BEFORE THE FITNESS TO PRACTISE COMMITTEE
OF THE GENERAL OPTICAL COUNCIL

GENERAL OPTICAL COUNCIL

AND

DAVID SIGGERS (D-12688)

DETERMINATION OF A SUBSTANTIVE HEARING
23 TO 26 JANUARY 2018
RESUMED 4 TO 5 JULY 2018

Committee Members:  Ms R O’Connell (Chair)
                      Mr U Hoque (Lay)
                      Ms C Eva (Dispensing Optician)
                      Mr M Chatham (Dispensing Optician)
                      Ms Robertson-Rickard (Recused as of 24 January)

Legal adviser:      Mr D Swinstead

GOC Presenting Officer:  Mr C Pataky (23 to 26 January)
                       Mr M Corrie (4 to 5 July)

Registrant:        Present

Registrant representative:  Ms S Sharma

Hearings Officer:  Ms V Desai (23 to 26 January)
                   Mr K Woodward (4 to 5 July)

Facts found proved:  1a and 1b, 2a, b and c, 3a and b, 4, 5 and 6a

Facts not found proved:  6b

Misconduct:  Found

Impairment:  Not impaired. Warning issued

Sanction:  N/a

Immediate order:  N/a
ALLEGATION (as Amended)
The Council alleges that you, Mr David Siggers, a registered Dispensing Optician:

1. On or around 16 August 2014, having closed down your practice Lynch Opticians at [redacted], London, you:
   a. Failed to appropriately inform your patients of the details of the practice that their clinical records had been transferred to;
   b. Failed to provide adequate notice of the termination of the General Ophthalmic Mandatory Services Model Contract to NHS England.

2. On or around 30 September 2014 you submitted GOS3 forms for payment from NHS England, stating that the following patients had received their spectacles when they had not:
   a. Patient C
   b. Patient E
   c. Patient M

3. On or around 15 December 2014 you represented to NHS England that the following patients had collected or received their spectacles when they had not:
   a. Patient C
   b. Patient D
   c. Withdrawn

4. Between 06 April 2015 and 18 October 2015 you failed to co-operate with a General Optical Council investigation in that you failed, in breach of section 10A of the Opticians Act 1989, to supply evidence to the Council, when requested, that you were covered by adequate and appropriate insurance.

5. Your actions at (1) above were inappropriate in that they caused a risk to patients in respect of continued care.

6. Your actions at (2) and (3) above were:
   a. Misleading, as the information submitted demonstrated that spectacles had been received by patients, when this was untrue;
   b. Dishonest, in that you intended the submission would result in a financial gain, even though you knew that the claims were inaccurate.

And by virtue of the above, your fitness to practise is impaired by reason of your misconduct.
DETERMINATION

Admissions in relation to the particulars of the allegation

The Registrant admitted particulars 1a and b; 2a, b and c; 3a, b and c; 4; 5 and 6a of the allegation.

Amendment of the allegation

During the course of the hearing, Ms Sharma on behalf of the Registrant applied to withdraw the admission that the Registrant had made to particular 1b of the allegation. Mr Pataky, on behalf of the General Optical Council (the Council) applied to amend particular 1b to read “Failed to provide adequate notice of the termination of the General Ophthalmic Mandatory Services Model Contract to NHS England”. Ms Sharma did not oppose the application. The Committee acceded to the application. The Registrant then admitted particular 1b in its amended form.

Recusal of Committee Member

During the course of the hearing, a question arose as to whether a member of the Committee, Ms Alice Robertson-Rickard, should be recused on the basis that she had knowledge of a matter of which the other Committee members were not aware. Mr Pataky submitted that, in the particular circumstances, it would be appropriate for Ms Robertson-Rickard to be recused. Ms Sharma supported that submission. Ms Robertson-Rickard indicated that, given the circumstances and the views of both parties, it would be appropriate for her to be recused. The Committee heard and accepted the advice of the legal adviser. The Committee remained unaware of the matters which had led to the application for Ms Robertson-Rickard’s recusal but determined that, in the circumstances, she should be recused.

