BEFORE THE FITNESS TO PRACTISE COMMITTEE
OF THE GENERAL OPTICAL COUNCIL

GENERAL OPTICAL COUNCIL

AND

OLUKOLAJO KAYODE (D-14004)

DETERMINATION OF A SUBSTANTIVE HEARING
15-17 APRIL 2019

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<tr>
<th>Committee Members:</th>
<th>Mr G White (Chair/Lay)</th>
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<td>Mr U Hoque (Lay)</td>
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<td>Mr I Crookall (Lay)</td>
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<td>Ms C Eva (Dispensing Optician)</td>
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<td>Mr M Chatham (Dispensing Optician)</td>
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| Legal adviser:                      | Mr W Hoskins            |

| GOC Presenting Officer:             | Mr C Geering            |

| Registrant present/represented:     | Yes and represented     |

| Registrant representative:          | Mr W Graham (WGL)       |

| Hearings Officer:                   | Mr T Yates              |

| Facts found proved:                | Particulars 1, 2, 3(a) and 3(b) by way of admission |

| Facts not found proved:            | Particular 4            |

| Misconduct:                        | Found                   |

| Impairment:                        | Impaired                |

| Sanction:                          | 6 months suspension– (With Review) |

| Immediate order:                   | No order imposed        |
ALLEGATION

The Council alleges that in relation to you, Olukolajo Kayode (D-14004), a registered Dispensing Optician:

1) On 13 November 2017 you assaulted Witness 1;
2) On or around 3 January 2016 you accepted a caution for an offence of Common Assault;
3) You failed to declare the caution set out at paragraph 2 above to the General Optical Council on your retention applications for the year(s):
   a. 2016-2017, and/or
   b. 2017-18;
4) Your conduct as set out at paragraph 3 above was dishonest in that you knew you had received a caution and you failed to disclose this to the General Optical Council.

And by virtue of the facts set out above, your fitness to practise is impaired by reason of:

   a. misconduct in respect of paragraphs 1, 3 and 4 above,
   b. your caution in the British Islands for a criminal offence in respect of paragraph 2 above.
DETERMINATION

Admissions in relation to the particulars of the allegation

The Registrant admitted particulars 1, 2, 3(a) and 3(b) of the allegation. The Chair announced that these particulars were proved by way of admission.

Application in relation to hearsay evidence

Mr Geering, on behalf of the Council, indicated that the parties had been able to resolve a number of evidential issues but that there remained an outstanding application to exclude a letter to the GOC written by Witness 1 and also a witness statement to the police given by Witness 1. Mr Geering explained that Witness 1 was not going to be called to give oral evidence. He referred the Committee to a hearing questionnaire in which those advising the Registrant had indicated that the Registrant accepted the truth of the content of the two documents to which objection was now taken. He also referred to a bundle of correspondence which evidenced the efforts made recently by the GOC to secure the attendance of Witness 1. In that correspondence, Witness 1 said he was too frightened to attend the hearing because he was afraid of being attacked.

Mr Geering submitted that the evidence to which objection was taken formed part of a broader evidential picture which included CCTV footage of the incident in question and evidence of the way in which the incident was reported contemporaneously. He therefore submitted that the evidence of Witness 1 was not the sole evidence against the Registrant and that further the Registrant had admitted the allegation of assault albeit on the basis of recklessness rather than intention. He also pointed out that it was not suggested that the evidence contained in the controversial documents was fabricated.

Mr Graham, on behalf of the Registrant, submitted that the evidence of Witness 1 went to the question of whether the Registrant had intended to assault Witness 1 as opposed to whether the Registrant had been reckless in so doing. He submitted that it was unfair for the Registrant not to have the opportunity of questioning Witness 1 about the latter’s account of the incident and the way in which the whole situation had developed. In support of his submission, Mr Graham commented on the reluctance of a fellow professional to give evidence in the proceedings of his regulatory body.

The Committee accepted the advice of the Legal Adviser who referred the Committee to Rule 40 of the Fitness to Practise Rules 2013 which provided that admissibility depended upon relevance and fairness. He emphasised that in this case the crucial question was one of fairness. This had to be evaluated in the context of the evidence as a whole and with reference to the various considerations set out in *Thorneycroft v NMC [2014] All ERD 161 (Bay)*, which had been addressed in the written skeleton arguments of the parties.

