

A(11)06

**BEFORE THE REGISTRATION APPEALS COMMITTEE
OF THE GENERAL OPTICAL COUNCIL**

GHAITH AL-NAEME (SD-2592)

AND

GENERAL OPTICAL COUNCIL

Monday, 15 August 2011

REGISTRATION APPEALS HEARING: GHAITH AL-NAEME (SD-2592)
Monday, 15 August 2011

Committee Members: Lady Margaret Wall (Lay, Chair)
Mr Tim Bowden (Dispensing Optician)
Sir Alistair Graham (Lay)
Mr Richard Hensley (Dispensing Optician)
Mrs Geraldine Huka (Lay)

Legal Adviser: Mr David Marshall

For the GOC: Mr Christopher Whalley

Hearings Manager: Mr David Henley BEM

The Registrant appeared in person

[Hearing commenced at 11.00]

Lady Wall: Good morning. I am Margaret Wall, a lay member of the Appeals Committee, and I have been elected by the Committee to chair today's Registration Appeals hearing. The Committee today is made up of two dispensing opticians and three lay members. I will ask the members of the Committee to introduce themselves and the capacity in which they sit. *[Introductions]*

To my right is David Marshall, 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 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.

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.

Mr Al-Naeme, I note that you are not legally represented today, and, of course, the rules do allow for that. The Legal Adviser is an objective observer of the legality of the proceedings and not here to legally represent you, but will answer any questions that you may have about the course of the proceedings today and to try and resolve any confusion or ambiguity that there may be in your mind about what is going to happen today. Do you have any questions at this stage?

Mr Al-Naeme: No.

Lady Wall: I understand that in previous hearings in the Registration Appeals Committee the order of proceedings has been changed and it has been found to be the most fair and appropriate way of conducting business. You will see in the Registration Appeal Rules, Rule 33, that there is set out an order of proceedings. The Rules anticipate that we would hear first from the Appellant Rule 33(1) and then the Council's Presenting Officer on behalf of the Respondent of the Council, Rule 33(1). The Appellant may then give evidence in rebuttal of any matter raised by the Council, Rule 35. Submissions would then be made under Rule 37, first from Mr Al-Naeme in relation to submissions, and then from the Council. We will not change the order of submissions. However, it is suggested, if you agree to it, that the Council address the Committee first, both in relation to the framework of our decision-making and the evidence so that Mr Al-Naeme, who would then address the Committee, would know exactly the evidence upon which the Council relies and the framework within which it is said so that it is established before he addresses us on the evidence. It appears that our colleagues on previous occasions have found this change in procedures most helpful. It is, however, a matter for the Council and Mr Al-Naeme whether you are prepared to proceed on that basis.

Mr Al-Naeme: Yes.

Mr Whalley: Yes, I am.

Lady Wall: We understand that Mr Al-Naeme has been advised by our Legal Adviser as to this change in procedure.

Mr Al-Naeme: Yes.

Lady Wall: Thank you. Right, Mr Whalley.

Mr Whalley: Madam, before I open the case, I believe Mr Al-Naeme had an application in relation to whether the hearing is held in public or private. It is

something I forgot to raise in advance. I don't know if, Mr Al-Naeme, you still wish to make that application?

Mr Al-Naeme: Please, yes. I am looking to make the hearing private.

Lady Wall: Why?

Mr Al-Naeme: You will note that there is a medical document within my evidence, and that is something which I do not wish for the general public to be aware of.

Lady Wall: We are asking our Legal Adviser to give us advice on that point.

Mr Marshall: The rules that govern registration appeals say that hearings shall be in public, but this Committee has the power to hear matters in private where the interests, for example, of you make it necessary. What is often done if there is medical evidence is that that part of it might be heard in private, so that should it be necessary to refer to medical matters concerning your health, you could ask the Committee at that stage to go into private. The only difference is that the transcriber will make a note on that part of the transcript where it would not be available to the public, but the rest of it is heard in public, and there is an important public interest in hearings of this kind being available to the public. That is my advice, but it is a decision for the Committee.

Lady Wall: [*Confers*] So, Mr Al-Naeme, you understand that anything which relates to health can be redacted but the main hearing will be in public.

Mr Al-Naeme: Okay.

Lady Wall: Yes, Mr Whalley.

Mr Whalley: Thank you, Madam. Madam, I will firstly set out the Registration Rules and part of the Act which are relevant for your decision today. I will then briefly take you through the Council's bundle. Essentially, I will deal with my opening and my submissions in one.

Section 8A of the Optician's Act of 1989 is the section which deals with student registration, and what that says is at 8A(3) is:

"A person shall be entitled to have his name in the appropriate register if he satisfies the Council that he is fit to undertake training as an optometrist or a dispensing optician"

and (b), is the relevant section for today's training:

"he is obtaining, or will be obtaining, practical experience in the work of

- (ii) a dispensing optician under the supervision of a registered medical practitioner, a registered optometrist or a registered dispensing optician.”

Mr Al-Naeme is appealing against a decision to remove him from the Register, and that is an appealable decision as set out in Schedule 1A(2) of the Opticians Act 1989.

The decision to remove Mr Al-Naeme from the Register was on the basis that he had not satisfied the requirements of Section 8A(3)(b)(ii), which I referred to at the very outset of my submissions, namely that:

“he is obtaining, or will be obtaining, practical experience in the work of a dispensing optician under supervision.”

So that is the reason for today’s hearing, and, indeed, Mr Al-Naeme’s appeal.

The powers you have today are contained within Schedule 1A of the Act at Section 4, paragraph 7, specifically, and what that says is that you may:

“– dismiss the appeal, allow the appeal and quash the decision appealed against, substitute for the decision appealed against any other decision which could have been made by the person making the decision; or remit the case to the person making the decision to dispose of in accordance with the directions of the Committee.”

Another section which in my submission is also relevant is Schedule 1A again, and this is paragraph 4(vi). What that states is that the Registration Appeals Committee considering the appeal may make such enquiries as they consider appropriate. So, in my submission, that gives you a wider remit to consider other matters such as conduct, which I refer to in this case, the papers for which you find in the bundle. In my submission you can take those factors into account when considering the appeal and considering whether Mr Al-Naeme is fit to undertake training. That is the key word – the fitness of Mr Al-Naeme.

Turning to the chronology and the Council’s bundle, which hopefully all Committee members have a copy of –

Lady Wall: Yes.

Mr Whalley: Thank you, Madam. I will deal with some of the chronology towards the late stages of the documents. It was 16 February this year that the Council were notified by the Association of British Dispensing Opticians. That is on page 14. That is the email and in the centre of that page, the Council were notified that Mr Al-Naeme had terminated his training at H D Russell Opticians on 1 December 2010. At pages 15 and 16, there was a letter on 17 February of this year from the Council to Mr Al-Naeme asking him to

demonstrate his eligibility to remain on the Register by completing a Certificate of Attendance. Page 18, there is an email at the bottom of that page from 24 February, when Mr Al-Naeme was informed he should register at an alternative practice. He was informed he may be eligible to remain on the Register if he was registered to sit the ABDO exams before 31 August 2011. That is an email reflecting a conversation that was had with Mr Al-Naeme. The email at the top of that page is an email on 28 February. ABDO informed the Council that he was not eligible for the exams because he was no longer in practice as a trainee dispensing optician. That is an email from Charlene Baker at ABDO.