The Committee went on to consider whether it should continue to hear the case with three Committee members or four. Mr Pataky submitted that there should be three Committee members, whereas Ms Sharma submitted that the Committee could continue the case with four members. The Committee heard and accepted the advice of the legal adviser. It had regard to Rule 23 (b) and Rule 25 of the GOC (Committee Constitution) Rules 2005 and to Rule 59 (4) of the GOC (Fitness to Practise) Rules 2013. The Committee noted that Rule 23(b) provided for the number and constitution of a Committee hearing the case of a dispensing optician at the outset, namely five, of whom three should be lay and two, dispensing opticians. It further noted that Rule 25 provided for the minimum number of members required to be present to form a quorum, namely three, of whom two must be lay and one, a dispensing optician. The Committee noted that Rule 59 (4) provided for how voting should count in any vote of the Committee where the votes were equal, namely that the issue would be decided in favour of the registrant. The Committee noted that there was no specific provision which indicated that the Committee should drop from five to three in order to maintain a majority of lay members and determined it could hear the remainder of the case with four members.
Withdrawal of admission and withdrawal of Particular 3c

After the Committee had commenced its deliberations on fact, but before giving its decision, on the advice of the legal adviser, the Committee reconvened and heard an application from Ms Sharma to withdraw the Registrant’s admission to particular 3c. The Committee acceded to the application. Mr Pataky applied for particular 3c to be withdrawn on the basis that there was no evidence to support the particular. Again, the Committee acceded to the application and particular 3c was withdrawn. The Committee then continued it deliberations.

Background to the allegation

The Registrant, a registered Dispensing Optician, took over a practice called Lynch Opticians at [redacted] London in about 1997. [redacted]. The landlord gave notice to the Registrant to quit the premises by 16 August 2014. Under some pressure of time, the Registrant closed his business on that date and moved his belongings from the shop into storage. The Registrant attempted to make arrangements for someone else to have the lease and for him to manage the practice thereafter, but he was unsuccessful. On or around 16 August 2014, the Registrant did not inform his patients as to which practice their clinical records had been transferred to and he failed to inform NHS England of the termination of his contract. It was alleged that these actions were inappropriate. On 30 September 2014, the Registrant wrote a letter to NHS England informing it of the closure of the business and enclosing a number of NHS GOS3 claim forms which he asked to be processed quickly as an exception, with payment the following week. It was alleged that the Registrant submitted forms which stated that the patients had received their spectacles when they had not. On 15 December, the Registrant sent a further letter stating that certain patients had now received their spectacles. It was alleged that the contents of both letters from the Registrant were misleading as the information submitted suggested that spectacles had been received by patients when they had not. The Registrant’s actions were also alleged to have been dishonest in that he intended the submission would result in a financial gain and that he knew the claims were inaccurate.

The matters were reported to the Council by a representative of NHS England. In March 2015 a letter was sent to the Registrant by a representative of the Council asking for detail of the Registrant’s professional indemnity insurance. Despite a number of further requests, the Registrant did not supply the information until October 2015.

Findings in relation to the facts

The Committee had regard to all the evidence that had been presented to it, both in oral and written form. It also had regard to the submissions of Mr Pataky on behalf of the Council and those of Ms Sharma on behalf of the Registrant.

The Committee heard and accepted the advice of the legal adviser.

The Committee reminded itself that the burden of proof was upon the Council and that the standard of proof was the civil standard, the balance of probabilities.
The Committee paid particular attention to principles set out in the case of Ivey v Genting Casinos (UK) Ltd Trading as Crockfords [2017] UKSC 67 and applied them in this case on the issue of dishonesty.

