

**BEFORE THE FITNESS TO PRACTISE COMMITTEE
OF THE GENERAL OPTICAL COUNCIL**

GENERAL OPTICAL COUNCIL

F(18)35 & F(19)27

AND

BRADLEY BURKE (SD-8485)

**DETERMINATION OF A SUBSTANTIVE HEARING
25 -26 MARCH 2020**

Committee Members:	Ms A Johnstone (Chair/Lay) Mr M McLaren (Lay) Mr U Hoque (Lay) Mr I Taylor (Dispensing Optician) Mr A Street (Dispensing Optician)
Legal adviser:	Dr H Helmi
GOC Presenting Officer:	Mr R Price
Registrant present/represented:	No and not represented
Registrant representative:	N/A
Hearings Officer:	Mr T Yates
Facts found proved:	All
Facts not found proved:	None
Misconduct:	Found
Impairment:	Impaired
Sanction:	Erasure
Immediate order:	Yes

Proof of service

The Committee heard an application from Mr Price for the Council for the matter to proceed in the Registrant's absence. First, the Council was required to satisfy the Committee that the documents had been served in accordance with Section 23A of the Act and Rule 61 of the Fitness to Practise Rules 2013.

Mr Price submitted that good service had been effected in accordance with the statutory requirements.

The Committee accepted the advice of the Legal Adviser.

The Committee took into account the Notice of Hearing dated 3 February 2020 which referred to the hearing taking place at the GOC's premises in London. While at the time this was the intention, due to the subsequent current climate of a lockdown imposed by the Government on 23 March 2020 as a result of Covid-19, this was no longer possible and the hearing is being held remotely via video link. The Committee was of the view that this was an unprecedented situation, and that the Notice of Hearing was not invalid because of the change in medium.

The Committee is satisfied that all reasonable efforts have been made to notify the Registrant of the hearing in accordance with the statutory provisions.

Proceeding in the absence of the Registrant

The Committee then went on to consider whether it would be in the public interest to proceed in the Registrant's absence in accordance with Rule 22.

Mr Price submitted that the hearing should proceed in the Registrant's absence.

The Committee accepted the advice of the Legal Adviser who referred to the principles in *R v Jones* [2002] UKHL 5 and *GMC v Adeogba* [2016] EWCA Civ 162. There was information before the Committee that the Registrant telephoned the GOC on 23 July 2019 to say that he did not wish to receive communications from the GOC. There had been no other communication from him with regard to today's hearing. The Registrant has not engaged with the regulatory proceedings, nor had he requested an adjournment. The Committee was of the view that if it were to adjourn today, there was no indication that the Registrant would attend at a future date. The Committee also noted that this hearing had originally been listed in February 2020, but did not go ahead due to administrative reasons. In the Committee's view, it was in the public interest to proceed expeditiously with this matter as well as being fair and in the interests of justice.

The Committee therefore determined to proceed in the Registrant's absence.

ALLEGATION - F(18)35

The Council alleges that in relation to you, Bradley Burke (SD-8485), a registered student dispensing optician:

1. On 6 February 2017, at Sheffield Crown Court, you were convicted of the offence of production of a class B controlled drug, namely cannabis.

And by virtue of the facts set out above, your fitness to undertake training as a student dispensing optician is impaired by reason of your conviction.

ALLEGATION - F(19)27 (As Amended)

The Council alleges that in relation to you, Bradley Burke (SD-8485), a registered student dispensing optician:

- 1) You failed to engage with the Council's investigation into concerns about [Redacted], in particular you:
 - a) Did not respond to the Council's emails, on the dates listed in Schedule A, requesting your consent to obtain [Redacted]; and
 - b) Did not respond to the Council's letter, dated 26 July 2018, requesting your consent to obtain [Redacted].
- 2) On 15 February 2018, you sent an email to an employee of the Council using abusive language, in particular stating; *"The GOC can go suck my dick, I aint consenting to Shit, Fuck your fitness to practice and wind your neck in bitches! Do Not contact me again, any further communications from yourselfs I will consider as harassment, and I will be forced to take legal action. so to summarize in the nicest possible way.. FUCK OFF"*.

And by virtue of the facts set out above, your fitness to practise undertake training as a student dispensing optician is impaired by reason of misconduct.

