

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

**GENERAL OPTICAL COUNCIL
AND
TRISHNA JAYESH PATEL (SO-5964)**

**Tuesday, 6 September 2011
SUBSTANTIVE REVIEW HEARING**

SUBSTANTIVE REVIEW HEARING: TRISHNA JAYESH PATEL (SO-5964)

Tuesday, 6 September 2011

Committee Members: Ms Mercy Jeyasingham MBE (Lay) (Chair)
Lady Margaret Wall (Lay)
Mrs Geraldine Huka (Lay)
Mr Mark Lomas (Optometrist)
Mr Gordon Ilett (Optometrist)

Legal Adviser: Mr William Hoskins

Hearings Manager: Mr David Henley BEM

For the GOC: Ms Nimi Bruce

The Registrant was neither present nor represented

[The Hearing commenced at 09:35]

Ms Jeyasingham: Good morning. I am Mercy Jeyasingham, a lay member of the Hearings Panel and I have been elected by the Committee to chair today's Review Hearing. The Committee today is made up of two optometrists and three lay members. I will ask the members to introduce themselves and the capacity in which they sit. *[Introductions]*

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 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 the transcript of 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.

I think there is an application being made about hearing the case in the absence of the Registrant.

Ms Bruce: Madam, yes please. I wonder if I might first of all satisfy you in relation to service of the notice. Then I will be asking you to proceed in the Registrant's absence and I will seek to persuade you that it would be fair to do so. Madam, do you have copies of the service bundle?

Ms Jeyasingham: We have.

Ms Bruce: There are two bundles, one of which is the hearing bundle indexed 6 September 2011, and Mr Henley has also kindly this morning provided a small bundle of documents relating to service, and I wonder if I can address you on that first. I'll be taking you to both bundles, but starting first with Mr Henley's bundle of documents, you can see at page 1 of that bundle that the Registrant's address as it appears on the GOC website is set out there, and at page 2 you have a copy of the Notice of Review Hearing, which gives the time and date of the venue and today's date.

The relevant document for your purposes is the one at page 4, and I'd ask you please to turn that up. You can see that this is a letter dated 4 July 2011, it was sent both by Special Delivery and also by email. Madam, may I offer as a comfort the fact that that email address has recently been confirmed as correct, for it appears on the Registrant's most recent application for retention which I'll take you to in a moment, and you can see again it makes a very clear reference to today's date, the time of the hearing and the address where the Hearing is to be heard, here in Harley Street. Over the page you can see that the Registrant was also emailed by Mr Henley on 4 July 2011 with the Notice of Hearing attached to that email, and then finally you can see at page 6 that on 7 July 2011 the Notice of Hearing was actually signed for by somebody in the name of Patel, and you have the electronic proof of delivery there.

Madam, there are some further documents that I can take you to again with a view to satisfying you that we have made all efforts to inform the Registrant of this Hearing. If you look, please, at page 24 of the big bundle – I don't know if you want to mark that 'C1' – you can see that this is a telephone note from Mr Steel of Capsticks. He phoned the number which was on Miss Patel's last application that we had, her application for registration, a woman answered

but said no, it's the wrong number, lots of people ring for her, but it's not her number any more, so that attempt to contact the Registrant wasn't successful.

If you look then at page 25 you can see that Capsticks also, as well as Mr Henley for the GOC, wrote to the Registrant, again by email and Special Delivery, and in the penultimate paragraph make it clear that the Committee have power to make an order which may have consequences for a practitioner's ability to train or practise in the field of optometry, and there's a recommendation that she's represented or at the very least writes to the Committee to set out her side of the case.

Madam, I'm just going to take the documents slightly out of sequence as to how they appear in the bundle – that letter, which is dated 22 August 2011, if you look at page 27, was sent out from Capsticks' offices on the same day, 28 August 2011, at that point was given a unique tracking number – that's the number to the left of the address that you have there, it's the final entry on page 27. You can see that unique tracking number then on page 26, in the Track and Trace document from the Post Office, where they say that the item with that reference number was delivered from Mitcham delivery office on 23 August 2011, the day after it was sent. You can see as well at page 28 that again that letter was addressed to the Registrant and she was asked to respond as a matter of urgency. Then for completeness sake you have the same letter again, because that was the one that appeared as the attachment at page 29.