The Committee first considered the credibility of the witnesses from which it has heard. It first considered the evidence of the Registrant. The Committee did not find the Registrant to be an entirely credible witness. The Committee noted that the Registrant did not answer questions directly, but on occasions appeared to give long and rambling answers to straightforward questions. The Committee accepted that he was trying to remember events that had occurred between three and three and half years ago and that on occasions he had difficulty in remembering the chronology and detail of events that had occurred. The Committee noted, for example, that he asserted in his statement that he had sold his records to Witness B in January 2015 when Witness B said that it occurred in about October 2014 and that the Registrant himself had stated in an earlier document that he had already transferred them by November 2014. The Committee found his evidence to be inconsistent and muddled and, on occasions, implausible. The Committee accepted the Registrant's evidence that he had a ledger in his practice. However, it found it difficult to accept that he had lost the ledger whilst engaged in moving out of his practice on the 15/16 August 2014. In particular, it noted the contents of the letter dated 22 January 2015 in which he says that he will “check against my ledger”. The Committee also found implausible the Registrant's evidence that he had copied quantities of financial information from the ledger in the period 14-16 August 2014 just at the point when he was heavily engaged in closing his practice. On the basis that the Registrant would not know that he was about to lose his ledger the Committee could not find a valid reason for the Registrant to act as he now recalls that he did.

The Committee considered the evidence of Witness D who had worked closely with the Registrant, in an administrative role between 2001 and 2003. The Committee found him to be a wholly credible witness, who did his best to answer the questions he was asked in a straightforward and helpful manner. The Committee accepted that he had some difficulty in recalling factual matters from that long ago. The Committee accepted his testimonial evidence with respect to the Registrant's character and honesty in relation to his practice, and also accepted his evidence as to the Registrant's administrative disorganisation in relation to the management of his business.

With regard to the witnesses called on behalf of the Council, the Committee considered Witness A, an employee of NHS England, to be a credible straightforward witness whose evidence assisted the Committee. Similarly, Witness B, to whom the Registrant sold his records and transferred the outstanding spectacles, the Committee found to be credible and helpful. Witness C, who is employed by the Council, gave evidence with regard to an exchange of correspondence with the Registrant and was, again, a helpful and credible witness. Having considered the witnesses, the Committee went on to make the following findings:
Particular 6b with regard to particulars 2a, 2b and 2c: Found not proved.

The Committee considered the evidence on this particular and had regard to the contents of the letter dated 30 September 2014 that the Registrant had written to NHS England accompanying the GOS3 forms he was sending in for payment. The Committee noted that the Registrant informs the recipient of the letter of the closure of his practice and he indicates that he had forgotten to send off the forms, asks for prompt payment and further states that he will remain in touch “on this matter”. The Committee also noted the other evidence that, at the time, the Registrant was still in possession of the spectacles that had not been collected by patients, but was shortly to pass them to Witness B who would hold them until collected. The Committee concluded that it could properly infer that set against the background of his practice closing, at the relevant time, the Registrant was seeking to complete the administrative tasks outstanding relating to the closure. It was clear that the sending in of the GOS3 forms was one of the outstanding tasks. The Committee determined that set against that background, and the expectation that the outstanding spectacles would be collected in the near future the Registrant had a genuine and not unreasonable belief that he could send in these outstanding GOS3 forms for payment. The Committee also took account of the two subsequent letters that the Registrant sent, to NHS England dated 15 December 2014 and 22 January 2015 respectively, in response to queries related to the termination of his contract. In the first the Registrant asked for a reduction in payment due to errors and, in the second, asked for the return of incorrect forms so that he could check them. These demonstrate that he had not been as assiduous as he should have been in checking the status of all the forms before he sent them in but he was not seeking to claim money to which he considered he was not entitled. The Committee had to consider whether, set against this factual background, it was satisfied on the balance of probabilities that the Registrant had been dishonest in sending the forms in, applying the standards of ordinary and honest people. He had clearly been misleading as he had admitted, and he also not been as careful in ensuring that the forms related to spectacles that could be collected, as demonstrated by his later correspondence. It would appear, in the cases of the three patients, that he had done the work, it was not a case of putting in forms for work not done. The issue was the timing of the submission of the claims. The Committee, having found that the Registrant had a genuine and not unreasonable belief that he could put the forms in, at that time, in the context of having closed his business, was not satisfied that the Registrant had acted dishonestly with respect to these claims, applying the standards of ordinary and honest people.

Particular 6b with regard to particulars 3a and 3b: Found not proved.

