BEFORE THE FITNESS TO PRACTISE COMMITTEE
OF THE GENERAL OPTICAL COUNCIL

GENERAL OPTICAL COUNCIL

F(25)38 & 39

AND

EMMA FOSTER (D-10822) (Registrant 1)
GEORGE KELLY (01-26571) (Registrant 2)

DETERMINATION OF A SUBSTANTIVE HEARING
14-18 SEPTEMBER 2026

Committee Members:	Andy Brennan (Chair/Lay) Joy Tweed (Lay) Vivienne Geary (Lay) Caroline Clark (Optometrist) Sue Deal (Dispensing Optician)
Legal adviser:	Timothy Akers
GOC Presenting Officer:	Holly Huxtable
Registrant present/represented:	Registrant 1 not present and not represented Registrant 2 Attended on Day 3 to give evidence on impairment and represented
Registrant representative:	Khaled Hussain-Dupré for Registrant 2
Hearings Officer:	Arjeta Shabani Latanya Gordon Terrence Yates
Facts found proved:	Registrant 1: (all proven in absence) 1.a.-f. 2.a.-c. 3. 4. 5. 6. 7. 8. Registrant 2: (all proven by admission) 1.a.-e. 2.a.-c. 3. 4. 5. 6.

Facts not found proved:	N/A
Misconduct:	Found for Registrant 1 and 2
Impairment:	Impairment found for Registrant 1 and 2
Sanction:	Registrant 1: Suspension for 12 months, with Review Registrant 2: Suspension for 3 months, with Review
Immediate order:	No

Allegation – Emma Foster

The Council alleges that you, Ms Emma Foster (D-10822), a registered dispensing optician, whilst you were a director of [redacted] Specsavers Limited:

1. Between 5 March 2020 and 19 September 2024, you submitted and/or allowed to be submitted invoices for payment for personal expenses which were misrepresented as legitimate business-related expenses, namely:
   a. An invoice dated 16 December 2022 in the sum of £3595.20 from Elior UK PLC to Specsavers [redacted] for Ɵckets to the Scotland v Ireland 2023 Thistle Suite rugby match;
   b. An invoice dated 20 September 2023 in the sum of £4770 from Sheer Edge Ltd to Specsavers [redacted] for the Formula 1 BriƟsh Grand Prix 2024 – Invoice No. 000715;
   c. An invoice dated 5 March 2024 in the sum of £1350 from Sheer Edge Ltd to Specsavers [redacted] for a Shared ExecuƟve Box at Crystal Palace v Manchester City – Invoice No. 000804;
   d. An invoice dated 30 April 2024 in the sum of £957.60 from Ignite Experience Ltd to Specsavers [redacted] for tickets to the 2024 Autumn Nations Series Scotland v Fiji rugby match;
   e. An invoice dated 31 May 2024 in the sum of £3300 from Sheer Edge Ltd to Specsavers [redacted] for the NFL New York Jets v Minnesota Vikings game – Invoice No. 000881
   f. An invoice dated 14 June 2024 in the sum of £225.59 from Office Depot International Ltd (Viking) – Invoice No. 2594810;
2. Between 5 March 2020 and 19 September 2024, you submitted and/or allowed to be submitted amended invoices for payment, namely:
   a. An invoice dated 26 October 2023 in the sum of £3,585 from Sheer Edge Ltd to Emma Foster for Dinner, Bed and Breakfast – Invoice 000742;
   b. An invoice dated 2 November 2023 in the sum of £2309 from Sheer Edge Ltd to Emma Foster for Team Building 1 Day Session - Invoice 000745;
   c. An invoice dated 2 November 2023 in the sum of £9722 from Sheer Edge Ltd to Emma Foster for 25 x Double occupancy rooms – Dinner, Bed and Breakfast – Invoice 000747;
3. Between 5 March 2020 and 19 September 2024, you submitted claims for personal expenses amounting to £35,734.77 which you misrepresented as legitimate business related expenses;
4. On 6 February 2023, you submitted an expense claim in the sum of £3,595.20 which duplicated an invoice already submitted for payment, namely an invoice dated 16 December 2022 in the sum of £3595.20 from Elior UK PLC to Specsavers [redacted] for tickets to the Scotland v Ireland 2023 Thistle Suite rugby match;
5. Your actions as set out above at 1a and/or 1b and/or 1c and/or 1d and/or 1e and/or 1f were dishonest in that you knowingly submitted and/or allowed to be submitted invoices for payment which you knew misrepresented personal expenses as legitimate business-related expenses;
6. Your actions as set out above at 2a and/or 2b and/or 2c were dishonest in that you knowingly submitted and/or allowed to be submitted amended invoices that you knew to be false;

7. Your actions as set out above at 3 were dishonest in that you knowingly misrepresented personal expenses as business-related expenses;
8. Your actions as set out above at 4 were dishonest in that you knowingly submitted a duplicate expense claim.

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

Allegation – George Kelly (as amended)

The Council alleges that you, Mr George Kelly (01-26571), a registered optometrist, whilst you were a director of [redacted] Specsavers Limited:

1. Between 5 March 2020 and 19 September 2024, you submitted and/or allowed to be submitted invoices for payment for personal expenses which were misrepresented as legitimate business-related expenses, namely:
   a. An invoice dated 16 December 2022 in the sum of £3595.20 from Elior UK PLC to Specsavers [redacted] for tickets to the Scotland v Ireland 2023 Thistle Suite rugby match;
   b. An invoice dated 20 September 2023 in the sum of £4770 from Sheer Edge Ltd to Specsavers [redacted] for the Formula 1 British Grand Prix 2024 – Invoice No. 000715;
   c. An invoice dated 5 March 2024 in the sum of £1350 from Sheer Edge Ltd to Specsavers [redacted] for a Shared Executive Box at Crystal Palace v Manchester City– Invoice No. 000804;
   d. An invoice dated 30 April 2024 in the sum of £957.60 from Ignite Experience Ltd to Specsavers [redacted] Limited for tickets to the 2024 Autumn Nations Series Scotland v Fiji rugby match;
   e. An invoice dated 31 May 2024 in the sum of £3300 from Sheer Edge Ltd to Specsavers [redacted] for the NFL New York Jets v Minnesota Vikings game – Invoice No. 000881;
2. Between 5 March 2020 and 19 September 2024, you submitted and/or allowed to be submitted amended invoices for payment:
   a. An invoice dated 26 October 2023 in the sum of £3,585 from Sheer Edge Ltd to Emma Foster for Dinner, Bed and Breakfast – Invoice 000742;
   b. An invoice dated 2 November 2023 in the sum of £2309 from Sheer Edge Ltd to Emma Foster for Team Building 1 Day Session - Invoice 000745;
   c. An invoice dated 2 November 2023 in the sum of £9722 from Sheer Edge Ltd to Emma Foster for 25 x Double occupancy rooms – Dinner, Bed and Breakfast – Invoice 000747;
3. Between 5 March 2020 and 19 September 2024, you submitted claims for personal expenses amounting to £10,759.39 which you misrepresented as legitimate business related expenses;
4. Your actions as set out above at 1a and/or 1b and/or 1c and/or 1d and/or 1e were dishonest in that you knowingly submitted and/or allowed to be submitted invoices for payment which you knew misrepresented personal expenses as legitimate business related expenses;

