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

GENERAL OPTICAL COUNCIL

AND

B (AN OPTOMETRIST)

INTERIM ORDER HEARING

Hearing held in camera

Tuesday, 7 June 2011

**INTERIM ORDER HEARING: B (An Optometrist)
Tuesday, 7 June 2011**

Hearing held in camera

Committee Members:	Ms Margaret Hallendorff MBE (Lay, Chair) Dr Dozie Azubike (Lay) Professor Stephen Taylor (Optometrist)
Legal Adviser:	Mr David Swinstead
Clinical Adviser:	Dr Desmond Dunleavey
For the GOC:	Ms Vicky Lord
For the Registrant:	Mr Sandesh Singh
Hearings Manager:	Mr David Henley BEM

[Hearing commenced at 09.50]

Mrs Hallendorff: Good morning. I have been elected to chair today's hearing of the Council's application for an interim order. The Committee today is made up of one optometrist and two lay members. I will ask the members of the Committee to introduce themselves and the capacity in which they sit. *[Introductions made]*.

To my left is the Council's Clinical Adviser, Dr Desmond Dunleavey, who will provide clinical advice to the Committee on any matters of health which may arise in the course of the hearing. The Clinical Advisor may accompany the Committee should it sit in private to deliberate. To my right is Mr David Swinstead, 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 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 David Henley, the Hearings Manager, who will provide administrative support to the Committee. Next to Mr Henley is the transcriber, Mr Charles Nisbet, 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 sitting in the hearing room, rather than in the public and press areas, are members of the respective legal teams. Please note that in accordance with the Council's protocols, the identity of the Registrant will not be revealed until such time that the Committee announces its decision. Where the Committee decides that an order should be made, the Registrant's details will be revealed, but alternatively, if the Committee decide that an order should not be made, then the Registrant will remain anonymous. Throughout the hearing the Registrant will be referred to as 'The Registrant'.

You should be aware that it is the 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. Are there any applications?

Mr Singh: **Redacted.** As I understand it, the application is not opposed, but it is a matter entirely for you and your colleagues.

Ms Lord: It is not opposed, no.

Mrs Hallendorff: Dr Azubike?

Dr Azubike: I would prefer that we retire to discuss this.

Mrs Hallendorff: In that case, can we clear the room?

Ms Lord: Certainly, Madam.

[Hearing adjourned at 09.55]

[Hearing reconvened at 10.57]

[Hearing held in camera]

Determination of Application for an Interim Order 7 June 2011

The Fitness to Practise Committee considered the Council's application for an Interim Order on 7 June 2011.

Decision

The Committee considered the submissions of Ms Lord on behalf of the Council and those of Mr Singh on behalf of the Registrant. It also accepted the advice of the Clinical Adviser and the Legal Adviser.

It has considered all the material placed before it. It reminded itself that it is not making findings of fact. It first considered whether it is necessary to make an order for the protection of the public and whether it would be in the Registrant's own interest that such an order be made which were the two bases on which the Council founded its application.

Redacted.

Redacted.

Consequently, the Committee was not satisfied that the threshold of necessity had been reached in this case. Further, having decided that it was not necessary to make an order for the protection of the public, it did not consider that, in the circumstances of this case, it would be appropriate to make an order in the Registrant's own interests.

The Committee therefore has rejected the Council's application and makes no interim order in this case.

Thank you.

[Hearing concluded at 13.54]