Madam, lest there be any doubt that the Registrant is aware of the Hearing, can I ask you, please, to turn up page 34. This is the Registrant's Application for Retention 2011-2012 received only very recently, and you can see on the first page that email address again, which we have sent letters to, and if you look at page 37 – you don't have a 37?

Mr Ilett: I think the page with the email address that you refer to is page 30 in our bundle.

Ms Bruce: I'm so sorry, let me see if I can do it better. Can I ask you, please, to turn to page 33? Do you on your version have some notes in manuscript on page 33?

Ms Jeyasingham: Yes, we do.

Ms Bruce: Thank you. If you look at the second tract of text down, it says 'Caution for fraud which I am suspended for and the hearing is next month with the GOC', a reference to this Hearing. Madam, in my submission the Registrant is aware of this Hearing. On that Application for Retention there are two phone numbers which appeared at page 33, and I can confirm that I phoned both of them yesterday, again in an attempt to get hold of the Registrant, but was unsuccessful in my attempts. So Madam, in my submission the Registrant

was aware that she was suspended in February, she was aware that this would fall due for review, and it's quite clear from her latest Application for Retention that she is aware of the Hearing. That being the case, it's my submission that she voluntarily absented herself from proceedings today, and therefore it would be fair to proceed in her absence, certainly it would be my submission that it's in the public interest to do so.

I'm sorry that I've taken you through those documents at such length, but of course when the Registrant is not here and not represented you will all wish to be satisfied that all reasonable attempts have been made to notify her of the Hearing.

Ms Jeyasingham: Thank you, Ms Bruce. Can I ask the Committee if they have any questions? [*No questions*] So I'll turn to our Legal Adviser to advise us.

Mrs Huka: Do excuse me, I'm sorry - I do have one question: the question on page 6 of what I think is the C2 bundle.

Ms Bruce: Mr Henley's bundle of documents?

Mrs Huka: Yes.

Mr Henley: We referred to that as C1.

Ms Jeyasingham: We referred to the Hearing bundle as C1, so –

Ms Bruce: It's my fault, I probably should have done it the other way round.

Mrs Huka: I notice that there's a signature here, it appears to be signed by somebody called Patel, I just wonder whether the GOC has any documents with the Registrant's signature on it?

Ms Bruce: No, and I don't actually seek to prove to you this morning that that is the Registrant's signature. Of course, it helps if it's the name that you are sending it to, but you will be aware that the GOC's obligation is to send out a letter in the prescribed method rather than to prove that it has arrived.

Mrs Huka: Very well, thank you.

Ms Jeyasingham: Mr Hoskins.

Mr Hoskins: Thank you, Madam. In so far as service is concerned, as Ms Bruce has submitted to you, the rules provide that the GOC has an obligation to send Notice of this Hearing by a prescribed method to a prescribed address, and that is evident from the documents. So far as the decision, if you are satisfied that service has been properly effected, the decision to proceed in the

absence of the Registrant, I simply read to you the terms of Rule 21 of the relevant rules, which provides as follows:

“Where the registrant is neither present nor represented at the hearing, the Fitness to Practise Committee may nevertheless proceed if -

- (a) they are satisfied that all reasonable efforts have been made to notify the registrant of the hearing; and
- (b) having regard to any reasons for absence which have been provided by the registrant, they are satisfied that it is in the public interest to proceed.”

You have heard Ms Bruce as to the efforts that have been made to contact the Registrant, you have no reasons for absence which have been provided by the Registrant, and you need also to be satisfied that it is in the public interest to proceed. This is a decision which always has to be taken with great care. On the other hand, there is a well-established public interest in that hearings of this kind should be disposed of on the date that is allocated to them and it's that balancing exercise, taking those matters into account, which the Committee has to apply. That's the advice I give, Madam.

Ms Jeyasingham: Thank you Mr Hoskins. Can we, therefore, clear the room while the Committee deliberates?

[Hearing adjourned at 09.48]

[Hearing resumed at 09.50]

Ms Jeyasingham: We've agreed to continue the case in the absence of the Registrant, and will be setting out our reasons when we come to our final deliberations.

Ms Bruce: Indeed.

Ms Jeyasingham: So in this case Ms Bruce, you can proceed.

Ms Bruce: The document I've been referring to is C1; can I just confirm that you have had the opportunity to read that?

Ms Jeyasingham: Yes, we have.

