)

Legal Adviser: Mr Paul Kilcoyne

Hearings Manager: Mr David Henley BEM

For the GOC: Mr Christopher Whalley

The Registrant appeared in person and was not legally represented

[Proceedings commenced at 13.40]

Ms Hallendorff: Good afternoon. I am Margaret Hallendorff, and I have been elected to Chair today's review of the current interim individual registration order. The Committee is made up of one optometrist and two lay members and I will ask the members to introduce themselves and the capacity in which they sit. *[Introductions]*

To my right is Mr Paul Kilcoyne, the Committee's Legal Adviser, who will provide legal advice and assistance to the Committee, and ensure that the proceedings are conducted in accordance with the Rules of Procedure, so as to arrive at a result which is fair and just. The Legal Adviser may accompany the Committee should it sit in private to deliberate. In the event that any matter arises during the course of the Committee's deliberations upon which the Committee seeks advice, the parties will be invited to return to hear the matter which the Committee has raised and the advice to the Committee. Where the advice on any issue is not accepted by the Committee, this will be indicated in the course of its decision on that issue.

To your right is Mr David Henley, the Hearings Manager, who will provide administrative assistance to the Committee. Next to Mr Henley is Mr Charles Nisbet, the transcriber, who will be keeping an official record of all that is said today during the sessions of the hearing at which the parties are present. The remaining persons in the hearing room rather than in the public and press areas are members of the respective legal teams.

It is this Council's policy for the determination of the Committee and a transcript of the proceedings to be displayed on the Council's website for

public viewing, but where matters of health have been discussed the determination and transcript will be redacted accordingly.

Mr Plimmer, I note that you are not represented today, and of course the Rules do allow for that, but I thought it may assist you if I explain how the hearing today will take its course. First, the Council's Presenting Officer will present a background explanation of the issues, why the Council found it necessary to make an application in the first instance, and what the Council's position is today. You will then have the opportunity to respond. You may call any witnesses including yourself in support of you, and those witnesses can be questioned by yourself, the Presenting Officer, the Legal Advisor, and the Committee. The Legal Advisor is an objective observer of the legality of the proceedings, and not here to advise you, but will answer any questions that you may have about the course of the proceedings today, and try to resolve any confusions or ambiguity that may be in your mind about what will be happening today. Do you have any questions at this stage?

Mr Plimmer: No, Madam.

Ms Hallendorff: Thank you. Mr Whalley, are there any applications?

Mr Whalley: No, I have none, Madam.

Ms Hallendorff: Do you have any applications? Perhaps Mr Kilcoyne can explain that.

Mr Kilcoyne: Just in terms of any preliminary issues that we need to address before we deal with the issue concerning the Interim Conditions of Practice –

Mr Plimmer: Well, there is the main one, that I tried for three to three-and-a-half months after to get work, and apparently you did not get Part A of my form that I sent in.

Ms Hallendorff: No, that is not part of an application. That we will hear before the presentation.

Mr Plimmer: Yes, but what it is saying is that they wanted me to locum cover for me, they went along to Mrs Goldinger of the AOP who was representing me at the moment, and from what she told them they then came back and said 'It is impossible to employ you for those conditions'. I then applied to the agencies, and the agencies eventually stopped coming back because of the stigma –

Mr Kilcoyne: Mr Plimmer, can I just stop you there for one moment? All the points you are making are very good points, but I think they go to the nature of the main application. The Chair just wanted to know whether there was anything preliminary before we get on to the main application today.

Mr Plimmer: Such as?

Mr Kilcoyne: Well, whether there are documents that the Committee need to see –

Mr Plimmer: There was indeed a document, which I photocopied to Mr Henley.

Ms Hallendorff: Yes, we have that now, thank you.

Mr Plimmer: Then maybe that is all.

Ms Hallendorff: Thank you; in which case I turn to Mr Whalley.

Mr Whalley: Thank you, Madam. Madam, this is a Hearings Review of a conditions order which is in place. The history of the order is this: it was imposed on 30 June 2010 for 18 months. We have had two reviews previously, with a renewal on 26 October 2010 when the conditions were varied, a second review on 15 April this year when the order was stayed in the same terms, and we now find ourselves on the third review with the order due to expire on 30 December this year.

Certainly the Council's position, and it is our application for the order to continue on the same terms as currently are before you, and that is set out on pages 70-71, which is the Determination of the review this year. There have been some very detailed decisions which have been set out in the conditions. I am reading 1 through to 11, and it is the Council's application to consider it on those terms. As some background, Madam, I will take you to some of the documents.

The salient facts which are presented with the initial application are found on pages 1-5, and you will see that at paragraph 27 of that document at page 4. In general terms, the concerns were identified at the Investigating Committee stage of these proceedings, and they are dealt with in terms which remain today.

In terms of the progress of the case and the substantive case to take that position, it is likely that the disclosure bundle will be served within the next few weeks on Mr Plimmer, and they are included in this bundle by way of further information to explain the steps that were taken. It is likely that we will be moving towards a procedural hearing towards the end of this year or early next year, depending on the availability of Committees. The idea of course is that there will be a substantive hearing some time early in the New Year, and then followed in spring depending on availability. The investigation has now been completed, and it is now getting the bundle together and serving it and moving forward to fix a hearing date, so the Council is making progress and hopes to have a case listed within the next six months.

As part of the investigation some of the documents are in this bundle, and on pages 72-90 you will find the witness statement of Hannah Cooper. She is

the optometrist who was attached by Vision Express to undertake an internal investigation by them, and thereafter the concerns were relayed on to the Optical Council. She has given a witness statement expanding on what she undertook in her review, setting out the concerns with a number of patients – which no doubt you will have read, so I will not take you through each individual patient - but again the concerns are set out on page 4 and also set out in the witness statements.

The Council also instructed an independent optometrist to provide his expert opinion, Professor Stephen Parrish. His report is also included, and again you will know that he had also expressed similar concerns to Ms Cooper, and again similar concerns are set out in paragraph 7. Allegations have yet to be drafted, but the allegations will be in those terms; I can say that as I am the person investigating this case.

In my submission those additional documents, including Professor Parrish's report, provide further and more full evidence of the concerns that were identified, and indeed why the Interim Order was first applied for. In my submission they provide evidence upon which you can properly find that it is still necessary – and that is the important term, 'necessary' – for the protection of the public for these conditions to remain in place.

You will see today that I set out at Section 13L(4) of the Act, and that says you can revoke the order, vary any condition of the order, replace it with an interim suspension order for the remaining period, or order that the current order continues on the same basis. The Council's application is for it to continue in the same terms.

