

F(11)03

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

GENERAL OPTICAL COUNCIL

AND

SAIKA BIBI (SD-2404)

PRIVATE HEARING

SUBSTANTIVE HEARING: Wednesday, 2 November 2011

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SUBSTANTIVE HEARING: SAIKA BIBI (SD-2404)
Wednesday, 2 November 2011

Private Hearing

Committee Members:	Sir Alistair Graham (Lay, Chair) Mr Alan Baldwin (Lay) Mr Rod Varley (Lay) Ms Abi Grute (Dispensing Optician) Mr Andrew Cripps (Dispensing Optician)
Legal Adviser:	Mr Mark Piercy
Clinical Adviser:	Dr Nicholas Seivewright
For the GOC:	Mr Christopher Whalley
For the Registrant:	Mr John Graham
Hearings Manager:	Mr David Henley BEM

[Hearing commenced at 09.31]

Sir Alistair Graham: Good morning. My name is Alistair Graham. I am a lay member of the hearings panel, and I have been elected by the Committee to chair today's hearing. The Committee today is made up of two optometrists and three lay members. I will ask the members of the Committee to introduce themselves and the capacity in which they sit. *[Introductions made]*

Before I go any further there was just one point I did want to raise. Abi Grute has alerted me that it is possible that she may have tutored the applicant on a distance learning course, and she just wanted to raise that in case there were any difficulties arising from that. *[There were none]*

To my left is the Council's Clinical Adviser, Dr Nicholas Seivewright, who will provide clinical advice to the Committee on any matters of health which may arise in the course of the hearing. The Clinical Adviser may accompany the Committee should it sit in private to deliberate.

To my right is Mr Mark Piercy, the Committee's Legal Adviser, who will provide legal advice and assistance to the Committee and ensure that the proceedings are conducted in accordance with the Rules of Procedure, so as to arrive at a result which is fair and just. The Legal Adviser may accompany the Committee should it sit in private to deliberate. In the event that any matter arises during the course of the Committee's deliberations, upon which

the Committee seeks advice, the parties will be invited to return to hear the matter which the Committee has raised and the advice to the Committee. Where advice on any issue is not accepted by the Committee, this will be indicated in the course of its decision on that issue.

To your right is David Henley, the Hearings Manager, who will provide administrative support to the Committee. Next to Mr Henley is the transcriber, who will be keeping an official record of all that is said today during the sessions of the hearing at which the parties are present. The remaining persons sitting in the hearing room, rather than in the public and press areas, are members of the respective legal teams.

It is the Council's policy for the determination of the Committee and a transcript of the proceedings to be displayed on the Council's website for public viewing, but where matters of health have been discussed the determination and the transcript will be redacted accordingly. The hearing today will be held in private due to the nature of the allegations. I now need to enquire whether there are any applications to be made at this stage. [*There were no applications*]

We have two bundles, and just for the record, the one from the Council has been marked C1 and the one from the Respondent, R1. If there are no applications, I can ask the Hearings Manager to read out the allegations.

Mr Henley: [*Reads*]

ALLEGATION

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

1. Redacted;

SCHEDULES

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."

Sir Alistair Graham: Thank you very much. Could I ask you, Mr Graham, whether any of the facts set out in the allegation are admitted?

Mr Graham: Indeed, sir. I can confirm to the Committee that the fact in respect of the redacted, and furthermore, the fact of redacted is accepted, and therefore, following on from that, the second redacted is not accepted.

Sir Alistair Graham: Thank you very much. Mr Whalley, can I ask you to present the case on behalf of the Council relating to the outstanding issue?

[Hearing held in camera]

Redacted

Sir Alistair Graham: *[Reads]* The decision of the Committee on the findings in relation to facts and the findings in relation to redacted health:

The finding 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 adverse physical or mental 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.

So that's the conclusion of the Committee on the matter, so I think we can now move to the issue of impairment.

Redacted

Sir Alistair Graham: I can announce the findings of the Committee regarding impairment [*Reads*]:

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 benefited 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.

I think that brings this hearing to a conclusion. Thank you all very much.

[Hearing concluded at 16.44]