The Committee concluded that it would be fair to admit this hearsay evidence for the following reasons:
(1) The evidence was clearly relevant and did not constitute the sole evidence against the Registrant.

(2) In the hearing questionnaire form which was dated “12/11/18” the Registrant’s representatives had accepted the truth of the content of the documents now objected to. This was perhaps a mistake and was not in itself a crucial consideration.

(3) The GOC had made reasonable efforts to secure the attendance of Witness 1 when notified in March 2019 that his attendance was required. Witness 1 was unwilling to attend for understandable reasons relating both to the impact of the incident on him and his personal circumstances [redacted].

(4) The evidence in the documents related to Witness 1’s account of the incident. This evidence could be compared with the CCTV footage and also with the other evidence in the case. The Committee will bear in mind that the evidence will be untested by cross-examination and that the weight accorded to it may therefore be limited.

For these reasons, the Committee has decided that the documents at page 54-55 and 64-66 of the Council’s main Bundle (C1) are admissible in evidence in these proceedings.

Background to the allegations
The Registrant has been registered with the GOC as a dispensing optician from March 2011. He faces an allegation which arises out of two distinct matters. The first is that on 13 November 2017 he assaulted Witness 1 while they were both working at [redacted]. The second is that he failed to declare on his retention applications in 2016/17 and 2017/18 that he had received a caution for common assault in January 2016. The caution arose out of a domestic incident. The Council alleges that his failure to disclose the existence of this caution was dishonest.

The Registrant referred himself to the GOC on 16 November 2017 following the assault on Witness 1, which occurred on the shop floor at [redacted] during business hours and when members of the public were present. He pleaded guilty to a charge of assault by beating at South East London Magistrates’ Court 27 November 2017. He received a conditional discharge and was also ordered to pay compensation, a victim surcharge and costs.

Findings in relation to the facts
As a result of admissions made by the Registrant, the Committee was required to resolve just two distinct issues.

The first related to whether the admitted assault on Witness 1 was intended or whether it was a consequence of the Registrant’s recklessness.
The second was whether the Registrant’s admitted failure to disclose his caution on two retention forms was a dishonest failure.

Evidence

The Committee was provided with CCTV footage of the incident which resulted in the assault allegation. It also received a bundle of documents which included written witness statements from the victim of the assault and from the Store Director at the time. The bundle of documents also included documentation relating to the Registrant’s plea of guilty at the South East London Magistrates’ Court and to the police caution received on 3 January 2016. The bundle further included printed representations of the retention form as it would have appeared to the Registrant when he came to complete his retention applications online.

The Registrant gave oral evidence. The Committee found some of his answers to be inconsistent but did not conclude that he intended to give a deliberately misleading account of events to the Committee. The Registrant was clearly very nervous and was at times confused in his testimony. However, in the Committee’s judgment, parts of his evidence bore the ring of truth, although other parts were less easy to accept.

The Registrant told the Committee that the assault to which he had admitted was not intentional but was an impulsive act on his part and one for which he was immediately remorseful.

In relation to the police caution, the Registrant said that he did not read the document but had it explained to him by the police officer at the police station. He said that he was extremely upset at the police station and anxious to leave, the more so, as it was the first Sunday of the year and he should have been at church. He understood that the caution was a warning to him but did not believe it was a criminal matter. Accordingly, when he came to complete an online retention form, he did not activate the box which was activated when a criminal matter was being reported. As a result, the text that explained that cautions needed to be reported never appeared on his screen.

On behalf of the Council, Mr Geering submitted that the CCTV footage of the assault left no room for doubt in respect of the Registrant’s intention. In respect of the second matter, he submitted that as a professional person the Registrant must have appreciated the implications of the caution and his need to disclose the same. Had he been in any doubt about this he could and should have sought advice.

On behalf of the Registrant, Mr Graham referred to the testimonials submitted on behalf of the Registrant and invited the Committee to conclude that the Registrant had behaved recklessly in relation to the assault. He also submitted that it was understandable that the Registrant had thought that the caution was not a matter which required disclosure to the GOC because he believed it was not a criminal matter. He pointed out that the online form which the Registrant had completed only made clear that the caution was a matter to be disclosed if the box requiring report of a criminal matter was activated.
The Committee accepted the advice of the Legal Adviser. He reminded the Committee that dishonesty required a dishonest intent and was to be distinguished from carelessness or not knowing what one should know. He referred the Committee to the two-stage test set out in *Ivey v Genting Casinos [2017] UKSC 67*. He also reminded the Committee that the evidence of good character submitted on the Registrant’s behalf in relation to dishonesty indicated that the Registrant had no propensity to dishonesty and this could be taken into account when assessing the credibility of the evidence given by the Registrant.