As far as the documents for your consideration at pages 125-129, these are documents providing information about the current position for Mr Plimmer, his employment, and what I can say is that the Council are happy that he has abided by the conditions since April of this year and has no concern about any of the conditions not being complied with. The documents at pages 125-129 will hopefully add some further information about that as to Mr Plimmer's current practice, and of course he will be able to give you that information as well.

So Madam, that is in short the Council's application today, based on the same reasons as set out in the Statement of Case, and together with the additional supporting evidence that is the Council's application for it to continue on the same terms on the basis that it is still necessary for the protection of the public.

Madam, unless I can assist you any further that is all I wish to say at this stage.

Ms Hallendorff: Thank you. *[No questions from the Committee or Legal Adviser]*
Mr Plimmer, you are now free to make your response.

Mr Plimmer: It is not easy to know how to go about it, but I will do my best.

Ms Hallendorff: Can I just make one point at this stage? We are not at the moment testing evidence. We are here to see whether the conditions stay and can stay.

Mr Plimmer: Thank you. Yes. Customers' history and symptoms not being identified or recorded. As I said in my response to the allegations, we were taught when I moved into Vision Express by a young female optometrist called Kelly, who subsequently left – and she was leaving and that is why I moved in – to record history and symptoms under the Medical tab. She missed that, and so all the records of all the patients she looked at, no history and symptoms written, which is dreadful.

Professor Parrish at the bottom of page 106 and top of page 107 in his letter to the GOC dated 17 September points out the additional information, history and symptoms, under the Medical tab:

“I have been provided with this information for these patients, and I agree that there is additional information available for all but one patient.”

Now that one patient was a child who had come in for cycloplegic, and there was an abortive attempt to do a cycloplegic by another optometrist, and it was my turn and when I came near him he ran off, because he had already experienced one drop in his eyes. He was crying, and he was at one end of the store and I was at the other end and did not know what to do, and I never did the test, so it was another abortive test. That is why there is nothing recorded there. If you want to check that he is a child you have to go back –

Ms Hallendorff: No, I am sure we are happy to accept your word.

Mr Plimmer: At the bottom of page 19 – it doesn't make sense. There we go: see bottom of page 19, I never tested this patient. No, bottom of page 19, correct; “EO – cycloplegic refraction outstanding”, so I just could not do anything for that child. What I am saying is that there was additional information and even the person appointed by Vision Express who works for Vision Express, who was a very close friend it seemed to me, she was very pally with the manager, she missed it. So it is there, I did record history and symptoms.

That is the first thing that I would like to mention. If I could go back to my notes now, because I have things in an order and don't want to be jumping back and forth here, there and everywhere. If I can go back to my notes - that deals with the first question of customer's history and symptoms not being identified or recorded. You already know about the problems I have had with obtaining work. I am still out of work, by the way, so I don't know if I can

mention the fact that I am supposed to give a response every three months to say whether I am working or not. I don't know whether I can say that now?

Ms Hallendorff: No, that is a different –

Mr Plimmer: A different category, okay. I need to make you aware of the environment that I was working in, and the situation I was under. I do not propose that we read the whole thing but I have highlighted certain bits to show that. HC, Hannah Cooper herself on page 2 of Document B points out that there is an incorrect protocol in place regarding the field checks. I was mistaken there perhaps by bringing Vision Express into disrepute and investigation by the GOC, when it transpired that it was myself who would be under investigation, but it is likely to invalidate their professional indemnity. I was not allowed to resort to any of my personal record cards. I had to respond to their probing questions based entirely on memory and supposition, so I did not have my record cards. The records are made on the computer, and they were printing out these sheets and saying 'Oh, there is one sheet' and 'Oh, there is another sheet' and I had to remember everything, and I could not refer to my own records.

At the bottom – I am jumping about, aren't I? – this refers to the letter from Leon Ramshaw, the Manager, when he starts – can I say those are scurrilous lies? Or is that not proper at this stage? But to me they are all scurrilous lies, because I give an explanation there which is like a response to his allegations, if you like, as to what actually took place with those patients that he said I had given poor professional attention to. You will have that somewhere; do I need to produce that document?

Ms Hallendorff: As I said earlier we are not in a position to test the evidence. We can hear your views but we are not in a position in this Committee to test your evidence. That will come at your substantive hearing where both sides can call witnesses if they choose.

Mr Plimmer: Right, well let's get right to the nub of the matter, then. A lot of it is to do with the pre-testing, and the GOC will state that we have to delegate to the pre-testers. We are in charge of the pre-testers. Now, in theory that sounds great, but in practice these pre-testers are being paid by Vision Express, not by us, so they feel that they are responsible to Vision Express, and if they are doing something that I believe is not correct they will go to Vision Express, the manager, and he will dictate to them what should be done. This led to a falling out between myself and the head of the dispensing team, a Mrs T.

Mrs T did not feel that we could delegate to her but just the opposite. She felt that she could dictate to us. There was a lot of bullying going on, victimisation if you like, and abusive and threatening language towards us.

One of the patients where Professor Parrish says there was a vast difference in the prescription when retested, unfortunately that was a patient I think –

and I am not 100 per cent sure – who I saw right after I had a severe brow-beating from this Mrs T. There was a big disagreement about the way that the pre-testing was being done and the time that was allowed and so on. We fell out over this. She came in and gave me a severe brow-beating in my own room so no-one overheard it. I was incapable of performing to my usual high standard professionally, but I had to see these patients; but if I can tell you, I was shaking like a leaf and my mind was just in turmoil.

I knew that I could not go on like this, so I wrote a letter of complaint. I complained about the way things were at the practice, that they were being mismanaged and we were being abused, okay?

Can I say that my dismissal I felt was due to the exposure of incompetent, inefficient and unethical management structure, and Mrs T was pivotal in that.

Ms Hallendorff: As I say, until the substantive hearing the other side has the right of response, and it is difficult for us to make a judgment.

Mr Plimmer: I am just giving you an understanding of the atmosphere that existed between me and Mrs T. I was trying to do things in a certain way. I am supposed to be delegating, and she is being dictatorial back to us, and abusive.

Ms Hallendorff: Fair enough.

Mr Plimmer: I think what we are getting at here is the two-out-of-three rule. This is not going to be important now, because you have explained the situation to me. It is not so important so I will just move on quickly. If we go to Item D –

Ms Hallendorff: Is that on page 3?

Mr Plimmer: Page 3, yes; it is written at the side, that's it. Are we ready, do you have D?

Ms Hallendorff: Yes, thank you.

