

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

GENERAL OPTICAL COUNCIL

F(25)02

AND

EMILY GRAY (D-15417)

**DETERMINATION OF A SUBSTANTIVE HEARING
4-7 & 11 AUGUST 2025**

Committee Members:	Ms Julia Wortley (Chair/Lay) Mr John Vaughan (Lay) Ms Miriam Karp (Lay) Mr Adrian Street (Dispensing Optician) Ms Lesley Reid (Dispensing Optician)
Legal Adviser:	Mr Austin Stoton
GOC Presenting Officer:	Ms Katherine Hampshire, Counsel
Registrant present/represented:	Yes, and represented
Registrant representative:	Mr John Graham
Hearings Officer:	Ms Natasha Bance
Facts found proved:	1, 2 a ii and 2 b
Facts not found proved:	2 a i withdrawn and not proven
Misconduct:	Found
Impairment:	Impaired
Sanction:	Suspension Order for 3 months with Review
Immediate order:	Refused

Introduction

1. The Committee convened on 4 August to consider Fitness to Practise proceedings brought against the Registrant. The Committee, the parties and the Registrant convened over Microsoft Teams.
2. The Committee was sighted of the following documentation:

The Council's bundle which included:

- The witness statement of Witness A and the following exhibits,
- Boots Contact Lens Policy
- Exhibit HH/2: Referral to GOC dated 9 July 2024
- Exhibit HH/3: Letter to Registrant dated 18 April 2024
- Exhibit HH/4: Meeting notes with Registrant dated 18 April 2024
- Exhibit HH/5: Meeting notes with Registrant dated 22 April 2024
- Exhibit HH/6: Letter to Registrant dated 22 April 2024
- Exhibit HH/7: Delivery photo of contact lenses and the list of contact lens orders
- Exhibit HH/8: Boots Security Rules – All Employees (July 2019)
- Exhibit HH/9: Registrant's Training Record
- The witness statement of Witness B
- Exhibit SS/1: Delivery photo of contact lenses and the list of contact lens orders
- Exhibit SS/2: Meeting notes with Registrant dated
- Exhibit SS/3: Letter to Registrant
- Exhibit SS/4: Meeting notes with Registrant
- Exhibit SS/5: Letter to Registrant
- Exhibit SS/6: Email to Registrant
- Exhibit SS/7: Email from Registrant
- Exhibit SS/8: Response to Registrant
- Exhibit SS/9: Correspondence with Registrant
- Registrant's representations dated 27 October 2024
- Witness statement of Witness C
- Extract of 'Fitting Contact Lenses' taken from College of Optometrist Guidance
- Extract of 'Contact Lens Specification' taken from College of Optometrist Guidance for Professional Practice
- Extract of 'Contact Lens Supply' taken from College of Optometrist Guidance for Professional Practice

- Extract of 'Contact Lens Check-up' taken from College of Optometrist Guidance for Professional Practice
- The index to the Council's bundle
- The Council's skeleton argument
- The amended allegations

The Registrants Bundle:

- Witness Statement of Emily Gray
- Exhibit in relation to Emily Gray
- Witness Statement of Mr A
- Exhibits in relation to Mr A
- Witness Statement of Witness D
- Witness Statement of Witness E
- Witness Statement of Witness F
- Witness Statement of Witness G
- Email from Witness G
- Witness statement of Witness H
- Email from Witness H
- Email from Witness D
- Email from Witness D
- Email from Witness E
- Email from Witness F
- Email from Witness G
- Email from Witness H
- Reference from Colleague A

Allegation

3. The Council applied to amend the Allegation, at 2 b. The amendment sought were amendments of form and precision as opposed to substantive changes. The purpose of the amendment was to promote specificity and ensure the Allegation referred to the Council guidance which governs the Registrant. The Legal Adviser advised, pursuant to Rule 46 (20) such amendments are permissible so long as no injustice is caused to the Registrant. The Committee accepted the advice of the Legal Adviser.
4. The amended Allegation read as follows:

ALLEGATION

The Council alleges that in relation to you, Emily Gray (D-15417), a registered Dispensing Optician, whilst employed as a Contact Lens Optician at Boots Opticians [redacted]:

- 1) *Between March 2024 and April 2024, you ordered 140 trial contact lenses worth over £100 in stock value, free of charge for Mr A, indicating that he was a patient despite knowing there was no clinical record of Mr A as a patient;*
- 2) *Your actions at 1) above is:*
 - a. *Dishonest in that:*
 - i. *You knew Mr A was not a patient but a [redacted] who had never attended a Boots practice;*
 - ii. *You knowingly falsified information by indicating Mr A as a patient when ordering the contact lenses; and*
 - b. *Unprofessional in that you supplied contact lenses to Mr A contrary to Section 25 and Section 27 of the Opticians Act 1989, and the General Optical Council Standards of Practice for Optometrists and Dispensing Opticians.*

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

5. The Committee observed that relatively minor amendments were sought. The Registrant did not object to the amendment of the Allegation. The Committee determined the Allegation could be amended without injustice and acceded to the Council's application.

Admissions in relation to the Allegation

6. The Registrant admitted, 1, 2 a ii and 2 b of the Allegation. The Registrant denied 2 a i.
7. The Committee found the admitted parts of the Allegation proven.

Background to the Allegation

8. The Registrant is a Dispensing Optician who was employed at Boots Opticians in [redacted]. Between March and April 2024, she ordered 140 trial contact lenses, valued at over £100, for her [redacted] Mr A. These lenses were ordered free of charge and recorded on the Boots Opticians OPS records system as being for a patient. At that stage in proceedings the Committee had seen no evidence of any clinical records relating to Mr A held by Boots Opticians.
9. The issue came to light when, the Team Leader at Boots Opticians [redacted], queried a delivery of contact lenses addressed to Mr A. Upon checking the clinical database, it became clear there were no records of Mr A ever attending the practice for a contact lens fitting, 'teach' (i.e. insertion, removal and care of contact lenses)

or any clinical appointment of any kind. Further investigation at [redacted] revealed multiple contact lens orders had been placed under the initials “[redacted]”, all matching the same specification — again without any corresponding patient record. These concerns were escalated to Witness B, Assistant Hub Manager, who initiated an internal investigation.

10. During an informal meeting on 18 April 2024, between the Registrant and Witness B, the Registrant admitted that she had been ordering contact lenses for Mr A, who she later clarified was her [redacted]. She stated to Witness B, *"I'm not hiding it, and typical when that time someone opened the delivery when I wasn't here"*. She initially justified the orders by claiming Mr A had been seen at a previous Boots Opticians location *"in [redacted]"*. However, upon Witness B's inquiry with two stores in [redacted], he could not locate a record of any contact lens appointment, or patient record for Mr A at those locations.
11. The Registrant had listed her [redacted] as a contact lens patient to access free trial lenses. When asked to explain the high volume of orders—140 lenses—she conceded, during the internal investigation, that a typical patient would receive 15 to 20 lenses for a trial and acknowledged she had *"probably ordered more than [she] should have."*
12. Exhibit HH/7 contained photographs and lists of the lens deliveries ordered by the Registrant. Exhibit HH/8— the Boots Opticians Security Rules signed by the Registrant — explicitly prohibited unauthorised personal use of company stock, including testers and trial items. The Security Rules, acknowledged by Ms Gray in her training records (Exhibit HH/9), underscored the seriousness of such misuse, defining it as potential gross misconduct.
13. Following the internal inquiry, a disciplinary hearing was set for the Registrant for 26 April 2024. However, the Registrant resigned from her position on 25 April 2024, citing [redacted] reasons. In her resignation letter, she did not deny the facts of the case. In her subsequent email, dated 27 October 2024, to the GOC the Registrant argued that her decisions were motivated by her [redacted], which made in-person appointments nearly impossible. She stated that she had exercised her professional judgement in supplying Mr A lenses and expressed regret for failing to keep the necessary documentation. She also asserted that past managers had informally permitted similar actions and that she misunderstood the implications of ordering trial contact lenses for her [redacted] in this way.
14. The Registrant later suggested she believed Mr A had once undergone a contact lens check while [redacted]. This was investigated and could not be corroborated. The Committee at that time in proceedings had seen no documentary evidence that any such appointment took place, either in paper form or within the digital records of any store the Registrant had worked in or in which the Registrant suggested sight tests or a contact lens appointment may have taken place.
15. In her oral evidence the Registrant indicated that Mr A may have had a sight test in the [redacted] branch of Boots Opticians sometime in 2023. That evidence did not feature in the Registrant's bundle. She indicated that having worked as a mobile Dispensing Optician she had worked in several different Boots Opticians branches