5. Your actions as set out above at 2a and/or 2b and/or 2c were dishonest in that you knowingly submitted and/or allowed to be submitted amended invoices that you knew to be false;
6. Your actions as set out above at 3 were dishonest in that you knowingly misrepresented personal expenses as business-related expenses;

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

Proof of service in respect of Registrant 1

1. The Committee heard an application from Ms Huxtable for the Council for the matter to proceed in Miss Foster's (Registrant 1'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. The Committee accepted the advice of the Legal Adviser, that, per R. 22(a) of the Fitness to Practise Rules 2013, where a Registrant is neither present nor represented at a hearing, the Committee may nevertheless proceed to consider and determine the application if they are satisfied that all reasonable efforts have been made to serve him with notice of the hearing in accordance with the Rules.
2. The Committee then took into account the service bundle, exhibit EF3, together with the signed Case Management Meeting form (exhibit EF2) and written representations of Registrant 1 (exhibit EF1). Having considered these documents, the Committee formed the view that Registrant 1 was aware of the hearing, had been served with the relevant papers, and that all reasonable efforts had been made to serve her with notice of the hearing. The Committee therefore found good service.

Proceeding in the absence of Registrant 1

3. The Legal Adviser highlighted that having found that all reasonable efforts had been made to notify the Registrant of the hearing, the Committee would need to consider, under Rule 22(b), whether it is in the public interest to proceed, having regard to any reasons for the Registrant's absence. The Legal Adviser referred to the cases of *R v Jones (Anthony)* [2003] 1 AC 1; [2002] UKHL 5 (as applied in *Tait v The Royal College of Veterinary Surgeons* [2003] UKPC 34) and *GMC v Adeogba* [2016] EWCA Civ 162 and noted that the Committee had no power to compel the Registrant to attend.
4. When asked if he had any representations on behalf of Mr Kelly (Registrant 2), Mr Hussain-Dupré opposed any further adjournment on the basis that it would result in a further delay to Registrant 2's case.
5. Having considered the matter, the Committee determined that it was in the public interest to proceed in the Registrant's absence. In reaching its decision, the Committee noted that Registrant 1 had indicated she would not be attending the hearing for [redacted] reasons and that an adjournment would not assist in securing her attendance and that she had sent in submissions to be considered on her behalf. The Committee also placed emphasis on the seriousness of the alleged misconduct, the public interest in reaching an expeditious conclusion in order to ensure the protection, promotion and maintenance of the health and safety of the public, and the impact upon Registrant 2 if there was to be a further delay.

Allegation 4 in respect of Registrant 2

6. In respect of Registrant 2 only, the GOC applied to amend allegation 4 so as to remove the words "*and/or 1f"* given that Registrant 2 did not face an allegation 1f. The Application was made under Rule 46(20) of the Fitness to Practise Rules.
7. On behalf of Registrant 2, Mr Hussain-Dupré confirmed he had no objection to the proposed amendment.
8. The Committee received and accepted the advice of the Legal Adviser, namely that given that Registrant 2 had been properly notified of this allegation, it had the discretion to amend if the amendment can be made without injustice. Having carefully considered the Council's application, the Committee decided to permit the amendment requested and the allegation was amended accordingly.

Admissions in relation to the particulars of the allegation

9. On behalf of Registrant 2, Mr Hussain-Dupré confirmed that Registrant 2 admitted the entirety of the allegations against him, namely:

    1.a.-e.
    2.a.-c.
    3.
    4.
    5.
    6.

10. Mr Hussain-Dupré explained that Registrant 2 therefore would not be present in person as the facts stage proceeds against Registrant 1, but that Mr Hussain-Dupré would be present as Registrant 2's advocate and representing his interests.
11. The Committee noted the purported admissions made by Registrant 1 to certain charges contained within EF2. Ms Huxtable stated on behalf of the Council that, regardless of the purported admissions, the Council would be seeking to prove all allegations against Registrant 1. For the purposes of the facts stage of the hearing, the Committee announced that it would put these purported admissions out of its mind.

Background to the allegations

12. Ms Huxtable opened the case for the Council against Registrant 1 in her absence.
13. The relevant Specsavers optical business in [redacted], comprised [redacted] Visionplus Limited ("HVL") as the trading company and [redacted] Specsavers Limited ("HSL") the majority shareholder of HVL. Registrants 1 and 2 were both employees of HVL during the currency of the allegations; They were also shareholders of HSL and statutory directors of HVL and HSL. Specsavers Optical Group was the other statutory director of HSL and HVL and a 'B' shareholder (through Specsavers UK Holdings Limited) in HSL.
14. Concerns were raised by the Specsavers Accounts Payable ("AP") department relating to invoices that had been submitted by HSL and HVL. In the first instance, Person A ("HF"), Finance Shared Services Team Leader for AP, raised concerns to Witness A, Senior Financial Risk Support Consultant, of the Financial Risk Support Team ("FRS"), regarding invoices submitted by HSL from a company named "Sheer Edge." These concerns were discovered as part of HF's day-to-day duties and were considered potentially unusual due to events that had been booked and invoiced for payment. Examples of the concerns provided by the AP department included:

    • Formula 1 British Grand Prix 2024 Hospitality package x 3 - £4770

- Dinner, Bed and Breakfast - £3585
- Team building – 1 day session - £2309
- 25 x Double occupancy rooms – Dinner, bed and breakfast - £9722
- Crystal Palace v Manchester United Executive Box - £1350
- NFL New York Jets v Minnesota Vikings Stratus Package x 5 - £3300

15. Due to the concerns, the FRS team completed a preliminary remote analysis, and report dated 28 August 2024. The evidence reviewed as part of the remote analysis appeared to demonstrate that the Registrants had potentially processed personal expenses and invoices through the HVL business. FRS recommended that further investigation be undertaken regarding these expense claims to ensure that they were properly understood and accounted for in the correct way. A written resolution giving the FRS team the authority to investigate these matters was signed by all Directors of HVL on 06 September 2024.

16. The substantive fitness to practise proceedings are the culmination of the investigation into Registrants 1 and 2, which continued to reveal apparent sizeable financial irregularities in the submission of expenses and invoices by them to Specsavers for purported reimbursement.

Oral evidence, closing submissions and legal advice

17. The Council called Witness A to give evidence. Ms Huxtable confirmed with the witness whether he wished his witness statement dated 24 June 2025 to stand as his evidence in chief. He confirmed that he did.

18. The witness also confirmed that there was an error in his statement, in that where the statement referred to "*on or around 21 November 2024*", the witness confirmed that the correct date should be "*on or around 6 September 2024*".

19. There was no cross-examination by Mr Hussain-Dupré for Registrant 2.

20. The Committee then retired briefly to consider questions for the witness before returning.

21. The Committee asked the witness whether the Registrants had offered to repay the money that Specsavers had lost. The witness stated that he had not been involved in that process, although he believed that they had, but could not confirm this.

22. The Committee asked the witness whether either Registrant had made any financial gain. The witness replied that he did not know the Registrants' individual tax affairs and was therefore unable to comment specifically. His opinion was that the claims made by the Registrants were not in line with the Specsavers expenses policy and that the profitability of the HVL business would have been reduced as a result of the claims made by the Registrants.