Mr Plimmer: Right. The Council relied very heavily on this statement from this informal investigation. In the room there was Hannah Cooper, the manager, and myself. It was an informal investigation, Hannah Cooper called it like a peer review, and he said to be open and honest because he virtually said the equivalent to 'We are trying to help you to fit in better with our code of practice' or something like that.

What I am saying here is that first 1, I never witnessed that statement; and secondly 2, that statement which is so heavily relied upon by the GOC was doctored. I am saying here if we go to 'Grounds for the interim order application', because this is part of my response to the facts that we

mentioned earlier, in the facts which would be on page 4 of your facts – do you have them? [Yes] If you have page 4 of the facts and my Item D, you will see that the heading that we are looking at is the grounds for the interim order application and responding to it.

I said that 'If you would only have a word with Miss Hannah Cooper she would confirm that the following five items were omitted from the Minutes of the informal investigative meeting', and these are the one, two, three, four, five items. I am saying it is unfair that you can be judged, I think, on a document that has been doctored, and all the bits that exonerate me have been removed and all the bits that incriminate me have been left in. I think that is not right. I do not see how that could be possible, so I have put those points down there. Do you want me to read them?

Ms Hallendorff: Very well.

Mr Plimmer:

"With regard to the notching she eventually confirmed that the optic disc with the greater notching did not show a visual field defect."

Notching is used to indicate that there is something wrong with the optic disc, and she said 'Oh, we did not mention notching in your notes', and then she eventually confirmed that the eye with the greater notching did not show a visual field defect, in other words the notching is not that important at the end of the day. With regard to the ophthalmologist who initially saw Mrs MP – this is someone I will be coming on to later on, this is Mrs MP –

Mr Baldwin: Chairman, I am becoming very confused with all this, because it seems to me that I can understand why Mr Plimmer is very preoccupied with these issues, but my understanding is that we are simply not dealing with these matters today at all. I think it is most unfortunate if he is allowed to continue dealing with issues that are not the business of this Committee today at all.

Mr Plimmer: But it is. How can I clear my name?

Ms Hallendorff: This is the point I was trying to make, Mr Plimmer.

Mr Baldwin: My understanding is that the purpose of this Hearing is to give him the full opportunity to address us on what conditions may or may not need for good reason to be changed, and that anything else that is dealt with is not only outside the business of this Committee this afternoon –

Ms Hallendorff: It is inadmissible.

Mr Baldwin: - but actually distracts us from helping him –

Mr Plimmer: A distraction?

Mr Baldwin: - by addressing the issues which we are required to deal with. If I have got this wrong I am sure our Legal Adviser or you and your colleague will tell me so.

Ms Hallendorff: Yes, I accept what you are saying, Mr Baldwin.

Mr Kilcoyne: Yes, and I agree that is the correct observation. I think it might help matters if it could be stated that the Committee probably accept that the allegations that have been brought against you, you seriously dispute.

Mr Plimmer: Yes, this is it, and all these things are omitted which would have exonerated me.

Mr Kilcoyne: I think the Committee would probably accept your position that you dispute all the allegations that you are currently facing.

Mr Plimmer: But also if there is information there for the optometrist, even though you don't understand it, the optometrist would understand it, and then he would be able to advise you of the importance of it.

Ms Hallendorff: Yes, but that again comes into the substantive hearing where the evidence is tested. We are looking at the conditions that were imposed to see whether they should still be in place, until the substantive hearing is held where all the evidence can be tested by both sides.

Mr Kilcoyne: Mr Plimmer, it might help if you focused on why you want the current order to be removed, because I understand you would like the Interim Conditions of Practice Order to be lifted?

Mr Plimmer: Well, you imposed the conditions because of certain things that you have read, and the evidence presented to you was such that it incriminated me, so I am trying to show you that the evidence is faulty and it is scurrilous, and that there was a conspiracy. I was showing up the faults and the foibles and frailties at the practice, and they were trying to unseat me, which I did not realise at the time, and therefore what they have done, this whole thing is a framing-up exercise. They have removed all the exonerating bits and they have left in all the incriminating bits, to get me out of Vision Express in Milton Keynes and into trouble with the GOC.

Ms Hallendorff: Yes, we appreciate that, and in no way are we disputing that what you have said may or may not be true. We have no means of testing it in this Committee, simply because the evidence from the other side is not here to put their side of the argument. What we are looking at is the conditions that were imposed in October last year. They have been reviewed I think twice since then, and what we are looking at today is the continuation of those conditions

until such time as the substantive case can be held when the evidence can be tested by both sides.

Mr Plimmer: Oh well, I thought I could bring forward enough information and also some optical information which would have made sense, at least to my colleague beside you, and then he could have informed you, 'Yes, he does have a point'. I do not see how you are going to understand anything from a legal point of view, and you need to have some understanding from an ophthalmological and optometrist's point of view as well, I think.

Ms Hallendorff: Mr Ilett, would you like to comment?

Mr Ilett: I think what we have to be very careful of is that we are not testing one person's word against another. My colleague and the Chairman have said that we are not in a position to be able to test one person's word against another; the way that the substantive hearing will deal with this is to test the evidence and to look at the weight of the witnesses on both sides, and how good or otherwise the evidence is. The purpose of this Committee is to see whether or not the conditions which have been imposed upon you are appropriate and proportionate in order to protect the public, and if you wish to advance arguments to say that they are disproportionate then that is what we are here to hear; otherwise we are in a position to make our own judgment to decide whether or not you continue effectively being suspended until the substantive hearing.

Ms Hallendorff: In fact Mr Plimmer is not suspended, he is under conditions.

Mr Ilett: Under conditional registration, I apologise.

Mr Plimmer: When we had the first meeting at that time – I am not accusing anybody, but it was suggested as far as I can remember that the substantive hearing would be in nine months' time, so I thought that the GOC and the AOP as well thought that it would be around spring of this year. Then along comes this second or third review, asking 'When will the substantive hearing be?' and they said 'Oh, any time soon'. Now you have heard today that the substantive hearing will take place next year, so that is two whole years I have been out of work, and my livelihood has been affected for a bunch of scurrilous lies.

Ms Hallendorff: Well, we cannot accept that until that is proven.

Mr Plimmer: What can I do to help you to change your minds? How can I swing the pendulum back in my favour so then you decide that I am safe enough to allow Mr Plimmer to go out and to test the eyes of the general public, and there is no danger to the general public? What would you like to say about that?

Ms Hallendorff: I don't think it is for us to say what you should say to us. We are here to hear, and we are looking at the conditions.