*The assault*

The Committee had to decide whether the Registrant intended to strike Witness 1 or whether his conduct was reckless. The Committee viewed the CCTV footage several times and also read the accounts given by Witness 1. It bore in mind that the account given by Witness 1 had not been tested in evidence. It found the CCTV footage to be very helpful. From this footage, it seemed clear to the Committee that the Registrant had taken an aggressive role in precipitating a physical confrontation between himself and Witness 1. The occasion for this confrontation was a dispute between the Registrant and Witness as to which patient would be seen next. In his evidence, the Registrant told the Committee that his relations with Witness 1 were not good. In any event it was clear from the footage that the Registrant positioned himself close to Witness 1 and waved a pen in front of his face to emphasise whatever point it was he was making. He then swung his fist in a threatening way described by Mr Geering as a mock punch which the Registrant accepted in his evidence, but not in a way which was designed to make contact with Witness 1. Witness 1 did not retreat but stood his ground and moved his head slightly towards the Registrant. As he was doing so, the Registrant moved his own head forward vigorously so that his forehead came into contact with Witness 1’s nose. This could accurately be described as a headbutt.

The Committee concluded, upon the basis of the CCTV footage, which painted a clear picture, that the Registrant’s actions were intentional. It appeared to the Committee that the Registrant lost his temper. As Mr Geering submitted, the fact that an action is impulsive does not make it unintentional. Accordingly, the Committee determined that the Registrant’s assault on Witness 1 was intentional.

*Dishonesty*

The Committee accepted the account which the Registrant gave of his experience in the police station when the caution was administered. In particular, it accepted that the Registrant’s understanding of this event at that time was that it was a warning to him rather than a criminal matter. The Committee further accepted that when he came to fill in the online retention form the reference to a criminal matter in that form did not trigger in the Registrant a connection to his police caution. Accordingly, he did not activate the box by ticking it which would have displayed an explanatory text which made clear that cautions must be reported to the GOC.

In accepting the Registrant’s account, the Committee has had regard to the testimonials which have been submitted on his behalf.
The Committee has also borne in mind that it is for the Council to prove that the Registrant’s failure was dishonest. While the Registrant’s conduct in failing to disclose the caution might well attract justifiable criticism on other grounds, the Committee was not satisfied that his failure to do so was the result of a dishonest intent.

Accordingly, the Committee finds particular 4 of the Allegation not proved.

With the consent of the parties the Committee decided to receive submissions in respect of misconduct and impairment at the same time, although the Committee would consider these issues separately when it retired to deliberate.

Before receiving submissions in relation to impairment, the Registrant gave further oral evidence. He explained to the Committee that he was extremely remorseful for the events that had occurred. He told the Committee that he now adopted a practice of walking away from any situation in which a dispute could arise and he was particularly careful to disclose everything to the GOC when completing his retention forms.

**Findings in relation to misconduct**

The Committee heard submissions from Mr Geering on behalf of the Council and from Mr Graham on behalf of the Registrant.

Mr Geering submitted that misconduct was clearly established and that the Registrant’s fitness to practise was impaired.

Mr Graham made no detailed submissions in relation to misconduct.

The Committee accepted the advice of the Legal Adviser who reminded the Committee that misconduct was a matter for its judgment and that a threshold of seriousness had to be crossed.

The Committee had no hesitation in concluding that a violent assault on a colleague during business hours and on the shop floor when patients and customers were present amounted to misconduct. No other conclusion was possible.

In relation to the failure to disclose a caution on retention applications, the Committee also concluded that this was a sufficiently serious matter as to amount to misconduct. It was a fundamental requirement that registrants should be aware of what it was that they needed to disclose on their retention forms. If registrants did not take the trouble to ensure that they were aware of what it was that needed to be disclosed, effective regulation of the profession would become impossible.

The Registrant’s failure to disclose his caution was a result of his own carelessness and lack of knowledge. The Committee concluded that failing to diligently read an important form of this type resulting in the submission of a misleading document was misconduct.
Findings regarding impairment

The Committee heard submissions from Mr Geering on behalf of the Council and from Mr Graham on behalf of the Registrant.