and that she had seen many duplicate records held for patients on the OPS system. She accepted that she had not mentioned during the Boots Opticians investigation that Mr A may have more than one OPS or patient number. The Registrant stated that she had always known that Mr A was an eye test patient but not a contact lens patient. The Registrant accepted that there was no record of Mr A ever having visited Boots Opticians for an eye test or contact lens appointment in the Council papers. The Registrant repeated her evidence that she had seen an eye test record for Mr A and had used that as the basis for her contact lens order in March/April 2024. She stated that she viewed her [redacted] as different to a normal patient and recognised that this was not the correct approach to take.

16. Mr A stated that he had been [redacted]. Mr A indicated that he had had a *couple of, or at least 2 eye tests*. He stated that he had an eye test somewhere in Wales but was unsure of the location. He accepted that he had made no reference to [redacted] in his witness statement.
17. Neither the Registrant nor Mr A had exhibited any optical prescription, at that stage in proceedings.

Findings in relation to the facts

18. Having considered all the evidence, at that stage in proceedings, the Committee determined that Mr A, the Registrant's [redacted], was not a contact lens patient at Boots Opticians. He had never undergone a contact lens fitting, 'teach', or aftercare appointment, nor did he have a valid contact lens specification on file. The Committee determined that the lack of clinical documentation and the nature and volume of the Registrant's orders, support the Allegation that she knowingly misrepresented her [redacted] status to obtain free products.
19. The Council submitted that Mr A had not at any time been a Boots Opticians patient and that up until the day of the hearing had omitted to mention that he had been to any Boots Opticians in Wales. The Registrant submitted that the height of the Council's case and that the evidence of Witness B was of a poor evidential quality and was insufficient to meet the standard of proof.
20. The Committee accepted the Legal Adviser's advice, on the standard and burden of proof, hearsay and dishonesty.
21. The Committee was cognisant that Witness B had indicated that the OPS system is linked across Boots Opticians and as such an entry entered in one store under one patient number can be seen at other stores. Witness B indicated that there were no paper records of Mr A found in either the [redacted] store or the other store he contacted. Neither was he able to identify any clinical records for Mr A held on OPS. Witness B said that he had located an ID number for Mr A on the OPS system, however, there were no details of any clinical appointment under that reference number.

Admission of new evidence after the close of the evidence and prior to the handing down of a factual determination

