

IO(10)08

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

GENERAL OPTICAL COUNCIL

AND

SEAN BLAIN (D7211)

Wednesday, 18 May 2011

FIRST REVIEW OF AN INTERIM ORDER

PRIVATE HEARING

FIRST REVIEW OF AN INTERIM ORDER: SEAN BLAIN IO (10)08

Wednesday, 18 May 2011

Committee Members:	Ms Fran Jones (Lay) (Chair) Mrs Geraldine Huka (Lay) Mr Andrew Cripps (Dispensing Optician)
Legal Adviser:	Mr David Marshall
Clinical Adviser:	Dr Nicholas Seivewright
For the GOC:	Ms Margaret Bromley
For the Registrant:	Mr William Graham
Hearings Manager:	Mr David Henley BEM

[Proceedings commenced at 09.29]

Ms Jones: Good morning. I am Fran Jones, and I have been elected to chair today's review of the current interim conditional registration order made on 26 November 2010. The Committee today is made up of one dispensing optician and two lay members. I will ask the members of the Committee to introduce themselves and the capacity in which they sit, commencing on my far right.
[Introductions]

To my left is the Council's Clinical Adviser, Dr Nick 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 David Marshall, 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 Mr David Henley, the Hearings Manager who will provide administrative support to the Committee. Next to Mr Henley is the transcriber,

Mr Nisbet, 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.

You should be aware that it is the Council's policy that 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. My understanding is that this applies today.

Are there any applications to be made? [*There were none*]

In that case, can I invite Ms Bromley to take us through?

Ms Bromley: Thank you. Can I just check the situation with documents? I think you have been provided with a copy of Mr Blain's witness statement and accompanying documents that arrived yesterday.

Ms Jones: We have I believe all received those by email and the Panel has read them. If we refer to them as R1.

Ms Bromley: And can I just check whether you also have the letter which I have inserted at page 153 of my bundle, which is a letter from the Glasses Factory which was added in after the bundle was sent out? It is a letter from Mr Aziz.

Ms Jones: We have seen copies by email, but I do not have a copy here.

Ms Bromley: I have hard copies for everyone.

Ms Jones: So in terms of that, we are referring to C1. Shall we refer to this as C2 or just add it in to C1?

Mr Henley: It is classed as an additional paper.

Ms Bromley: I have paginated it as page 153, to go in at the back. [*Page 153 is distributed*]

Proceedings redacted.

Ms Jones: Thank you. If there are no further comments from the representatives, Mr Henley could you please clear the room? Thank you.

[*Hearing adjourned at 10.27*]

[*Hearing resumed at 11.34*]

Ms Jones:

Decision

The Committee has decided to continue the conditions with one variation.

The Committee has comprehensively reviewed the Registrant's case today in the light of the current circumstances. **Redacted.**

Since that time there have been some positive developments. **Redacted.**

The Committee is encouraged by the progress that has been made since the last hearing **redacted.** However, it is far too early to be confident that the problem is under control. The Committee cannot agree with the submission of Mr Graham on behalf of the Registrant that the interim order could now be lifted. **Redacted.** It would not be safe to allow the Registrant to resume unrestricted practice.

The Committee commends the Registrant for the efforts he is now making to bring his problems under control. It urges him to continue with the present arrangements which seem to be working well. When he has demonstrated a sustained period of recovery, it may be safe to ease the restrictions on his practice.

The Committee is satisfied that it is necessary to continue the present order for conditions for the protection of members of the public and in the registrant's own interests.

Redacted.

The conditions will be varied to read as follows:

1. You must notify the Registrar within 14 days of commencement of any professional appointment you accept whilst you are subject to these conditions (this includes any teaching posts) and provide contact details of your employer and if providing ophthalmic services under a NHS contract, the PCT on whose ophthalmic practitioners list you will be included (this includes any equivalent employer in the EC).
2. You must inform the Registrar within 14 days of any criminal convictions, police cautions or formal disciplinary proceedings taken against you from the date of this determination.
3. You must inform the Registrar:
 - a. If you cease working;

- b. If your work takes you out of the UK for a significant period of time; or
 - c. Of any employment you apply for outside of the UK (and in which countries) as conditions of registration only apply to practice undertaken in the UK (you must consider whether your time out of work or out of the UK will allow you to fulfil the conditions during the period of conditional registration). The Registrar may inform the relevant competent authorities in that country of your current conditions of UK registration.
4. You must continue to fulfil the CET requirements under the GOC CET scheme to secure appropriate points for continued inclusion on the GOC register.
 5. You must ensure that your GOC registration is renewed by 15 March annually while you are subject to the GOC FTP conditional registration procedures. Should you fail to renew your registration a review hearing will be arranged immediately.
 6. Redacted.
 7. Redacted.
 8. Redacted.
 9. Redacted.

The above conditions will apply with immediate effect.

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.

For those present who have these papers, the text in red is the intended redacted section. Thank you.

Mr Henley: Madam, may I just make an observation? In that last paragraph, the order is not subject from today, it is already in force.

Ms Jones: Oh, my apologies.

Mr Henley: So I think we are going to have to leave that first line -

Mr Marshall: I was going to say, it is obviously standard text from an initial order. On a review, it is reviewed every six months. The Committee hasn't considered the period because the period has been set and it can't be altered at this stage.

Mr Henley: Can I suggest, those first two sentences are changed.

Ms Jones: Mr Henley, in view of that, can I ask that we print a different copy and then I will re-sign it, and my apologies to the parties.

So for the record, the final paragraph will read:

“The order will be reviewed within six months from today unless all matters are resolved within that time or earlier should new evidence be made available or of the Registrant at any time after three months from today’s date requests an early review.”

Thank you.

[Hearing concluded at 11:42]