Ms Bruce: Madam, I don't make it my practice to read out large tracts of text, but I was going to take you briefly through the background documentation. If you feel that I am pausing over-long on a document that you feel you've already read, then I won't take it at all amiss if you move me on. It is a factually very simple matter, but your task is made harder today by the fact that the

Registrant hasn't put before you any written submissions and of course doesn't appear in person. I have therefore put in the bundle everything I could find that was to the Registrant's credit, in order to give you as full a picture as possible of the background.

Miss Patel, who is 28 today, made an application for registration onto the Register of Student Optometrists for the year 2009-10, and you can see at page 2 that she declared the fact that she had a caution for fraud. You see the date set out there, 16 September 2009, and she put in manuscript 'Financial difficulties', so of course, pursuant to that declaration enquiries were made, and a copy of the caution was obtained from the Lewisham police. You can see that document at page 5. You can see it was a caution for fraud by false representation that,

"Between 30 June 2009 and 24 July 2009 at London Borough of Lewisham you committed fraud and that you dishonestly made a false representation namely used the victim's bank card to withdraw money from her account, intending to make a gain, namely £1400, for yourself".

I'm sure the eagle-eyed members of the Committee have already spotted the fact that this caution is not signed; it was accepted as fact on the last occasion, and certainly the Registrant has never herself sought to deny or shy away from the fact that she accepted that caution in those terms on that date.

There is a statement from the victim in this matter at page 6, whom I'll refer to as 'RG', and I'm sure that you've read her statement before. In essence what she says was that she had worked with the Registrant at Vision Express but had actually known her previously because they had studied at the same college together, they had known each other for some five years, and as work colleagues they had often gone to lunch together. It was the victim's belief that the Registrant took the opportunity to look at her PIN number when she had been taking out money in her company. Later the victim discovered that a total of six withdrawals had been made using her bank card between June and July 2009, each for £200, leading to a total, as you've heard from the caution, of £1400. The Registrant actually had access to CCTV by virtue of her boyfriend's job, he accessed the Barclays bank cashpoint in the Lewisham shopping centre, he accessed the CCTV footage of the relevant times, and was able to identify Miss Patel.

You'll see at page 7 that Miss Patel was actually confronted, and she admitted what she had done, and on 28 July 2009 she was suspended from Vision Express, but I should ask you to note at the top of page 7 that the Registrant had actually paid back the money and made good the sum that the victim had lost.

The police crime report is on pages 8 to 15 of the bundle. It's not a document I intend to dwell upon, but just because the Registrant isn't here and isn't represented, may I ask you please just briefly to pause at page 14, and you can see, approximately half way down the page there, that the Registrant fully admitted the offence, she made immediate admission, she was extremely remorseful and upset, and mentioned that she had paid the money back to the victim. At page 16 you have a letter from the Registrant dated 15 October 2009, that letter was sent to the GOC and again in that letter she expresses her remorse and she says that she wants to make a fresh start, it was silly and that she has apologised, and again she mentions the financial difficulties.

At page 17 – and Madam, I should stress that this was an email that was written in relation to the first hearing, the Substantive Hearing upon this matter in February 2011, but again I've included it so that you can see that at that stage the Registrant said that she had made a mistake, she expressed remorse again, and she said she's let herself down but she did still want to pursue optometry as her career. Madam, it seems likely that that is still the case, because of course we've had this recent application for retention made.

You also have at page 16a, if I could just ask you to turn back, a letter from the officer in the case, who lent support to the Registrant, stating that she had shown remorse and that in the officer's opinion he wouldn't hesitate to recommend her for training as a student optometrist.

The determination from the Inquiry in February 2011 is at page 20 of the bundle, and you will have already noted in your reading that the Committee felt that the appropriate sanction, taking into account the public interest, and the fact that the purpose of sanction wasn't to punish the Registrant twice, was a six-month suspension order, and it is that order that falls to be reviewed by you and your colleagues today.

Madam, I'll end where I began by saying this is a factually very simple case but in some respects your task as a Committee is difficult because you don't have any written submissions from the Registrant. Insofar as my summary of the facts is concerned, I conclude there. The relevant Code of Conduct for you to apply would be the June 2005 Code, and the relevant section of that, in my submission, is 10, where it says that the Registrant must be honest and trustworthy and clearly that will be at the very forefront of your mind when you come to consider the best way of disposing of this matter today.

Madam, I don't know if I can assist you further, but that completes my submissions.

Ms Jeyasingham: Thank you, Ms Bruce. I want to invite questions.