22. On the morning of the second day of the hearing the Committee considered an application by the Registrant to admit a further witness statement, a September 2022 optical prescription for Mr A and a July 2024 reminder letter from Boots Opticians for an eye test addressed to Mr A.
23. The Council submitted that the admittance of this material was too late, it could not be said that the evidence could not have been obtained with reasonable diligence for use within the hearing as one of the exhibits had been found in the Registrant's House. The Council emphasised *Denton v TH White Ltd* [2014] [2014] 1 WLR 3926, although the case is primarily about procedural compliance, fairness is a core underlying value. The Court of Appeal emphasised proportionality, justice, and fairness to all parties.
24. The Registrant relied on the case of *Swift Advances plc v Ahmed & Anor* [2015] [2015] EWHC 3265 (Ch). The court in that case reasoned that excluding material evidence—discovered late but not due to fault—would be “*an affront to common sense and to any sense of justice.*” Admitting the evidence ensured the case was determined on a true understanding of the facts, thereby furthering the overriding objective's commitment to substantive justice over rigid proceduralism.
25. The Committee accepted the advice of the Legal Adviser, who advised that in English civil procedure, courts are guided by a balance between the finality of litigation and the interests of justice when determining whether to admit new or fresh evidence after a case has concluded. The leading authority is *Ladd v Marshall* [1954] 1 WLR 1489 (CA), which established a three-part test that remains the cornerstone of such applications. For new evidence to be admitted, it must:
 - i. Be likely to have an important influence on the result of the case;
 - ii. Be apparently credible; and,
 - iii. Not have been obtainable at trial with reasonable diligence.
26. Subsequent to the introduction of the Civil Procedure Rules (CPR), that decision of the Court of Appeal on whether to admit fresh evidence is a discretion subject to the overriding objective of dealing with cases justly. Authority for that proposition may be found in the cases of *Evans v Tiger Investments Ltd* [2002] EWCA Civ 161 and *Guy Joseph v The Boundaries Commission* [2015] ECSC J0406-2.
27. The importance of the overriding objective was explicitly considered in *Karunia Holdings Ltd v Creativity etc Ltd* [2021] EWHC 1864 (Ch). The High Court confirmed that while it had the jurisdiction to reopen a case before the order was perfected, doing so must be consistent with the overriding objective. The court held that admitting new evidence—especially evidence that could have been obtained earlier—risked undermining procedural fairness, causing unnecessary delay and expense, and was incompatible with the need for finality. Therefore, the overriding objective weighed heavily against admission in that case.
28. Similarly, in *Denton v TH White Ltd* [2014], although focused on relief from sanctions, the Court of Appeal set out a structured approach for evaluating procedural defaults, grounded in the overriding objective. The principles from *Denton*—assessing the seriousness of the breach, the reasons for it, and all

- relevant circumstances—have since informed the court’s discretion when considering late applications, including those involving fresh evidence.
29. By contrast, in *Swift Advances plc v Ahmed & Anor* [2015], the court admitted new evidence after trial but before judgment. The overriding objective was cited in support of this decision. The court reasoned that excluding material evidence—discovered late but not due to fault—would be “*an affront to common sense and to any sense of justice.*” Admitting the evidence ensured the case was determined on a true understanding of the facts, thereby furthering the overriding objective’s commitment to substantive justice over rigid proceduralism.
 30. Having considered the application to admit further evidence following the close of the factual stage but prior to the determination being handed down, the Committee was satisfied, on balance, that it was in the interests of justice to admit the new material.
 31. The applicable test remains that established in *Ladd v Marshall* [1954] 1 WLR 1489, namely:
 - i. The evidence must be likely to have an important influence on the outcome of the case;
 - ii. It must be apparently credible; and
 - iii. It must not have been obtainable with reasonable diligence for use at the original hearing.
 32. The evidence in question is a contemporaneous optical prescription and a further eye test reminder that directly addresses a central factual dispute in the proceedings—namely, whether Mr A was ever a patient at Boots Opticians. On the face of it, this evidence is both material and capable of affecting the result in this case.
 33. The evidence appears to be genuine and credible, and unchallenged in terms of authenticity. The Committee considered that this material ought reasonably to have been available prior to the onset of this hearing. The Committee determined that this material should in fact have been available to both the Registrant and the Council on a reasonable search.
 34. The Committee considered the relevance of the principles set out in *Denton v TH White Ltd* [2014] 1 WLR 3926. While this is not a sanctions case *per se*, it is nevertheless relevant to assess:
 - i. The seriousness of the procedural breach
 - ii. The reason for the delay; and
 - iii. The overall fairness of allowing the evidence, including the opportunity for the opposing party to respond.
 35. The Committee was also guided by *Swift Advances plc v Ahmed* [2015] EWHC 3265 (Ch), in which the court admitted new evidence discovered after trial but

before judgment, emphasising that to exclude plainly relevant evidence in those circumstances would have been “*an affront to common sense and to any sense of justice.*” The present case is broadly analogous in that the evidence was only recently made available, its probative value is clear, and no final judgment has yet been handed down.