Mr Plimmer: What would you like to hear, Mr Ilett, to satisfy you from an optometrist's point of view?

Mr Ilett: I think this Committee would like to see you demonstrate, or to have demonstrated, that under an independent supervisor, that supervisor was willing to present evidence to say that in their opinion you are safe to practise, and the public is not in danger. These are the sorts of points that need to be advanced in your favour. However, that is what we are sitting here waiting to hear, rather than arguments against the evidence that the GOC are presenting.

Mr Plimmer: Well, all I can do is this, to present the letters at C2 written by opticians who have known me for 25 years. I cannot find them all because everything is in disarray. [Pause] D – item E.

Ms Hallendorff: That is Mrs Thakrar and Mr Wijesingha?

Mr Plimmer: That is correct. Now, they have known me for 25 years – not both of them, so since 1984 one has – 26 or 27 years, and the other one 24 years or thereabouts. That is their assessment of my professional capabilities over the years. Now, if you could compare that to the scurrilous lies that have been produced in the space of five months, when I was trying in fact to sort out things at Vision Express for the better, when I was objecting to the way that they were doing things in dictating to the optometrists and not allowing us to delegate, in the space of five months – compared to that.

Mr Ilett: Could you help us and let us know the dates when you worked for these individuals?

Mr Plimmer: Yes. I met Mr Wijesingha at Specialeyes in about 1985. I worked for him as a locum from '87 onwards until 2009.

Mr Ilett: Could you help us with the dates of these letters with Mr Wijesingha?

Mr Plimmer: No, there is no date. It would have been at the time just before the GOC hearing, so that would have been in June.

Mrs Hallendorf: June 2010?

Mr Plimmer: Yes – is that June? June 2010, yes.

Mrs Hallendorf: Mrs Thakrar's letter is 22 September 2010, so pretty much around the same time.

Mr Plimmer: Yes, so around the same time, before or after. I think Mrs Thakrar sent hers by e-mail and it was not acceptable at the time, so I had to go back subsequently and ask her to sign it, so maybe that is why it is later.

Mrs Hallendorff: You say that you found it difficult to obtain work where you can be supervised?

Mr Plimmer: Yes.

Ms Hallendorff: Are neither of these two people in a position to do that for you?

Mr Plimmer: Well, as I said at the very beginning, Mrs Thakrar phoned Mrs Goldinger for advice, and she phoned me, and from what Mrs Goldinger told her 'It is impossible to employ you, we can't do it, it is just not acceptable', so either she would not or she could not. There is also a stigma with dealing with the GOC as well. I don't know if you are aware of the stigma? Perhaps Mr Ilett might be able to let you in on how feared the GOC is among opticians, and especially optometrists. Am I right, Mr Ilett?

Mr Ilett: That is not my experience when speaking to large bodies of optometrists about GOC cases. Certainly there is a misunderstanding that minor misdemeanours may appear before the GOC, but I don't think anybody is worried about the GOC as a body – and this is not the GOC, this is a Fitness to Practise panel.

Mr Plimmer: So what I am saying is that of course, yes, there was a problem with the refractions. I started in May, I seem to remember, and two weeks after I started there were not enough rooms, because one of the optometrists had not left, so I was not able to do any sight testing. I was just jack-of-all-trades. I went here and there, and then they did a refurbishment, half a million pounds of whatever it was, of the store. It was not until the end of June that I began to see patients in dribs and drabs. There was only one little room upstairs, and Kelly had not left yet, and there was only one little room. There were too many patients downstairs, and they were asking me to see this patient upstairs in this tiny room.

I began testing upstairs, and apparently upstairs they told me in May that 'Yes, there is a problem with the testing rooms. You have to make sure that the patients are all green', doing the duochrome test, the red and the green, 'Make sure the patients are all green because there is a problem with the rooms'.

Ms Hallendorff: I think we are coming back now to evidence; what we are concerned with are the conditions that have been imposed.

Mr Plimmer: Okay. Sorry; I will just say then that there was a problem with the refraction. I accept that there were mistakes made on refraction, but it was because I had forgotten that the room was small, you know? I was not

expecting them to spend over £500,000 on refurbishment and not afford £100 to get the length of the room right. I had forgotten about this rule, and it was some time before it came to our attention, and of course they have focused in on those patients in a very strong way. But yes, they were right there, that was their manna from heaven if you like, it fell into their lap.

Ms Hallendorff: That is not a point that is at issue here, Mr Plimmer.

Mr Plimmer: So there is truth mixed up in an ocean, as it were, of lies.

Ms Hallendorff: Yes, but that is not what we are here to discuss. We are here to discuss the conditions that were imposed by the previous Hearing, and whether you feel that they can be enforced or not, and if not, why not. We are not hearing evidence.

Mr Whalley: Madam, it may help if I can assist by referring to pages 70-71, which is the list of conditions which are currently in place, and it may assist. That is pages 70-71 of the large bundle, and the attachments to the bundle. Those were the conditions which the Registrant is submitting should be removed, and that is an easy guide.

Mr Plimmer: Pages 70-71?

Ms Hallendorff: Yes, this is the list of conditions.

Mr Whalley: This is the list of conditions which are currently in place.

Mr Plimmer: Well, I am not working. I can't get work.

Mr Baldwin: Because you can't get someone to supervise you, and Mrs Thakrar is someone who in theory could.

Mr Plimmer: She knows me and she has known me for years.

Mr Baldwin: But in practice she will not?

Mr Plimmer: She will not.

Ms Hallendorff: And Mr Wijesingha?

Mr Plimmer: He is not an optometrist.

Ms Hallendorff: Does he not have a practice?

Mr Plimmer: He is a dispensing optician.

Ms Hallendorff: Right.

Mr Ilett: Could you tell us where else you have attempted to obtain work, whether you have attempted to obtain any non-paid work? Have you tried any of the university departments, have you attempted to approach any of the educational institutions?

Mr Plimmer: The university departments would not want someone who is under investigation by the GOC. That is the first thing they ask when you apply for a job now, 'Have you ever been under investigation by the GOC?' – Boots, Tesco, all those places.

Mr Baldwin: Why will Mrs Thakrar not supervise you? Why is she not prepared to do that?

Mr Plimmer: You will have to ask her. She just said she could not.

Mr Baldwin: Well, it is for you to put evidence before this Committee that shows this Committee that such-and-such is not reasonable, and if you say it is not then Mrs Thakrar will be a key person, wouldn't she? She knows you, she owes you something, might be prepared to help, but she is not able or willing to do it?

Mr Plimmer: All I can pray is what she said in her letter.

Mr Baldwin: But she doesn't say that, does she?