23. The witness was further asked whether the Registrants would have had access to a customer services team for advice and support concerning financial claims made by their business. The witness stated that the "FCR team" would have been available to assist partners seeking clarification on specific invoices and could have been used effectively to signpost the Registrants to other subject matter experts for advice on matters such as claiming expenses.

24. Ms Huxtable then closed the case for the Council and made detailed closing submissions, inviting the Committee to find all allegations against Registrant 1 proven. Ms Huxtable also provided an accompanying facts matrix, with relevant page references to the Council's substantive bundle which, it was submitted, supported the Council's case in respect of each allegation.

25. Mr Hussain-Dupré confirmed that he had no representations on behalf of Registrant 2.

26. The Committee received and accepted the advice of the Legal Adviser pertaining to the relevant burden and standard of proof and the issue of dishonesty, including the authority of *Ivey v Genting Casinos* [2017] UKSC 67.

27. The Committee was advised that, for the purposes of this case, the term "*misrepresented"* connoted a false (i.e. factually inaccurate) representation. The Committee was advised to consider firstly, whether, applying the relevant standard of proof, it was satisfied that the alleged misrepresentation was made out, before going on to consider the issue of dishonesty. The Committee was also reminded that Registrant 2 had not given oral evidence at this stage and advised that it should not use what was said in the interviews of Registrant 2 against Registrant 1.

28. The Committee was provided with a full good character direction in respect of Registrant 1.

29. Both Ms Huxtable for the Council and Mr Hussain-Dupré confirmed that they had no representations in respect of the legal advice.

30. The Committee then retired to deliberate.

Findings in relation to the facts

Allegation 1.a

31. The Committee found, on the balance of probabilities, that Registrant 1 submitted an invoice dated 16 December 2022 in the sum of £3,595.20 from Elior UK PLC to Specsavers [redacted] for tickets to the Scotland v Ireland 2023 Thistle Suite rugby match, and that this was falsely claimed as a business expense when it was in fact a personal expense. In its determination, the Committee noted that Registrant 1 had accepted that this cost was in fact a personal expense and that the invoice in question had been addressed to her personally.

Allegation 1.b

32. The Committee found that Registrant 1 had allowed an invoice dated 20 September 2023 in the sum of £4,770 from Sheer Edge Limited to Specsavers [redacted] for F1 British Grand Prix tickets to be submitted as a business-related expense when it was in fact a personal expense. The Committee noted that Registrant 1 later accepted that this was a personal expense rather than a business expense.

Allegation 1.c

33. The Committee found that Registrant 1 allowed an invoice dated 5 March 2024 in the sum of £1,750 from Sheer Edge Limited to Specsavers [redacted] for a shared executive box at Crystal Palace v Manchester City to be claimed erroneously as a business expense. In reaching its finding, the Committee noted that Registrant 2 had accepted that this invoice was in fact a personal expense. The Committee therefore took the view that Registrant 1 had allowed it to be submitted erroneously. Applying the relevant standard of proof, the Committee considered it a reasonable inference that Registrant 1 was plainly aware of Registrant 2's conduct in respect of the matter.

Allegation 1.d

34. The Committee found that Registrant 1 allowed an invoice dated 30 April 2024 in the sum of £957.60 from Ignite Experience Limited to Specsavers [redacted] Limited for tickets to the 2024 Autumn Nations Series Scotland v Fiji rugby match to be falsely claimed as a business expense when it was in fact a personal expense. In reaching this conclusion, whilst the Committee noted that there had not been an admission to the submission of this invoice by Registrant 1, the Committee took the view, on the balance of probabilities, that this formed part of a pattern in the evidence regarding the submission of invoices for attendance at sporting events and therefore found that Registrant 1 had at least allowed the invoice to be submitted.

Allegation 1.e

35. The Committee found that Registrant 1 allowed an invoice dated 31 May 2024 in the sum of £3,300 from Sheer Edge Limited to Specsavers [redacted] for the NFL New York Jets v Minnesota Vikings game to be falsely submitted as a business expense when it was in fact a personal expense. Whilst the Committee was aware that this event was attended by Registrant 2 and his family, it noted that both Registrants 1 and 2 accepted that the event was in fact a personal rather than a business matter. The Committee considered that it could reasonably infer that Registrant 1 was fully aware of this.

Allegation 1.f

36. The Committee found that Registrant 1 submitted an invoice dated 14 June 2024 in the sum of £225.59 from Office Depot International Limited. In reaching this conclusion, the Committee took into account that the expense had latterly been identified by Registrant 1 as a personal expense and that the goods had been delivered to Registrant 1's address.

Allegation 2.a

37. The Committee found, on the balance of probabilities, that Registrant 1 submitted an amended invoice for payment, namely an invoice dated 26 October 2023 in the sum of £3,595 from Sheer Edge Limited to Emma Foster for Dinner, Bed and Breakfast. The Committee noted that the Council's bundle contained the original invoice, which was in fact for U2 tickets. In reaching its determination that Registrant 1 submitted the amended invoice, the Committee noted Registrant 1's comment, "*that would be me, I assume*", in her interview with Witness A. On comparing the two invoices, the Committee took the view that the original invoice had clearly been amended using a different font.

Allegation 2.b

38. The Committee found that Registrant 1 allowed the submission of an amended invoice for payment, namely an invoice dated 2 November 2023 in the sum of £2,309 from Sheer Edge Limited to Emma Foster for a Team Building 1 Day Session. The Committee noted that the Council's bundle contained the original invoice, which was an invoice for Superbowl tickets. On comparing the two invoices, the Committee found that the amended invoice had clearly been altered. The font had been changed and was misaligned. In finding this sub-allegation proven, the Committee noted that Registrant 1 accepted that the invoice had been amended, albeit that she did not know whether it was herself or Registrant 2 who had amended it.

Allegation 2.c

39. The Committee found that Registrant 1 had allowed the submission of an amended invoice for payment, namely an invoice dated 2 November 2023 in the sum of £9,722 from Sheer Edge Limited to Emma Foster for 25 x Double occupancy rooms, Dinner, Bed and Breakfast. The Committee noted that the Council's bundle contained the original invoice, which pertained to Superbowl tickets. In finding this sub-allegation proven, the Committee noted that Registrant 1 accepted that the invoice had been amended, but that she did not know whether it was herself or Registrant 2 who had amended it.

Allegation 3

40. The Committee found Allegation 3 proven on the balance of probabilities, namely that between 5 March 2020 and 19 September 2024, Registrant 1 submitted claims for personal expenses amounting to £35,734.77, which she misrepresented as legitimate business-related expenses. The Committee found this allegation proven on the basis of Registrant 1's own admissions, by which she effectively accepted that she had misrepresented this sum as business-related expenses when they were in fact personal expenses.

Allegation 4

41. The Committee found Allegation 4 proven, namely that on 6 February 2023 Registrant 1 submitted an expense claim in the sum of £3,595.20 which duplicated an invoice that had already been submitted for payment. In arriving at this decision, the Committee noted that it had been provided with both the expense claim and the relevant invoice contained within the Council's papers. Taking the relevant chronology into account, the Committee found that the sum in question had clearly been claimed twice, first by way of the invoice and then by way of an expenses claim.