Mr Geering emphasised the absence of a reflective piece from the Registrant. He invited the Committee to conclude that the Registrant had not shown an appropriate degree of insight into his misconduct and the significance of the caution. He also reminded the Committee of the need to consider whether the public interest alone required a finding of impairment to be made irrespective of any degree of remediation.

Mr Graham acknowledged that the witness statement submitted by the Registrant contained a limited amount of information in relation to insight but submitted that the Registrant had voluntarily exposed himself to a good deal of questioning by both Mr Geering and the Committee in relation to his insight. He invited the Committee to conclude that the Registrant had developed insight and had now taken steps to ensure that there would be no repetition of his misconduct.

The Committee accepted the advice of the Legal Adviser who reminded the Committee that impairment is to be considered at today’s date rather than at any earlier time and that it was necessary to consider whether the public interest required a finding of impairment to be made in any event.

The Committee gave careful consideration to the oral evidence of the Registrant. It had no doubt that the Registrant was genuinely remorseful about what had occurred. However, it was concerned by some of the Registrant’s answers to the questions he had received. In particular, it seemed to the Committee that the Registrant was overly reliant upon his strategy of walking away from any dispute and informing the relevant store management. The Committee was concerned that the Registrant did not fully appreciate the importance of seeking to resolve disputes with colleagues in a constructive and amicable manner.

The Committee was also concerned that the Registrant did not fully appreciate the significance of the fact that he had received a caution and a conditional discharge in respect of two separate violent incidents which had occurred within a two-year period. He told the Committee that he did not consider that he had a problem with anger management. The Committee considered that this answer showed a demonstrable lack of insight. It was consistent with the lack of a reflective piece and the Registrant’s failure to seek any advice or support in relation to this aspect.

The Committee considered that the Registrant had developed some insight into the misconduct stemming from the assault and also from the caution, but this insight was far from complete. The Registrant’s difficulty with emotional control was capable of remediation but had not yet been fully remedied so that the risk in future was uncertain.

Turning to the issues raised by the non-disclosure of the caution, the Committee was satisfied that the Registrant’s remorse in relation to this aspect was genuine and that
he was unlikely to repeat the mistake that he had made. The Committee considered therefore that he had fully remediated this aspect.

So far as the public interest is concerned, the Committee was in no doubt that the public interest required a finding of impairment to be made in relation to the assault. In the Committee’s judgment, the public interest did not require a finding of impairment in relation to the non-disclosure of the caution.

The Committee therefore concluded that the Registrant’s fitness to practise is impaired on the basis that his insight into the significance of the issues raised by the assault and caution is not yet complete and that the public interest requires a finding of impairment to be made in respect of those matters in any event.

Sanction

The Committee has heard submissions from Mr Geering on behalf of the Council and from Mr Graham on behalf of the Registrant.

Mr Geering submitted that the misconduct in this case was sufficiently serious to attract a sanction either of erasure or of a 12-month suspension order.

Mr Graham invited the Committee to consider an order for conditional registration. He submitted that if an order of suspension was required, it could be for a period of less than 12 months.

The Committee accepted the advice of the Legal Adviser who referred the Committee to the Indicative Sanctions Guidance ("ISG"). He reminded the Committee that the purpose of a sanction was not to punish the Registrant but to arrive at a proportionate outcome, having due regard to the public interest.

The Committee first considered the aggravating features of the case. These were as follows:

- There were two separate incidents of violence, the first in a domestic setting, the second at work.
- The second violent incident occurred in front of patients and members of the public.
- The second incident has had a lasting impact upon the victim, who was at the time a colleague of the Registrant.
- The Registrant had only limited insight into his lack of emotional control, which had given rise to the misconduct.

The mitigating features of this case were as follows:

- The Registrant has shown genuine remorse.
- He made an immediate apology to the victim for the second incident.
- There was a lack of premeditation to both incidents.
• The testimonials submitted showed that the behaviour could be said to be out of character.

• The Registrant had fully engaged with the fitness to practise process and there was some developing insight.

• There were no clinical issues with his practice.

The Committee first considered whether to take no action but concluded that this was much too serious a case for this to be appropriate. Nor was this a suitable case for a financial penalty. There was no financial element to the misconduct.

