

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

GENERAL OPTICAL COUNCIL

F(22)32

AND

AMANDEEP SANDHU (01-25360)

**DETERMINATION OF A SUBSTANTIVE REVIEW
22 FEBRUARY 2024**

Committee Members: Ms Julia Wortley (Chair)
Mr Ben Summerskill (Lay)
Ms Victoria Smith (Lay)
Ms Sanna Nasrullah (Optometrist)
Mr Kamlesh Gohil (Optometrist)

Legal adviser: Ms Clare Bunting

GOC Presenting Officer: Ms Violet Smart

Registrant: Present and represented

Registrant representative: Mr Nicholas Hall (AOP)

Hearings Officer: Ms Humera Asif

Outcome: Fitness to Practise – not impaired



DETERMINATION

ALLEGATION

The Council alleges that in relation to you, Amandeep Sandhu (01-25360), a registered optometrist:

1) On 27 May 2020 at [redacted] Magistrates' Court (2923) sitting at [redacted] Magistrates Court, you were convicted of the following offences:

- a. Breach of a non-molestation order, contrary to section 42A(1) and 5 of the Family Law Act 1996;*
- b. Witness intimidation, contrary to section 51(1) and 6 of the Criminal Justice and Public Order Act 1994;*
- c. Stalking which amounted to harassment, contrary to section 2A(1) and 4 of the Protection from Harassment Act 1997;*

2) On 10 July 2020 at [redacted] Magistrates' Court (2923) sitting at [redacted] Magistrates Court, you were convicted for breach of a restraining order, contrary to section 5(5) and 6 of the Protection from Harassment Act 1997, and sentenced to a total of 8 weeks imprisonment;

3) On or around 30 March 2020, when applying to be retained on the GOC's register as an Optometrist, you failed to declare you were undergoing criminal court proceedings and/or criminal investigation for the offences set out at 1) above;

4) On or around 3 March 2021, when applying to be retained on the GOC's register as an Optometrist, you:

- a. Failed to declare the conviction set out at 1) above;*
- b. Failed to declare that, on 10 July 2020, you were convicted at [redacted] Magistrates' Court for breach of a restraining order, contrary to section 5(5) and 6 of the Protection from Harassment Act 1997.*

5) Your conduct as set at 3) and/or 4a) and/or 4b) above, was dishonest in that you knew you were required to provide details of your convictions and/or criminal matters to the GOC and did not do so;

And by virtue of the facts set out above, your fitness to practise is impaired by reason of a conviction in respect of allegation 1 and 2, misconduct in respect of allegation 3 and/or 4 and/or 5.

The committee at the substantive hearing found the following:

Facts proved: 1 a), 1 b), 1 c), 2, 3 , 4, 5

Facts not proved: None.

Misconduct found.

The Committee at the substantive hearing found the Registrant's fitness to practise to be impaired and a Suspension Order for a period of 12 months was imposed as a sanction. This is the first review of that order.

Preliminary issues

1. Mr Gohil raised with the parties in advance of the hearing that he has knowledge of three of the Registrant's referees in a professional capacity. Neither party raised an issue in this regard.
2. There were no other preliminary issues raised.

Background

3. The Registrant was admitted as an optometrist in June 2010. He was convicted as alleged and as set out in the allegation. He failed to make declarations to the Council in March 2020 and March 2021 regarding a criminal investigation and a number of subsequent convictions. *[redacted]*. The convictions arose after this period. He disclosed his convictions to the Council on 7 April 2021.
4. The Registrant admitted the alleged facts in particulars 1a) ,1b), 1c), 2, 3, 4 and 5 of the allegation. They were therefore found to be proven. The Registrant admitted misconduct.
5. The Committee at the substantive hearing considered the issue of misconduct in respect of particulars of 3, 4 and 5. The following determination was made:

'The Committee considered particulars 3, 4 and 5 in relation to misconduct. It found that particulars 3 and 4 are a serious departure from standards 16 and 17 which require the Registrant to be honest and trustworthy and not to damage the reputation of the profession. Declaration of these matters is required and expected of all Registrants in order for the Council to fulfil its proper function as a professional regulator, and in order to protect the public and maintain public confidence in the profession. Not to make the required declarations was serious and it amounts to misconduct.'



The Committee decided that failure to declare these convictions was serious, not least given the nature and gravity of them. Not to declare these convictions at the time was a serious departure from professional standards and fell far short of what would have been proper. The Committee found that particulars 3 and 4 amounted to misconduct.

As regards particular 5, the admitted dishonesty was a significant falling short of what would have been proper in the circumstances. Honesty is an essential and core quality for all professionals. Particular 5 was a serious and significant departure from professional standards 16 and 17 and the Committee found that it amounts to misconduct.

6. The substantive hearing committee concluded that the Registrant's fitness to practise was impaired on both public protection and public interest grounds. Further, the committee concluded that suspension was the appropriate and proportionate sanction given the seriousness of this case. The Registrant's registration was suspended for 12 months following a substantive hearing held on 30 March 2023 to 03 April 2023. The order is due to expire on 01 May 2024.