Allegation 5

42. Applying the relevant standard of proof, the Committee found that Registrant 1's actions as set out at Allegations 1.a, 1.b, 1.c, 1.d, 1.e and 1.f were dishonest.

43. In reaching this conclusion, the Committee applied the test *in Ivey v Genting Casinos*. In considering Registrant 1's actual state of knowledge or belief as to the facts, the Committee considered that Registrant 1 may initially have acted with a degree of naivety, which progressed to recklessness and a cavalier approach towards the submission of invoices and expense claims. The Committee determined, in relation to this allegation, that Registrant 1's state of mind, viewed subjectively, fell just short of dishonest. However, applying the objective standards of ordinary decent people to the conduct in light of the Committee's findings as to Registrant 1's actual knowledge or belief, the Committee concluded that her actions were dishonest.

Allegation 6

44. The Committee found Allegation 6 proven, namely that Registrant 1's actions as set out at Allegations 2.a, 2.b and 2.c were dishonest in that she knowingly submitted, and allowed to be submitted, amended invoices that she knew to be false.

45. When considering this allegation, the Committee distinguished the conduct from that addressed under Allegation 5. The submission of, or allowing the submission of, amended invoices involved materially changing the contents of an invoice, or allowing an invoice that had been materially changed to be submitted for payment. The Committee found that this involved an active decision either to conceal, or to allow the concealment of, the true

nature of the expenditure and thus Registrant 1's subjective state of mind, for the purposes of this allegation, was found to be dishonest.

46. Having made findings as to Registrant 1's actual knowledge and belief, the Committee concluded that such conduct would also plainly be dishonest when assessed against the standards of ordinary decent people.

Allegation 7

47. The Committee found Registrant 1's actions to be dishonest in that she knowingly misrepresented personal expenses as business-related expenses. The Committee took the view that, at the time of submission of the particular invoices referred to at Allegation 3, Registrant 1's state of mind, viewed subjectively, may have fallen just short of dishonest. However, applying the standards of ordinary decent people to the conduct in light of the Committee's findings as to Registrant 1's actual knowledge or belief, the Committee determined that her actions were dishonest.

Allegation 8

48. The Committee found that Registrant 1's actions at Allegation 4 were dishonest in that she knowingly submitted a duplicate expense claim. In reaching this finding, the Committee took into account the relevant email correspondence and applied the test in *Ivey*. The Committee considered that, whilst Registrant 1's state of mind, viewed subjectively, may have fallen just short of dishonest, her conduct was clearly dishonest when assessed against the objective standards of ordinary decent people, in that she submitted a claim for expenses which had previously been paid pursuant to an invoice that had been submitted.

Misconduct

Registrant 2's evidence

49. Mr Hussain-Dupré provided the Committee with a Registrant's bundle, totalling 19 pages, and written submissions on misconduct and impairment, totalling 4 pages.

50. Mr Hussain-Dupré then called Registrant 2 to give evidence. In his examination in chief, Registrant 2 stated, *inter alia*, that he had repaid the money that he had erroneously claimed from Specsavers as business expenses, when it in fact related to personal expenditure. He stated that the Board at the relevant branch of Specsavers had determined that gross misconduct had been committed by him and Registrant 1 and that, as a result, the partnership was dissolved and his access to all Specsavers systems was terminated.

51. Registrant 2 stated that he had initially believed, erroneously, that certain events could be put through as business expenses when they were in fact personal expenses. He went on to say that, having since spoken to his peers, he understood that the expenses were not business expenses and should not have been put through the company. Registrant 2 accepted that, looking back, his conduct was dishonest.

52. Registrant 2 stated that he now had an accountant with whom he discusses his business expenditure and that he now errs on the side of caution in relation to expenditure when considering whether it should be classed as a business or personal expense.

Cross-examination of Registrant 2 and Committee questions

53. Registrant 2 was cross-examined and accepted, *inter alia*, that he had been in a position of trust within the firm, that being a director came with certain responsibilities, and that he was expected to lead by example and maintain the integrity of the business.

54. When asked whether he had used the business to fund a lifestyle, he stated, "*in a way, yes*".

55. When asked how he thought his peers would view his dishonest conduct, he stated that they were shocked and that his conduct went against his character. When asked how it would impact the public's trust in him, he stated that he thought it would be really hard for members of the public to fully trust his decisions and that he could see why they would question his judgement and seek advice from another professional.

56. Registrant 2 was emphatic that he would never be in such a position again and that he would keep business expenditure and personal expenditure entirely separate going forwards. He was asked whether he had undertaken any targeted CPD courses on probity and ethics. He stated that he had not undertaken training in relation to those topics and had instead undertaken more clinical training.

57. Registrant 2 was then asked questions by the Committee. In answering the Committee's questions, he stated, *inter alia*, that he had approached the Sheer Edge events company directly (as opposed to through Specsavers) in order to book and attend the events that had erroneously been claimed as business expenditure.

58. He was asked whether he had spoken to anyone at the time of the conduct to seek advice. He stated that he had brought the matter up at a Specsavers annual event in Birmingham. When asked whether he had specifically told anyone that he was not 100% sure that he should have been claiming for the expenses he claimed for, Registrant 2 said that he had not discussed that with anyone.

59. Explaining why the business expense claims had been submitted erroneously when they related to personal expenditure, Registrant 2 stated that it was quicker to process the invoices using business funds. He also suggested that he and Registrant 1 would not

have been able to obtain the tickets that they did for the events they attended had they not used business funds to purchase them.

60. When asked what kinds of red flags he was now alive to if he were to encounter such situations in the future, Registrant 2 stated that he would now take a step back and question potential ethical dilemmas before making decisions in relation to them, giving as an example the acceptance of gifts from patients.

Submissions and legal advice

61. Prior to considering the issue of misconduct, the Committee confirmed that it had read the written submissions of Mr Hussain-Dupré and a 17-page skeleton argument from Ms Huxtable for the Council.

62. Ms Huxtable made full oral closing submissions on the issues of misconduct and impairment. Mr Hussain-Dupré made brief submissions in response, in addition to his skeleton argument. He urged caution in relation to the Committee's assessment of the financial figures and submitted that the figures related to amounts within the Specsavers business and were not akin to the same sums being extracted from an employer. It was submitted that the Specsavers business being run by the Registrants was profitable and that the gravamen of the alleged misconduct was more to do with the manner in which money was extracted.

63. The Committee received the advice of the Legal Adviser, who referred to the cases of *Cheatle v GMC* [2009] EWHC 645 (Admin), *Roylance v GMC (No. 2)* 2000 1 AC 311, *Mallon v GMC* [2007] CSIH 17 and *R (on the application of Remedy UK Ltd) v GMC* [2010] EWHC 1245 (Admin). The Committee noted that, in order to amount to misconduct, the conduct must be sufficiently serious and that not every instance of professional misconduct would qualify.

64. The Committee then retired to deliberate on the issue of misconduct.

65. The Committee accepted the advice of the Legal Adviser and considered the case law and written and oral submissions of the advocates. The Committee was mindful of the relevant sections of the Council's Hearings and Indicative Sanctions guidance.

