BEFORE THE FITNESS TO PRACTISE COMMITTEE
OF THE GENERAL OPTICAL COUNCIL

GENERAL OPTICAL COUNCIL

AND

DEEPA ACHARYA (SO-11704)

SUBSTANTIVE HEARING
10-11 December 2018

Committee Members: Ms A Johnstone (Lay Chair)
Mr P Curtis (Lay)
Mr G White (Lay)
Mr D Cartwright (Optometrist)
Ms C Roberts (Optometrist)

Legal adviser: Ms M Obi

GOC Presenting Officer: Ms L Culleton

Registrant: Present and unrepresented

Hearings Officer: Miss J Alvarado

Facts found proved: 1(a) - (ii), 2(a) - 2(c) and 3(a) – 3(c)

Facts not found proved: None

Misconduct: Found

Impairment: Impaired

Sanction: Suspension – 12 months

Immediate order: No immediate order imposed
ALLEGATION

The Council alleges that you, Deepa Acharya, being a registered student optometrist:

1. Incorrectly stated that you had achieved GCE Advanced Level ("A Level") results of:
   a) B in Biology; and/or
   b) B in Chemistry; and/or
   c) A in Economics
      (i) in an email to [Redacted] on 22 June 2015; and/or
      (ii) on a UCAS application form submitted on 30 June 2015

2. Incorrectly stated that you had achieved a 2.1 in the first year of your Pharmaceutical Science degree:
   a) in an email to [Redacted] on 22 June 2015; and/or
   b) on a UCAS application form submitted on 30 June 2015 under the Qualifications section; and/or
   c) on a UCAS application form submitted on 30 June 2015 under the Personal Statement section

3. Your actions in 1 and/or 2 above:
   a) were dishonest, in that you stated that you had achieved those results in the knowledge that you had not; and/or
   b) lacked integrity; and/or
   c) were misleading.

And by virtue of the facts set out above, your fitness to undertake training is impaired by reason of misconduct.

Admissions

At the outset of the hearing the Registrant admitted the particulars of the Allegation, with the exception of particular 3(a) (dishonesty) as far as it relates to particular 2, and particular 3(b) (lack of integrity) in relation to particulars 1 and 2. The Chair announced that the admitted particulars were found proved.
Background

The background circumstances as alleged by the General Optical Council (GOC) were as follows:

The Registrant is a student member of the GOC. She began a course in Pharmaceutical Science in September 2014 at the [Redacted]. Towards the end of the Registrant’s first year on the Pharmaceutical Course, she applied to transfer on to the MOptom Programme for the academic year 2015-2016. As a result of an investigation made by her Programme Leader, [Redacted], it came to light that the Registrant misrepresented her qualifications.

In 2015-16 the Registrant did not pass all of her first year MOptom modules; she received one FREN (Fail, re-enrol) grade, which means the Registrant failed to meet the minimum pass criteria for the module, but the Board would permit re-enrolment, with reassessment in all elements.

During the summer of 2016, the Registrant appealed to the Dean of School, due to [Redacted]. The appeal was upheld, and the Registrant’s grade was altered to a referral (FREF) meaning that although the Registrant had failed, she would be referred in relation to the coursework/exam so that she could undertake a reassessment.

The Registrant then appealed to the Vice Chancellor against the FREF grade. That appeal was rejected, and the original appeal decision was upheld. The Registrant informed [Redacted] that she was going to take the case to the Office of the Independent Adjudicator (OIA). [Redacted] then started to compile a full file of student records for the Registrant, in case an OIA investigation was going ahead. She asked the current MOptom admissions tutor to retrieve the Registrant’s UCAS records. As the Registrant was not a current applicant, the historical UCAS records were accessed; both her 2013 application and her 2015 application were available to view. From these records the admissions tutor noticed a discrepancy between the A level grades in the Registrant’s original 2013 application (for 2014 entry) and those entered on her 2015 application.

[Redacted] asked the Registrant to provide her original certificates so that they could be checked. These confirmed that the Registrant’s actual grades were CDD and the grades of ABB recorded on her 2015 application were false. [Redacted] referred the case to [Redacted], the university Fitness to Practise Officer.

The university’s Fitness to Practise process commenced on 10 October 2016 in respect to the referral. An investigation was undertaken by an independent member of staff which included interviews with the Registrant and [Redacted]. The case proceeded to an internal university fitness to practise hearing.