Findings regarding impairment

7. The Committee heard submissions from Ms Smart on behalf of the Council and from Mr Hall on behalf of the Registrant and considered the GOC bundle of 60 pages and the Registrant's bundle of 50 pages. The Committee heard evidence from the Registrant on affirmation and asked the Registrant to clarify the basis upon which the medical report was prepared. Mr Hall submitted that the Registrant is no longer impaired and accordingly the current suspension order should lapse upon expiry. Ms Smart on behalf of the GOC remained neutral on the issue.
8. The Committee determined that it would be appropriate to hear issues relating to the Registrant's *[redacted]* in private to protect the Registrant's private life.
9. The Committee accepted the advice of the Legal Adviser who reminded the Committee of the Council guidance on impairment and sanction and the case law including *CHRE v NMC and Grant* [2011] EWHC 927 (Admin) (*Grant*) and *Cohen v GMC* [2008] EWHC 581.
10. The Committee was reminded that its role is to consider whether the Registrant's fitness to practise remains impaired by reason of misconduct. The Committee must look forward, not back when determining impairment. Relevant factors for the Committee to consider when determining impairment include: whether the conduct which led to the allegation is remediable; whether it has been remedied; and whether it is likely to be repeated.
11. The Committee was reminded that it should consider the central issues of the Registrant's insight and any steps he has taken to remedy his practice, and it should assess the risk of repetition of the misconduct. The Committee was aware that it must also be mindful of the importance of considering the public interest and the need to maintain public confidence in the profession.
12. The Committee was advised that if the Registrant is deemed to no longer be impaired the current order will lapse upon expiry. If the Registrant's fitness to practise is considered to remain impaired the Committee should go on to consider what, if any,



sanction should then be imposed, bearing in mind the need for such sanction to be appropriate and proportionate. The Committee is able to extend the suspension, erase the Registrant or impose conditions on his registration.

13. When considering impairment of fitness to practise, the Committee is aware it must have regard to public interest considerations. In *PSA v Nursing and Midwifery Council (Grant)* [2011] EWHC 927, the High Court said that, in deciding whether fitness to practise is impaired, the Committee should ask themselves; "Not only whether the registrant continued to present a risk to members of the public, but whether the need to uphold proper professional standards and public confidence in the registrant and in the profession would be undermined if a finding of impairment of fitness to practise were not made in the circumstances of this case."
14. The principal issue for the Committee to determine in this case is whether the Registrant's fitness to practise remains impaired. If it is found that impairment remains, the Committee must consider sanction.
15. The Committee undertook a comprehensive review of the written and oral submissions made. The Committee was impressed by the detailed reflective piece prepared by the Registrant in which he fully addresses insight, reflection and demonstrates remorse for his actions. The Registrant also acknowledges the gravity of the offending and the dishonesty in relation to the regulatory proceedings and shows an awareness of the impact of his behaviour on the victims, the profession and the regulator.
16. The Committee was persuaded by the reflective piece that the Registrant's insight has been significantly enhanced. The Registrant has undertaken a period of reflection whilst suspended from practice. During this time, the Registrant has been proactive in ensuring his knowledge and skills have not lapsed and he has undertaken many courses and undertaken Continuing Professional Development to enhance his knowledge and has shadowed other professionals who have commented through testimonials on his abilities.
17. The Committee further noted that the Registrant has not re-offended and that he has in place support networks to manage his *[redacted]*.
18. The Committee found that the Registrant has done much during the period of suspension to address the concerns identified by the substantive hearing Committee, and that he has also pushed forward and done more than was expected of him.
19. As a result of the comprehensive work undertaken by the Registrant and the detailed reflective piece, the Committee concluded, based on all of the evidence presented, that there is a very low likelihood of the Registrant re offending and accordingly any risk of repetition is also very low. Accordingly, there is very little risk to the public.
20. In considering the public interest the Committee found that a fully informed member of the public with knowledge of the information before them would not be concerned that the Registrant was permitted to practise unrestricted. The public interest has been served by the current suspension order.
21. After careful consideration of all of the information before it, the Committee is satisfied that the Registrant has fully appreciated the gravity of the offence, has not

re-offended and has maintained his skills and knowledge and that the Registrant's patients will not be placed at risk by resumption of practice.

22. The Committee found that the fitness of the Registrant to practise as an optometrist is not impaired on either public protection or public interest grounds.

23. The Committee makes a formal declaration that the Registrant's fitness to practise is no longer impaired for the reasons above.

Chair of the Committee: Julia Wortley



Signature

Date: 22 February 2024

Registrant: Amandeep Sandhu

Signaturereceived via email.....

Date: 22 February 2024

NOTICE TO REGISTRANT:

- The GOC will enter these conditions against your name in the register save for any conditions that disclose information about your health.
- In accordance with Section 13C(3) of the Opticians Act 1989, the GOC may disclose to any person any information relating to your fitness to practise in the public interest.
- In accordance with Section 13B(1) of the Opticians Act 1989, the GOC may require any person, including your learning/workplace supervisor or professional colleague, to supply any information or document relevant to its statutory functions.

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
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.

Where a registrant can appeal against a decision, the Authority has 40 days beginning with the day which is the last day in which you can appeal. Where a registrant cannot appeal against the outcome of a hearing, the Authority's appeal period is 56 days beginning with the day in which notification of the decision was served on you. PSA will notify you promptly of a decision to refer. A letter will be sent by recorded delivery to your registered address (unless PSA has been notified by the GOC of a change of address).

Further information about the PSA can be obtained from its website at www.professionalstandards.org.uk or by telephone on 020 7389 8030.

Effect of orders for suspension or erasure

To practise or carry on business as an optometrist or dispensing optician, to take or use a description which implies registration or entitlement to undertake any activity which the law restricts to a registered person, may amount to a criminal offence once an entry in the register has been suspended or erased.

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.