Registrant 1

66. The Committee considered the allegations against each Registrant separately, beginning with Registrant 1. The Committee reminded itself of the allegations that it had found proven and the underlying facts in relation to them. Having carefully considered all of the facts underpinning the allegations, the Committee took the view that the conduct encompassed by all of the allegations found proven constituted misconduct.

67. In arriving at this conclusion, the Committee found that Registrant 1 had clearly breached Standards 16 and 17 of the Council's Standards of Practice for Optometrists and Dispensing Opticians, effective from 16 April 2016 (namely to be honest and trustworthy and not to damage the reputation of the profession through her conduct). In particular, the Committee found the fact that Registrant 1 had submitted, and allowed to be submitted, amended invoices to Specsavers for payment to be particularly egregious breaches of the relevant Standards of Practice.

68. The Committee noted that it had found dishonest conduct and determined that Registrant 1 had effectively viewed the business's money as entirely her own money, like a personal bank account, and decided that she could do what she wanted with it. The Committee noted that large sums of money had been claimed completely inappropriately and

dishonestly, and that Registrant 1 received a benefit as a result, namely the experiences purchased using business funds, i.e. using business funds in the dishonest way that she did enabled Registrant 1 to attend expensive events that she would otherwise not have had the cashflow to attend.

69. In relation to the amendment of invoices, the Committee noted that a number of invoices had been amended within a relatively short period of time and that the amended invoices involved significant sums of money. By amending and submitting, and allowing to be submitted, the invoices referred to, there had clearly been a conscious decision to mislead.

70. Taking the evidence of Witness A into account, the Committee found that the conduct would have impacted upon the profitability of the Specsavers branch. The Committee also took into account of the fact that the conduct took place over a sustained period of time and was only discovered as a result of concerns raised by the Specsavers Accounts Payable Department as part of day-to-day expenses and invoice-processing duties. The Committee noted that there had been no voluntary disclosure by either defendant until they were aware that an investigation was in progress. In addition, neither Registrant admitted any dishonesty during the investigation.

71. The Committee noted that, at page 99 of the Council's bundle, there was a clear electronic agreement that the Registrants would have needed to agree to before submitting expenses, effectively authenticating that the expenses being submitted were legitimate business expenses.

72. The Committee took the view that there was a pattern of conduct and that, taking all of the factors into account, the misconduct was serious. The Committee applied the criteria of Elias LJ from paragraph 37 of *Remedy UK Ltd v GMC*, which had been referred to by both advocates, and considered Registrant 1's conduct to be "*dishonourable*" and "*disgraceful"* conduct which attracted a degree of "*opprobrium*" and was capable of bringing the optical profession into disrepute.

Registrant 2

73. The Committee went on to consider the issue of misconduct in respect of Registrant 2. It applied the same process as it had with Registrant 1, while noting that Registrant 2 had admitted all of the allegations against him, which had then been found proven by way of admission, including the allegations of dishonesty. Having carefully considered the facts underpinning the allegations, the Committee took the view that the conduct encompassed by all of the allegations found proven against Registrant 2 also constituted misconduct.

74. The Committee determined that the cases of Registrant 2 and Registrant 1 were inextricably intertwined (effectively acting as joint principals in committing the misconduct) and that, for the purposes of this stage of the proceedings, the same factors pointing towards misconduct that applied in the case of Registrant 1 also applied to Registrant 2. For example, the Committee determined that, through the submission of multiple false expense claims, there had been clear breaches by Registrant 2 of Standards 16 and 17 of the Standards of Practice for Optometrists and Dispensing Opticians.

75. The Committee noted that Registrant 2 benefited from the submission of erroneous claims for business expenses, in that he had access to special event packages that he would not otherwise have had access to, had the tickets not been purchased through the business. The Committee took the view that Registrant 2 also viewed the business's money as entirely his own and that he took the same cavalier approach to the use of business funds for personal expenditure as Registrant 1.

76. The Committee noted that large amounts of money were being claimed as expenses completely inappropriately and dishonestly. As with Registrant 1, the Committee took the

view that the submission of amended invoices, and allowing amended invoices to be submitted to Specsavers, constituted particularly egregious breaches of Standards 16 and 17 of the Standards of Practice. The false claims took place over a significant period of time and involved significant sums of money.

77. Applying the criteria of Elias LJ from paragraph 37 of *Remedy UK Ltd v GMC*, the Committee considered Registrant 2's conduct to be "*dishonourable*" and "*disgraceful"* conduct which attracted a degree of "*opprobrium*" and was capable of bringing the optical profession into disrepute. Accordingly, the Committee found that Registrant 2's conduct was serious and constituted misconduct.

78. In respect of Registrants 1 and 2, the Committee took the view that it would be artificial to seek to divorce any individual allegation or sub-allegation from the overall course of conduct and consider it in isolation for the purposes of determining whether misconduct had been committed. The Committee considered that all allegations that had been proven reflected a pattern of misconduct that had been committed over a lengthy period of time by both Registrants.

Conclusion on misconduct

79. In conclusion, the Committee found that, in terms of the allegations found proven in respect of both Registrants, the conduct amounted to serious "misconduct" within the meaning of s.13D(2)(a) of the Opticians Act 1989.

Further submissions on behalf of Registrant 2

80. Mr Husain-Dupre made representations to the Committee to the effect that Registrant 2 had now booked himself onto a probity and ethics course, which he was due to undertake on Sunday, 27 September 2026.

Findings regarding impairment

81. The Committee heard and accepted the legal advice, considered the Hearings and Indicative Sanctions Guidance at paragraphs 13.1 to 13.8, *Cohen v GMC* [2008] EWHC 581 (Admin) and the four questions referred to in *CHRE v Nursing and Midwifery Council and Grant* [2011] EWHC 927 (Admin).

82. The Committee also considered the GOC's overriding objective at sections 1(2A) and (2B) of the Opticians Act 1989, and gave equal consideration to each of its limbs as set out below:

(2A) The over-arching objective of the Council in exercising their functions is the protection of the public.

(2B) The pursuit by the Council of their over-arching objective involves the pursuit of the following objectives-

(a) to protect, promote and maintain the health, safety and well-being of the public;

(b) to promote and maintain public confidence in the professions regulated under this Act;

(c) to promote and maintain proper professional standards and conduct for members of those professions; and

(d) to promote and maintain proper standards and conduct for business registrants.

Impairment in relation to Registrant 1

83. The Committee firstly considered the three questions identified in *Cohen v GMC*, namely: (1) is the misconduct remediable; (2) has the misconduct been remedied; and (3) is it likely to be repeated?

84. In assessing whether the misconduct was remediable, the Committee noted that misconduct involving dishonesty is harder to remediate because it pertains to attitudinal rather than clinical deficiencies. However, that was not to say that misconduct involving dishonesty could never be remediated.

85. In terms of whether the misconduct had been remediated, the Committee noted that it had not been provided with any persuasive evidence from Registrant 1 to suggest that her misconduct had been sufficiently remediated. Indeed, the Committee noted that dishonesty was denied by Registrant 1 in her written submissions to the Council dated 23 July 2025 and that no further information had been provided by Registrant 1 to the Committee after this date.