Following that email at page 19, there is a letter of 22 March of this year advising Mr Al-Naeme that because of the information that was received from ABDO and because he had not returned his Certificate of Attendance his name would be removed from the Register.

Turning to page 22, there is an email from Mr Al-Naeme on 8 April when he contacted the Council stating that he had been working under supervision at Miller & McClure Opticians since 28 March. However, that was not confirmed by ABDO and he was therefore advised on 18 May – which is a letter right at the front of the bundle, at page 4 – that he would be removed from the Register unless he appealed in 28 days.

We then find the email at page 6 from Mr Al-Naeme informing the Council he wished to appeal against the decision to remove him, and that, of course, brings us to today's hearing.

In terms of the supervision and the work that Mr Al-Naeme was undertaking, at page 35, there is an email from H D Russell Opticians, and this sets out his employment history with them. He worked there under supervision from 30 August 2010 until 27 November 2010. You will note that the last paragraph details the reasons why that employment was terminated. Madam, what I would ask you to do is not to consider those factors. Of course, this is not a hearing before the Fitness to Practise Committee, and those matters referred to can be regarded as deficient professional performance. Those are not matters for your consideration today, and, indeed, when considering student registration, deficient professional performance is not something which can be taken into account, so, Madam, I would ask that you simply strike through that last paragraph as that is not relevant to your decision today.

If I can then ask you to refer back to page 22, and the email at the bottom of that page from Mr Al-Naeme advising the Council that on 8 April he was now working under supervision at Miller & McClure Opticians under the supervision of Jacqueline Thomson. You then have a letter from Jacqueline Thomson, which I understand is at page 37 of your bundle right at the back page, and, of course, this does not reflect what Mr Al-Naeme said in his email. What Jacqui Thomson of Miller & McClure states is that it was agreed in April Mr Al-Naeme

would work on Saturdays between 9.30 and 1pm and that she would supervise him.

She said:

“To date Ghaith has never attended the practice as agreed and I have never supervised him.”

That would suggest that Mr Al-Naeme has not been supervised in practice since 27 November 2010. Of course Mr Al-Naeme will be able to deal with any matters since that time, but in terms of the documentation the Council have, that is what is reflected in those.

The Council’s submission is that given that lack of evidence that he either is or will be undertaking training, it is right that he is now unregistered and I invite you to dismiss the appeal.

As I said at the outset, there are also other matters which in my submission you can take into account in terms of Mr Al-Naeme’s fitness to be registered as a student. Page 30 of the bundle is the start of the relevant documents to those matters. This is a letter from ABDO on 26 July, and this letter, along with the documents at pages 22 and 23, which are essentially exhibited as part of that letter, set out that ABDO informed the Council that documents were submitted by Mr Al-Naeme on 14 January and 16 February this year, and he stated that he was still under supervision at H D Russell and he signed the documents in his supervisor’s name. Of course, as we know from the email from H D Russell, his employment was terminated on 27 November 2010, so what you have are two documents at pages 32 and 33 containing false signature and indeed false information about Mr Al-Naeme’s current supervised status. As a result of those actions, Mr Al-Naeme has been advised by ABDO that he cannot sit the examinations until January of 2012 at the earliest and they will not accept any PQP documents completed whilst he was at H D Russell.

In my submission you can probably consider those matters when considering whether because of that conduct Mr Al-Naeme is fit to undertake training, and as I say, that is set out in the Schedule of the Act.

Madam, that is all I wish to say at this stage, unless you have any questions for me. *[No questions]*

Lady Wall: Mr Al-Naeme, I hope you have understood all of that and you have the Council’s bundle and all the documents. So now it is your turn to put your case to us.

Mr Al-Naeme: I will address each of your points to try to clarify my situation at the moment. So, the first point which you referred to was that obviously in order to be registered with the GOC you have to be undergoing training, practical

work or about to partake in practical work. You have to be fit to undertake the training as well.

The first point that was mentioned was that my training was terminated at H D Russell Opticians in December. The GOC sent a letter asking me to demonstrate my eligibility to remain on the Register and I was to inform you of an alternative practice. ABDO, from my understanding, informed you that I was no longer a trainee dispensing optician, and because of the information given by ABDO, etc, I was not able to demonstrate this. I am just going to try and address the relevant parts.

I said I was working under Miller & McClure Opticians, which was not confirmed by ABDO. This is the first point which I have to make. Let me stress that those documents were signed by Jacqueline Thomson who is unfortunately stating in her letter that they weren't signed by her. Now, how do we counteract this? Well, ABDO can't confirm that these letters were sent to them, which I find surprising. Documents were sent by Ms Jacqueline Thomson to support myself for supervision, so I was given the choice to be supervised, and I took that. Of course I took up the offer because more than anything I am desperate to stay on the GOC Register. Having done this, unfortunately, what arose is that ABDO then contacted me and said "Look, you are working at Miller & McClure Opticians, yes?" and I said "Yes." They said "Okay. You cannot use the title trainee dispensing optician at the moment." They said "You need to leave it. Wait until we clarify the matters."

So, to cut a long story short, ABDO, according to yourself, were not able to confirm that I worked at Miller & McClure Opticians. The paperwork is there. The paperwork is with ABDO and I would challenge ABDO on that fact. I have asked ABDO to obtain those documents and I wasn't able to obtain that for today unfortunately. However, the signature from Jacqueline Thomson was there, which is my proof that I did attend her practice. I attended on a number of occasions, not on every occasion. The reason for that was because ABDO had informed me that I had to hold back. Unfortunately since Ms Thomson learned of this hearing, to put it simply to you, she panicked. She was not aware what the hearing was about. She was not aware what the hearing involved so she detached any involvement with myself. As a result, unfortunately, as you can see from the letter, I have not been able to achieve the support which I had set out to achieve, so now I am in a position where I am back to square one because Ms Thomson is not willing to offer me the supervision due to this date, the hearing date. Therefore, of course I am in the position today where I am saying to you "Look, I am having to find alternative arrangements." Those alternative arrangements are within touching distance, and I do intend to –

Lady Wall: Can I just stop you there.

Mr Marshall: It is very difficult. I don't know if I can offer any suggestions, but what I am going to advise the Committee as to what is just said is that they have to see whether you fit into the Rules which say that you have to be a fit person to undertake the training, and that you are either currently obtaining practical experience at work of being a dispensing optician, or that you will be obtaining this work. So, it might help perhaps if you could focus on those elements.

Mr Al-Naeme: To focus on those elements; fit to take training – well, contrary to the letter, I have been attending Ms Jacqueline Thomson's practice and I have been obtaining supervision from Ms Jacqueline Thomson.

Lady Wall: Are you able to give us dates when this took place because you yourself have actually referred to the letter on page 37 in which she says that she has never supervised you.

Mr Al-Naeme: Yes, the first date of the supervision signature – she signed the documents and sent it to ABDO – from what we are hearing, ABDO were not able to confirm that.

Lady Wall: Sorry, what I would like to know from you is on which days are you claiming that Ms Thomson has supervised you?

Mr Al-Naeme: Saturdays. The first Saturday would have been – I may not be able to give you an answer to that.

Lady Wall: What we would also like is some evidence.

Mr Al-Naeme: Yes. You will understand that having submitted the documents to ABDO, that is the only evidence that I have unfortunately. I do not have evidence to say that I was in the practice because that was difficult to obtain.

Lady Wall: You do not have any copies?

Mr Al-Naeme: ABDO were not able to provide me with copies.

Lady Wall: You do not keep copies?