Schedule A

In accordance with charge 1a) the Council sent an email to the Registrant on:

- 13 November 2017
- 7 December 2017
- 9 January 2018

DETERMINATION

Application to amend the Allegation

Mr Price applied to amend the misconduct Allegation to allege that the Registrant's fitness to undertake training as a dispensing optician is impaired rather than his fitness to practise. This was to reflect that the Registrant is registered as a student.

The Committee accepted the advice of the Legal Adviser.

The Committee decided that this is an administrative amendment to reflect the reality of the Registrant's status. The Committee noted that the conviction allegation already alleges that the Registrant's fitness to undertake training is impaired by reason of his conviction. The amendment sought does not increase the gravity of the Allegation, add a new aspect to it, or cause the Registrant prejudice.

The Committee decided to grant the application.

Background to the allegations

The Registrant is a registered student dispensing optician.

The Conviction Allegation

It is alleged that the on 6 February 2017 the Registrant pleaded Guilty to the offence of production of a class B controlled drug, namely cannabis. On 13 March 2017 the Registrant was sentenced to 9 months' imprisonment suspended for 12 months was made subject to a curfew order for a period of 3 months between 20.00 hours and 06.00 hours each except Thursday (21.00 hours - 6.00 hours). [Redacted], and to pay a victim surcharge of £100 within 3 months. The Registrant referred himself to the GOC as a result of the conviction by email dated 15 March 2017.

The Misconduct Allegations

The GOC opened an investigation into the Registrant's [Redacted] as a result of the issues raised by the conviction, namely the personal use of cannabis and the part of the sentence which [Redacted]. The GOC attempted to contact the Registrant on a number of occasions by email and letter requesting his consent for the GOC to [Redacted]. The Registrant did not respond. On 15 February 2018 it is alleged that the Registrant sent an email to the GOC using abusive language as set out in Particular 2.

Application to rely on hearsay evidence

Mr Price sought to rely on the witness statement of Witness 1, [Redacted] in the Fitness to Practise Directorate at the GOC, dated 16 March 2020 without her attendance at the hearing to give live evidence. Mr Price submitted that her evidence was both relevant and that it would be fair to admit it.

The Committee accepted the advice of the Legal Adviser who referred to the case of *Thornycroft v NMC* [2014] EWHC 1565.

The Committee took into account that **Witness 1** had at no time been approached by the GOC to give live evidence, nor had her witness statement been served on the Registrant. Mr Price informed the Committee that on 17 March 2020, the day after the witness statement was signed, the GOC encouraged all users to work from home due to the Covid-19 pandemic. It was in this context that the witness statement was not sent by post. In addition, it was not sent to the Registrant to his email address registered on the GOC's register, as his email was previously discovered not to be working, and the Committee saw evidence of that. The Committee saw evidence of this in the substantive hearing bundle in respect of an attempt to email the Registrant on 12 December 2018, as well as evidence of another more recent unsuccessful attempt by the GOC to send documentation to that email address. The Committee was of the view that these were difficult circumstances which made it more difficult to serve the witness statement, and therefore made the lack of service less of a reason for not allowing it, when weighing up the matter with the other issues referred to below.

The Committee read the witness statement and it was clear that it was relevant in that it demonstrated that **Witness 1** had accessed an electronic file containing correspondence with the Registrant and she gave evidence that the Registrant did not reply to emails and a letter from the Council. The Committee was of the view that to a large extent her statement in essence collated and exhibited relevant documents. However, her statement was the sole evidence and as to the allegation that the Registrant did not respond to Council communications.

The Committee also took into account that the Registrant is alleged to have sent an abusive email to the GOC on 15 February 2018 stating in no uncertain terms that he did not want the GOC to contact him again. There was also information before the Committee that he repeated this request by telephone on 23 July 2019. The Committee was of the view that the history and nature of the Registrant's lack of engagement with the regulatory proceedings was also relevant to its decision. In all the particular circumstances, the Committee was satisfied that it would be fair to allow the witness statement into evidence.

Findings in relation to the facts

The Committee considered the Council's substantive hearing bundle, and the Council's written skeleton argument dated 22 January 2020 as well as the submissions of Mr Price. There were no written representations from the Registrant.

The Committee accepted the advice of the Legal Adviser.