Committee’s Approach

The Committee was aware that the burden of proving the facts was on the GOC. The Registrant did not have to prove anything, and the individual particulars of the
Allegation could only be found proved, if the Committee was satisfied, on the balance of probabilities.

In reaching its decision, the Committee took into account the written and documentary evidence, and the oral submissions from both parties. However, the Committee completely disregarded the outcome of the university’s internal fitness to practice procedure.

The Committee accepted the advice of the Legal Adviser. The Committee noted that in accordance with the Supreme Court decision in *Ivey v Genting Casinos* [2017] UKSC 67 the test for dishonesty is an objective test only. The Committee first had to determine the Registrant’s actual knowledge or belief and then determine whether her act or omission was, on the balance of probabilities, dishonest by the ordinary standards of reasonable and honest people.

With regards to integrity GOC took into account the judicial guidance in the case of *Wingate & Evans; SRA v Malins* [2018] EWCA Civ 366:

‘In professional codes of conduct, the term “integrity” is a useful shorthand to express the higher standards which society expects from professional persons and which the professions expect from their own members…The underlying rationale is that the professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards.’

**Decision on Facts**

**Particular 1(a), (b), (c), (i) and (ii) – Found Proved**

‘Incorrectly stated that you had achieved GCE Advanced Level ("A Level") results of:

* B in Biology; and/or
* B in Chemistry; and/or
* A in Economics;

in an email to [Redacted] on 22 June 2015; and/or

on a UCAS application form submitted on 30 June 2015.’

Particular 1 was found proved in its entirety on the basis of the Registrant’s admissions.

**Particular 2(a), (b) and (c) – Found Proved**

‘Incorrectly stated that you had achieved a 2.1 in the first year of your Pharmaceutical Science degree:

* in an email to [Redacted] on 22 June 2015; and/or

* on a UCAS application form submitted on 30 June 2015 under the Qualifications section; and/or
on a UCAS application form submitted on 30 June 2015 under the Personal Statement section.’

Particular 2 was found proved in its entirety on the basis of the Registrant’s admissions.

**Dishonesty – Found Proved**

Particular 3(a) in relation to particular 1 was found proved on the basis of the Registrant’s admission.

The Committee went on to consider the issue of dishonesty in relation to particular 2.

There was no dispute that the Registrant sent an email dated 22 June 2015 to [Redacted] in which she stated: ‘I currently have just finished year 1 of Pharmaceutical Science at [Redacted] and achieved a 2:1 alongside this I achieved A, B, B in my A Levels in Economics, Chemistry and Biology.’ The Registrant informed the Committee, during her oral submissions, that the reference to a 2.1 was a genuine mistake rather than an act of dishonesty. She informed the Committee that she was aware that she would not be awarded more than 40% in the module that she was required to re-sit, irrespective of the actual mark that she achieved. However, she stated that, as some of her other marks were over 60%, she believed that she would achieve a 2.1 overall on the basis of the coursework that she had completed/was due to complete. The Committee noted that the Registrant stated during the university’s fitness to practice panel meeting on 21 December 2016 that the 2.1 grade was a miscalculation, but she genuinely believed that she achieved a 2.1.

The Committee did not accept that the Registrant genuinely believed that she had achieved a 2.1 when she sent the email to [Redacted] on 22 June 2015. At that time the Registrant was in the process of re-sitting the module that she had failed. She knew that she had failed a module and, by her own admission, knew that her grade for the re-sit would be capped at 40%. The Committee took the view that even if the Registrant believed that she would be able to make up the deficit through the coursework that she had or was due to submit, at the time she sent the email, the 2.1 had not been achieved. The Committee concluded that in stating otherwise, the Registrant’s assertion was untrue, and she knew that it was untrue. Her actions were conscious and deliberate. The Committee took the view that members of the public would regard such conduct and behaviour to be dishonest by the standards of reasonable and honest people.

Accordingly, particular 3(a) in relation to particular 2 was found proved.
Lack of Integrity – **Found Proved**

The Committee went on to consider particular 3(b) in relation to particulars 1 and 2. The Committee noted that high standards of conduct and behaviour are required of all registered members of the GOC. As a student member the Registrant was required to adhere to the GOC’s Code of Conduct (the Code) which came into effect in April 2010. The Committee noted that the Code states that registrant’s must ‘be honest and trustworthy’ and ‘Ensure [their] conduct, whether or not connected to [their] professional practice does not damage public confidence [them] or [the] profession.’