Mr Al-Naeme: I didn't at the time, no.

Lady Wall: Not on your computer?

Mr Al-Naeme: Not at the time, no, because it was a handwritten document.

Lady Wall: And have you asked ABDO for copies?

Mr Al-Naeme: Yes.

Lady Wall: And do you have a copy of the letter in which you have asked ABDO for the copies?

Mr Al-Naeme: It was a phone call to ABDO. It wasn't a letter. I phoned ABDO to ask for a copy to prove the signature or to prove that I was in support of the supervision, and unfortunately I wasn't able to obtain that information. Now, obviously this is a hearing and this is a formal situation. However, I can assure you that if you were to liaise with ABDO as you normally do, as the GOC, they will be able to and should be able to confirm that the signature was that of Jacqueline Thomson at the time which I had initially claimed.

Lady Wall: The Fitness to Practice Committee is not part of the GOC. It is an independent body and we do not have any investigatory powers. You have been advised that this hearing is coming up and it is up to you, since you have declined legal representation, to make sure that you have documents or copies of documents which you wish to present to us.

Mr Al-Naeme: Okay. If we leave it at that for the time being. What I will draw your attention to is my activities since the loss of employment with H D Russell Opticians in November. As you are aware, having not worked with H D Russell Opticians, question marks were raised as to whether I was being supervised or working with a practice. Now, what I did carry out and what I intended to carry out was Saturday work with an optician due to working full time with CooperVision, who are a contact lens company, one of the biggest contact lens company's in the world, and I worked with them as an area business manager. There is evidence to suggest that that is the case in the way of payslips which I have brought along with me today, which I am sure you can refer to, and the documents. So if there is a question mark as to what I was doing at the time, that is what I was doing. An opportunity came up with CooperVision, one which quite frankly I wasn't going to turn away, because it was a life-changing opportunity for myself. I took it. I am highly, highly committed to the optical field, further developing my knowledge within the optical sector, further strengthening my determination and my desire to learn the optical trade, and that is clear evidence that that is the case, albeit with contact lenses.

However, I would also draw your attention to the fact that having worked with CooperVision I attended CET and accredited presentations in the way of CooperVision roadshows. The Eyecare 3000, which is an annual event based in Glasgow, is also something I attended, and I attended the lectures in these specific fields. I also undertook training at that time. Whilst carrying this out, I was also looking to train, as you can see, with Jacqueline Thomson within practice on a Saturday basis, which I did for a certain period of time, contrary to Jackie's claims. That is what I was doing at the time so I would ask you to take that into consideration.

I would ask you to consider whether working with an optical organisation, one of the biggest contact lens company's in the world, undertaking training within that sector, learning, attending optometrist level CET, presentations on CET, being involved in CET presentations and CET events, I would ask you to take that into consideration, and that should, in my view, come under the Act of undergoing training and practical work. If that is something which cannot be taken into consideration, I do have avenues which are open to me. I thought the avenue was Ms Jacqueline Thomson where I could work on a Saturday basis with an optician. However, that has clearly been dismissed by Jacqueline. Therefore, I am looking at other options at the moment. I now currently work for Transitions Optical – and again, the evidence is with me. You will not see the evidence in the documents. I have made 10 copies. Again, I am more than happy to provide you with this evidence.

Lady Wall: That would be very helpful.

Mr Marshall: Can I make a suggestion. You have referred several times to evidence, and there is a burden on the Appellant, if he relies on the facts that are disputed, he has to prove them. I explained to the Appellant before the hearing that he had the option of giving evidence on oath if he wishes to do so but, of course, he would then be cross-examined. May I just remind him that he does have the option of doing that? I am not suggesting that he repeats everything in his submission to confirm the statements to date, but if there are disputed matters which the Committee needs to be proved, that would be the appropriate way of doing it. [*Documents distributed*]

[*Pause*]

Lady Wall: Right. We have all had an opportunity to look at that. Thank you.

Mr Al-Naeme: What I would ask you to do is to take these factors into consideration. I am 100 per cent developing my knowledge within the optical field. By all means, due to the letter unfortunately, your view may be that it is not within practice. However, it is my absolute desire to ensure that along with the work that I am carrying out at Transitions Optical at the moment, I will also be obtaining Saturday or Sunday work within practice, just to maintain the GOC registration. Now, whether working for Transitions and CooperVision as opposed to working in practice is enough to maintain registration, again, that is something which is obviously for yourselves to decide. However, I am not asking you to only consider this. I am asking you on top of that to consider that I have been actively seeking employment within a company. If I can refer you to the attention of one of the evidence documents which gives you information on emails which I sent to Vision Express.

Lady Wall: Yes, we have those.

Mr Al-Naeme: What you will see when you read the letter is that I have offered to work in these practices on a voluntary basis. I am not looking to be paid for

working in these practices. Surely given that, that strengthens my argument that I am 100 per cent committed to this field. The only reason I am looking to work in practices is to maintain supervision, to maintain GOC registration and to sit the ABDO examinations. Ultimately, that is my target. That is what I am looking to do. You will see that from the payslips of CooperVision. If I can bring you back to that, the first payslip which I should have provided you with, is dated February 2011, not long after I left my last work within the profession, therefore, as soon as I left H D Russell Opticians immediately I had the opportunity with CooperVision, and that is something which, quite frankly, I don't regret. I am focused 100 per cent on obtaining GOC status. I am focused 100 per cent on working within practice. I am gaining the necessary supervision to succeed and to obtain my GOC status and to gain FBDO qualification. Further to this, if I can again refer your attention to one of the pages. Apologies, I do not have the document in front of me myself, but it is related to the Sportvision Diploma, which I mentioned as well.

Lady Wall: Yes, we do have that, thank you.

Mr Al-Naeme: What I am hoping that demonstrates is, bearing in mind I am a student, student dispensing opticians shouldn't train you – how many students have you seen or how many students have the GOC seen who have self-funded and partaken in the Sportvision Diploma course just to add to their knowledge and just to add to their commitment to the optical field. I would challenge you again on that and say that you won't see many who have done that.

Now, there were a number of CET points which were offered. Not a single one I obtained because it means nothing to me as unfortunately I am still a student. However, I still want to develop my knowledge. I paid £1,500 from my own part-time work salary in terms of the diploma itself, travel, accommodation just to add to my commitment to the field in general. I am asking you to consider these factors because, quite frankly, I feel it is a waste for a student like myself who has clearly the desire and the determination and the commitment and the right people around him. Ultimately, the people who are able to provide me with training are FBDO qualified, and, again, evidence is available, which I have not photocopied, that there are FBDO qualified Transitions colleagues, who are able to support me. However, that aside, it is 100 per cent my intention to gain work within a practice on a voluntary basis to ensure that the supervision is there.

Lady Wall: Thank you. I think we have that point. Now, Mr Al-Naeme, you have made a number of points in your defence, but it would be very helpful if you were to act as witness and give evidence on oath. Do you want the Legal Adviser to explain that to you?

Mr Al-Naeme: Yes, please.

Mr Marshall: Let me just explain. You are here appealing, but you are relying on some matters of fact, for example, the dispute about the Saturday work and the supervision and so on. The Committee may have to take a view on that, and you are entitled to call evidence. That evidence can include your own evidence given formally, having taken the oath or affirmed, sitting at the end as a witness. You don't have to do that. If you do, it may well carry more weight, but you will be subject to cross-examination, just as any witness would be in any hearing like this or in a court of law. That is the decision you need to take now on whether to do that.

