

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

GENERAL OPTICAL COUNCIL

F(11)03

AND

SAIKI BIBI (SD-2404)

PRIVATE HEARING

DETERMINATION OF THE INQUIRY: 2 NOVEMBER 2011

On 2 November 2011, the Fitness to Practise Committee of the General Optical Council met to consider allegations against Saiki Bibi.

ALLEGATION

The Council alleges that in relation to you, Saiki Bibi (a registered student dispensing optician):-

1. Redacted.

And by virtue of the matters set out in paragraph 1, Schedule 1, Part A and Schedule 1, Part B, your fitness to undertake training is impaired.

DETERMINATION

Findings in relation to the facts

The registrant accepted the following facts of the report redacted.

The registrant did not accept the following fact of the report redacted.

Findings in relation to redacted health

The Committee has heard submissions on behalf of the Council and the Registrant. It has accepted the advice given to it by the Legal Adviser and Clinical Adviser.

The Committee heard expert evidence, which was not contested, from redacted and their reports were received in evidence. The Committee heard evidence that the registrant had been redacted. Since 2008 she has been receiving redacted treatment from her GP and redacted; she also received redacted. The Committee also heard evidence that the registrant had successfully gone through important events in her life such as the birth of her child in March 2011; undertaken a

professional course of study and examinations to become a dispensing optician and moving to new accommodation, which needed renovation. She had managed these changes **redacted**.

The Committee found that Saiki Bibi **redacted**.

The Committee went on to consider whether the allegation that she was also suffering from **redacted**, was proved. The Committee noted that this **redacted** was disputed by **redacted** accepted in evidence that it was only a “possible” rather than “probable” **redacted**.

Given the conflict in the **redacted** evidence that the Committee has heard, the Committee concluded that using the civil test of the balance of probabilities, the threshold for this test had not been reached and determined that the registrant is not **redacted**.

Mr Graham, on behalf of the registrant, submitted that the **redacted** condition which she had admitted to does not constitute **redacted**.

The Committee was unable to accept this submission on the basis of the expert medical evidence placed before it. However, at this stage, the Committee is not considering whether her **redacted** health is relevant to her fitness to undertake training.

Findings regarding impairment

The Committee has heard submissions on behalf of the Council and the registrant. It has accepted the advice given to it by the Legal Adviser.

The Committee heard submissions from both parties as to whether the registrant is impaired to undertake training by reason of **redacted** health. The Committee first considered the written and oral evidence of the two experts instructed by the Council.

Redacted in his report of 30 August 2011 concluded: “*At the time of the examination Miss Bibi is doing very well and does not **redacted**.*”

Consequently, I have no concerns in relation to her fitness to practise.”

Redacted in his report of 9 August 2011 stated in paragraph 8.2: “*The positive influences on her prognosis continues to be evident. In my opinion these influences have helped minimise the impact of her **redacted** problems on her overall function, despite experiencing a number of significant life events in the past year. Ms Bibi has coped well through these events, which suggests her **redacted** include a degree of resilience, ability to adapt to new circumstances **redacted**.*”

The Committee also considered the views of her employer Leightons Opticians and her branch manager, Mr Roger Lee FBDO, who is also her work place supervisor for her course of study to become a dispensing optician. He said in a letter dated 20 July 2011: “*I have known Saika for six years as a colleague at Leightons Opticians, and have been her manager and principal supervisor since 2007.*

Her manner with patients has always been exemplary, and Saika has become a liked and respected member of our team.

Saika has displayed a high level of determination and conscientiousness during that time, redacted.

I am confident that the redacted incident in 2009 was related to this condition – it is certainly out of character for Saika, and in the last 18 months or so her redacted has significantly improved.

I expect Saika to develop into an asset to the profession.”

No evidence was placed before the Committee that her fitness to practise as a trainee has been impaired to date.

The registrant in her written and oral evidence demonstrated that she had considerable insight redacted; she was able to recognise warning signs and had adopted successful redacted.

The Committee heard about the arrangements the registrant had put in place for the care of her child when she returns to work, after maternity leave, on 22 November 2011. The Committee was satisfied that the registrant had benefitted from her redacted and a range of support agencies, who the Committee was satisfied can be accessed in the future if the registrant required their support.

The Committee found that the fitness of Saiki Bibi to undertake training as a dispensing optician is not impaired by reason redacted and she is fully able to undertake her training without restriction.

Chairman of the Committee: Sir Alistair Graham

Signed _____ Date 2 November 2011

Registrant: Saiki Bibi

Signed _____ Date 2 November 2011

FURTHER INFORMATION
<p>Transcript</p> <p>A full transcript of the hearing will be made available via the GOC website in due course.</p>
<p>Appeal</p> <p>Any appeal against an order of the Committee must be lodged with the relevant court within 28 days of the service of this notification. If no appeal is lodged, the order will take effect at the end of that period. The relevant court is shown at section 23G(4)(a)-(c) of the Opticians Act 1989 (as amended).</p>
<p>Council for Healthcare Regulatory Excellence</p> <p>This decision will be reported to the Council for Healthcare Regulatory Excellence (CHRE) under the provisions of section 29 of the NHS Reform and Healthcare Professions Act 2002. CHRE may refer this case to the High Court of Justice in England and Wales, the Court of Session in Scotland or the High Court of Justice in Northern Ireland as appropriate if they decide that a decision has been unduly lenient and/or should not have been made, and if they consider that referral is desirable for the protection of the public. CHRE is required to make its decision within 40 days of the hearing (or 40 days from the last day on which a registrant can appeal against the decision, if applicable) and will send written confirmation of a decision to refer to registrants on the first working day following a hearing. CHRE will notify you promptly of a decision to refer. A letter will be sent by recorded delivery to your registered address (unless CHRE has been notified by the GOC of a change of address).</p> <p>Further information about the CHRE can be obtained from its website at www.chre.org.uk or by telephone on 020 7389 8030.</p>
<p>Effect of orders for suspension or erasure</p> <p>To practise or carry on business as an optometrist or dispensing optician, to take or use a description which implies registration or entitlement to undertake any activity which the law restricts to a registered person, may amount to a criminal offence once an entry in the register has been suspended or erased.</p>
<p>Contact</p> <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>