

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

**R(11)02**

**APPLICATION FOR RESTORATION**

**JAYANT DATTANI**

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**DETERMINATION: 19 JULY 2011**

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On 19 July 2011, the Registration Appeals Committee of the General Optical Council met to consider an application by Jayant Dattani for restoration to the register of optometrists.

**DETERMINATION**

In December 2008 the Applicant was erased from the register. He had pleaded guilty in August 2007 to a series of frauds committed in 2006. The frauds involved forging claim forms to obtain fees supposedly for work performed for Boots as a locum optometrist. The frauds were deliberate and pre-meditated. They took place over a seven month period and involved six stores. The misconduct was clearly very serious and was committed in the course of the applicant's professional duties. The Committee hearing the case in 2008 had little choice but to erase.

The question for the Committee today is whether to restore the Applicant's name to the register. The Committee has accepted the advice of the Legal Adviser that some misconduct may be so serious that it will never be appropriate to allow the person concerned to return to practise. On the other hand it is not the function of this committee to punish someone for previous misconduct. The Act contemplates that there will be cases where following a period of erasure a person is sufficiently rehabilitated that it is appropriate to allow him to resume practice.

The Applicant is not represented today but he has attended with his wife and son who have clearly been of great support to him. He has made detailed submissions to the Committee, given evidence on oath and has submitted written testimonials and evidence of CET. His case has been carefully considered and well presented.

It is clear that the Applicant fully met all the requirements of his Community Service Order. His probation officer submitted a favourable report to the Committee. He has paid back the money he stole, and more. He has sold his house and discharged the

debt which was a major part of the background to his original offending. The Applicant has continued to perform the community work which he started as a result of the court order. His contribution seems to be greatly valued.

The Applicant has been out of practice for two and a half years so he has received a substantial sanction for his misconduct. During that time he has worked as an optical assistant and has produced good references. He has kept up to date with CET. He has had regular contact with patients and has performed such duties as an unqualified person is entitled to perform. He has regularly observed optometry consultations, at the rate of about two a month. His employers, who are aware of his erasure and the reasons for it, have indicated that they would employ him as an optometrist if he were restored to the register.

The Applicant explained to the committee the benefits he had received from his period of probation and the understanding he has developed of the effect of his crime and of his victim. He has written to Boots to apologise and they have lifted the ban they had imposed on him entering their stores.

The Committee has concluded that the applicant has done all that he reasonably could to try to rehabilitate himself. The misconduct which the Applicant committed was clearly serious and fully merited a sanction of erasure. The Committee has carefully considered whether a sufficient period has elapsed to meet the public interest. It has concluded that it is appropriate to restore the Applicant to the register at this time.

The Committee determined that Jayant Dattani should be restored to the register of optometrists.

**Chairman of the Committee: Corinna Kershaw**

Signed \_\_\_\_\_

19 July 2011

<b>FURTHER INFORMATION</b>
<b>Details of erasure</b>
<p>Jayant Dattani was erased from the register of optometrists on 31 December 2008.</p> <p>This followed a direction made by the Fitness to Practise Committee at a hearing on 3 December 2008 at which the following allegation was found proven:</p> <p>“The Council alleges that the fitness to practise of you, Jayant Dattani (a registered optometrist) is impaired in that:</p> <p>On 9 August 2007 at Leicester Crown Court you were convicted of five counts of theft and one count of attempting to steal monies belonging to Boots plc.”</p>
<b>Appeal</b>
<p>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).</p>
<b>Transcript</b>
<p>A full transcript of this hearing will be made available via the GOC website in due course.</p>
<b>Council for Healthcare Regulatory Excellence</b>
<p>This decision will be reported to the Council for Healthcare Regulatory Excellence.</p>
<b>Contact</b>
<p>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.</p>