

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

GENERAL OPTICAL COUNCIL

F(09)12

AND

JAMES PAUL HANDS (01-18422)

PRIVATE HEARING

DETERMINATION OF THE REVIEW: 26 AUGUST 2011

On 26 August 2011, the Fitness to Practise Committee of the General Optical Council met to review the Conditional Registration Order made regarding James Paul Hands on 30 November 2010.

DETERMINATION

Decision of the Committee – Breach of conditions

The Committee heard oral evidence and heard submissions from Counsel. The Committee accepted the advice of the Legal Adviser. There was a breach of condition 14 of the conditions imposed on 30 November 2010 by the Fitness to Practise Committee. This is admitted by the Registrant.

Redacted. It was serious because it put patients and the public at risk and affects public perception of the profession. The evidence of Jacqueline Nicol, the Registrant's manager at Specsavers, is preferred concerning the circumstances surrounding **redacted** at work.

The Committee does, however, accept the Registrant's oral evidence **redacted**.

Findings regarding impairment

Given his admission of impairment and in light of the evidence heard, the Committee is satisfied that the fitness of James Hands to practise as an optometrist is impaired.

The Committee's reasons for this are:

The conviction **redacted** which provoked the current proceedings was the Registrant's second conviction in 2 years. **redacted**, the Registrant received a

custodial sentence, suspended (on appeal) for two years. The previous Committee decided that this matter was so serious that there was a need to protect the public from this type of conduct, which clearly falls far below that standard of conduct which the public is entitled to expect from the profession. In light of redacted other evidence, redacted, the Committee deemed it appropriate to impose robust conditions on the Registrant's practice. redacted.

This early review was carried out because the Registrant's employer informed the GOC redacted after he had treated a patient on 5 August 2011.

Redacted. The Registrant showed no insight into the seriousness of the breach of Condition 14 of the GOC's order of 30 November 2010.

Sanction

The Committee heard submissions from Counsel for both parties as to what would be an appropriate sanction. redacted. Accordingly, Counsel for the GOC explained that it was open to the Committee to consider erasure from the register given the serious nature of the breach of the order for conditions. Alternatively, as there had not been compliance with the order for conditions, the Committee should contemplate suspension.

Counsel for the Registrant submitted that the breach of the order had only arisen because of the change redacted and the Committee should consider imposing stricter conditions.

The Committee considered that it is proportionate to impose a sanction.

The breach of condition 14 goes to the root of the Registrant's redacted. The Committee considered that there is no appropriate condition which could be imposed at the present time which would fully safeguard the interests of the public and the reputation of the profession.

The Committee decided that the next level of sanction, that of suspension, is proportionate under the circumstances of this Registrant. It has decided that a period of suspension of six months followed by a review will give the Registrant the opportunity to demonstrate to a future Committee that he has developed the appropriate insight and that he is then suited to resume work in his profession. He will need to satisfy a future Committee that he is able to remain redacted and operate as a fully functioning member of the profession.

Immediate order

Because of the risks to the public and the reputation of the profession, the Committee orders that the suspension will take immediate effect.

Review hearing. A review hearing will be held approximately four weeks before the expiration of this order. The Review Committee will need to be satisfied that the

Registrant has fully appreciated the gravity of the offence, has not re-offended and has maintained his skills and knowledge and that the Registrant's patients will not be placed at risk by resumption of practice or by the imposition of conditional registration

Chairman of the Committee: Sir Alistair Graham

Signature **Date: 26 August 2011**

Registrant: James Hands

Signature **Date: 26 August 2011**