The Committee took into account its finding on dishonesty. The Committee concluded that the Registrant’s conscious and deliberate decision to misrepresent her A Level grades and first year grade in Pharmaceutical Science, demonstrated a disregard for the high standards of conduct and behaviour expected of her, as a registered student of optometry and amounted to a lack of integrity.

Accordingly, Particulars 3(b) in relation to particulars 1 and 2 were found proved.

Misleading – **Found Proved**

Particular 3(c) was found proved in relation to particulars 1 and 2 on the basis of the Registrant’s admissions.

**Misconduct**

**Submissions**

Ms Culleton, on behalf of the GOC, submitted that the findings of dishonesty and lack of integrity are sufficiently serious to amount to misconduct. She further submitted that the Registrant’s conduct and behaviour is towards the top end of the spectrum in terms of ‘falling short’ of the high standards expected of student registrants.

The Registrant, in her oral submissions, informed the Committee that she now realises the effect her conduct could have on the public and the potential impact on patients. She stated that honesty is very important and that she ‘would never do anything like this again.’ She apologised and expressed regret. The Registrant stated that she is currently studying for a degree in finance and is considering a future career in accountancy.

**Committee’s Approach**

The Committee took into account the oral submissions from both parties. The Committee accepted and followed the advice of the Legal Adviser.
The Committee was aware that determining the issue of misconduct is a matter of judgement; there is no burden or standard of proof.

In considering the issue of misconduct, the Committee bore in mind the explanation of that term given by the Privy Council in the case of *Roylance v GMC (No.2) [2000] 1 AC 311* where it was stated that:

“Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed by a … practitioner in the particular circumstances. The misconduct is qualified in two respects. First, it is qualified by the word ‘professional’ which links the misconduct to the profession … Secondly, the misconduct is qualified by the word ‘serious’. It is not any professional misconduct which will qualify. The professional misconduct must be serious.”

The Committee was aware that departures from the GOC Code of Conduct alone do not necessarily constitute misconduct.

**Decision on Misconduct**

The Registrant, on two separate occasions, made false representations with regards to her A Level grades and the grade she achieved in the first year of the Pharmaceutical Science degree course. The Committee noted that the Registrant’s dishonesty and lack of integrity was repeated and therefore could not be described as a momentary failure or a temporary lapse of judgement. Further the dishonesty related directly to her professional responsibilities. The Committee concluded that the Registrant’s conduct and behaviour fell far below the standards expected of a registered student and was sufficiently serious to be characterised as misconduct.

**Impairment**

**Committee’s Approach**

Having found misconduct the Committee went on to consider whether the Registrant’s fitness to practise is currently impaired. The Committee accepted the advice of the Legal Adviser.

In determining current impairment the Committee took into account the submissions of both parties and had regard to the following:

- The Registrant’s current conduct and behaviour; and
- The need to protect patients; to declare and uphold proper standards of conduct and behaviour; and to maintain public trust and confidence in the profession.
Decision on Impairment

The Committee considered the Registrant’s current fitness to practise firstly from the perspective of her conduct and behaviour and then from the wider public interest perspective.

The Committee noted that the Registrant is currently studying a finance degree course, in the hope of pursuing an alternative career path. In these circumstances, the Committee considered that it was to her credit that she attended these proceedings and acknowledged that she apologised and expressed regret.

The Committee noted that the Registrant’s previous conduct has the potential to be remediated, provided that there is evidence of sincere and meaningful reflection that demonstrates that her dishonest behaviour is firmly in the past and will not be repeated. The Committee also recognised that demonstrating remediation can be particularly difficult when allegations have been denied but found proved. Although the Registrant has engaged with these proceedings there was very little evidence that she yet fully appreciates the gravity of her misconduct.

