BEFORE THE REGISTRATION APPEALS COMMITTEE
OF THE GENERAL OPTICAL COUNCIL

VANESSA REED (D-12904)

AND

GENERAL OPTICAL COUNCIL

__________________________________________

DECISION OF THE REGISTRATION APPEALS COMMITTEE
30 MAY 2019

Committee Members: Mr I Crookall (Chair/Lay)
Ms C Tetlow (Lay)
Ms K King (Lay)
Ms C Hayes (Dispensing Optician)
Ms C Eva (Dispensing Optician)

Legal adviser: Mr P Moulder

GOC Presenting Officer: Ms A Ling

Appellant present/represented: Present and represented

Appellant representative: Mr S Thomas (counsel) and Ms L Shah (AOP)

Hearings Officer: Ms B Kayode

Outcome: Appeal Dismissed
Background

This was an Appeal brought by Ms Vanessa Reed (Appellant) from a decision by the Registrar notified to her by letter dated 1 March 2019, made pursuant to section 11B of the Opticians Act 1989 (as amended), to remove her from the register, due to non-completion of Continuing Education and Training requirements (CET) for the 3-year cycle from 1 January 2016 to 31 December 2018, in that she lacked 1 point and 1 competency.

Ms Reed brought her appeal by way of notice contained in an e-mail dated 5 March 2019 in which she stated:

“Further to your letter of 1st March I would like to lodge an appeal.
I believed that I had completed the Low Vision CET required for retention but could not provide the evidence. To rectify this I have now completed this CET and accepted it on my GOC.
I would appreciate it if you could accept this remaining point against my 2016-18 clucked [sic] so I may maintain my registration and pay my fees.”

Appeal

The Committee was provided with an appeal bundle by the GOC, consisting of pages numbered i to x and 1 to 143, including the Defence bundle and a further single page letter from the Appellant. It heard oral evidence from the Appellant, who was cross-examined and asked questions by the Committee.

The Committee read, and it was not disputed that, in August to December 2018, the Appellant was sent 8 emails and a reminder letter indicating that she had yet to complete her CET requirements for 2016 to 2018. The Appellant accepted that, in around August 2018, she had been in excess of 20 points short of the total requirement. It was not disputed that in November 2018, the GOC served the Appellant with notice of possible shortfall in her CET. The Appellant told the Committee and it accepted that she attended a redacted professional conference (PAC) in October 2018, which she expected to deal with many of the outstanding CET points required. In December 2018, shortly before the close of the CET cycle the Appellant said that she undertook any remaining courses to attempt to meet her obligation. The Appellant thought that she had included the outstanding Low Vision competence. Latterly, after the close of the CET cycle in December 2018, the Appellant had disputed the number of points registered for her by the GOC. The GOC had responded in March 2019, accepting 6 further points which were added to her record, but leaving 1 general point representing 1 competency incomplete (Low Vision). As a result, the Appellant’s CET requirement had still not been met, and the Registrar subsequently determined and gave notice to the Appellant of her removal from the register.
The Appellant told the Committee that, subsequent to the PAC course in late 2018, she had realised that she remained short of a number of CET points. She had attempted to correct this by undertaking further courses, in December 2018. She said that she had regularly checked her ‘MyGOC’ record, on which she relied, which showed her accepted points of CET and noted that there remained a shortfall. However, the Appellant stated, she had assumed that this had been due to a delay in the GOC updating her CET record.

The Appellant had initially told the GOC, in its investigations, that she had completed a course in Low Vision, which was one of her core competencies for CET, with the AOP. She accepted that subsequent enquiries had revealed that she had not completed this course with the AOP. The Appellant said that, on checking, she found that she had sought to fulfil the Low Vision competency by undertaking a course via Specsavers i-Learning, called ‘Specialist Letter Charts’. The Appellant explained that this course was in two parts. She had completed the first part (as the record provided in evidence showed) but had ‘assumed’ that she had completed the second part, a quiz, but agreed that it must have not been completed. The Appellant accepted that this course had not been completed correctly. The Appellant further accepted, in response to questions, that this particular course did not in any event cover the core competency of ‘Low Vision’. The Appellant’s evidence also demonstrated that she undertook a further course in ‘Low Vision – The Best Job in Optics’ held by Eyecare. This course was completed on 28 February 2019, after the end of the CET cycle, so did not meet the requirements for the 2016 to 2018 cycle.