Mr Al-Naeme: Whether I want to discuss on oath?

Lady Wall: Yes.

Mr Al-Naeme: Yes, absolutely.

**GHAITH AL-NAEME, called and affirmed
Questioned by the Committee**

Mr Marshall: Mr Al-Naeme, we know who you are, but for the sake of the transcript, could you just confirm your name and address?

A. My name is Mr Ghaith Al-Naeme. My address is 30 Kenmure Avenue, Bishopbriggs, Glasgow, G64 2DE.

Q. You have given the Committee some factual information about your employment and your circumstances. If you wish to simply adopt that and say that that is going to be your evidence and that it is true, I imagine the Committee will accept that or you would have the opportunity to give that factual evidence again to explain these actual facts again.

A. There are points which haven't been covered.

Q. You will have an opportunity to persuade afterwards and to make arguments and refer to it, but at this stage, you are a witness like any other witness, and your role is to give facts to say what has happened, so that is particularly perhaps in relation to the employment that you have had in the past, that you are going to have in the future. If there is anything you haven't said along those lines, then this is the moment to say it. If you want to adopt what you have already said, then that would be okay too.

A. I am just going to adopt what I have said already.

Lady Wall: Right. Thank you. You understand?

A. Yes.

Mr Marshall: And there is nothing additional in terms of the facts that you want to put forward?

A. There is. Again, double-checking my documents just to make sure I have covered everything. I believe I have, but obviously, would I be able to do that at the moment? [Yes] In fact, the evidence is here. The other point which I

can raise if you don't mind now; if you can see the headline 'Proof of Dedication to Optical Field'. From my own representations you will note as well that during the time in which I was employed by CooperVision –

Lady Wall: Can you refer us to the document or the page?

A. Sure. It is the Appellant's representations and it is page number 1 and page number 2. What you will see here is the emails which I have sent Sally Bates of the ABDO seeking tutoring for my final qualification exams, again, further strengthening my commitment to this field, and if you turn over to page 2, you will see that I actually emailed an application to Joan Griffin of the ABDO College to apply for the contact lens course dated 26 May 2011, which would again demonstrate my commitment to undergoing training and my desire to undergo training. To cut a long story short, I have been undergoing training with my current employers and my previous employers. That is all I would like to add.

Q. Mr Al-Naeme, do you want to say anything about your proof of ill health and mental stress that you have also put in your representations here and you mentioned yourself right at the beginning of the hearing?

A. Yes.

Mr Marshall: At this point you would ask the Committee to hear that in private.

A. Yes, please, if we could hear this in private.

Lady Wall: That is what we agreed to do.

[Hearing heard in Camera]

Redacted.

[Hearing heard in public]

Q. At this point it is appropriate for Mr Whalley to ask you some questions about the evidence you have given.

Cross-examination by MR WHALLEY

Q. Thank you, Madam. Just a few questions if I may. Mr Al-Neame, the training at H D Russell – it is right that finished on 27 November 2010? That is what they said in their email.

A. Yes, that is right.

Q. So since that time you have not undertaken any other training. Is that right?

A. No.

Q. And the time you say you attended with Jacqueline Thomson, when was that? Do you have any dates? How many occasions did you attend?

- A.** It would have been three occasions I would imagine. I don't know the accurate number – but two or three occasions I would say. The day it stopped was the day that ABDO told me to hold off because I was not a trainee dispensing optician. They said to me “you cannot use the name trainee dispensing optician at the moment” because there were obviously issues with this sort of thing, therefore, I wasn't able to carry that on. It was a case of waiting until today before being able to pursue that. However, the letter clearly states that it is going to be difficult to pursue that particular avenue. That is not to say that I do not have many other avenues which are available to me which I will be exhausting.
- Q.** So when you attended Miller & McClure, it was three occasions. Did you meet and speak with Jacqui Thomson?
- A.** Yes.
- Q.** And how long did you work there? Was it 9.30-1.00 you were working there?
- A.** Yes. How she operated was she asked me for help as and when she needed it. I feel like it wasn't a case of a strict 9-5 job. The reason for that is because, as I mentioned earlier, I was not employed by them so Jacqueline didn't pay me. I was employed by another institution so it wasn't concrete. However, having spoken to ABDO, they advised me that if I was to work in the practice on a voluntary basis under a registered supervisor, I would then be allowed to sit the exams, and that is the reason I did it.
- Q.** What were the types of tasks that you undertook at Miller & McClure on those three occasions?
- A.** General dispensing. There were some occasions where there was no clinic on the Saturday so dispensing opportunities perhaps were not as prominent as I would have liked them to be. However, at the same time, I did undergo supervision until I was told by ABDO that I wasn't able to register as a trainee dispensing optician at the moment. I had to hold off. I hope that has answered your question.
- Q.** So, in preparation for today's hearing, did you think about getting in touch with Jacqui Thomson and saying? –
- A.** I have tried my best. Since Vicky Lord, who is a colleague of yours, called Jacqui, myself and Jacqui sat down and Jacqui was worried that I was perhaps hiding something from her because in Jacqui's view this was a serious hearing – which of course it is – but in Jacqui's view there was a deeper issue so unfortunately, Jacqui, upon learning of the hearing, decided to completely detach any involvement with myself at that point. Now, as I say, Jacqui is not the only avenue available to me. She was the avenue available to me at the time. She is now not going to be. That does not mean to say that I do not have other avenues which I will be exhausting.
- Q.** To stick with this point, so you actually met with Jacqui to discuss this hearing?
- A.** Yes.

- Q.** And did you explain the purpose of the hearing?
- A.** Yes.
- Q.** So why do you think she has then written a letter dated 4 August saying that you have never attended the practice and she has never supervised you?
- A.** Because I believe that she regrets taking me on, and now, it is as a result of the hearing date. It is as simple as that. She is worried that there is a deeper issue and she owns her own practice. This is her own opticians so she is worried that she isn't seen to break any rules or regulations according to the GOC. That is the very reason I believe she sent that letter.
- Q.** Turning to the other opportunities that you mentioned, and you have included some emails in your documents – three emails at pages 8, 9 and 10. These appear to be emails from Vision Express. Would the different email addresses indicate three different stores?
- A.** Yes.
- Q.** These emails were dated 23 March.
- A.** Yes.
- Q.** They appear to be the only attempts – evidence – that you made to gain supervision.
- A.** Yes.
- Q.** Is that right?
- A.** Yes. My explanation behind that is having worked for CooperVision at the time I thought it would be more appropriate to send emails via CooperVision because my CV, I suppose, would look more attractive having come from a CooperVision angle so my email address at the time was galneame@coopervision.co.uk. It was through this email given that I sent tens of letters to various opticians, multiples, independents. They were similar letters to this looking for supervision. Again, I don't know how this sits with the Panel, and, generally speaking, but unfortunately having left my role at CooperVision they destroyed the laptop and they destroyed every email file. They destroyed everything due to data protection, so I have not been able to obtain those emails. However, thankfully, I was able to find a handful within my personal email account, but that is all I could find.
- Q.** When did you leave CooperVision?
- A.** I left CooperVision in June 2011. It was late June. I started with Transitions on 4 July.
- Q.** And since leaving CooperVision, again, it is right to say there is no evidence that you are presenting of any letters, emails or any contacts, steps you are taking to undertake training?
- A.** Unfortunately not.

Q. Thank you. I have no further questions.

Lady Wall: The Panel may have some questions.