Lady Margaret Wall: The last sentence of the previous determination, "has not re-offended and has maintained her skills and knowledge" – to the GOC's

knowledge, is there anything about further re-offending or maintenance of skills and knowledge, which would help the Committee?

Ms Bruce: Madam, nothing in relation to further offending that I wish to bring to your attention.

Lady Margaret Wall: Had she been here, we would have expected her to have said that, and for the GOC to have made what enquiries they could have made.

Ms Bruce: Madam, I'm so sorry, could you repeat the question?

Lady Margaret Wall: And to have made any enquiries which they can make about the re-offending.

Ms Bruce: Yes, Madam, the GOC does not present its case today on the basis that this Registrant has re-offended, and I hope that that clarifies that. In relation to her skills, I know that she went on to work in the field after she worked at Vision Express, but I have nothing current to put before you. You will recall the letter from Mr Steel of Capsticks Solicitors, urging the Registrant to get in touch and put in writing anything that she wished to say to the Committee, and unfortunately we have had no response to that.

Lady Margaret Wall: Thank you.

Mrs Huka: I just want to ask whether the GOC doesn't keep a list of CETs that people undertake during the year.

Mr Lomas: That wouldn't apply, she is a student.

Mrs Huka: Oh yes, she's a student, thank you.

Mr Lomas: The Registrant was suspended in February, so does that mean she was kicked off the course, she's not been attending the course? Presumably so, I would think.

Ms Bruce: I can't answer that categorically, but that would be the very strong inference, given that she couldn't practise, it would be difficult to see how she could continue her course.

Ms Jeyasingham: In which case, if there are no further questions – Mr Hoskins, you have no questions – I'll ask you to make your submissions on impairment.

Ms Bruce: Madam, in relation to impairment you'll be aware that any offence of dishonesty is treated very seriously, and rightly so, by this body. Usually you would look in a Review at the question of insight and whether the Registrant has addressed the behaviour that caused the concern initially. Today you have nothing to assist you in relation to insight. I hope I have managed to

draw out those points that are in the Registrant's favour, namely her early admissions, the fact that she made good the loss of the money, the fact that she never, once confronted, sought to deny her part in this crime. However, there is a very strong public interest in upholding proper standards of conduct and behaviour and maintaining collective trust in the profession, and I know that you and your colleagues will have that at the forefront of your mind when you come to consider impairment. I ask you to find the Registrant's fitness to practise to be impaired today, and I rely on the June 2005 Code of Conduct and particularly the section which states that the Registrant should be honest and trustworthy.

Madam, it is of course always a matter for the professional judgement of the Committee as to whether they find current impairment in a case.

Ms Jeyasingham: Thank you. Mr Hoskins, may we have your advice?

Mr Hoskins: Madam, you've been addressed on current impairment, and I don't want to add anything to that. Your powers today in this Review are of course that you can direct that the period of suspension be extended, you can direct erasure, or you can direct that the Registrant's registration be conditional on compliance. At the last Hearing the Panel will, I'm sure, have noticed that the Committee then directed that in respect of this Review the Committee would need to be satisfied that the Registrant has fully appreciated the gravity of her offence, has not re-offended, and has maintained her skills and knowledge, and that is of course entirely consistent with the guidance that has been given by the Council in how a Committee should approach this kind of Review Hearing.

Ms Bruce has pointed out to you the difficulties that the absence of the Registrant has provided, in a sense, for the Panel, and has drawn your attention, so far as I can see, to every document in the bundle which gives the Panel an indication of the way in which the Registrant regarded this offence when she was confronted with it. Madam, I don't propose to say anything else, save, of course, to remind the Committee, which I'm sure will be in the forefront of its mind, that whatever course you take today must be a proportionate one, having regard to events that have taken place.

Ms Jeyasingham: Just for a note of clarification, Mr Hoskins, we were talking about impairment and you've also discussed sanction – are we to look at both impairment, and then, once we've made our decision –

Mr Hoskins: Impairment first, and then let's go to sanction.

Ms Jeyasingham: I don't know if, once we have deliberated on impairment, you then want to come back and address us on sanction?

Ms Bruce: Madam, I wouldn't make a positive sanction submission, it's not the practice in these proceedings, I understand, but it may be helpful for me simply to draw your attention to relevant parts of the indicative sanctions guidance, but only briefly. I know this is an experienced Committee.

Ms Jeyasingham: Thank you, Ms Bruce. In which case, can we clear the room?

