

**BEFORE THE REGISTRATION APPEALS COMMITTEE
OF THE GENERAL OPTICAL COUNCIL**

R(10)03

APPLICATION FOR RESTORATION

PAUL RICHARD SPRATT

DETERMINATION: 14 FEBRUARY 2011

On 14 February 2011, the Registration Appeals Committee of the General Optical Council met to consider an application by Paul Richard Spratt for restoration to the register of Optometrists.

DETERMINATION

The Committee has heard submissions from Mr Singh on behalf of the applicant and Ms Bromley on behalf of the Council. It has accepted the advice of the legal adviser.

This is an application by Mr Spratt for restoration to the register of optometrists. The applicant was erased from the register following a substantive hearing on 10 January 2008. Mr Spratt was convicted of 10 counts of dishonesty by a magistrates' court in November 2006. That arose from a course of conduct between September 2002 and October 2003 in which he falsely claimed some £500 from the public purse in respect of professional services he had not supplied. He was sentenced to 150 hours unpaid public work.

On any application for restoration to the register the burden lies on the applicant to satisfy the Committee that he is fit to be restored to the register. The Committee has before it the application, a number of references and a transcript of the proceedings of the Committee which sat on 10 January 2008. No oral evidence has been called today.

The Committee was referred to the cases of Bolton v Law Society and Jidefo v Law Society. It reminds itself that trustworthiness and probity lies at the heart of what it is to be a member of a profession. As the Master of the Rolls said in Bolton and the Law Society (at 11D): "A profession's most valuable asset is its collective reputation and the confidence which that inspires."

The Committee has considered the matters which are helpfully contained in the Protocol On The Handling Of Criminal Convictions disclosed by registrants (document 4) to which it was referred.

The Committee accepts that the offences of dishonesty took place in 2002/3 and that the sums involved were relatively modest. It also accepts that the effect of the order of erasure has been as severe as Mrs Spratt has explained them to be in her reference to the Committee. These were however offences against the public purse carried out over some 13 months which arose directly out of the performance of the applicant's professional duties.

The Committee is concerned that the application for restoration to the register and the letter which accompanied it demonstrate a considerable lack of insight on the part of the applicant. For example, in the letter, dated 1 October 2010, Mr Spratt said "I have also enclosed a reference from a colleague with whom I spent a few days understanding their administration systems in order to avoid the previous errors that led to my erasure from the register." What led to Mr Spratt's erasure from the register were not administrative errors but his dishonesty.

Having considered all the references the Committee sees little signs of insight nor of behaviour or service which demonstrate that the applicant is fit to be restored to the register. Public confidence in the profession would not be maintained in our view were this application to be allowed.

The Committee therefore determined that Paul Richard Spratt should not be restored to the register of Optometrists.

Chairman of the Committee: Mercy Jeyasingham

Signed _____

Date 14 February 2011

FURTHER INFORMATION

Details of erasure

Paul Richard Spratt was erased from the register of optometrists on 7 February 2008.

This followed a direction made by the Fitness to Practise Committee at a hearing on 10 January 2008 at which the following allegation was found proven:

“The Council alleges that the fitness to practise of Paul Richard Spratt (a registered optometrist) is impaired in that:

1. On 24 November 2006 Mr Spratt appeared at Teesside Magistrates Court and was convicted of ten counts of obtaining a money transfer by deception, contrary to s15A of the Theft Act 1968, and Mr Spratt was subsequently sentenced to a 150 hour community punishment order.

AND

Therefore he has a conviction or caution in the British Isles for a criminal offence.”

Appeal

Where the applicant has made a second or subsequent application for restoration and has been unsuccessful and the Registration Appeals Committee has directed that the right to make any further applications be suspended, the applicant may appeal against that decision through the Courts. The relevant court is shown at section 23G(4)(b)-(c) of the Opticians Act 1989 (as amended).

Transcript

A full transcript of this hearing will be made available via the GOC website in due course.

Council for Healthcare Regulatory Excellence

This decision will be reported to the Council for Healthcare Regulatory Excellence.

Contact

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.