Mr Plimmer:

"He's always acted in a professional and ethical manner with all parties, including customers, staff, my fellow directors and me." She is a director at Specsavers opticians. "He takes pride in all his work, which was of a professional standard ... a trustworthy, honest and a valued member of the team."

Mr Baldwin: So why would she be unable or unwilling to accept responsibility to act as your supervisor?

Mr Plimmer: I don't know; because of something. Maybe they made a mistake; perhaps she could not be at the practice at the same time. I think she was told that she had to be at the practice at the same time every time, and there was some controversy about whether the supervising optometrist had to be there all the time or not, or whether they could come in once a week or twice a week or three times a week. It was not clear, and she said 'Well, I can't be there all the time so I can't do it'. That was one of the main things.

Mr Baldwin: But the condition does not require that.

Ms Hallendorff: No. The supervision –

Mr Baldwin: You would be able to show her that condition and say 'Look, she has got this wrong'. It does not require continuous supervision.

Mr Plimmer: That is what she said Mrs Goldinger told her. You say the conditions do not say that, but Mrs Gill was after me because I had not been advising the PCT that I was in employment as an optical receptionist. She said I was in breach. She is a solicitor and she is looking at the conditions, so it is open to interpretation.

Ms Hallendorff: I think if you look at the list of conditions and Condition 3 on page 70, it states very clearly:

"If you obtain employment as an optometrist, you must place yourself and remain under the supervision of a specified supervisor approved by the Registrar. The supervisor must be predominantly at your place of work, regularly oversee your professional performance and record-keeping, and responsibility for the care of your patients. The supervisor is to provide reports to the Registrar every three months providing details of any progression or regression."

It does not say that she has to be there every hour that you are there, it says "predominantly".

Mr Plimmer: Well, that word "predominantly" was a sticking point, and that is why she phoned Mrs Goldinger and Mrs Goldinger told her it had to be every day.

Ms Hallendorff: I think you need to go back to Mrs Goldinger.

Mr Plimmer: I can't. I am not a member of the AOP at the moment.

Ms Hallendorff: May we turn to our Legal Adviser?

Mr Plimmer: My salary is £6,000 a year and I have had to cut out everything.

Mr Baldwin: Mrs Thakrar is also at the Hatfield branch, is she?

Mr Plimmer: She is a Director of two Specsavers branches. She moves back and forth between the two. Also the practices at the branch, when she saw glaucoma, visual fields assessed and patient record-keeping, maybe it just made her feel that she just did not want to get involved.

Mr Kilcoyne: If the AOP are no longer involved in your case, have you considered directly approaching the person in question with the conditions?

Mr Plimmer: Who, Mrs Thakrar? [Yes] I did at the very beginning.

Mr Kilcoyne: But since the AOP have dropped out? Because you are telling the Committee that there was some misunderstanding in terms of what the actual conditions involved.

Mr Plimmer: Yes, but she had to go to some authoritative body to find out whether it was feasible or not, and she did not know how to get in touch with yourselves so she went to the next feasible person, Mrs Goldinger – the next accessible person. She was told she had to be there all the time. It is ridiculous, this condition. She can't do it. So whether she would not or could not, I don't know, but she said she was not going to do it.

Mr Kilcoyne: Do you propose approaching her again to find out whether she would assist, and to explain to her the nature of the condition?

Ms Hallendorff: And perhaps ask her to talk to the Registrar of the GOC.

Mr Plimmer: I do not think she wants me to contact her any more, because there was once a question of me working on the contact lenses side, and then we thought 'Oh, is that going to breach the Rules of the GOC if I do the contact lenses' and blah, blah, blah, 'Oh, just get rid of him'. I am *persona non grata*, I am afraid.

Mr Ilett: Have you made any attempt to speak to colleagues at the LOC?

Mr Plimmer: I did. I told them at the time, asked them at the time.

Mr Ilett: Asked what?

Mr Plimmer: For them to try to obtain some employment for me. Mrs Goldinger advised that, and I did that. No, I haven't heard a dicky bird. Sorry.

Ms Hallendorff: Can you advise us as to how we might take this forward?

Mr Kilcoyne: I don't think the fact about the AOP itself dropping out is relevant to your deliberations today.

Mr Plimmer: Obviously if I was reinstated now or later I would immediately rejoin the AOP.

Mr Kilcoyne: Can I just ask you this, because the Committee then have to consider hardship, which is a factor to consider in relation to the continuation of an order of this nature? Are you working at the moment?

Mr Plimmer: Yes, two-and-a-half days a week as an optical receptionist. The salary has just gone up to £6.08 an hour.

Ms Hallendorff: And would the company for whom you are working not accept you under conditions?

Mr Plimmer: Mrs Gill has written to them, and Mr Wijesingha. She has written to them and asked them about the employment situation.

Ms Hallendorff: And what was the response?

Mr Plimmer: If she gets a response in the near future she is lucky, because I know him. I have to push him, so I don't think he has responded.

Ms Hallendorff: I think in your own interests you are going to have to push, because at the moment you are in a stalemate position that has to be resolved, or you remain in the present position until such time as the substantive hearing is held.

Mr Plimmer: The other thing is the substantive hearing will take place some time in the future. I have to maintain my registration by doing my CET – nothing to do with you perhaps, but you will understand. I approached Mr Jackson and asked 'Would it be possible' and he umm-ed and he ahh-ed and he said 'Send the application in anyway and we will see what we can do'. That was nearly two months ago now and I have not heard a word.

Ms Hallendorff: Who is Mr Jackson?

Mr Plimmer: He is the CET person at the PCT.

Ms Hallendorff: At the PCT or the College of Optometrists?

Mr Plimmer: At the PCT. They provide you with funds; you understand that, that all optometrists are attached to these funds towards their expenses, but they fall in two in doing the CET. I would like to go to the Specsavers PAC conference, but it is driving there, spending the day there, and it costs £140 and I cannot afford that. With that I could get 12 CET points.

Mr Ilett: Are there not other sources of CET available to you free of charge?

Mr Plimmer: No. I have always been accustomed to doing things the Specsavers way, which was CDs being sent to me and going to PAC conferences. I have been thinking that this would all have been finished by now and I would be back to normal. I like meeting my colleagues when I am doing CET and having a day out, as well as any points and the studying and so on.

Mr Ilett: In your current circumstances, is it appropriate that you possibly explore other methods of obtaining CET points?

Mr Plimmer: Yes, and I have started to do CET from the optical magazines, but I still do not see why I can't get funding from the PCT, because I did work in 2009 – was it 2009?