**Determination**

The Committee heard submissions from Ms Ling, on behalf of the Council, and from Mr Thomas on behalf of the Appellant. It accepted the advice of the Legal Adviser.

The Committee found that the Appellant gave evidence in an open and direct manner. The Appellant was an experienced dispensing optician. The Committee took into account that she had completed her CET in previous cycles. She had accepted that she had been in ‘panic mode’ in August 2018, when realising the amount of CET points that remained to be completed. The Committee accepted that the Appellant had commenced the ‘Specialist Letters’ course from Specsavers, but noted that it had not been satisfactorily completed and did not cover the core competency that the Appellant required to complete her CET. The Committee noted that the Appellant did not seek to argue that there were any extenuating circumstances in her case.

The Committee accepted the submissions from the GOC that there was a strict requirement on members to complete CET in the cycle, to be aware of their own state of CET and to maintain records accordingly. It accepted that the previous ‘grace period’ that had existed, whereby missed points could be completed shortly after the end of the CET cycle, had been withdrawn by legislation, indicating that such requirements were to be strictly enforced. The Committee considered that the
core competence of Low Vision related to such matters as eye examinations, dispensing of spectacles, wearing of spectacles, and an understanding of the referral procedure associated with unexplained/sudden vision loss. This was a fundamental part of the Appellant’s core knowledge, but had been omitted by the Appellant from her CET. The Committee found that the Appellant was an experienced practitioner, who had been aware of the requirements of CET and had in previous years been careful to comply with those requirements. However, in its view, the Appellant had failed to meet this requirement in this cycle. It bore in mind that the GOC had provided the Appellant with a considerable number of reminders and a notice, yet in spite of this, the requisite CET had not been completed. The Committee also noted that the Appellant had not completed her CET training on a regular basis over the 3-year period, for example having gained only one point in 2017. She had not maintained her own records of her training and a significant part of her CET had occurred in the last 3 months of the cycle.

The Committee accepted the advice that it should determine the appeal on the basis that, having received further evidence and submissions, it was hearing the matter as a re-hearing, exercising afresh the discretion that arose to the Registrar in the relevant section of the Opticians Act 1989 (as amended). The Committee noted that the CET system underpinned the education and training of GOC registrants, for the benefit of the public and in the public interest. The Committee accepted that it should also bear in mind the overarching objective, which included declaring and upholding proper standards of conduct for the profession and protecting members of the public. Failure to enforce the strict CET requirements in the absence of a compelling reason would undermine the integrity of the CET scheme.

Having heard the evidence and submissions, the Committee decided that, particularly in view of the strict requirement on members to fully complete CET, and the reminders that had been issued to her, a decision to remove the Appellant’s registration due to non-compliance with the CET requirements was correct.

The Committee therefore dismissed the appeal.

Chairman of the Committee: Mr Ian Crookall

Signed ___________________________ Date: 30 May 2019
Appellant: Ms Vanessa Reed

Signed _______________________________ Date: 30 May 2019

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<th>FURTHER INFORMATION</th>
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<td><strong>Appeal</strong></td>
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<td>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).</td>
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<tr>
<td><strong>Professional Standards Authority</strong></td>
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<td>This decision will be reported to the Professional Standards Authority.</td>
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<td><strong>Contact</strong></td>
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<td>If you require any further information, please contact the Council’s Hearings Manager at 10 Old Bailey, London, EC4M 7NG or, by telephone, on 020 7580 3898.</td>
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