

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

**GENERAL OPTICAL COUNCIL**

**F(10)14**

**AND**

**TRISHNA JAYESH PATEL (SO-5964)**

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**DETERMINATION OF THE REVIEW: 6 SEPTEMBER 2011**

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On 6 September 2011, the Fitness to Practise Committee of the General Optical Council met to review the Suspension Order made regarding Trishna Patel on 22 February 2011.

**Service**

The Committee is satisfied that the rules on service have been complied with and that notice of today's hearing was sent by registered post to Miss Patel's registered address. The Committee went on to consider whether to proceed in the absence of the registrant having regard to the terms of Rule 21. The Committee was satisfied that all reasonable efforts had been made to notify the registrant of the hearing. These included contact by email and attempted contact by telephone. It is clear from the registrant's recent application to retain her registration that she is aware of today's hearing. The Committee concluded that it would be in the public interest for the hearing to proceed in the registrant's absence.

**DETERMINATION**

**Findings regarding impairment**

The Committee reminded itself that it is concerned with current impairment. When this matter was last before the Committee in February 2011, that Committee found that the fitness of the registrant to undertake training as a student optometrist was impaired. The Committee accepted the advice of the Legal Adviser. The reason for that finding was as follows:

"The facts that led to the giving of the caution were serious. A total of £1,400 was stolen from the bank account of a work colleague of the student Registrant over the period from 30 June to 24 July 2009 on six separate occasions. The victim's bank card was taken from a purse from her handbag on each occasion whilst both she

and the student Registrant were working at the same branch of Vision Express. They had been friends over a period of time. The offences came to light by the victim noticing that her bank account had money missing. Subsequent enquiry showed it was this student registrant who had taken the money by using the victim's bank card. According to the witness statement of the victim she believed that the student Registrant had seen her use her card and taken a note of her PIN. When confronted the student Registrant fully admitted the offences and offered to repay it straightaway. Repayment was made. The Committee noted that repayment was made over a relatively short period of time, and yet the Committee had not received a full explanation of the reasons for the money being taken in the first place. From the police report it would appear that she returned the bank card used to make the debits between each occasion on which she used the card. Dishonesty strikes at the heart of the Code of Conduct of the profession. Paragraph 10 of the Code requires all members to be honest and trustworthy. The Committee in exercising its collective judgment was of the view that there is no clear understanding of the student Registrant as to the serious nature of this offence. This offence involved a degree of planning as to its commission, and was one which had an impact on the victim. The Committee has also considered the wider public concerns and has had regard to the judgement in the case of *Bolton*."

At the conclusion of the previous hearing the Committee indicated that a review hearing would be heard today and that at that review hearing the review committee would need to be satisfied that the registrant has fully appreciated the gravity of the offence, has not re-offended and has maintained her skills and knowledge.

The registrant has not attended today and has submitted no material to the Committee which might demonstrate any of the matters to which the previous committee referred. In those circumstances it is impossible for the Committee to be satisfied that the registrant has fully appreciated, in particular, the gravity of this offence and has reflected on its implications.

In these circumstances the Committee finds that the fitness of Trishna Patel to undertake training as an optometrist is impaired.

### **Sanction**

The Committee accepted the advice of the Legal Adviser. The Committee has had regard to section 13F(7). The Committee considered whether any conditions could be attached to the registrant's registration but decided that no conditions could be formulated.

The Committee went on to consider carefully the question of whether a further period of suspension would be appropriate. However, the Committee concluded that this would be insufficient. The registrant has been given every opportunity to demonstrate at this review hearing that she appreciated the seriousness of the misconduct in this case which involved planned fraud over a period of time. The registrant has, in fact, done nothing to allay the Committee's concerns in this respect. In the circumstances the Committee has concluded that the only appropriate and proportionate sanction is erasure.

**Immediate order**

The registrant is presently suspended and the Committee has concluded that the appropriate sanction today is erasure. The Committee was of the view that an immediate suspension order be imposed as it was necessary for the protection of members of the public and otherwise in the public interest to do so.

**Chairman of the Committee: Mercy Jeyasingham MBE**

**Signature .....**

**Date: 6 September 2011**

<b>FURTHER INFORMATION</b>
<p><b>Transcript</b></p> <p>A full transcript of the hearing will be made available via the GOC website in due course.</p>
<p><b>Appeal</b></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><b>Council for Healthcare Regulatory Excellence</b></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 <a href="http://www.chre.org.uk">www.chre.org.uk</a> or by telephone on 020 7389 8030.</p>
<p><b>Effect of orders for suspension or erasure</b></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><b>Contact</b></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>