Ms Hallendorff: Did you say you have not had a response from them?

Mr Plimmer: No, no response.

Ms Hallendorff: Then I think you must go and chase them and see what the position is, as you must go and chase –

Mr Ilett: May I explain? The position is that you have to be a contractor with the local health authority in order to receive the CET grant, and it is then at the discretion of the contractor to put in practice whether those monies are passed on to the employees. That is the position. You have to get the sponsoring contractor to apply for that for you, and there are exceptional cases when locums are able to ask any contractor in the area whether they are willing to do that for you, and discuss that with your optometric advisor to PCTs to see what they suggest you do.

Mr Plimmer: I don't know; I will send them a writ!

Ms Hallendorff: I think too, you must carry this forward. You must chase this with Mr Wijesingha. It is easy to say he is slow in responding, but it is in your interests to do so.

Mr Plimmer: I am sorry, but with all due respect, why?

Ms Hallendorff: Because you had said that he had been asked whether he would offer you a position, a supervisor's position, in his practice.

Mr Plimmer: No, he is a dispensing optician.

Ms Hallendorff: Yes, but he is in a practice.

Mr Plimmer: He is in a practice. He is not able to do that, because he only has one testing room, and he does not have one of these big practices with three or four testing rooms, so there are other optometrists there predominantly who would do the overseeing. So there is no-one else there to do the overseeing, because the optometrists he has, he has had one employed optometrist who moves between Newbury Park and Watford. He comes to Watford one day a week, and he is employed to test, and that is not predominantly there anyway.

Ms Hallendorff: Does the same constraint apply to Newbury Park?

Mr Plimmer: It is the same situation; one testing room at Newbury Park, yes.

Ms Hallendorff: Well, I think we can go around in circles on this. Mr Baldwin, do you have anything to say?

Mr Baldwin: I suppose the real concern here is that we are used to the most inordinate delays with this Council, and I know it is a matter of routine, but we are faced with a situation here where someone is saying to us that they have been reduced to a state of poverty as a result of proceedings which they are unable to defend, for a period which is longer already than the longest that it was thought it would possibly take in the first instance. I wonder what Mr Whalley has to say about that, particularly as he has been involved at earlier stages? All these cases need to be dealt with expeditiously, but this does seem to be one where circumstances are really quite exceptional, and we will have to address the issue in partnership, which appears to be quite extreme, and we are now talking about the possibility of this case going into the next year.

Ms Hallendorff: Yes. Perhaps Mr Whalley you could respond to that, because it does seem an inordinately long time to hold anybody in this state of suspension.

Mr Whalley: Certainly Madam, I will do my best to explain the process. The referral to the Investigating Committee was not dealt with until December, for whatever reason, between the Interim Order being put in place. The case was not put forward to the Investigating Committee until December. At that stage I was not involved, so I cannot say why that was.

Mr Baldwin: Which year was that?

Mr Whalley: In 2010.

Mr Plimmer: It was in October.

Mr Whalley: That is in your bundle, pages 67-68 where it says in a letter sent to Mr Plimmer following the investigation from the Investigating Committee, which is dated December 2010. So from the time this order was first imposed on 30 June 2010, between June and December unfortunately I cannot comment. I could take instructions if needs be, but I cannot comment on that delay. I am aware that Mr Henley would be able to help me with this. The Committees of the GOC do not sit every day or every month, and for example if I was to list a case today for a substantive hearing, the next available dates – and I am sure Mr Henley could tell me – would probably be in February/March next year, which obviously is out of my control.

In terms of an investigation, from December when I was instructed, I then took the witness statements, and I had a massive problem obtaining medical documents from Vision Express, mainly in relation to the Medical tab information that Mr Plimmer has alluded to. To assist the investigation I have gone down the route of obtaining the Medical tab information, to ascertain whether or not that does indeed contain the relevant history and symptoms information. Vision Express have had great difficulty retrieving that

information from their computer systems, and that has been probably six months'-worth of delay - which I can only apologise for, but that is the thing which was not within my powers of control.

Ms Hallendorff: It seems hard on Mr Plimmer.

Mr Whalley: Indeed, and I can fully take the point that Mr Plimmer has suffered hardship. That is the best explanation I can give. In terms of where we are at now, I am waiting for instructions about this bundle and the allegations, which should come to me within the next week, and then it will go to the procedural hearing. In terms of when we come to a substantive hearing, perhaps I will ask whether Mr Henley if he can give me some idea of the hearings which are listed.

Ms Hallendorff: I think it is important if Mr Henley could assist us in this, because it seems very unfair that this now has to go on to December perhaps for a procedural and then another three or four months before substantive can be heard.

Mr Henley: The next available date is in January, and if the parties agree they could have the procedural leading straight to the substantive hearing on the same day.

Ms Hallendorff: I do not particularly like that, but in this instance it might be a way forward, because I do feel that Mr Plimmer is being – it is not quite the right expression but ‘hard done by’ in this inordinate delay, through no fault of his own. If he had been dragging his heels one could feel that it was 50/50, but it appears on the evidence before us today that it is not Mr Plimmer who is at fault in this delay.

Mr Baldwin: Can I just ask to that, and I do not know to what extent this is relevant, but what is the responsibility of Vision Express as a company to retain and make available optical records? Is there not an obligation legally or professionally? If you say ‘I want these records within the next 14 days in order to deal with this matter properly’ are they not under a duty? Can they not be brought to account before this body or some other body?

Mr Whalley: I am sure they could, but of course there is the duty, and actually having the IT department being able to retrieve that information is very difficult, because my understanding of the Acuitas system as it is called is that all information of history and symptoms is not, and should not be, recorded. That is their policy, and it is not an obvious point where you could go and recall that information, and therefore it is more difficult to retrieve. The actual records which are in here were disclosed very, very early on, but that is very different from the computer system. Their obligation is to retain this information, but I am not sure about the situation on retaining information on every part of their system.

Ms Hallendorff: I would be surprised if there was not an obligation of some description.

Mr Baldwin: Surely the medical information is important information?

Ms Hallendorff: It has to be retained, yes.

Mr Whalley: I think with respect we are going into evidential points which I cannot talk about.

Ms Hallendorff: No, I accept that, but I think our direction has to be – subject to Mr Kilcoyne telling me I am wrong – to direct Vision Express through you and through the GOC's legal team to produce those records within x days. They cannot go on saying 'Oh well, it is difficult' and dragging their heels. We now have to say 'We want this'.

Mr Whalley: The information has now been retrieved.

Ms Hallendorff: It has now been retrieved?

Mr Whalley: Yes.

