

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

**UMESH PATEL (01-25305)**

**A(11)04**

**AND**

**GENERAL OPTICAL COUNCIL**

---

**DECISION: 18 JULY 2011**

---

On 18 July 2011, the Registration Appeals Committee met to consider an appeal against the decision of the Council not to retain the registration of Umesh Patel in the register of optometrists.

The Committee has heard that on 15th February 2010 the appellant was arrested for being in charge of a motor vehicle while over the limit for alcohol. On 18th February he pleaded guilty to the offence. He was disqualified for 12 months with a reduction of three months if he completed an alcohol awareness course.

The following month, the appellant completed a form for application for retention on the GOC register. The form was received on 30th March. The form asked him to provide details of any criminal convictions or cautions. The appellant did not disclose his conviction. In his evidence, the appellant said that he was relying on the note that read 'You do not need to declare road traffic offences that have been dealt with by way of a fixed penalty.' He says that he thought he did not have to disclose a motoring offence.

The application for retention was rejected because the appellant had insufficient CET points. He therefore completed an application for restoration to the register. This was received on 15th April. Again he did not disclose his offence. The form contained the same note about road traffic offences and the appellant says that his understanding was the same as before.

In about June or July 2010 the appellant undertook the alcohol awareness course referred to by the court. Soon after this, on 1st August 2010, the appellant filled in a form for inclusion on the Ophthalmic Performers List of the Hull Primary Care Trust. The form asked if he had any criminal convictions in the United Kingdom. There was no note excluding any kind of motoring offence. The appellant answered 'no' to this question.

He also filled in an enhanced Criminal Records Bureau check form. However this was incomplete so he was asked to go into the PCT to complete the form correctly. He told the committee that at that point 'the penny dropped' and he realised that his conviction was a criminal conviction. He says that he gave details of the conviction on the form. The results of the check came in January 2011 and in early February the appellant disclosed the conviction to the GOC.

The Committee has carefully considered whether in the light of these facts the appellant is a fit person to be registered. With regard to the offence itself, it was at the lower end of the scale of seriousness for this type of offence. Essentially the appellant and his friends were sheltering in the car with the engine running. The Committee does not consider that the offence in itself makes the appellant unfit to be registered.

A much more serious issue is the appellant's non-disclosure of the offence. On the face of it the facts tend to indicate dishonesty. The Committee fully understands why the registrar rejected his application.

The Committee heard detailed evidence from the appellant. It is clear that for a prolonged period his life was exceptionally disorganised. He regularly missed deadlines for registration, for example. He had broken up with his fiancée in 2009 and this seems to have been a very distressing and disturbing event in his life. The committee regards the appellant's completion of the forms as both naive and negligent. However, after anxious consideration, it has been persuaded that he was not deliberately dishonest in completing the forms.

The Appellant's level of disorganisation might in itself render him unfit, but there is evidence before the Committee that he has now taken considerable steps to take proper control of his administrative responsibilities. The Committee has taken into account the testimonials, in particular from his employers which addresses his honesty. The Committee has been persuaded that he now understands the seriousness of his errors and how the accurate completion of forms is fundamental to assess the integrity and honesty of a competent optometrist.

The Committee has determined that the Registrar's decision be overturned.

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

Signed \_\_\_\_\_ Date 18 July 2011

**Appellant: Umesh Patel**

Signed \_\_\_\_\_ Date 18 July 2011

<b>FURTHER INFORMATION</b>
<b>Transcript</b>
A full transcript of this hearing will be made available via the GOC website in due course.
<b>Appeal</b>
Where the decision by the Registrar been upheld by the Registration Appeals Committee, the appellant 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).
<b>Council for Healthcare Regulatory Excellence</b>
This decision will be reported to the Council for Healthcare Regulatory Excellence.
<b>Contact</b>
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.