The Committee had regard to the contents of the Registrant’s letter to NHS England dated 15 December 2014. It noted that in the first part of the letter, he sets out details of sums which he accepts should be deducted from his claim. He then sets out a list of the spectacles which had been posted to, or collected by, the patients. The Committee had regard again, to the evidence that Witness B had come into
possession of the outstanding spectacles in around October 2014. In the letter the Registrant asserts that six patients had collected their glasses and it appeared to the Committee that each patient would receive two pairs of spectacles, making some twelve in all. These numbers are similar to the numbers of patients and spectacles which Witness B said that he received from the Registrant namely approximately five patients and ten pairs of glasses. The Committee concluded that it was proper to infer that this list of patients referred to those whose spectacles were transferred to Witness B. As the Committee has already concluded, the Registrant, in December 2014, had a reasonable expectation that all the outstanding spectacles would have been collected from Witness B’s practice. It noted that four of the six patients had received their spectacles. The Committee concluded that the Registrant could have been more assiduous in checking with Witness B but it could not be satisfied that, set against the closure of the business and the Registrant’s desire to deal with outstanding administrative matters, that he could be said to be acting dishonestly with regard to these to claims. Consequently, it was satisfied that he had a genuine belief that he could maintain his claims for all the six patients, including Patients C and D, and that consequently, the Committee was not satisfied that he had acted dishonestly, applying the standards of ordinary and honest people.

Findings in relation to misconduct

The Committee has heard submissions from Mr Pataky on behalf of the Council and from Ms Sharma on behalf of the Registrant. It has accepted the advice of the Legal Adviser.

The Committee had regard to all the evidence it had heard and to its findings on the facts. It also had regard to the Code of Conduct which came into force on 1 April 2010 (the Code). The Code was in force during the period covered by the dates of the matters set out in the particulars of the allegation.

The Committee also noted that, through Ms Sharma, the Registrant admitted misconduct. Whilst the Committee reminded itself that the issue of whether particular conduct amounted to misconduct was a matter for its own judgment, it took account of this admission in its consideration of the issue of misconduct.

The Committee considered the Code and determined that the following paragraphs of the Code were relevant to the matters admitted and found proved in this case:

1. Make the care of the patient your first and continuing concern.
6. Maintain adequate patients’ records.
19. Ensure your conduct, whether or not connected to your professional practice, does not damage public confidence in you or your profession.

The Committee considered all the particulars of the allegation which were admitted and found proved. It concluded that individually and collectively they were serious and had the potential to support a finding of misconduct.
The Committee considered the failure to inform patients as to the location of their patient records was a serious matter. It would affect, in particular, patients with ongoing ocular conditions or who needed to attend a practice for regular testing. Such a failure would amount to a breach of paragraph 1 of the Code. Similarly, a failure to inform NHS England of the termination of the contract had the potential to affect patients and to undermine public confidence in the profession.

The Committee considered that the matters set out in particulars 2 and 3 together breached paragraphs 6 and 19 of the Code. The Committee determined that the Registrant’s actions with regard to the GOS3 forms did not adhere to the professional obligation to maintain accurate and adequate records. His conduct in this respect, and in sending in the forms when patients had not received their spectacles, had the potential to undermine confidence in the profession.

With regard to particular 4, the Committee considered that it was a fundamental requirement of any registered person to communicate with his / her regulator, as required. The Registrant’s failure demonstrates a serious departure from the standards expected of Dispensing Opticians.

The Committee noted the Registrant’s admission to misconduct. It concluded that both individually and collectively the Registrant’s admitted shortcomings fell far below the standard expected of a reasonably competent Dispensing Optician. It determined that the Registrant’s conduct crossed the threshold of seriousness to warrant a finding of misconduct.

The Committee found that the admitted facts, found proved, do amount to misconduct.

Findings regarding impairment

The Committee has heard submissions from Mr Corrie, now appearing on behalf of the Council, and from Ms Sharma on behalf of the Registrant. It has accepted the advice of the Legal Adviser.