[Hearing adjourned at 10.05]

[Hearing resumed at 10.32]

Ms Jeyasingham: I'll read out the Committee's decision. First under service:

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.

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 v The Law Society [1933] EWCA Civ 32*.

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.

So, can we go on, Ms Bruce, to sanction, and submissions on sanction?

Ms Bruce: Of course, Madam. May I address you very briefly in relation to the passages of the indicative sanctions guidance that you might find helpful and pertinent in this case: you'll be assisted by the passages on the public interest at page 5 – public interest, of course, includes the protection of patients, maintenance of the public confidence in the profession, and the declaring and upholding of proper standards of conduct and behaviour. You may also wish to have regard to the sections on mitigation at page 11 – I won't re-rehearse those submissions I made earlier, but I'm sure that you are cognisant of the mitigating factors in this case already.

Can I ask you also to look at the various sanctions? You will adopt the approach of starting first with the question of whether a sanction is necessary at all, and then will work your way up through the various options in ascending order, starting with the least serious, and you have guidance in relation to the available sanctions at page 19. Madam, all options in this case remain open to this Committee in relation to sanction, in my submission.

At page 25 *Bolton v the Law Society*, which you quoted in your judgement on impairment, is set out, or rather, the salient passages of that judgment are set out there. In relation to dishonesty you also have a bullet point dealing with that at page 25, and I'd ask you to look at that in the context in which it appears in the indicative sanctions guidance. You have further guidance in relation to dishonesty at page 26 through to 27, and I would ask you to pay careful attention to that passage in the indicative sanctions guidance.

Madam, I don't know if I can assist you further. You will, of course, always have regard to proportionality and the public interest in considering the question of sanction.

Ms Jeyasingham: Thank you. Mr Hoskins, can you advise the Committee?

Mr Hoskins: Madam, as I indicated earlier and as has just been reiterated to you by Ms Bruce, the Committee has a full range of sanctions open to it in this case. Where fitness to practise is found to be impaired the Committee will remind itself that the purpose of any sanction is not to punish the Registrant but to protect patients and the wider public interest. The Committee's task is to arrive at a proportionate sanction having regard to those matters, the effect on the Registrant and also the seriousness of the misconduct which has been found. Madam, I indicated already what the Committee's powers were, I don't think I need to repeat that again now. That is the advice I give.

Ms Jeyasingham: Thank you, Mr Hoskins. In which case, I ask for the room to be cleared.

[Hearing adjourned at 10.42]

[Hearing resumed at 11.37]

Ms Jeyasingham: I'll just turn to the Legal Adviser.

Mr Hoskins: I just thought I'd canvass with you in open session, so that it is on the record, a point that occurred to me in the way that the Committee have approached this case. It seems to me that the relevant parts of the 1989 Act with which we are concerned today are to be found in section 13F of the Act, because the Committee is concerned with a previous finding that a student Registrant's fitness to undertake training in this case was impaired, and as a result of that finding on the earlier occasion that Committee gave a direction

that the Registrant's registration be suspended. That being so, we are concerned, it seems to me, with Section 13F(7) today, where,

“the Fitness to Practise Committee may, if they think fit –

- (a) direct that the current period of suspension be extended for such further period from the time it would otherwise expire as specified in the Direction;
- (b) except in a case in which sub-section (8) below applies,”

which would help matters,

“direct that the name of the Registrant be erased from the appropriate register;

- (c) direct that the registrant's registration is, as from the expiry of the current period of suspension, to be conditional on his or its compliance, during such period not exceeding three years as may be specified in the direction, with such requirements so specified as the Committee think fit to impose for the protection of members of the public or his or its interests.”

Those are really the three options available to this Committee, which they have to conclude as to which is the appropriate one in considering sanction, rather than looking at various other lesser sanctions. Are you in agreement with that?

Ms Bruce: Indeed I am, I concur. I am grateful to be given the opportunity to make representations on that point, I have taken the opportunity to clarify my understanding of relevant sections and I agree with the advice of the Legal Adviser.

Mr Hoskins: Perhaps for the record I can say that, having spoken to you earlier, I thought it important to record this in public session, that I have advised the Committee that that is in fact the position and they have come to a Determination in this case in accordance with that understanding of the position.

Ms Bruce: I'm grateful to the Legal Adviser.

Ms Jeyasingham: Thank you. In which case, I'll read out our Determination:

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.

That is our conclusion, so if there is no other business I announce that the Hearing is closed.

[Hearing concluded at 11.42]