Sir Alistair Graham: Can I just clarify one or two points? You put in evidence this letter from Precision Marketing Group offering you a contract of employment with them. Can you just explain; is this who you are currently working for?

A. Absolutely, yes. Unfortunately, again, this complicates matters even more. Precision Marketing Group deals with the finance side of Transitions Optical so as you can see at the end of the letter it says "I wish you the best of success at Transitions" so unfortunately payslips, etc, are through Precision Marketing Group. That is the marketing group which work very closely with Transitions.

Q. What do Transitions do?

A. Transitions is the most recognised photochromic lens company in the world. Basically my role as a product consultant involves going to different practices and providing staff with training on Transitions lenses and things like darkening, different conditions, etc. As you can imagine, it is still a learning process for myself, but the idea is to present to opticians and to staff, to optical assistants, to people who are at the front end of the stores to try to increase Transition's penetration. That is the idea of my role.

Q. They are based in Bury St Edmunds. You are from Glasgow. Are you in Glasgow or Bury St Edmunds?

A. No, it is more of an indirect sales role so my territory is Scotland, Northern England so places like Newcastle, Durham, Sunderland and Northern Ireland as well. That is my responsibility and these are my territories.

Q. Is this full-time employment?

A. Yes.

Q. Can I just go back to the issue of Jacqui Thomson at Miller & McClure? This letter from her is dated 4 August. When did you have the meeting with her?

A. Regarding the hearing?

Q. Yes.

A. Prior to that. This would have been a week before 4 August.

Q. What was the outcome of the meeting?

A. To give you her exact words, she had said to me "Look, the barrister called me from the GOC. I am not willing to sign any documents or offer you any supervision" – something along those lines – but she was not willing to offer me the supervision because she was worried that this hearing today had a deeper and more serious repercussion for either myself or for the practice, therefore, she detached any interest in me.

- Q.** So you are saying the letter she sent on 4 August is wrong and inaccurate?
- A.** It is more a case of interpretation.
- Q.** You said in evidence that you went there for three Saturdays. Is that right?
- A.** Yes, I went there on three occasions. It wasn't necessarily three Saturdays. It was on three occasions that I went there. Now, I cannot remember the exact dates. As you were asking me for dates, I honestly cannot remember the dates. However, I was there on a number of occasions and I stopped going into the practice when ABDO informed me that I wasn't able to use the title of trainee dispensing optician.
- Q.** When you went there, you went there for the purpose of actually doing some real work under the supervision of Jacqui Thomson. Is that right?
- A.** Yes.
- Q.** And did you do some real work?
- A.** Not as much as I would have liked.
- Q.** I am still a bit puzzled why she should not say then, subsequently, after your meeting with her "he came in on odd occasions and did a limited amount of work" rather than saying
- "I reached a specific agreement with him. To date Ghaith had never attended the practice as agreed and I have never supervised him"?
- A.** That is the only explanation that I could offer you. To be honest, I feel that it is a case of detaching any involvement with myself due to concern over her practice and due to concern over her own GOC status as well. That is the only explanation I can offer you, I am afraid. I can't speak for Jacqui but I am giving you my view.
- Q.** You said earlier that you had acted uncharacteristically when you acted in a dishonest way in terms of the documentation to ABDO. Given there is also a document somewhere which says that your employment was dispensed with because of poor timekeeping, watching the internet during work, poor performance, how can you convince us that you won't be dishonest in the future?
- A.** I understand what you are saying. How can I convince you? I feel that everything I have said to you today and everything that I have put to you today hopefully demonstrates my commitment to the optical field. Now, I know that is not your question. Your question is related to honesty. I have provided one reference from an employer who spoke very highly of me, and that in itself gives you an example of what I am capable of. I am honest person. I work for, as I am sure you may be aware, two of the biggest optical organisations in the world. I am an honest person. I am committed. There were issues with H D Russell Opticians as an employer. They did exist. Now, does that merit a case for the GOC or for a panel like yourselves to then say "you have

performed badly". In my view, I don't think so because we live in the real world and in the real world there are disagreements with employers every day. These things happen, and with H D Russell Opticians at that specific time it just did not work out for me and it did not work out for them. Therefore, we both parted company. So, that would be my response. Honesty wise, I have shown you what I am capable of in terms of the optical field. How I can convince you with my honesty –

Q. Okay, that is fine. One final point from me: do your current employers know about this hearing today?

A. I have spoken to them about it, yes. I have spoken to my current manager, the country manager.

Q. And if you are not successful in what you are trying to achieve today will that have consequences with them?

A. I worry that it would, yes.

Mr Bowden: Was your surgery successful?

A. Yes, it was, thanks.

Q. Just for clarification around Miller & McClure; you were not paid for those particular sessions? Did Jacqui actually supervise you on those days? When you were in the practice, was she there?

A. She was there, yes.

Q. So she could actually see what you were doing from a dispensing point of view?

A. Yes.

Q. I understand that you were just going to be working, according to that letter, Saturdays, 9.30-1. Was ABDO happy that that was going to be a sufficient amount of supervision?

A. Yes.

Q. The supervision was really to enable you to become registered as a trainee and therefore take their exams?

A. Yes.

Q. So at some stage your supervisor would actually have to sign to say you had done so many hours of dispensing?

A. Sure. Just to explain my situation; at the moment I have done the majority of the pre-qualification portfolio. In fact, I think I have completed most of it. So, therefore, it was simply a case of waiting for the exam day to come around. By obtaining supervision, I spoke to Mr Mark Chandler, Head of ABDO, and he informed me that yes, working voluntarily in an opticians on that basis was sufficient to allow me to sit the exams in the future.

Q. So how many sections do you have still to do?

- A.** Two.
- Q.** With regards to CooperVision, it is, as you keep on saying, a very large contact lens company as we all know. You are also saying that you were under a lot of pressure from them to gain your final qualifications. How does this make any difference to your employment with CooperVision?
- A.** It is a good question. Just to give you the background, when I was interviewed for the role at CooperVision, one of the points which was mentioned was what was happening with the FBDO. At that point, I was awaiting exam results hoping that I had passed every section. It wasn't the case, so this was something that they had taken into consideration as they employed me. They employed me prior to my exam results being given, so they employed me on an agreed employment basis not related to the exams. However, my manager mentioned and mentioned and mentioned the FBDO qualification, which quite frankly put me under a severe amount of stress and quite frankly made me desperate to make sure that I could obtain job security.
- Q.** So has there been a precursor of other employees at CooperVision who are doing a similar role as you, other area representatives, etc, that they are qualified as dispensing opticians?
- A.** Yes. Not all of them. It is not a 100 per cent requirement.
- Q.** So they would be quite happy to employ you as somebody not qualified?
- A.** They would, but bearing in mind, not to bring my age into it, being the age that I was upon employment, the only reason they hired me – I had no sales skills or sales background – so they hired me purely on my performance in interview but also on my clinical background, ie degree in ophthalmic dispensing.
- Q.** Was there any condition that CooperVision, with you having qualified as a dispensing optician, would then end up requiring you to qualify as a contact lens optician?
- A.** There was not a set requirement, but having had discussions with my manager, I felt under severe stress to obtain it, so it was not within the contract as such. It wasn't stated saying "pending FBDO qualification". It was a case of "you have the job", but as the manager did continue to stress the FBDO asking "What is happening with your exams?", it made me, quite frankly, extremely stressed and I felt I had to obtain the qualification by any means.
- Q.** So why did you leave CooperVision?
- A.** CooperVision was a sales job, and having not had sales experience I was not the most successful sales person. My figures were not as good as they were hoping if I am being honest with you.
- Q.** So then you moved on to Transitions?
- A.** Yes.