86. The Committee noted that Registrant 1 did appear to have made some admissions at the Case Management Meeting to certain allegations, namely allegations 1(c), 1(e), 2(a), 2(b) and 2(c). However, the Committee also noted that allegations 2(a), 2(b) and 2(c) also appeared to be denied and therefore the Registrant's position in relation to these allegations was ambiguous. Notwithstanding this, the Committee noted that no admissions had been made to any allegations involving dishonesty.

87. The Committee also noted that Registrant 1 stated in her written submissions that, when she was made aware of erroneously submitting personal expenditure as business expenditure, she instantly took steps to ensure that she was up to date with all the correct policies within the JVP handbook. As part of this, she stated that she undertook several different modules under the Specsavers iLearn umbrella, of which she said she had previously not been aware. She stated that the training gave her a much better understanding of how the policies should have been followed. The Committee took this into account; however, it determined that Registrant 1 should have been aware of the relevant policy on claiming expenses from the outset, particularly as a director of the relevant Specsavers branch. Given that Registrant 1 had failed to accept her own dishonesty, the Committee determined that this was a significant shortcoming in her level of insight, and that it significantly undermined her ability to assess the impact that her misconduct had had on the profession, the reputation of the Council and the wider public. Accordingly, the Committee took the view that the steps taken by Registrant 1 did clearly not go far enough to address the misconduct and her own attitudinal deficits, and therefore she could not be considered to have remediated the misconduct in a meaningful way.

88. The Committee found that Registrant 1 displayed something of a "victim mentality" in her written representations, for example stating, "*Since Jan 2025 I have found out the same events other partners had put through expensive* [sic.] *on previous years are now being questioned when they are submitting things, especially sporting invoices, which is a chance I wish I had been offered*." The Committee took the view that such a statement sought to avoid responsibility and disregarded the fact that Registrant 1 should have known from the outset not to submit personal expenses as purported business expenses.

89. The Committee further noted that Registrant 1 appeared to minimise the misconduct as "*silly and messy*" in her interview with Witness A, suggesting that she had unintentionally made honest mistakes. The Committee took the view that this did not properly reflect the misconduct, which included intentionally altering, or allowing altered invoices to be submitted, in order falsely to claim monies that had been spent on personal activities. The Committee took the view that, contrary to what Registrant 1 said in her written representations to the Council in July 2025, there was a clear intention to deceive Specsavers.

90. The Committee then addressed its mind to the third question in *Cohen* and whether it was likely that the misconduct could be repeated. The Committee concluded that, given the lack of evidence of insight and remediation, there was a real risk of Registrant 1 repeating the misconduct in question in the future.

91. The Committee then applied the test set out by Dame Janet Smith in the Fifth Shipman Report and affirm [2011] EWHC 927 (Admin). In applying the relevant test, the Committee found that Registrant 1 had not in the past acted so as to put a patient at unwarranted risk of harm and was not liable in the future to do so. However, the Committee found that, through her misconduct, Registrant 1 had in the past brought the optical profession into disrepute and would be liable to do so in the future. The Committee further found that Registrant 1 had in the past breached fundamental tenets of the optical profession and would be liable to do so in the future. Finally, the Committee found that Registrant 1 had in the past acted dishonestly and, without further persuasive evidence to the contrary, would be liable to act dishonestly in the future.

92. The Committee reminded itself that, per the *ratio* in *Cohen*, it should consider whether the need to uphold professional standards and public confidence in the profession would be undermined if a finding of impairment were not made. In making this assessment, the Committee considered the scale of the misconduct and dishonesty in this case. It noted that the dishonesty was at the higher end of the spectrum and involved active decisions to alter, submit and allow to be submitted amended invoices for payment. The misconduct took place over a lengthy period of time, involved significant sums of money, was systemic, and was effectively committed as a joint enterprise with Registrant 2. Accordingly, the Committee took the view that members of the public and fellow professionals would be shocked if a finding of impairment were not made in this particular instance, and that the need to uphold professional standards and public confidence in the profession demanded that a finding of impairment be made. Accordingly, the Committee found Registrant 1's fitness to practise to be impaired.

Impairment in relation to Registrant 2

93. The Committee asked itself the same questions as set out in *Cohen v GMC* in respect of Registrant 2; namely, whether the misconduct was remediable, whether it had been remedied, and whether it was likely to be repeated. In answering the first question, the Committee reached the same conclusion as it had in respect of Registrant 1; i.e. that whilst attitudinal deficits such as dishonesty are more challenging to remediate, it is not the case that they can never be remediated.

94. The Committee went on to consider whether the misconduct had been remediated, and it ultimately took the view that, whilst Registrant 2 had gone some distance towards remediating the misconduct he had committed, it had not been fully remediated at this stage.

95. In favour of remediation, the Committee considered the admissions that Registrant 2 had made to all of the allegations in these proceedings, including dishonesty. It took into account the fact that he had now instructed an accountant with whom he would discuss his expenses and that he had paid back the money he owed to Specsavers. He had

sought the advice of others and had booked himself onto a CPD course on ethics. He was putting into practice, in his role as a locum, his knowledge concerning gifts and hospitality. He had a network of friends from whom he could take advice and had provided some impressive character references.

96. However, when looking at matters in the round, the Committee took the view that Registrant 2's insight was still developing. For example, given the age of the case, he had had a significant amount of time to reflect upon his misconduct, but it was only on the morning of Day 4 of the hearing that he had decided to book himself onto an ethics and probity course, having been prompted into action by questions from Miss Huxtable in cross-examination during the course of these proceedings. Similarly, whilst the Committee was encouraged to hear that Registrant 2 had instructed an accountant and that he now carefully discussed the matter of expenses with them, erring on the side of caution when it came to any expenses that could be categorised as personal rather than business, the Committee noted that, throughout his time as a director of the relevant Specsavers branch, Registrant 2 had access to the resources of a large organisation that could have assisted and advised him on such matters and could have reached out to them at any time.

97. Given the lack of full remediation, in addressing its mind to the third question in *Cohen*; namely whether the misconduct was likely to be repeated, the Committee took the view that there remained a real, albeit relatively low, risk of repetition of the misconduct by Registrant 2.

98. The Committee then applied the test set down by Dame Janet Smith in the Fifth Shipman Report. It took the view that Registrant 2 had not in the past acted so as to put a patient or patients at unwarranted risk of harm, nor was he liable in the future to do so. However, the Committee concluded that Registrant 2 had in the past brought the optical profession into disrepute and that there was a real, albeit relatively low, risk of him doing so in the future. The Committee further concluded that Registrant 2 had in the past breached fundamental tenets of the optical profession and that there was a real, albeit relatively low, risk of him doing so again in the future. Finally, the Committee determined that Registrant 2, by his own admission, had in the past acted dishonestly and that there was a real, albeit relatively low, risk that the dishonesty could be repeated in the future.

99. Applying *CHRE v NMC and Grant*, the Committee concluded that, in light of the serious nature and extent of the misconduct in this case, the need to uphold professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in respect of Registrant 2. In forming this view, the Committee also took into account *GMC v Armstrong* [2021] EWHC 1658 (Admin), in which the Court observed that "*it is very rare indeed for a person who has committed serious professional misconduct by reason of dishonesty to escape a finding of impairment*" (per Lane J., at para 37). Accordingly, the Committee found Registrant 2's fitness to practise to be impaired.