The Committee next considered whether to make an order for conditional registration. The misconduct and consequent impairment did not arise from clinical issues so it would in any event be difficult to formulate workable conditions. However, the Committee did not consider the public interest would be adequately served by an order for conditional registration. The Committee was of the view that a reasonable and well-informed member of the public would legitimately expect a more restrictive sanction to be imposed in view of the aggravating features of this case.

The Committee gave careful regard to the ISG at paragraph 34.1. It considered that the Registrant’s problem with emotional control could be satisfactorily addressed. This process was still at a developmental stage. The Committee noted that there was no evidence of any repetition of this kind of behaviour since November 2017. The Committee was satisfied that the Registrant’s insight was developing and further development would mitigate the risk of repeating behaviour.

On balance, the Committee concluded that a suspension order would satisfy the public interest. The Committee determined that a period of suspension of 6 months would be sufficient to mark the gravity of the misconduct and to declare and uphold proper standards of behaviour so as to maintain confidence in the profession and its regulation.

The Committee also considered erasure. However, the Committee concluded that this would be disproportionate in view of the lack of preméditation and the Registrant’s genuine and immediate remorse. The suspension order was a sufficient and proportionate sanction in the particular circumstances of this case.

The Committee directs a review of the suspension order prior to its expiry. A review hearing will be held between four and six weeks prior to the expiration of the order. At that review, the reviewing committee would be assisted by:

• The attendance of the Registrant.

• Evidence of any courses attended, learning experiences and support mechanisms, in particular with regard to conflict resolution.

• A CET statement.

• A reflective statement dealing with the importance of maintaining emotional control in stressful situations and the manner in which any learning has been applied.
Immediate order
The Committee has heard submissions from Mr Geering on behalf of the Council and from Mr Graham on behalf of the Registrant.

Mr Geering invited the Committee to impose an immediate order in the light of its determination.

Mr Graham submitted that an immediate order was not necessary as the principle focus in the determination was the public interest and a period of 28 days will enable the Registrant to organise his affairs.

The Committee accepted the advice of the Legal Adviser.

The Committee was of the view that an immediate order was not required in this case. The Registrant had been working unrestrictedly since the events which had given rise to this case and there had been no repetition of the behaviour which caused concern. In those circumstances, the degree of risk was not sufficient to justify an immediate order on grounds of public protection and the public interest would be adequately served by the order coming into effect in due course.

Chair of the Committee: Mr Graham White

Signature .................................................. Date: 17 April 2019

Registrant: Mr Olukolajo Kayode

Signature .................................................. Date: 17 April 2019
### Transcript

A full transcript of the hearing will be made available for purchase in due course.

### Appeal

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).

### Professional Standards Authority

This decision will be reported to the Professional Standards Authority (PSA) under the provisions of section 29 of the NHS Reform and Healthcare Professions Act 2002. PSA 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 insufficient to protect the public and/or should not have been made, and if they consider that referral is desirable for the protection of the public. PSA 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. PSA will notify you promptly of a decision to refer. A letter will be sent by recorded delivery to your registered address (unless PSA has been notified by the GOC of a change of address).

Further information about the PSA can be obtained from its website at [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk) or by telephone on 020 7389 8030.

### Effect of orders for suspension or erasure

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.

### European Alert

The General Optical Council is required by Regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015 to inform all European competent authorities of any restrictions or prohibitions on a dispensing optician or an optometrist’s practice. ‘Competent authority’ effectively means the relevant regulator for each EU member state.
The GOC is the competent authority for all opticians registered in the United Kingdom (UK).

If you have been made subject to either a suspension or conditions of practice order (whether interim or substantive), or to an erasure order, we hereby notify you of the following:

- Within 3 days of the Fitness to Practise Committee decision taking effect you will be the subject of an alert sent under article 56a(1) of the Directive;
- You have the right to appeal the decision to issue the alert or to apply for rectification of the decision; and
- You have the right to access remedies in respect of any damage caused by false alerts sent to other competent authorities.

The alert is sent securely via the Internal Market Information (IMI) system. The alert will include the following details:

- Your identity (full name and date of birth);
- Your profession;
- Your GOC registration number;
- The fact that the GOC is the national authority which adopted the decision on the restriction or prohibition of your professional activities;
- The scope of the restriction or prohibition;
- The period during which the restriction or the prohibition applies.

If you wish to appeal the decision to issue this alert then please see the information sheet below. Please note that this relates to your right of appeal against the issuing of the alert – see above regarding your right of appeal against a substantive decision.

A copy of the alert may be obtained via the contact details at the end of this document.