- Q.** And what sort of role are you doing in Transitions?
A. Product Consultant.
- Q.** So is that to do with sales as well?
A. Yes. It is sales in a more indirect manner, ie providing the staff training. As I was explaining to yourself, by providing the staff training what generally tends to happen is you are training the staff. Transition lenses are at the front of their mind and you are judged, ultimately, on the penetration rates of Transitions, whether you have made an impact or not. However, you are not directly selling, if that makes sense. You are training and then you are hoping that your training will then have a positive impact on the practice figures, which it generally does.
- Q.** Was there a requirement from Transitions that you finish your qualifications as a dispensing optician?
A. They definitely want me to. Now, again, within the contract it is not written that I need FBDO qualification. However, it would be something which they desire and it is something which they would look for.
- Q.** Because you still have a degree in Ophthalmic Dispensing?
A. I have a degree in Ophthalmic Dispensing but to be honest with you, as you know, the FBDO status has been much more widely recognised than a degree in Ophthalmic Dispensing. Within that degree I studied optometry level modules, but unfortunately practitioners are not interested in a degree in Ophthalmic Dispensing, therefore, I am solely focused on obtaining the FBDO qualification.
- Q.** Just another couple of points just to pick up really; you have presented us with your email to Sally Bates about having extra tuition and that sort of thing. What was her response?
A. Very positive. She agreed to it. She gave me an offer of either coming down to visit her or she was coming to Glasgow, but the only reason I was not able to do it was because at that point I was then informed that I was not able to go ahead and do the examinations in the summer.
- Q.** With your application to Joan Griffin about doing the contact lens course, you cannot do the contact lens course until you have done the dispensing course?
A. Absolutely right, yes. I spoke to a lady from ABDO College and she said "you cannot do the contact lens course unless you are qualified". Then she said "there may be a way around it. If you send me an email I will see what I can do". So from what I gathered, I may have been given entry into the course even though I wasn't a fully qualified dispensing optician.
- Q.** But then if you did the contact lens course, would you have had any opportunity to fit contact lenses and gain supervision whilst doing that course?
A. It is difficult to answer because obviously I am not in that position at the moment. Bearing in mind working in this sort of role, where I have worked as

an Area Business Manager for CooperVision and worked for Transitions, the advantage is you gain a number of contacts so that would certainly help my case in terms of finding somewhere to accommodate.

Q. Okay. Thank you.

Ms Huka: Mr Al-Naeme, can I ask you whether you are really focused and are aware of the fact that you need supervision to be able to qualify? Do you realise that?

A. Yes.

Q. I notice that you did not provide us with a job description or anything like that for Transitions.

A. Okay. Yes.

Q. Is that because it would not help what you need for today?

A. No, absolutely not. The job description was sitting in my drawer. I could have brought it along but I just didn't think to do so because I thought it would be sufficient to explain who I am working for. I could certainly give you a run through as to what it involves, but I do not have the documents on me.

Q. Does it involve the requirements of the Opticians Act enabling you to be registered?

A. I feel it does. Referring to the Opticians Act – “registered if undergoing training, practical work or about to gain practical work” – am I correct in saying that?

Mr Marshall: Broadly speaking, yes.

A. Okay. Broadly speaking. So I am undergoing training within Transitions at the moment. There is a colleague of mine who is an FBDO qualified employee. I have her business card here. I don't know whether that is sufficient evidence or not, but it has the FBDO written on it. Again, that is something which I can put forward to you right now. So, yes, I do have the support and the infrastructure to be able to gain the necessary supervision. However, what I am looking to do, which would perhaps make life easier, is find Saturday or Sunday work within practice on a voluntary basis. It is difficult to obtain supervision, but hopefully with my early experience within the industry I will be able to sort something out.

Q. Thank you, Mr Al-Naeme.

Mr Hensley: To clarify about Transitions; are Transitions involved in putting you into practices where you have days dispensing to patients under supervision?

A. They don't. The Transitions role involves, as I mentioned earlier, training practitioners and that sort of thing. They will put me into a practice, for example, and I will be shadowing practitioners a lot of the time. I will be speaking to practitioners. I will be watching dispensers and it is my job to

analyse the dispensing process. I could then recommend where or how to fit in Transitions perhaps to increase the Transitions' penetration.

- Q.** Transitions don't then have in place a qualified supervisor for you?
- A.** They do have a qualified supervisor in place, yes. They do.
- Q.** And are we saying that that supervisor has been accepted by ABDO as a supervisor for you to dispense or not?
- A.** Not yet, but again, in terms of evidence, I am happy to provide the business card which gives you her name and her FBDO qualifications status. That is all I have unfortunately.
- Q.** I would like to ask you about a couple of the items in the Council's bundle at pages 31, 32 and 33. If I am correct, you have admitted that those signatures purporting to be Rehana Riaz are in fact you?
- A.** Yes.
- Q.** And that Miss Riaz in the letter on page 31 suggests that those are forged, and you have admitted that. You have said to us that you are a fundamentally honest person. You have said that several times today. Are these actions in putting those forms into ABDO those of an honest or dishonest person?
- A.** It is of a person who had a disturbed mental status. It is of a person who had several factors which were within his mind, therefore, I feel it is not fair to then question whether it is honest or dishonest when the factors that I have mentioned have not just played a part, but they are ultimately the reason for this. Now, I could have sat here and said to you today that these are not my signatures and I could have fought my corner if I was a dishonest person. However, I am happy to – not happy, not proud of course – but I concede that this was my signature. That, in itself, demonstrates that I am being honest about the situation, but also, I would ask that you consider the factors that I have mentioned. I believe that they have to be taken into consideration.
- Q.** At what point with the Association of British Dispensing Opticians did you admit to Mark Chandler that these documents were forgeries?
- A.** Immediately when I received the phone call. Having received the letter – again, I cannot give you an exact date – but when he received the letter from Miss Rehana Riaz and he checked the documents he phoned me and said “We have received, etc, etc”. At that point I conceded obviously that it was myself.
- Q.** Do you know which month that was?
- A.** April, I think. Possibly earlier.
- Q.** So you didn't attempt during the period in January, February when these were signed and April to get in touch with Mr Chandler and retract these documents that you had forged?
- A.** No, I didn't, but if I am being honest they were actions – I had obviously falsified the documents and I was ashamed of doing it – but almost because I

do not even remember doing it. That is what I am saying. It was a complete blur to me. I do not even remember the moment when I filled out the paperwork. It was a very difficult time for me, as I have mentioned, with the stress and the pressure. There were so many other things that my mind was focused on at that period of time, ie job status and that sort of thing, that that was something that did not occur to me until Mark Chandler himself phoned me. That obviously brought it to my attention.

Q. Thank you.

Lady Wall: I just have one question which also relates to the forgery of the signatures; you did not actually admit that you had done this until April we have just heard in your answers to the previous questions.

A. It is difficult to say to be honest.

Q. Well, taking it as April; on page 22 you have sent us an email addressed to Rehana Riaz, perhaps for the purposes of clarity you could explain the date.

A. Exactly. That tells you all you need to know.

Q. Well, can you please tell us for the purposes of the transcript, what the date is?

A. It is 8 April.

Q. This is the one on page 22. Can you explain to me where that is because what I am looking at is very small print but it looks like 8/10/11?