The Committee was aware that the burden of proof rests entirely on the Council to the civil standard, namely the balance of probabilities.

The Committee considered the weight to give to the hearsay evidence of **Witness 1** in the form of her witness statement. The Committee gave it significant weight. It is a formal signed statement written for the purpose of these proceedings. **Witness 1** is an employee of the GOC with access to the file of correspondence with the Registrant. There was no indication that she had a tendency to misrepresent the facts or that she had any grudge against the Registrant. Her statement was confined to factual matters and mostly exhibited documents. The Committee considered that her witness statement was credible and reliable.

The Conviction Allegation

The Committee took into account the signed Certificate of Conviction as well as Rule 40(3) of the 2013 Rules which provides that “*production of a certificate purporting to be under the hand of a competent officer of a Court in the United Kingdom... shall be conclusive evidence of the offence committed.*”

The Committee therefore found this Allegation proved.

The Misconduct Allegation

Particular 1a

The Committee first considered whether the Registrant did not respond to the Council’s emails seeking his consent to obtain [Redacted].

The Committee saw the emails sent by the GOC to the Registrant on 13 November 2017, 7 December 2017 and 9 January 2018 exhibited to the witness statement of **Witness 1**. All three emails requested the Registrant’s consent to obtain his [Redacted].

The evidence of [Redacted] was that the Registrant did not respond because no replies were located in the electronic file.

On the balance of probabilities, the Committee decided that the Registrant did not respond to those communications.

The Committee then considered whether the Registrant had a duty to engage with the GOC’s investigation into concerns about his [Redacted], The Committee took into account *Standards for Optical Students* (from April 2016):

“Be candid when things have gone wrong

18.2 ...take part in reviews and investigations when requested and with the General Optical Council...”

The Committee was satisfied that as a student Registrant he had a duty to engage with his regulator’s investigation into concern about [Redacted], as this is a fundamental aspect of the work of the GOC and relies on Registrant’s openness in providing information when requested. The Committee found on the balance of probabilities that the Registrant breached this duty in not responding to the GOC as alleged.

The Committee therefore found this Particular proved.

Particular 1b

The Committee considered the evidence of **Witness 1** and read the letter dated 26 July 2018 sent by the GOC to the Registrant. This recorded the decision of the Investigation Committee, which included a request for the Registrant’s consent to provide his [Redacted].

The evidence of **Witness 1** was that the Registrant did not respond because no reply to that request was located in the electronic file.

On the balance of probabilities, the Committee decided that the Registrant did not respond.

The Committee has considered above in respect of Particular 1a) whether the Registrant had a duty to engage with the GOC's investigation into concerns about his [Redacted], and has decided that he did. The Committee relied on that previous reasoning. The Committee found on the balance of probabilities that the Registrant breached this duty in not responding to the GOC as alleged.

The Committee therefore found this Particular proved.

Particular 2

The Committee considered the witness statement of **Witness 1** and read the email of 15 February 2018. On the balance of probabilities the Registrant sent the email to the GOC.

The Committee therefore found this Particular proved.

Determination in respect of Misconduct

The Committee heard the submissions of Mr Price and accepted the advice of the Legal Adviser.

The Committee was aware that the issue of misconduct is a matter for its own independent judgment.

The Committee was of the view that the Registrant breached the following provision

Standards for Optical Students (from April 2016)

“Be candid when things have gone wrong

18.2 ...take part in reviews and investigations when requested and with the General Optical Council...”

The Committee was aware that not every breach of a Standard will necessarily lead to a finding of misconduct. However, the Committee was of the view that the misconduct allegations were extremely serious.

The GOC, in making the requests for information as set out in Particulars 1a) and b) was making reasonable requests which the Registrant was expected to respond to. The GOC has a duty to investigate concerns in light of its functions of protecting the public and maintain public confidence. The Registrant's refusal to reply undermines that function, as well as the confidence in his profession. The Committee was satisfied that his failure to engage with the GOC's investigation fell so far short of what was expected of him in the circumstances as to constitute misconduct.

With regard to Particular 2, the Committee was of the view that the email was abusive, offensive and contemptuous. It sought to belittle the GOC's function in seeking the

Registrant's consent to provide information from his [Redacted]. It was also unpleasant to the staff reading it. The attitude demonstrated by the Registrant wholly undermines the function of the GOC. The Committee was satisfied that his conduct fell so far short of what was expected of him in the circumstances as to constitute misconduct.