Ms Hallendorff: Then I think we have to push forward as fast as we can to get this matter sorted out.

Mr Whalley: Absolutely Madam. What has happened is that when the information is received, that has to be sent to the expert witness and then correspondence. He has to prepare for that.

Ms Hallendorff: I accept that.

Mr Whalley: I am afraid these matters take time, and I do not think that 12 months, in my opinion, is a particularly long period from referral to final hearing. I may be corrected on that, but 12 months I am not sure is a particularly exceptional case. Of course I completely accept that Mr Plimmer has been financially disadvantaged, but there certainly have been no deliberate attempts to drag this case out.

Ms Hallendorff: No, I appreciate that it is not on your part that it has been, but we now have to focus on getting this sorted. As Mr Plimmer has said, he cannot comply with the conditions, therefore a substantive hearing is needed as soon as possible, if not sooner, because he is disadvantaged. He is financially disadvantaged, and professionally disadvantaged, and it seems that we cannot go any further other than to say today that we need to look – and we will go *in camera* and discuss this – at ways forward to get this matter resolved through substantive as speedily as possible.

Mr Whalley: Certainly, Madam. I am not entirely sure that is the remit of this hearing –

Ms Hallendorff: No, we can only make an observation.

Mr Whalley: It is an observation. Of course the conditions do not prevent any employment with supervision. There are other optometrists, other professionals, who have conditions after a substantive hearing on an interim basis who have indeed obtained employment.

Ms Hallendorff: Yes, indeed that is so.

Mr Whalley: I take the point, but I think the conditions cannot be varied to make those conditions less onerous, but the bottom line as far as I can see from Mr Plimmer's point, as soon as the employer is aware of an investigation they will not employ him, so whether there are conditions or not that will always be there. We have a duty to advise employers, so you can remove conditions, that duty remains, and we will still be in difficulties – which of course is the point that this hearings should be dealt with expeditiously, which I take on board, and of course, will do everything that we can to move them forward very quickly.

Ms Hallendorff: Thank you. Mr Ilett, do you have anything further?

Mr Ilett: Just one question of Mr Whalley. If we were to say that we want to proceed, or that the GOC wish to proceed to a hearing notwithstanding what Mr Henley has as available hearing dates, how quickly could you envisage a substantive hearing, if that was held on the same day?

Mr Whalley: Subject to witness availability of course, there is no reason why that could not be January.

Mr Ilett: But notwithstanding that being the first available date, if another date was made available, how much notice do you have to serve on your expert witnesses?

Mr Whalley: Subject to their availability and subject to requirements of serving evidence on Mr Plimmer, which off the top of my head has to be served 28 days beforehand?

Mr Henley: Yes, a minimum of 28 days beforehand.

Mr Whalley: So 28 days, so on Day 29.

Mr Ilett: From today?

Mr Whalley: Absolutely.

Mr Kilcoyne: Mr Whalley, on that issue, how many witnesses are you proposing to call?

Mr Whalley: Subject to any agreement, and I doubt there will be any agreement with witnesses' written evidence, three.

Mr Kilcoyne: Three; plus your expert?

Mr Whalley: No, including my expert.

Mr Kilcoyne: And Mr Plimmer, how many witnesses do you think you will be calling?

Mr Plimmer: None at the moment.

Mr Kilcoyne: And you are not getting an expert?

Mr Plimmer: No.

Ms Hallendorff: May I ask you, and you may not be in a position to answer this, are you looking to have legal representation at your substantive hearing?

Mr Plimmer: I suppose I should, really, I think it is probably wise because it is so important.

Ms Hallendorff: Yes. It is just that you will need time to fully involve any legal –

Mr Plimmer: What I do not like is that it is regulatory as well as professional, and I think this is a bit of a war between the two, and that one will not understand. I do not understand the legal side, and vice versa. I say that as my personal feeling.

Ms Hallendorff: So you would choose – yes.

Mr Plimmer: I would rather talk to optometrists, in other words.

Ms Hallendorff: Yes, but that is why I am the Lay Chairman.

Mr Plimmer: Okay, thanks.

Mr Whalley: Of course, should Mr Plimmer instruct lawyers then that may pose a delay. If they have experience of the hearings then of course they may have certain issues with documents, and that may prolong matters. I am not suggesting that is a reason not to get lawyers involved, but as a lawyer myself I know that often can lead to a protracted hearing.

Ms Hallendorff: Have you at any stage discussed this with the legal team?

Mr Plimmer: Well, could I bring the AOP back on to the scene?

Ms Hallendorff: Yes. You would have presumably to renew your membership.

Mr Plimmer: Yes, for £500, which I cannot afford at the moment.

Mr Ilett: Have you discussed that matter with the AOP, the fact that you cannot afford it?

Mr Plimmer: No.

Mr Ilett: I think it would be wise to discuss that with them.

Mr Plimmer: Okay.

Mr Ilett: Have you been a member of the AOP for a number of years prior to this?

Mr Plimmer: Yes, quite a few.

Mr Baldwin: Are there not reduced fees in any event for those who have undertaken a number of CET points?

Mr Ilett: I think the point is that each case would be considered on its merits, and I should declare here that I am an AOP Councillor. I have only been an AOP Councillor for a very short time, so I am not fully conversant, and I certainly do not have any evidence one way or the other on that, but I would say my advice to you would be to speak to the Legal team and ask the position, explain your hardship, and explain that you have been a member and have been represented by them in the past. That is all I can say on that. I cannot say any more.

Ms Hallendorff: Thank you; I think we have taken it as far as we can. May I turn to our Legal Adviser for some advice?

Mr Kilcoyne: Yes, Madam. Madam, where an interim order has already been made you have the powers pursuant to Section 13(L)(4) of the Opticians Act 1989 to carry out the following. You can

- (a) revoke the order, or revoke the condition imposed by the order;
- (b) vary any condition imposed by the order; or,
- (c) if satisfied that to do so is necessary for the protection of members of the public, or is otherwise in the public interest, or is in the interests of that person, replace
 - (i) an order for interim conditional registration with an interim suspension order having effect for the remainder of the term of the former;

- (ii) or an interim suspension order with an order for interim conditional registration having effect for the remainder of the term of the former.”

Can I remind you that in relation to interim orders, when considering a review of the continuation of an existing interim order, you should remember that you make interim on any one of three grounds: first, when you are satisfied that such an order is necessary for the protection of the public; or when you are satisfied that such an order is otherwise in the public interest; or when you are satisfied that such an order is in the interests of the registrant concerned?

I should point out of course that you are not bound by the decision of the earlier Committee, and you must look at matters afresh.