The Committee reminded itself that a finding of impairment was a matter for its own judgment and that it must consider whether the Registrant’s fitness to practise is currently impaired. In reaching its decision on this matter, the Committee had regard to all the evidence that had been placed before it, including the oral evidence of the Registrant on the issue of impairment and that of [redacted], the Registrant’s current employer. The Committee also considered the testimonial evidence relevant to the issue of impairment, the Reflective Statement prepared by the Registrant as part of his first witness statement and the evidence of Continuing Education and Training (CET) carried out.

The Committee had regard to its findings on misconduct. It noted that it had found that the Registrant’s shortcomings, individually and collectively, amounted to misconduct.
The Committee first considered the context in which the misconduct occurred. It noted that the context to the greater part of the Registrant’s misconduct was that he had been forced to close his business in a very short period of time [redacted]. The Committee considered that his misconduct, as found with regard to particulars 1, 2, 3, 5 and 6a all occurred against this background. It was the context for what the Committee determined was poor decision-making by the Registrant where he appeared to put his own needs and difficulties above the care of, and duties towards, his patients and his contractual responsibilities to NHS England. With regard to particular 4 and his responsibilities as a registrant to the GOC, whilst his failings had not occurred in the immediate aftermath of the failure of his business, the Committee considered that it could properly determine that the context of his failure was that he was attempting to reorganise his life, relocate outside London, and accommodate the significant demands of his employment with Boots Opticians, all at a time when his [redacted].

The Committee then considered whether the Registrant had shown insight and had demonstrated that he had remediated the matters found proved against him. In considering the question of insight, the Committee had regard to the fact that the Registrant had admitted all the particulars found proved against him including that his conduct with regard to particulars 2 and 3 was misleading. The matter of dishonesty, which he had not admitted, has been found not proved. It considered that this was something that it could take account of in the Registrant’s favour in reaching its conclusion on impairment.

The Committee concluded that the Registrant had shown considerable insight with regard to the matters set out in particulars 1, 2, 3, 5 and 6a. The Committee had regard to the answers that the Registrant gave to the questions posed about his understanding of his responsibilities towards NHS England and to his patients. The Committee considered that the Registrant has understood that he had not placed his priorities correctly and put the care of his patients above all else. He satisfied the Committee that he now understood what had gone wrong and that, were such an event to occur again, he would act correctly. Also, the Committee considered that he had recognised the problem with his system of record keeping which had allowed him to be in a position to claim for spectacles before they were collected because the documents had already been signed by the patients before glasses were received. The Committee noted that it had not found the Registrant to be dishonest, so the issue was one of the proper time to put in a claim, not the putting in of wrongful claims.

The Committee also considered that the Registrant now appreciated the importance of his contractual relationship with NHS England and the requirement that he abide by the contractual terms and do what is required of him in a timely manner.

In respect of particular 4, the Committee considered that the Registrant had shown some insight into his responsibilities with regard to the GOC as his regulator. It considered his evidence and concluded that, whilst he indicated that he understood his responsibilities there was still an element that his failures were not entirely his fault and that the GOC could have pressed him for the information it sought if it was
important. The Committee had some concern as to his full understanding of his duties to his regulator, but overall, concluded, in its judgment, that he has shown sufficient insight not to cause the Committee concern.

The Committee considered the CET that the Registrant had undertaken. It noted that little of it could be said to directly address the issues in this case. However, the Committee considered that, given the nature of the matters in this case, insight was more significant than CET courses undertaken. The Registrant’s evidence was that he had completed a course related to complaints and disciplinary matters which would have some relevance to this case. The Committee noted the Registrant’s evidence that he could only undertake CET that was available to him.

Taking all these matters into account, the Committee considered that the Registrant had demonstrated sufficient insight and taken such remedial steps to allow it to conclude that he had addressed the issues raised by this case. The Committee determined that the likelihood of there being a repetition of the misconduct was low.

In reaching its conclusions, the Committee had regard to the public interest. It noted that whilst there had been a potential for patient harm in respect of continued care, there was no evidence that any patients had, in fact, been harmed by the Registrant’s conduct. The Committee considered the matters of public confidence in the profession and the view that a well-informed member of the public would have of the events that occurred in this case. It also considered the responsibility to declare and uphold proper standards of conduct and behaviour.