The Committee noted that the relevant events relate to June 2015. However, there was no indication that the Registrant had reflected on her behaviour in any meaningful way. In particular, the Committee noted that at the fact-finding stage the Registrant focussed on what she perceived to be the university’s failure to check her UCAS forms and a misguided notion that the university had not taken into account that there were students on the course with lower A Level grades than the CDD that she achieved. The Committee made appropriate allowances for nerves and the fact that the Registrant was unrepresented but concluded that the Registrant did not demonstrate that she fully understood the importance of upholding high standards of honesty and integrity at all times. During her oral submissions on impairment the Registrant focussed on the need to be honest with patients rather than the importance of ensuring that any forms or documents that she sends are not false or misleading. The Committee concluded that in the absence of a sufficient level of insight there remains a risk of repetition.

In considering the public interest, the Committee had regard to the need to maintain public confidence in the profession and to declare and uphold proper standards of conduct and behaviour. Members of the public would be extremely concerned to learn that a registered student optometrist had made false representations with regards to her grades on two separate occasions. The Committee concluded that the Registrant’s dishonesty and lack of integrity has also brought the profession into disrepute and breached a fundamental tenet of the profession.

In all the circumstances, the Committee determined that public trust and confidence would be undermined if a finding of impairment is not made. Therefore, the Committee determined that the Registrant’s fitness to undertake training is currently impaired.
Sanction

Submission

Ms Culleton referred the Committee to the Indicative Sanctions Guidance (ISG). She reminded the Committee that the available sanctions should be considered in ascending order, starting with the least restrictive, and she outlined the aggravating and mitigating factors that the Committee might like to consider. Ms Culleton was neutral, with regards to the sanction that should be imposed, but submitted that given the seriousness of the Committee’s findings no sanction lower than a suspension order.

The Registrant reiterated, during her oral submissions on sanction, that she recognised the importance of telling the truth and apologised once again for her actions. She stated ‘I do understand that what I did was not right. I have regretted it ever since.’ She further submitted that she had reflected on her ‘situation’ and assured the Committee that her previous misconduct would not be repeated. The Registrant outlined her family circumstances. She informed the Committee that at the time she misrepresented her grades there was ‘so much was going on’ including a [Redacted]. The Registrant stated that her dishonest behaviour was ‘out of character’ and invited the Committee to impose a suspension order rather than erasure.

Committee’s Approach

The Committee had regard to its findings in relation to misconduct and impairment of the Registrant’s fitness to undertake training. The Committee also took into account the ISG and the submissions made by both parties. The Committee accepted the advice of the Legal Adviser.

The Committee was mindful that the purpose of any sanction is not to punish the Registrant, but to protect the wider public interest. The Committee applied the principle of proportionality by weighing the Registrant’s interests with the public interest and by considering each available sanction in ascending order of severity.

Decision on Sanction

In determining the appropriate sanction, if any, to impose the Committee first identified what it considered to be the mitigating and aggravating features of the case. The Committee identified the following aggravating factors:

- the Registrant’s dishonesty and lack of integrity were repeated on two separate occasions, in two separate documents (UCAS form and email to [Redacted]);
- the Registrant persistently denied during the university’s internal process that she had acted dishonestly, and in so doing, failed to take the opportunity to be open and honest at an early stage;
the Registrant’s dishonest representation of her grades was for personal gain and was an attempt to secure for herself a place on a course for which she did not have the requisite qualifications.

The Committee identified the following mitigating features:

- the Registrant made substantial admissions at the outset of the hearing;
- the nature and degree of the Registrant’s insight has developed during the course of the hearing;
- the relevant events occurred during the first year of the Registrant’s student registration and therefore at a very early stage of her career and have not been repeated;
- the Registrant is of previous good character; and
- the Registrant attended and engaged with the hearing.

The Committee first considered taking no action. The Committee noted that paragraphs 31.2 and 31.3 of the ISG states:

‘There may… be exceptional circumstances in which a committee might be justified in taking no action. Such cases are likely to be very rare…

No action may be appropriate in cases where the registrant has demonstrated considerable insight…’

In view of the nature and seriousness of the Registrant’s conduct and the absence of fully developed insight, the Committee concluded that to take no action in this case would be wholly inappropriate. Furthermore, in the absence of exceptional circumstances the Committee concluded that taking no action would be insufficient to maintain public confidence and uphold the standards and reputation of the profession.

The Committee did not consider a financial penalty as there was no suggestion of financial gain. Therefore, the Committee went on to consider conditional registration. The Committee noted that paragraph 33.2 states:

‘Conditions might be most appropriate in cases involving a registrant’s health, performance, or where there is evidence of shortcomings in a specific area or areas of the registrant’s practice.’