Please see the attached information sheet for further information.

Contact

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.
Please see the below Frequently Asked Questions (FAQs) which have been developed to assist you with this process and explain your options.

1. **Why has the General Optical Council (GOC) sent this alert?**
With effect from 18 January 2016 the GOC is legally required to issue alerts concerning all registrants whose practice has been prohibited or restricted – this includes all determinations of suspension, conditions or erasure issued by a Fitness to Practice Committee (FTPC), whether interim or substantive, and any extensions ordered by the High Court.

This legal requirement is placed on us by article 56a of Directive 2005/36/EC on the recognition of professional qualifications (‘the Directive’). This article was adopted into UK legislation via Regulation 67 of the European Union (Recognition of Professional Qualifications) Regulations 2015. All other Member States must also comply with the provisions of the Directive and participate in the alert mechanism.

2. **What is the purpose of these alerts?**
The purpose of these alerts is to ensure public protection across all Member States. The intention is that each member state will be notified of any restrictions or prohibitions placed on UK registrants so that they are able to check this against their own registers and applicants. We will also be notified of any restrictions or prohibitions handed down to European optical professionals. This will assist us with safeguarding the public and maintaining the integrity of our registers.

3. **Why was I not consulted before the alert was sent?**
The terms of the Regulations are very strict; the alert must be issued within three days of the panel’s decision coming into effect. The notification must be issued at the same time the alert itself is sent.

4. **Who will see the alert?**
The alert is sent securely via the Internal Market Information (IMI) system to the competent authority in each Member State.

In the UK, statutorily regulated health and social care professionals have to be registered with, and show that they meet the standards of, the relevant regulatory body, in order to practise their profession. The regulators control access to regulated professions, professional and vocational titles and professional activities which require specific qualifications, and are subject to national law. The European Commission term these organisations the ‘competent authorities’ although the exact duties of the competent authorities vary across member states, they are effectively the regulator (in the same way the GOC is) for each member state.

A competent authority has been defined by the European Commission as: *any authority or body empowered by a Member State specifically to issue or receive training diplomas and other documents or information and to receive the application and take the decision, referred to in Directive 2005/36/EC.*

5. **If there is a mistake in the alert can I apply for it to be corrected?**
If you notice a mistake in the alert (such as a typing error or incorrect information) then please contact the GOC and we will consider your request to amend the alert. **Please note**
the GOC is not able to remove an alert at your request, see next question for further information.

6. What if I disagree with the alert being sent?
If you disagree with the sending of an alert then you have the right of appeal to the County Court. If you merely consider there to be a mistake within the alert then please refer to the above question.

Please note that the GOC is required to send the alert under European Law. With this in mind, and if you still wish to appeal to the County Court, then you may find the following government website useful: https://www.judiciary.gov.uk/you-and-the-judiciary/going-to-court/county-court/

If you attended the hearing and were given the FTPC decision document by hand then the period for submitting an appeal with the County Court is 28 days from the date you were handed the document. If the FTPC decision document has been sent to you by post, the appeal period is 30 days from the date the decision document was posted to you (there is an additional 2 days allowed to cover postage time).

7. Can the GOC assist me with my appeal against the issuing of an alert?
The GOC is unable to help you with your appeal – we strongly advise that you seek independent legal advice.

8. If I appeal an alert being sent, what effect will that have on the substantive decision made in relation to my registration?
There will be no effect on the decision made by the GOC affecting your registration. This would be an appeal against the issuing of the alert and not the substantive decision – they are two separate things and each have different appeal routes. If you require details on how to appeal the substantive decision (i.e. the erasure, conditions or suspension) then please refer to the separate guidance sheet enclosed with the decision letter regarding your substantive GOC case.

9. If I successfully appeal the issuing of an alert, what will happen to the alert itself?
While your appeal is ongoing the alert will remain on the IMI system but with a qualification to say that an appeal has been lodged.

On appeal the County Court may:
- Dismiss your appeal;
- Allow your appeal and direct the alert be withdrawn or amended accordingly.

If the County Court decide to allow the appeal then the GOC has a duty to delete the alert (or amend as appropriate) within three days of this decision.

10. What happens if the order made by the FTPC is revoked?
When an order is revoked by the FTPC (or the High Court) and that order was the subject of a European alert, we will close the alert within 3 days of the decision to revoke the order. When an alert is closed, all personal data is removed from the alert system.