A. Sorry, bear with me. [Pause] Oh yes, sorry. That was my email of apology. Bear with me because it does not seem to be in my documents. My apologies.

Mr Bowden: Could I suggest it is an American method of putting in the dates?

Lady Wall: I am aware of that, but I would like Mr Al-Naeme to actually make it clear to the Panel so that it is on the transcript.

A. This apology was only recently sent. I only sent the apology this month.

Q. Are you saying that in fact it is the American version; that you sent it on 10 August this year?

A. Yes.

Q. So since you found out that you have been found out in April, why did you not apologise until a few days ago?

A. More of mental distress than anything else. I was trying to recover from a situation. I had been through a lot in that period of time so I just wanted to make sure that the apology was sent to them, and if I am being completely honest, Vishal Marwaha, who sent the email which is within your evidence mentioning my poor performance, poor etc, was from the same company so

that gave me a contact address to address the letter of apology, so as soon as I saw that email I took it upon myself to send that off.

Q. Are you really telling us that if you wanted to apologise for your forgery you couldn't have done it sooner than a few days before this hearing?

A. The reason I apologised is because –

Q. Sorry. Did you understand my question?

A. No.

Q. You apologised just a few days before this hearing. Are you really telling this Committee that it was impossible for you to apologise at an earlier date?

A. No.

Mr Bowden: You talk about supervision. You have been looking for supervision and that sort of thing, so in response to a question from Mr Hensley you are saying that Transitions have a supervisor who perhaps could supervise you for the purposes of the ABDO examinations?

A. Absolutely.

Q. In the time lapse from then to now – so you had been with Miller & McClure that April – we are now into August – are there any other applications you have made? Have you had any contact? You said you have a number of other contacts but are there any other concrete propositions you have actually had from practices who say that they will supervise you?

A. Yes, but I have no evidence of that. That is the issue unfortunately. There are concrete avenues, like I said. This letter from Ms Jacqueline Thomson only emerged a week or two weeks ago, so only two weeks ago was I aware that I was left without a supervisor.

Q. But you hadn't attended that practice for quite some time?

A. Yes, that is correct, but at the same time, I was waiting to see what the situation was. Why spend time looking for a supervisor if I already felt that I had a supervisor there for me. Does that make sense? That is what I am trying to say.

Sir Alastair Graham: Can I just clarify that point because I thought you had a meeting with her?

A. That is what I am saying. I had a meeting with her. The meeting did not go very well. She mentioned the reasons she did not want to pursue the supervision. We then agreed at that meeting – and I should have made this clear earlier – to wait for a letter from the GOC, which I believe Ayesha Benson sent to Jacqueline Thomson. Upon receiving the letter, Jacqueline then decided to write that letter so ultimately she didn't fully make her mind up until the letter was sent to the GOC.

Q. Can I just clarify then; is the organisation you are working for full-time really in a position to act as a supervisor for you?

A. Absolutely. As an optical company specialising in optical lenses, of course they are in a position. They have people who are qualified at the moment, and if it is not directly the company who offer me supervision, it is the job itself which will provide supervision opportunities due to my interaction with so many practitioners within the regions that I have mentioned.

Lady Wall: Sorry, Mr Al-Naeme, I am still not absolutely clear. You have told us that there are people in this organisation who can supervise you, but for the purposes for ABDO I understand you need supervision of you dealing with patients, and it sounds to me from your work in Transitions as though you are not dealing with patients at all. You are training members of staff. So if that is the case, how can you be supervised dealing with patients?

A. Well, at times we do deal with patients. As I say, for example, more shadowing of patients rather than anything else, more sitting and being involved rather than directly having contact with the patients, but that in itself is adding to the experience.

Q. What do you have to do in order to satisfy the requirements in terms of supervision of patients, let's say, per week?

A. Zero. In terms of my pre-qualification portfolio, that is complete and that is ready to be sent, the majority of which was collaborated from my days at Optical Express, so essentially, from what I understand from ABDO, I need supervision. I need a registered supervisor who will put me forward for the exams.

Q. But what is a supervisor going to supervise?

A. My abilities in a practice situation.

Q. But how are the opportunities in a practice situation going to arise in your present employment?

A. That is the very reason why I mentioned at the beginning that I am not solely relying on Transitions to provide that supervision. I am looking at voluntary work.

Q. Yes, but you have to satisfy us that you have a supervisor, and if I have understood correctly what you said, you actually do not have a supervisor at the moment?

A. At the moment, no, but I can assure you –

Q. No, I just want a direct answer. Do you have a supervisor at the moment?

A. No.

Q. Right. Thank you very much. Any further questions?

Further cross-examination by MR WHALLEY

- Q.** If I may come back on your last point, Madam. I am still confused about Transitions as well. Is it the case that they may be able to satisfy ABDO and they can supervise you? Is that your intention or are you also, regardless of that, still intending to seek voluntary work?
- A.** This is a matter for both the GOC and ABDO to take into consideration. Surely, this is a special factor. There are not going to be many people in my situation who are working for optical companies such as this while still studying, if that makes sense.
- Q.** If I can stop you. With respect it is also a matter for you. Have you contacted ABDO or your current employer and obtained any written confirmation or any documentary evidence that says “Yes, Transitions can supervise you” or your company is saying “Yes, we can supervise you. We are ABDO accredited”. Do you have anything you can provide today to confirm that?
- A.** No. The company speaks for itself. It is an optical company and I was hoping that my ability to demonstrate that I work for this company is surely enough to then say I have a case. I do not have a document from ABDO which says that it is accepted. I do not have a document from Transitions, but it is almost common knowledge within the optical industry if I am being honest with you. For example, if you have a car manufacturer and you have a Honda, needless to say, there is a direct link there. The manufacturers provide to Honda. I know that is a silly point, but I am trying to make you understand what I am saying. Transitions work as a partner with all these practices. Transitions supply these practices with their product and these practices in turn provide these products to the patient. Does that clear things up a little?
- Q.** Yes, thank you.

Lady Wall: That is the end of the evidence you are giving as a witness, Mr Al-Naeme. If you would like to come back and sit down now.

[The witness stood down]

Lady Wall: Now, Mr Al-Naeme, in terms of the actual procedure here you now have an opportunity of summing up. We have questioned you a great deal and you have had plenty of opportunity to tell us what you have been doing and what evidence you can produce, but you do now have a formal opportunity to do what legally is called ‘make submissions’ to the Committee.

Mr Al-Naeme: Okay. My final submission to the Committee is that the supervision was offered by Jacqueline Thomson and I, of course, took up the offer. Unfortunately, her letter has disappointed me. As soon as she was aware of the GOC’s involvement, she backed away from the idea and totally detached herself from any involvement with me. The only proof which I have is with ABDO in a document stating that Ms Thomson had signed that she was my registered supervisor.

I now work for Transitions Optical and six months prior to that, I worked for CooperVision. Section 8A(3) of the Opticians Act 1989 states that a student will have their name entered in the register if he has undertaken or will be undertaking training provided by an approved training establishment, which I am sure Transitions are.

The diploma in Sportvision to practise is another arm which I have which is basically to demonstrate my commitment to the optical field. I would challenge anyone to find a number of students who have done the same as I have and spent that amount of money just to develop their own knowledge within a certain area of interest within the optical sector.