The Committee concluded that the Registrant’s conduct in relation to dishonesty, lack of integrity and misleading actions is not amenable to conditions, as the basis for this type of misconduct is an attitudinal failing. Furthermore, such failings undermine the trust and confidence the public are entitled to expect from all student registrants. As a consequence, the Committee concluded that conditions would not adequately meet the wider public interest.
The Committee next considered a Suspension Order. The Committee noted that paragraph 34.1 of the ISG states that a Suspension Order may be appropriate when the following non-exhaustive factors are present:

a. ‘A serious instance of misconduct but where a lesser sanction is not sufficient;

b. No evidence of harmful deep-seated personality or attitudinal problems;

c. No evidence of repetition of behaviour since incident;

d. d.xx

e. e.xx’

The Committee noted that the Registrant’s oral submissions at the sanction stage were more detailed and considered. However, the Committee was not satisfied that her insight was yet fully developed. In particular, the Committee was unable to conclude that there was no evidence of ‘harmful deep-seated personality or attitudinal problems’ given the Registrant’s response to the university’s internal fitness to practise process and the impression she gave, during this hearing, that she was more focussed upon the personal impact of these proceedings rather than the impact on her standing as a student registrant and the wider profession. The Committee was concerned by the Registrant’s willingness to falsely represent her grades in order to enhance her chances of being admitted onto the MOptom Programme. The Committee was also concerned by the slowness of her recognition that such dishonesty and lack of integrity undermines her credibility as a student undergoing professional training.

The Committee noted that a Suspension Order would send a signal to the Registrant, the profession and the public re-affirming the standards expected of a student registrant. In determining whether this would be sufficient to maintain public trust and confidence in the profession and in the regulatory process the Committee took into account the stage of the Registrant’s career at the time the relevant events took place and accepted that to some extent she may have been under some pressure. The Committee concluded that in these circumstances, a Suspension Order would be appropriate and proportionate.

Given the seriousness of the Registrant’s conduct and behaviour the Committee determined that the maximum suspension period should be imposed to mark the seriousness of the Registrant’s dishonesty and lack of integrity and to have a deterrent effect on other student registrants. Therefore, the Committee imposed a Suspension Order for a period of 12 months.

The Committee, prior to confirming its decision to impose a suspension order, considered the merits of erasure. The Committee noted that the Registrant’s dishonesty and lack of integrity represented a serious departure from the Code of Conduct and that to some extent there was a continuing lack of insight into the seriousness of her actions. However, the Committee concluded that although the
dishonesty was repeated, it was confined to a discrete set of circumstances, and there remains a possibility that the Registrant will be able to demonstrate that her previous conduct has been remediated whilst upholding the standards of conduct and behaviour expected of student registrants. Furthermore, erasure is a sanction of last resort and should be reserved, for the category of cases, where there is no other means of protecting the wider public interest. The Committee took the view that the Registrant’s case does not, at this time, fall into this category and therefore concluded erasure would be disproportionate.

The Committee directed that the Suspension Order should be reviewed shortly before expiry. Although this committee cannot bind a future reviewing committee, that committee is likely to be assisted by the following:

(i) Attendance of the Registrant in person;
(ii) Written confirmation of the Registrant’s current circumstances;
(iii) A written reflective piece demonstrating more fully developed understanding of adhering to ethical standards of behaviour, insight and remediation;
(iv) Character references or testimonials.

**Immediate Order**

Ms Culleton informed the Committee that the GOC was neutral with regards to the imposition of an immediate order. The Registrant made no submissions.

The Committee determined that an immediate order was not required in the circumstances of this case.

**Chair of the Committee: Ms A Johnstone**

**Signature ....................................................... Date: 11 December 2018**

**Registrant: Ms D Acharya**

**Signature ....................................................... Date: 11 December 2018**
**FURTHER INFORMATION**

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<th><strong>Transcript</strong></th>
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<td>A full transcript of the hearing will be made available for purchase in due course.</td>
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<th><strong>Appeal</strong></th>
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<td>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).</td>
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<th><strong>Professional Standards Authority</strong></th>
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<td>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).</td>
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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.

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<th><strong>Effect of orders for suspension or erasure</strong></th>
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<td>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.</td>
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<th><strong>European Alert</strong></th>
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<td>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.</td>
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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/](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.