36. The Legal Adviser reminded the Committee of Rule 40 of The General Optical Council (Fitness to Practise) Rules Order of Council 2013, which allows the Committee to admit any evidence which they find fair and relevant. The Committee has a wide discretion to admit evidence even if the evidence isn't normally admissible in civil proceedings, if the Committee considers the admission of the evidence necessary to properly investigate the case.
37. The Committee considered the effect of the overriding objective under CPR 1.1, which requires the case to be dealt with justly and at proportionate cost. In particular, this includes ensuring that the parties are on an equal footing and that the matter is resolved on its true factual and legal merits. While the Committee was mindful of the need for ‘litigation finality’, the Committee concluded that it could not ignore evidence that could materially alter the outcome of proceedings—particularly where a party has been afforded a fair opportunity to respond.
38. The Committee reasonably expected a higher standard of evidential preparation prior to the onset of the hearing. On balance, and having carefully considered the guidance above, the Committee granted the application and directed that the new evidence be admitted. The Committee directed that the Council have an opportunity to make submissions in response and, if necessary, to adduce any counter-evidence or re-open a narrow aspect of the hearing to ensure procedural fairness.

Withdrawal of Allegation 2 a i.

39. The Council having considered the case following the ruling on the admission of new evidence, the Council withdrew 2 a i from the Allegation. Consequently, the Committee found 2 a i withdrawn and not proven.

Misconduct

40. The Registrant gave evidence at the misconduct and impairment stage. She stated that in October she had been aware of the standards of practice but had not complied with them. She explained that in October (2024) she did not think Mr A's optical health was put at risk from her actions, but had subsequently realised that it would have been. The Registrant said she could not recall when she came to this realisation. The Registrant explained that not following the “*standards of conduct*”, can put patients at risk and that she now knew that the rules are there for a purpose. She stated that this was a “*one off*” incident and that she had never previously been in front of her regulator, neither had she been in front of the GOC for any matter post-dating this current incident. She told the Committee that she took pride in her work and her professionalism and in receiving good feedback. She stated that she was “*a completely different person now*” and had learned from her failings, she

assured the Committee that there was nothing to worry about going forward. She told the Committee that she had undertaken training in the form of Continuous Professional Development (CPD) and [redacted].

41. Submissions on Misconduct and Impairment

42. The Council submitted that one of the most significant concerns arising from Registrant's actions was in dishonestly ordering a high volume of trial contact lenses over such a long period of time. Ms Hampshire argued that the facts of the case amount to serious dishonesty which of itself amounts to misconduct. The Council further submitted that the Registrant had no proper regard to Mr A's optical health, because she had no accurate optical record to base the specification of the contact lenses upon. Ms Hampshire submitted that there were "*real concerns about remediation*", and the Registrant's continued lack of insight.
43. Mr Graham submitted the Registrant had gained the necessary insight to recognise her past failings and is now fully committed to upholding the standards of the GOC. It was submitted that her conduct was remediable, has been remedied, and has not been repeated. Multiple testimonials were provided in support, which he submitted demonstrated that remediation has been achieved and that the misconduct is unlikely to recur. He submitted that her own evidence, along with the references, collectively demonstrate that she is not currently impaired.
44. The Committee next considered whether the conduct amounted to misconduct. The Committee accepted the Legal Adviser's advice on misconduct, namely that, in *Roylance v GMC*, misconduct was described as a serious departure from proper professional standards, requiring not just any failure, but one that is both professional and serious in nature. Case law has further clarified that misconduct must involve conduct considered deplorable by fellow professionals, or represent an elementary and grievous failure, serious enough to attract disciplinary condemnation (*Nandi, Meadow, Preiss*). Ultimately, the determination of misconduct lies with the Committee's professional judgment, applied to the specific facts of the case.