For an order to be necessary for the protection of the public, the Panel must be satisfied that there is a real risk of significant harm to the health, safety, or wellbeing of a patient, visitor or colleague if an order is not made. It is not enough for the Panel to take a view that such a step would be desirable, it has to be necessary.

Relevant factors as regards all three issues will include the seriousness of the allegations; the likelihood of the conduct being alleged being repeated before the final hearing of the case; the steps that could be taken to guard against the risk of harm; the severity of the harm likely to result should the alleged conduct be repeated; and the registrant’s previous character and employment history.

The Panel should take into account the extent of any hardship likely to be caused to the registrant by the continuation of an interim order, and the Panel should remember the potentially devastating effect on the registrant, both financially and professionally, if an order is in place.

In deciding whether to exercise its powers, the Panel must remember that at this stage it is not in a position to make a final assessment of the strength of the allegations against the registrant, and that it has not had an opportunity to hear a full account of the matters that are in dispute.

In relation to an Interim Conditions of Practice Order, I would remind the Panel that they should consider amongst other things, (a) the practicability of the order that it proposes to make; (b) how detailed and specific the conditions should be; (c) the extent to which the conditions are likely to provide the necessary degree of protection to the public or the registrant himself; (d) whether the registered professional and/or his employer are likely to co-operate; and (e) what mechanisms are available to monitor and report back to the committee the degree to which the conditions are observed.

Madam, that is my advice. Does anybody have any observations on the advice given?

Ms Hallendorff: Mr Whalley? [No] Mr Plimmer?

Mr Kilcoyne: Mr Plimmer, did you understand the nature of the advice I gave to the Committee?

Mr Plimmer: Yes, I understand it.

Ms Hallendorff: In that case may I ask you, Mr Henley, to clear the room while we make our deliberations?

[Hearing adjourned at 14.54]

[Hearing reconvened at 15.46]

Ms Hallendorff: Just before I read this, Mr Plimmer, I would just like to say thank you for coming early, and I am sorry you had to wait. This case was certainly longer than we had anticipated.

DECISION

Determination

The Fitness to Practise Committee reviewed an Interim Order for the imposition of a conditional registration of Anthony Plimmer for a period of 18 months made on 30 June 2010. An early review hearing on 26 October 2010 was requested by the Council due to the non-compliance of the terms of the original order; the conditions were amended to cater for the changed circumstances of the registrant. A second review hearing was held on 15 April 2011; the Committee, on that occasion, was satisfied that the conditions as imposed in October 2010 should continue.

The Committee accepted the advice of the Legal Adviser.

The Committee notes that the interim order is due to expire at the end of December 2011 and thus makes no mention of a further review before the expiry date.

The Committee views with real concern the time that it is taking to bring this matter to a substantive hearing and the financial and professional hardship that this is causing to a registrant against whom allegations have yet to be proved. The Committee urges the Council to make every effort to ensure that this matter is now dealt with expeditiously, with a view to ensuring that there is no need for a further review hearing.

The Council was represented by Mr Whalley and the Registrant by himself. Mr Whalley invited the Committee to maintain the current interim conditions order. The Registrant objected to any order on the grounds that the current order prevents him from effectively obtaining employment under these conditions.

Since the last hearing, a preliminary report has been received from Professor Stephen Parrish dated 18 August, 2011 which in the main supports the Council's case. However, the Committee is alive to the fact that the registrant vigorously disputes the allegations made against him, but it is not within the remit of this committee to test evidence.

The nature of the allegations are serious and relate to:

- Failing to identify or record customers history and symptoms
- Issuing incorrect prescriptions
- Failing to record recommendations outlined to customers
- Failing to detect potential glaucoma cases
- A lack of notes relating to customers whose visual acuity fell beneath the required legal standard for driving.

The Committee is satisfied that it is necessary for the protection of the public for an interim order to remain in place. Further, the Committee is satisfied that an interim conditional registration practice order is sufficient to provide the necessary degree of public protection.

The Registrant's registration will continue to be subject to conditions save that condition 3 will be varied to read that "the supervisor must "work regularly" at your place of work" rather than "be based predominantly" at your place of work. It is hoped that this might assist the Registrant in obtaining future employment.

LIST OF CONDITIONS

1. You must advise the Registrar of the details of any employment you obtain as an optometrist.
2. You must make contact with the Registrar within three months of this order and at three monthly intervals to inform the Registrar of your employment status.
3. If you obtain employment as an optometrist you must place yourself and remain under the supervision of a specified supervisor approved by the Registrar. The supervisor must work regularly at your place of work, regularly oversee your professional performance and record

keeping and take responsibility for the care of your patients. The supervisor is to provide reports to the Registrar every three months providing details of any progression or regression in the following areas of your practice:

- Record keeping;
- Glaucoma / visual fields assessment;
- Patient communication.

You must advise the Registrar of the nominated supervisor's contact details and of any change to the specified workplace supervisor.

4. You must not undertake any locum work in any form unless advised to do so by your supervisor and with prior agreement of the Registrar.

5. The GOC will enter these conditions against your name in the register. 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.

6. 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 teaching posts) and provide contact details of your employer and if providing ophthalmic services under a NHS contract, the PCT on whose ophthalmic practitioners list you will be included (this includes any equivalent employer in the EC).

7. You must inform the Registrar within 14 days of any criminal convictions, police cautions or formal disciplinary proceedings taken against you from the date of this determination.

8. You must inform the Registrar:

- a. If having obtained employment you cease working;
- b. If your work takes you out of the UK for a significant period of time; or
- c. Of any employment you apply for outside of the UK (and in which countries)

as conditions of registration only apply to practice undertaken in the UK (you must consider whether your time out of work or out of the UK will allow you to fulfil the conditions during the period of conditional registration). The Registrar may inform the relevant competent authorities in that country of your current conditions of UK registration.

9. You must continue to fulfil the CET requirements under the GOC CET scheme to secure appropriate points for continued inclusion on the GOC register.

10. You must inform the following parties that your registration is subject to conditional registration:

- a. Any organisation or person employing or contracting with you to undertake ophthalmic services (to include any locum agency);
- b. Any prospective employer (whether within the UK or EC);
- c. Chairman of the Local Optometric Committee;
- d. The PCT in whose ophthalmic practitioners list you are included or seeking inclusion.

11. You must ensure that your GOC registration is renewed by 15 March annually while you are subject to the GOC FTP conditional registration procedures. Should you fail to renew your registration a review hearing will be arranged immediately.

Thank you.

[Hearing concluded at 15.48]