

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

**GENERAL OPTICAL COUNCIL**

**IO(10)07**

**AND**

**STEPHEN KIMBERLEY (01-19733)**

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**DETERMINATION OF A 1<sup>st</sup> REVIEW OF AN INTERIM ORDER  
- 17 FEBRUARY 2011 -**

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The Fitness to Practise Committee reviewed an 18 month interim suspension order in respect of Stephen Kimberley made on 25 August 2010.

**Service**

The Committee was satisfied that all reasonable efforts have been made to notify the registrant of the hearing. The Committee further determined that it would be in the public interest for the hearing to proceed in the registrant's absence.

**Decision**

The Committee took account of the submissions of Ms Steele on behalf of the Council and has accepted the advice of the legal adviser.

The Registrant was initially arrested on 24 May 2009 and charged on 29 January 2010 with making and possessing indecent photographs or pseudo photographs of children. The Committee learnt that the GOC first became aware of these matters when it was notified by the registrant's then employer in February 2010. At the time of this hearing the Registrant had been convicted by his plea of guilty in the Crown Court to one charge on 20 July 2010, at which time he was placed on the Sex Offenders Register for a period of five years. The charge to which he pleaded guilty involves video images which are said to be of level 4 on the Oliver scale. On 9 September 2010, the registrant was sentenced to a community order for three years with a requirement to attend the Sex Offender Group Work Programme for internet users.

The Committee noted the advice of the legal adviser and the requirements of section 13L of the Opticians Act that it needed to be satisfied that it was necessary for the

protection of members of the public, or it was otherwise in the public interest, to continue the interim order.

The Committee noted that the conviction was in respect of a serious criminal offence involving vulnerable members of the public. Further, it appeared that the Registrant had failed to fulfil his professional responsibility to notify the GOC of the matter. This remains a case where it is both necessary for the protection of members of the public, in particular children, young people and those who are vulnerable and is also in the public interest, that the current order remains in place. Accordingly, the Committee has decided that the Registrant should remain the subject of an interim order of suspension.

The Committee orders that the registrant's registration be suspended for the remainder of the current 18 month period. The order will be reviewed within 6 months from today unless all matters are resolved within that time, or earlier should new evidence be made available, or if the registrant, at any time after three months from today's date, requests an early review.

**Chairman of the Committee: Margaret Hallendorff**

Signed \_\_\_\_\_

Date 17 February 2011