Sanction

Submissions on sanction on behalf of the Council

100. The Committee heard submissions on sanction from Ms Huxtable, which were supplemented by the Council's written skeleton argument.

Submissions on sanction on behalf of Registrant 2

101. The Committee then heard submissions on sanction from Mr Hussain-Dupre. Mr Hussain-Dupré invited the Committee to impose a suspension order for a period of six months, with a review, in respect of Registrant 2. Mr Hussain-Dupré submitted that such a sanction

was sufficient to mark the public interest and uphold professional standards in all the circumstances of the case.

102. Mr Hussain-Dupré submitted that Registrant 2 had co-operated with the local investigation and that all monies had been reconciled and repaid to Specsavers and HMRC. Mr Hussain-Dupré further invited the Committee to consider Registrant 2's written reflection and oral evidence, together with his character references, admissions and insight, even though the Committee had found that Registrant 2's insight was still at an emergent stage.

103. Mr Hussain-Dupré submitted that Registrant 2 did not have any deep-seated attitudinal issues which were incapable of being remediated. He highlighted that Registrant 2 had booked a course on probity and ethics as soon as he was realistically able to do so, after the topic arose during the hearing.

104. Mr Hussain-Dupré submitted that, although dishonesty is always serious, it did not make Registrant 2's conduct fundamentally incompatible with remaining on the register, provided there was further insight and remediation. It was submitted that Registrant 2 should ultimately be able to practise without restriction, that he was a professional who had practised as an Optometrist throughout his adult life, and that erasure would be disproportionate in all the circumstances.

105. Mr Hussain-Dupré further submitted that a suspension order would be subject to review, and that Registrant 2 would not be permitted to return to practice unless and until he had satisfactorily passed that review at the end of the suspension period. Mr Hussain-Dupré submitted that the Committee could be confident that there would be no repetition of the misconduct by Registrant 2.

106. The Committee received and accepted the legal advice of the Legal Adviser on the relevant sanctions available to the Committee and the relevant passages of the Council's Hearings and Indicative Sanctions Guidance. The Legal Adviser also referred the Committee to *Ajana v Nursing and Midwifery Council* [2025] EWHC 3179 (Admin).

Committee Deliberation

Registrant 1

107. The Committee considered the relevant aggravating and mitigating factors in respect of Registrant 1.

108. In terms of the aggravating factors, the Committee found that the misconduct had been committed over a significant period of time and involved sizeable amounts of money. The Committee determined that there had been an abuse of trust and that Registrant 1 had a duty to be honest and open in the submission of claims for expenses to Specsavers. Further aggravating factors included a lack of insight and remediation, including Registrant 1 describing the misconduct as *"silly and messy".*

109. The Committee also noted the highly serious misconduct involved in amending, and allowing invoices to be amended, prior to their submission to Specsavers. The Committee further noted that Registrant 1 was an experienced professional who had been at the relevant Specsavers branch for some 10 years and had been a director before Registrant 2. The Committee also noted that Registrant 1 had qualified some years before Registrant 2.

110. The Committee formed the view that Registrant 1 played a key role in chasing Specsavers for payment of the falsely claimed expenses and amended invoices. The Committee also regarded the standards breached, namely Standard 16 of the Council's Standards of Practice for Optometrists and Dispensing Opticians, to be honest and trustworthy, and

Standard 17, not to damage the reputation of the profession through one's conduct, as highly serious.

111. In terms of mitigating factors, the Committee weighed all relevant mitigating factors and placed particular emphasis on Registrant 1's previous good character, the fact that there had been no harm to patients, that she had engaged with the preliminary investigation, and that she had subsequently identified expenses which had been erroneously claimed as business expenses when they were in fact personal expenditure. The Committee placed less emphasis on Registrant 1's ambiguous admissions made at the Case Management Meeting and recorded on the case management meeting form. The Committee also placed emphasis on the fact that Registrant 1 appeared to have repaid the money that had been wrongly claimed from Specsavers.

112. The Committee considered the extent of the dishonesty on the part of Registrant 1. It noted that it had found proved a number of allegations involving dishonesty over a lengthy period of time, including altered invoices for significant sums of money. The Committee found that Registrant 1 had then chased Specsavers for payment of invoices in respect of expenses that had been falsely claimed. The Committee also noted that Registrant 1 had falsely claimed for sporting equipment that had been delivered to her own house and that the scale of her falsely claimed expenses was significantly greater than the level of expenses claimed by Registrant 2.

113. The Committee ultimately took the view that Registrant 1 had played a more active role in the dishonest enterprise than Registrant 2. The Committee noted that Registrant 1 was in a position of trust. Accordingly, the Committee found that, in terms of the spectrum of dishonesty, the dishonesty on the part of Registrant 1 was towards the higher end of the spectrum.

114. In relation to the impact of the dishonesty on her character, the Committee found that there was no evidence to establish insight or remediation at this stage. In relation to the impact upon the wider reputation of the profession, the Committee took the view that a member of the public would be seriously concerned by the misconduct in question in this case.

115. The Committee then considered the relevant sanctions in ascending order of seriousness. Starting with the lowest form of sanction, it took the view that no further action would be inappropriate in this case and that there were no exceptional circumstances to warrant such a disposal.

116. The Committee then considered whether a financial penalty could be imposed. It took the view that the misconduct was too serious for a financial penalty and that such a sanction would not reflect the seriousness of the misconduct in this case, particularly bearing in mind the element of dishonesty.

117. The Committee next considered whether conditional registration would satisfy the aims of the regulatory regime. However, it noted that dishonesty is difficult to address by way of conditions and that conditions imposed upon a registrant are more readily suited to addressing clinical issues than attitudinal deficiencies. The Committee further noted that Registrant 1 had not attended the hearing or given evidence and, as such, it had no information as to how an order for conditional registration could operate as an effective disposal in this case. The Committee further considered that the misconduct was too serious for conditional registration to be a proportionate disposal.

118. The Committee then considered whether to impose an order suspending Registrant 1's registration. Applying the relevant factors in the Hearings and Indicative Sanctions Guidance, the Committee noted that a suspension order could potentially be imposed, given that this was a serious incident of misconduct for which a lesser sanction would not be sufficient. The Committee also determined that there had been no evidence of

repetition of the behaviour since the misconduct in question. The Committee therefore took the view that a suspension order was potentially available.

119. The Committee then considered whether an order for erasure should be imposed. Applying the Hearings and Indicative Sanctions Guidance, the Committee noted that erasure should only be imposed where it is the only sanction sufficient to protect the public interest, and where it is the only means of maintaining public confidence in the optical profession.

120. The Committee considered the factors relevant to erasure. It noted that there had been a serious departure from relevant professional standards but took the view that there was no risk of harm to patients. The Committee determined that there had been an abuse of trust in terms of the relationship of trust between the Specsavers branch and Specsavers. It noted that the misconduct involved dishonesty. The Committee took the view that whilst there had been some lack of insight into the seriousness of Registrant 1's actions and their consequences, this could not properly be characterised as persistent.