ABDO have decided to suspend me from the summer examinations and will allow me to sit the January 2012 exams, and this for me is the important part. In the interest of consistency and to avoid any complications and confusion, if the GOC do decide to take action I feel that it should be in conjunction with ABDO because ABDO are directly affected in this matter. It is ABDO who I have been dealing with. It is ABDO whom the issue is ultimately with. Of course, the GOC is the governing body and of course I would expect that. However, at the same time, I would hope that in the interest of consistency the same sort of punishment, if you like, would be handed to myself in that I would be allowed to do the January 2012 exams. I feel that that is fair. I feel that that is consistent.

Signing the documents was completely out of character and was at a time when I was under severe pressure and stress and I have referenced Jacqui Maloney, the Optical Express previous employer who highlighted my ability in the workplace, as my attempt to show that side of me had changed over the course of circumstances.

Again, to reiterate there was the level of stress, my mental health – something that I didn't realise at the time but I have realised now. The family were worried for my own well-being around January/February time, which is obviously the same time when the documents were submitted to ABDO. There was the pressure from the manager, and I have covered that as well. Severe pressure from my manager made me act in this shameful manner.

Finally the car accident, which I mentioned, I put down to severe stress, pressure and loss of clear thinking. That is everything that I wish the Panel to take into consideration.

Lady Wall: Thank you very much. Now I am going to ask our Legal Adviser to give us advice.

Mr Marshall: Mr Whalley has an opportunity to make another submission.

Lady Wall: Is there anything else you wish to say, Mr Whalley?

Mr Whalley: If I may, Madam, just to be very brief. If I can remind you of what you are considering today and what you must be satisfied of. You must be satisfied that Mr Al-Naeme is fit to undertake training as an optometrist or dispensing optician and you must be satisfied that he is obtaining or will be obtaining practical experience in the work of a dispensing optician under the supervision of a registered medical practitioner, a registered optometrist or a registered dispensing optician.

Taking those points in turn; in my submission you have no evidence before you that Mr Al-Naeme has been undertaking training since 27 November 2010. I also submit that there is no evidence that he will be undertaking training. Of course his evidence is evidence of his work at Transitions. In my submission, it is very unclear as to exactly what work he is undertaking there and certainly there is no documentary evidence from either the company or from ABDO to confirm that they are indeed an approved and accredited organisation who can supervise him in practice, and that is of course important because they are not a business dealing with practical dispensing to patients.

There are also question marks over whether Mr Al-Naeme is fit to undertake training, and that is based on his actions in regard to the two ABDO forged documents which he fully accepts he did forge, albeit with the mitigation he has put forward, and for those three reasons, Madam, I invite you to dismiss the appeal.

Lady Wall: Thank you. Mr Marshall.

Mr Marshall: Before making a decision on a registration appeal, the Committee has the power to make such enquiries as it considers appropriate. For example, you have the power to direct a health assessment. Assuming that you do not wish to exercise those powers in this case, the question for the Committee now is how to dispose of this appeal. There are a number of options open to the Registration Appeal Committee. However, in this case the essential question is whether you allow the appeal, in which case the Appellant can be registered, or refuse the appeal, in which case he will remain off the Register.

In deciding this question you should consider the facts afresh and decide for yourselves whether the Appellant should be registered. You are not limited to reviewing the decision made by the Registrar. The central question you must decide is whether the Appellant meets the requirements of student registration. This is dealt with in Section 8A of the Opticians Act 1989. As you have heard, Section 8A(3) states that a person shall be entitled to have his name in the appropriate register if he satisfies the Council that he is fit to undertake training and – omitting the irrelevant parts:

“he is obtaining, or will be obtaining, practical experience in the work of...

(ii) a dispensing optician under the supervision of” – (for example) – “...a registered dispensing optician.”

The reason why the Registrar removed the Appellant from the Register was that he was not satisfied that the Appellant is obtaining, or will be obtaining, practical experience as referred to in the Act. That was notified on 18 May 2011. Since then it has become clear that there is an allegation that the Appellant submitted false evidence about training to the Association of British Dispensing Opticians. This could raise an issue about whether the Appellant is a fit person to be registered. The Appellant has been notified of these allegations and has had an opportunity of dealing with them. You have heard that he does not dispute the facts but he has provided an explanation of them at this hearing. My advice is that unless the Committee considers it unfair to do so, it can take these matters into account in deciding whether the Appellant meets the criteria for registration.

It is for the Appellant to satisfy you that he should be registered. If he relies on the facts that are disputed, there is a burden of proof on him to establish those facts. The standard of proof is the balance of probabilities. It means that you find a fact proved if you consider that, on the evidence, the occurrence of the event was more likely than not. Unless there is any other matter I can assist with, that is my advice.

Lady Wall: Thank you. Now, this part of the hearing is at an end. We will now be considering everything that we have heard, and as it is currently 12.55 I am going to suggest that as everybody needs lunch we reconvene at a suitable time which might be 2.15. Does that seem a reasonable time?

Mr Henley: Can I suggest that you say available from 2.15?

Lady Wall: Yes, available from 2.15 because you need to go out and find some lunch and come back, so, yes, be available please from 2.15. Thank you.

[Hearing adjourned at 12.55]

[Hearing reconvened at 14.40]

Lady Wall: This is our decision.

On 15 August 2011, the Registration Appeals Committee met to consider an appeal against the decision of the Council not to retain the registration of Ghaith Al-Naeme in the register of student dispensing opticians.

The Committee determined that the Registrar’s decision be upheld.

Section 8A(3) of the Opticians Act 1989 states that a student is entitled to be registered if, amongst other things, he satisfies the Council that he is fit to undertake training and that he is obtaining, or will be obtaining, practical experience in the work of a dispensing optician under the supervision of (for example) a registered dispensing optician. The Committee heard oral evidence from the Appellant and received in evidence various documents which he produced. It has considered his submissions and those of Mr Whalley for the GOC.

The Committee found the Appellant's evidence to be unsatisfactory in several respects. His evidence was neither frank nor full. He was selective in the material that he chose to put before the Committee. For example, he produced evidence that he was currently employed but not as to his job description. He is currently employed as a sales representative for a company selling optical products to opticians. The Committee does not accept his evidence that this would enable him to undertake supervised dispensing. The Appellant was not able to demonstrate that any arrangements have been made, or are in prospect, for him to undertake dispensing work under supervision. The Appellant has done very little to put himself in a position to undertake such work. He claimed to have undertaken some supervised work on Saturdays on an unpaid basis but the person alleged to have supervised him has written to the GOC to say that he had not done any such work. The Committee does not accept the Appellant's evidence in relation to this work. The Committee agrees with the Registrar that the Appellant does not meet the requirements for registration in that he is not obtaining, and will not be obtaining (in the near future) practical experience under appropriate supervision.

A further matter that caused the Committee considerable concern is that in January 2011 the Appellant submitted documents to ABDO to demonstrate his satisfactory completion of earlier stages of training. It is now clear, and the Appellant admits, that he forged the signatures on these documents. The Appellant attempted to explain this by reference to medical issues which he told the Panel about. However, he did not provide any substantial medical evidence, such as a report, to support this. The Appellant showed little or no insight into the seriousness of his actions. He gave no convincing explanation for why he had acted as he had. Importantly, he did not provide the Committee with any reassurance that he had understood the seriousness of his actions, and learnt appropriately. The Committee recognises that the Appellant is still very young but at this time it is not satisfied that he is a fit person to undertake training. For that reason also this appeal is refused.

Thank you. That is the end of the hearing.

[Hearing concluded at 14.43]