

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

**R(10)04**

**2<sup>nd</sup> APPLICATION FOR RESTORATION**

**ASHLEY GOULD**

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**DETERMINATION: 18 FEBRUARY 2011**

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On 18 February 2011, the Registration Appeals Committee of the General Optical Council met to consider an application by Ashley Gould for restoration to the register of Optometrists.

**DETERMINATION**

The Committee noted that Mr Gould has previously applied for restoration at a hearing on 10 February 2009, but that application failed because of Mr Gould's failure to obtain the prerequisite amount of CET points.

In reaching this decision, the Committee took account of both the oral and documentary evidence placed before it. It also took account of the submissions of Ms Bruce on behalf of the Council and those of Ms Craig on behalf of Mr Gould. The Committee accepted the advice of the legal adviser.

The Committee noted that it must first consider the evidence placed before it by the applicant as to his fitness to practise and then to consider whether, depending upon that decision, it thinks it fit to direct the registrar to restore Mr Gould's name to the register.

The Committee noted that the applicant was made the subject of an interim order of suspension on the 28 October 2005 and he was erased from the register on the 23 March 2006.

The Committee first had regard to the facts that had brought the applicant before the original Committee which erased him from the register. It noted that the applicant had cooperated and pleaded guilty at the earliest opportunity to 5 offences of making indecent photographs of a child and two offences of having indecent photographs of children. He was sentenced to a 3 year rehabilitation order with a requirement to attend the sex offenders' programme and was required to sign the sex offenders

register for a period of five years. It noted that he completed the rehabilitation order on the 18 February 2008 and his period on the sex offenders register on the 29 July 2010. It noted that the photographs were images of teenage boys, some of whom were likely to be under the age of 16 and that they comprised images at the lower three levels of the five level the Oliver scale.

In reaching its decision, the Committee noted a number of matters which demonstrated the insight that the applicant has shown and the efforts he has made to rehabilitate himself over a period of more than five years.

It noted that he had fully complied with the requirements of the rehabilitation order and successfully completed it. He had also completed the time he was required to be on the sex offenders register. It noted that he has not been placed upon any barred list by the Independent Safeguarding Authority. It had regard to the reports of the psychologist, Dr Crassati; the probation officer, Rita Ashford, and the counsellor, Soren Stauffer-Kruse.

All the reports attested to the fact that the applicant is considered to be at a low risk of re-offending in the same manner again and it noted that it was thought to be extremely unlikely that there would be any risk of his offending escalating to contact sexual offences with children. It also noted the evidence of his former employers as to the exceptionally high regard in which he is held both by them and by his former patients. It noted that no complaints had been received about his practice when he was working. It noted that both his former employers would wish to re-employ him. It also took account of the eighteen years' unblemished service including work with underprivileged and disadvantaged individuals.

It had regard to the number of CET points that he had obtained and was satisfied that he had maintained his continued education requirements.

From all the evidence before it, it was satisfied that the applicant is now fit to practise.

It went on to consider whether it thought it fit to direct the registrar to restore the applicant's name to the register. In considering this issue, the committee had regard to the public interest. It concluded that protection of the public was dealt with by its finding that the applicant is fit to practise. It further concluded that standards of conduct in the profession had been maintained by the original order of erasure.

It therefore went on to consider whether, if the applicant were to be restored to the register, this would cause a loss of confidence in the profession. It particularly noted and applied the principles set out in the case of CRHCP v Fleischmann and considered the steps that the applicant had taken to rehabilitate himself. It noted that it must have in mind the view of the reasonable and well-informed member of the public who was aware of all the facts that had been before the Committee. It concluded that such a member of the public would not lose confidence in the profession if the applicant were to be restored to the register. Further, the applicant having taken appropriate steps to rehabilitate himself since the imposition of the order of erasure, the Committee was now in a position to consider directing his restoration to the register.

Consequently the Committee thought it fit to direct the registrar to restore the applicant's name to register.

**Chairman of the Committee: Francesca Jones**

Signed \_\_\_\_\_

Date 18 February 2011

## FURTHER INFORMATION

### Details of erasure

Ashley Gould was erased from the register of Optometrists on 20 April 2006.

This followed a direction made by the Fitness to Practise Committee at a hearing on 23 March 2006 at which the following allegation was found proven:

“That the fitness to practise of Ashley Gould is impaired by reason of the following:

On 29 July 2005 Mr Ashley Gould appeared at Horseferry Road Magistrates Court and was convicted of:

- (i) 5 counts of making an indecent photograph of a child contrary to Sections 1(1)(a) and 6 of the Protection of Children Act 1978;
- (ii) 2 counts of having indecent photographs of children contrary to Section 160(1)(2)(A) and (3) of the Criminal Justice Act 1988;

and was subsequently sentenced to a 3-year rehabilitation order with a requirement to attend the sex offenders programme as directed and to sign onto the sex offenders register for 5 years.”

### Appeal

Where the applicant has made a second or subsequent application for restoration and has been unsuccessful and the Registration Appeals Committee has directed that the right to make any further applications be suspended, the applicant may appeal against that decision through the Courts. The relevant court is shown at section 23G(4)(b)-(c) of the Opticians Act 1989 (as amended).

### Transcript

A full transcript of this hearing will be made available via the GOC website in due course.

### Council for Healthcare Regulatory Excellence

This decision will be reported to the Council for Healthcare Regulatory Excellence.

### Contact

If you require any further information, please contact the Council’s Hearings Manager at 41 Harley Street, London, W1G 8DJ or, by telephone, on 020 7580 3898.