121. Bearing in mind that erasure should only be imposed if it is the only sanction capable of maintaining public confidence in the optical profession, the Committee took the view that it could draw back from imposing an erasure order in the specific case of Registrant 1.

122. In arriving at this decision, the Committee also had regard to *Bijl v General Medical Council* [2001] UKPC 42, which emphasised that a tribunal should not feel obliged to erase an otherwise competent and useful registrant who presents no danger to the public merely in order to satisfy public demand for blame and punishment.

123. The Committee therefore concluded that the necessary and proportionate sanction was an order suspending Registrant 1's registration for a period of 12 months, with a review to take place towards the end of that period.

124. At that future review, the reviewing Committee would be assisted by evidence from Registrant 1 demonstrating the development of insight, including:

    i. reflections on the breach of the relevant professional standards;
    ii. evidence of keeping her professional skills up to date;
    iii. evidence of any CPD undertaken in relation to probity and ethics;
    iv. CPD logs;
    v. relevant testimonials;
    vi. an up-to-date Personal Development Plan;
    vii. the reviewing Committee may also be assisted by a reflective piece detailing what Registrant 1 has learned from this process.

125. The review hearing will be held between four and six weeks prior to the expiration of this order.

Registrant 2

126. The Committee considered the relevant aggravating and mitigating factors in respect of Registrant 2.

127. In terms of the aggravating factors, the Committee noted that the misconduct took place over an extended period of time and involved substantial sums of money. The Committee noted that there had been an abuse of trust, and that the misconduct demonstrated a pattern of behaviour.

128. In terms of mitigating factors, the Committee took the view that there were a significant number of mitigating factors in relation to Registrant 2. The Committee placed particular emphasis on the evidence of a high degree of remorse and the fact that Registrant 2 had

admitted all of the allegations, including those pertaining to dishonesty. Further, he had provided a detailed personal reflection on the misconduct and some very positive character references.

129. The Committee noted that it had found Registrant 2 had developing insight into his misconduct, which assisted in demonstrating that the dishonesty was not deep-seated. The Committee also placed emphasis on the fact that Registrant 2 had demonstrated practical steps towards remediation by employing an accountant and discussing the claiming of expenses with their accountant. Registrant 2 had also acted quickly by booking himself onto a probity and ethics course after the topic emerged during the course of the hearing.

130. In addition, the Committee noted the general mitigating factors that applied to both Registrants 1 and 2, namely that Registrant 2 had identified personal expenditure that had been erroneously claimed as business expenditure, he had engaged with the investigation, there had been no impact on patient or public safety, and he had no previous fitness to practise history.

131. In terms of its conclusions on the extent of the dishonesty in relation to Registrant 2, the Committee noted that it had found proved a number of allegations involving dishonesty committed over a lengthy period of time, including the submission of altered invoices involving significant sums of money in order falsely to claim for personal expenditure that had been misrepresented as business expenditure.

132. The Committee placed Registrant 2's level of dishonesty in the middle of the spectrum of dishonesty, below the level of dishonesty displayed by Registrant 1. The Committee noted that Registrant 2 was in a position of trust, but concluded that he himself did not physically amend the invoices and that, when the factual matrix of the case was considered, the level of dishonesty displayed by Registrant 2 was not of the same gravity as that displayed by Registrant 1. In arriving at this conclusion, the Committee noted that Registrant 2 had been candid in his written reflection and that the misconduct occurred in a very specific context which was not clinical in nature. The Committee also noted that Registrant 2 was no longer working with Registrant 1 and that these proceedings had clearly had a salutary effect upon him.

133. In terms of the impact upon the profession, the Committee noted that Registrant 2 recognised that his misconduct would have had a huge impact upon his colleagues and that it could have a negative impact upon the public if prospective patients declined to see an optical professional because of the reputational impact of his misconduct.

134. The Committee then considered the sanctions in ascending order of seriousness in respect of Registrant 2. The Committee firstly considered taking no further action and deemed the conduct too serious for such a disposal. For the same reasons as with Registrant 1, the Committee took the view that it was able to discount the imposition of a financial penalty and an order for conditional registration.

135. The Committee then considered whether a suspension order could be imposed in the case of Registrant 2. It carefully considered the relevant sections of the Hearings and Indicative Sanctions Guidance and noted that there was serious misconduct for which a lesser sanction was not sufficient. It took the view that there was no evidence of harmful, deep-seated personality or attitudinal problems on the part of Registrant 2 and noted that there had been no evidence of repetition of the behaviour since the incidents.

136. The Committee was satisfied that Registrant 2 had developing insight and that there was not a significant risk of repetition of the misconduct. It therefore determined that a suspension order could potentially be imposed in respect of Registrant 2.

137. The Committee went on to consider whether an order for erasure should be imposed in respect of Registrant 2. It noted that such an order should only be imposed where it is the

only sanction sufficient to protect the public interest and the only means of maintaining public confidence in the optical profession.

138. Having concluded that a suspension order could properly be imposed as a proportionate sanction, the Committee took the view that it could draw back from imposing an order for erasure. It therefore decided to impose an order suspending Registrant 2's registration for a period of three months, with a review, as the necessary and proportionate sanction in the specific circumstances of this case.

139. At the forthcoming review, the reviewing Committee would be assisted by:

i. documentary evidence establishing that Registrant 2 had satisfactorily completed and reflected on an ethics and probity course;

ii. an updated reflective piece provided to the Council outlining what he had learned as a result of these proceedings;

iii. evidence of keeping his professional skills up to date.

140. The review hearing will be held between four and six weeks prior to the expiration of this order.

Immediate Order

141. An application for an immediate order of suspension was made by Ms Huxtable in respect of both Registrants.

142. Mr Hussain-Dupré opposed the application on behalf of Registrant 2, inviting the Committee to take into account the fact that Registrant 2 had not previously been subject to an interim order in these proceedings.

143. The Committee received and accepted the advice of the Legal Adviser, namely that, for an immediate order to be imposed, the Committee must be satisfied that to do so is necessary for the protection of members of the public, otherwise in the public interest or in the best interests of the Registrant. The Committee also considered *R (Shiekh) v General Dental Council* [2007] EWHC 2972 (Admin) (as case on interim orders), where it was held that it would be a relatively rare case where a suspension order will be made on public interest grounds alone.

144. The Committee carefully considered the application and determined that an immediate order was neither necessary nor proportionate in the case of Registrants 1 or 2. In reaching this conclusion, the Committee was mindful that it was not the Council's case that either Registrant posed a risk to patients, and the Committee considered that, to impose immediate suspensions on public interest grounds alone - which would effectively prevent the Registrants from working until the respective suspensions came into effect - would be disproportionate when weighed against the overall factual background of the case that had been determined by the Committee during the course of the proceedings.

Chair of the Committee: Andy Brennan

Signature **Date: 18 September 2026**

Registrant: Emma Foster

Signature *Not present – received via email* **Date: 18 September 2026**

Registrant: George Kelly

Signature *Not present – received via email* **Date: 18 September 2026**

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 Level 29, One Canada Square, London, E14 5AA or by telephone, on 020 7580 3898.