Findings regarding Impairment

As a result of the finding of misconduct, as well as the factual finding that the Registrant received the Conviction, the Committee went on to consider whether the Registrant's fitness to undertake training as student dispensing optician is impaired.

Mr Price submitted that the Registrant was impaired on public interest grounds.

The Committee accepted the advice of the Legal Adviser who referred to the case of *CHRE v (1) NMC (2) Grant* [2011] EWHC 927. The Committee was aware that impairment is a matter for its own independent judgment and that both public protection and the wider public interest should be considered.

The Committee considered the case of *Grant*, which set out questions from the Fifth Shipman Report to be asked by it when considering impairment. In considering these questions the Committee concluded that the Registrant had not in the past put any patient at unwarranted risk of harm in respect of the matters which led to the Conviction or the misconduct. The Committee also decided that the Registrant is not liable to do so in the future, there being no suggestion that there have been concerns in relation to patients. Neither did dishonesty apply in this case.

However, the Committee did conclude, when considering the remaining questions from the Fifth Shipman Report, that the Registrant had in the past, by reason of the Conviction and the Misconduct, brought the profession into disrepute.

The Committee was also satisfied that he had breached the following fundamental tenets of the profession:

Standards for Optical Students (from April 2016)

“16. Do not damage the reputation of your profession through your conduct

16.1 Ensure that your conduct, whether or not connected to your professional study does not damage public confidence in you or your profession.

16.3 Be aware of and comply with the law and all the requirements of the General Optical Council.

Be candid when things have gone wrong

18.2 ...take part in reviews and investigations when requested and with the General Optical Council...”

The Committee then considered whether he was liable to bring the profession into disrepute and breach fundamental tenets in the future.

The Committee took into account the Registrant's plea of Guilty at the Crown Court, his previous good character prior to his conviction, and his self-referral to the GOC. However there was no evidence of his insight or any attempt to remediate his actions. The Committee had no evidence about his progress with the [Redacted].

In light of the factors set out above, the Committee was of the view that there is no evidence of insight or that he had remediated his actions. Therefore, the Committee was of the view that there is a real risk of repetition of the behaviour in question.

The Committee then considered the wider public interest, namely the need to maintain public confidence in the profession and to uphold proper standards of conduct and behaviour.

The conviction for the production of cannabis, as well as his [Redacted], as identified by the sentencing judge, were serious matters which would clearly undermine public confidence in the profession. In addition, the Registrant's failure to engage with the GOC, as well as the contempt and abuse demonstrated towards the GOC and its staff in his email dated 15 February 2018, breached fundamental tenets of the profession. The Registrant has demonstrated no understanding of the effect of his actions on the profession, or public confidence in it or the GOC as the profession's regulator. He has sought to undermine the very function of the GOC. The note of his telephone call dated 23 July 2019 reports the Registrant as stating that he is not interested in the outcome of the investigation as he will not be working in the optical profession. The Committee was of the view that this was also indicative of a desire to disengage from his regulator and his profession.

After careful consideration, the Committee was of the view that, due to the nature of the Conviction, as well as the misconduct found proved, the need to maintain public confidence in the profession and to uphold proper standards would be undermined if a finding of impairment were not made in the particular circumstances of this case.

The Committee therefore found that the fitness of the Registrant to undertake training as a dispensing optician is impaired on public interest grounds.

Sanction

The Committee heard submissions from Mr Price who suggested that the only proportionate and appropriate sanction in this case is that of Erasure.

The Committee accepted the advice of the Legal Adviser who reminded the Committee that which sanction to impose is a matter for the Committee's independent judgment, that the purpose of sanction is to protect the public and uphold the public interest, and that any sanction must be proportionate.

The Committee took into account the Indicative Sanctions Guidance (ISG) published by the GOC and reminded itself that its decision, that the Registrant's current fitness to undertake training is impaired, is based on the need to uphold the wider public interest only, with no public protection concerns.

The Committee identified the following mitigating factors:

- i. guilty plea at the Crown Court
- ii. self-referral to the GOC.

The Committee identified the following aggravating factors:

- i. no evidence of insight;
- ii. no evidence of remediation.

