

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

**GENERAL OPTICAL COUNCIL**

**IO(10)08**

**AND**

**SEAN BLAIN (D-7211)**

**SECOND REVIEW OF AN INTERIM ORDER**

**Wednesday, 16 November 2011**

**PRIVATE HEARING**

**SECOND REVIEW OF AN INTERIM ORDER**

**SEAN BLAIN (D-7211)**

**Wednesday, 16 November 2011**

**PRIVATE HEARING**

Fitness to Practise Committee: Mrs Corinna Kershaw (Lay, Chair)  
Dr Vicki Harris (Lay)  
Mr Richard Hensley (Dispensing Optician)

Legal Adviser: Mr William Hoskins

Clinical Adviser: Dr Desmond Dunleavy

For the GOC: Ms Antonia Dowgray

For the Registrant: Ms Sarah Cawley-Wilkinson

Hearings Manager: Mr David Henley, BEM

---

*[Proceedings commenced at 10.35 am]*

**Mrs Kershaw:** Good morning. I am a lay member, 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 a further lay member. I will ask them to introduce themselves and the capacity in which they sit. *[Introductions made]*. To my left is the Council's Clinical Adviser, Dr Desmond Dunleavy, 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 William Hoskins, 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 Mr Nisbet, the transcriber, who will keep an official record of all that is said today during the sessions

of the hearing at which the parties are present. There is no one else in the room besides you.

You should be aware that it is the Council's policy for the determination of the Committee and the transcript of the proceedings to be displayed on the Council's website for public viewing but, where matters of health are being discussed, the determination and transcript will be redacted accordingly.

Do we have any applications?

**Ms Wilkinson:** I just have one application, if I may, in accordance with Rule 23(3) of the Fitness to Practise Rules 2005. I would submit that, given the physical and/or mental health of the Registrant will be considered within the hearing today, that it be appropriate that the Committee sit in private.

**Ms Dowgray:** I have no opposition to that.

**Mrs Kershaw:** I assume that there is no problem with that from anyone on our side? [No] We are content to proceed on that basis.

**Hearing proceeds in private**

**Hearing re-commences in public**

**Mrs Kershaw:** Thank you very much. Does either party have any comment to make on the legal advice we have received? [No comments]

Thank you. We will now go *in camera*. I think it best that you stay within the building rather than releasing you because it is only 11.45am and I would hope that we would be able to give you an answer before lunch and therefore not retain you after that.

**Dr Dunleavy:** Madam, do I understand that I am to remain with you *in camera*?

**Mrs Kershaw:** Yes, you are.

[Hearing adjourned at 11.47 am]

[Hearing resumed at 12.25 pm]

**Mrs Kershaw:** We have reached our decision.

## DECISION

"The Committee has decided to continue the present conditions.

The Committee has comprehensively reviewed the Registrant's case today in the light of the current circumstances. As was noted at the last hearing, redacted.

The Committee that reviewed this order in May 2011 noted that there had been positive developments. This Committee also considers that progress appears still to be evident,

redacted. However the Committee is conscious that there continue to be redacted and that no up to date redacted evidence is at present available.

It is the Committee's view that the picture is not at present sufficiently conclusive to relax or revoke the existing conditions. The Committee has considered the impact of these conditions on the Registrant; he is presently able to work. In view of the risks associated redacted the Committee is satisfied that it is necessary for the protection of the public and is in the interests of the Registrant for the present conditions to remain in force.

The Committee notes that it would be most helpful to any future Committee considering this case to have available to it up to date medical evidence including redacted evidence.

The conditions will remain 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 an 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 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."

That is the end of this case. Thank you to everyone.

*[Hearing concluded at 12:29 pm]*