The Committee had regard to the Registrant’s present employment where he was working for a company both in the normal role of a Dispensing Optician but also undertaking specific domiciliary work as Low Visual Aid Clinician for [redacted]. It noted that he might set up in business again in the future, but he has learnt that he should not, and therefore would not, set up alone, bearing in mind his experience leading up to and when he lost his business.

The Committee had regard to the fact that the Registrant has been continually employed since these events in 2014-15 and there have been no concerns reported. Further, the Committee had regard to the fact that, save for these events, the Registrant has had a long and unblemished career as a Dispensing Optician.

The Committee concluded that, bearing in mind the context against which all the misconduct took place and the fact that the likelihood of the misconduct being repeated is very low, given the insight the Registrant has shown, the Committee concluded that there was no public interest issue which needed to be addressed and that a well-informed member of the public would not be concerned if a finding of impairment was not made.

On the basis of all these matters, the Committee found that the fitness of David Siggers to practise as a Dispensing Optician is not impaired.
Warning

The Committee has heard submissions from Mr Corrie on behalf of the Council and from Ms Sharma on behalf of the Registrant. It has accepted the advice of the Legal Adviser.

The Committee had regard to paragraph 27 of the Hearings and Indicative Sanctions Guidance. It also had regard to its findings on Misconduct and on Impairment.

The Committee took account of the contents of paragraph 27.2, in particular the guidance which states that "a warning may be appropriate where concerns raised by the case are sufficiently serious to require a formal response, but do not reach the threshold for impairment". The Committee also took account of the contents of paragraph 27.3.

The Committee noted that many, if not all, of the mitigating factors as set out in paragraph 27.3 are present in this case and the Committee took account of the important matters put before it by Ms Sharma.

However, the Committee determined that it would be appropriate in this case to issue a warning for the reasons that follow.

Under paragraph 27.3a, the Committee considered that there had been a clear and specific breach of standards in that in its finding on misconduct, the Committee had found breaches of paragraphs 1, 6 and 19 of the Code of Conduct in force at the relevant time.

Under paragraph 27.3b the Committee considered whether the conduct did approach, but fall short of, the threshold for current impairment. The Committee determined that whilst it had concluded that the conduct did not cross the threshold for a finding of impairment, the conduct was such to fall not far short. Whilst the Committee had noted the background against which the conduct took place, and that included the difficult situation in which the Registrant found himself, the expectation is that any health professional will seek to act both in the interests of his patients and in line with the contractual terms he has with NHS England.

In particular, whatever his circumstances, the expectation would be that a health professional would comply with the reasonable requests of his regulator. Whilst the Committee had accepted that there were no public interest issues that would support a finding of impairment, the Committee considered that there would some public concern at the conduct of the Registrant and there would be a public expectation that this would be drawn to his attention.

The Committee determined, under paragraph 27.3c, that should the matters that brought the Registrant before this Committee be repeated, there would likely be a finding of impairment. Finally, the Committee considered that there was a need to record formally these concerns under paragraph 27.3d. It determined that whilst not crossing the threshold of seriousness to warrant a finding of impairment, some recognition and recording of these concerns was necessary.
The Committee issues the following warning to Mr Siggers which will last for a period of two years.

The Registrant must cooperate and comply with the requirements of the GOC and NHS England. He must also be familiar with and adhere to the GOC Standards of Practice for Optometrists and Dispensing Opticians (April 2016).

The Committee considers the period of two years to be a sufficient and proportionate period to mark the concerns raised by the misconduct.

Chair of the Committee: Ms Rachel O’Connell

Signature .................................................. Date: 5 July 2018

Registrant: Mr D SIGGERS

Signature .................................................. Date: 5 July 2018
**FURTHER INFORMATION**

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<tr>
<th>Transcript</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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<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>Professional Standards Authority</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). Further information about the PSA can be obtained from its website at <a href="http://www.professionalstandards.org.uk">www.professionalstandards.org.uk</a> or by telephone on 020 7389 8030.</td>
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<th>Effect of orders for suspension or erasure</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>European Alert</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.