The Committee considered the sanctions available to it from the least to the most severe. It was aware that it must consider the sanctions in ascending order of severity, and only move upwards if the lesser sanction is insufficient to address the concerns which it has identified.

The Committee was of the view that the conviction was a serious one. The context was of one of [Redacted] and there is no evidence that this issue has been addressed. In addition, the offensive and graphic email written by the Registrant to GOC staff, indicated to the Committee a deep-seated attitudinal issue.

The Committee first considered, and discounted, taking no further action, because this would not be sufficient to address the public interest concerns in this case arising from the serious conviction and misconduct. This was not an exceptional case in which such an outcome may be appropriate.

The Committee next considered a financial penalty order but decided that this would not be appropriate in light of the nature of the conviction and the misconduct.

The Committee next considered conditional registration but decided that this would not be appropriate. The Registrant has disengaged from the proceedings and from the GOC and there is no indication that he would be willing to comply with conditions. In any event, the Committee took the view that because there are no clinical concerns in respect of the Registrant, conditions would neither be appropriate, nor would they be sufficient to address the seriousness of the public interest concerns.

The Committee next considered Suspension. The Committee was of the view that there is evidence of a deep-seated attitudinal problem as a result of the email written by the Registrant to GOC staff. In addition, there is no evidence that the Registrant has insight into, or undertaken any kind of reflection upon, any of the matters found proved. Further, the Committee has already decided that there is a real risk of repeating the matters found proved. There is no suggestion that he wishes to remediate or is capable of remediation. In these circumstances, the Committee was not satisfied that a period of Suspension was the proportionate sanction and decided that it would not be sufficient to protect the public interest concerns in this case.

The Committee next considered Erasure. There has been a serious departure from the relevant professional standards as set out in the Standards of Practice for Students. There is no information to suggest that the Registrant's [Redacted] has been addressed. In addition, he has never addressed the offensive email which he wrote, sought to explain it or reflect on it or his attitude which the email demonstrated towards the GOC. The email he wrote was graphic and had violent connotations, and was therefore disgraceful. There has been a persistent lack of insight into the seriousness of his actions. The lack of any evidence of insight or remediation, and the continuing lack of engagement indicate that the Registrant is either unwilling or unable to address the concerns found proved. Furthermore, there is an ongoing real risk of repetition.

The Committee decided that the attitude shown to the GOC in the form of the email written by the Registrant was fundamentally incompatible with professional expectations and standards.

The Committee was of the view that in the light of the particular circumstances of the case, as referred to above, a reasonable member of the public, fully informed of the facts, would be gravely concerned if the Registrant was permitted to remain on the Register. All of these factors led the Committee to decide that Erasure is the only way in which the wider public interest could be upheld.

In coming to this decision, the Committee took into account the impact that this sanction will have on the Registrant, in that he will be unable to undertake training, and the financial and reputational impact. However, the Committee was satisfied that in weighing up the balance, the need to uphold the public interest outweighed the Registrant's interests.

The Committee therefore decided to impose an order for Erasure.

Immediate order

The Committee heard submissions from Mr Price on behalf of the Council who was neutral in respect of an Immediate Order. It has accepted the advice of the Legal Adviser.

The Committee has decided to impose an Immediate Order of Suspension on the basis that it is in the public interest, in order to uphold proper standards and maintain confidence in the profession and the regulator. The public interest concerns which need to be addressed are set out in the Committee's decisions on impairment and sanction. In coming to its decision, the Committee took into account the principle of proportionality, but decided that the need to uphold the public interest outweighed the Registrant's interests.

Revocation of interim order

The Committee hereby revokes the interim order for suspension of registration that was imposed on 21 August 2018.

Chair of the Committee: Anne Johnstone

Signature*Anne Johnstone*..... **Date: 26 March 2020**

Registrant: Bradley Burke

Signature Not present at the hearing

Date: 26 March 2020

FURTHER INFORMATION
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
<p>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).</p> <p>Further information about the PSA can be obtained from its website at www.professionalstandards.org.uk or by telephone on 020 7389 8030.</p>
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
<p>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.</p> <p>The GOC is the competent authority for all opticians registered in the United Kingdom (UK).</p>

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.

European Alert – Information Sheet

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