Findings regarding Misconduct

45. The Committee found that the Registrant had ordered a high volume of contact lenses without a valid specification for Mr A. That, in itself, is a serious breach of professional standards. It is well understood within the profession that contact lenses should not be supplied without a proper written specification, as this undermines both patient safety and professional standards. The Committee accepted at face value that the Registrant's account that her [redacted], Mr A, was [redacted] at the material time of these events. Ordering lenses without a proper specification, particularly for a vulnerable person, not only breached professional standards but also posed a risk to the patient's health. This is especially serious given the patient's vulnerability and, compounded by Mr A's mental health, which may have affected his ability to seek appropriate care.

46. The Registrant admits having dishonestly falsified records, which the Committee considered to be a clear and unequivocal act of serious dishonesty.
47. The Registrant also acted contrary to the Opticians Act 1989, breaching legal obligations that govern the conduct of the profession. In addition, she breached the GOC Standards of Practice, particularly standards 8.1, 8.2, 17.1 and 17.3 which require registrants to maintain accurate records and ensure the care they provide is appropriate, in line with professional guidelines and ensure that a Registrant's practice upholds public confidence.
48. The Committee considered that these actions were repeated and involved a high volume of contact lenses being dishonestly procured over a period of months.
49. Taken together, these factors demonstrate serious professional failings and justify a finding of misconduct.

Findings regarding Impairment

50. While protection of the public is not a central concern in this case, the need to maintain professional standards and uphold public confidence remains significant—particularly given that the Registrant acted dishonestly by misrepresenting the status of Mr A, [redacted] as a contact lens patient. The Registrant expressed remorse, apologised in both written and oral evidence, and cooperated with the process. Although her insight into the seriousness of her dishonesty appeared to have developed over time, the Committee considered that the extent of the Registrant's insight is less than fully developed.
51. The Committee considered that the Registrant's explanations were, on occasion, vague, inconsistent, and at times shifted blame to others, raising doubts about whether she fully understands the gravity of her actions. The Committee found that on a number of occasions the Registrant relied too heavily on procedural justifications, such as electronic record-keeping, rather than accepting full responsibility. While she has received strong testimonials and there is no evidence of repetition, the dishonesty involved was premeditated, repeated, and for personal gain, albeit limited. The Committee determined that this case does not warrant a finding of impairment on public protection grounds. However, the Committee determined that the Registrant's fitness to practise is currently impaired on the grounds of upholding public confidence in the profession and of maintaining professional standards. In summary having carefully considered the evidence and the submissions of both parties the Committee concluded that the facts and seriousness of the breach of professional standards demand a finding of current impairment on public interest grounds.

Sanction

Submissions

52. The Council submitted that the Registrant's misconduct warrants immediate suspension. Ms Hampshire submitted that the Registrant had deliberately falsified

records, knowingly misrepresented Mr A's patient status, and had ordered contact lenses over an extended period, putting Mr A's ocular health at risk of harm. Ms Hampshire submitted that the Registrant had failed to act in Mr A's best interests and her evidence that she would have referred her [redacted] to an end-of-trial contact lens assessment was inconsistent with the other evidence in the case. Ms Hampshire submitted that simply working as a contact lens optician is insufficient to amount to remediation. She further submitted that dishonesty undermines public trust. Ms Hampshire invited the Committee to suspend the Registrant's registration for the maximum period of 12 months.

53. On behalf of the Registrant, it was submitted that she is a valuable asset to the profession, and it is important that she remains in practice. Reference was made to her several character references which were said to strongly support her continued registration. Mr Graham reminded the Council that the Registrant had expressed genuine remorse and had apologised both in writing and orally early on in the case to her employer. He stated that she has cooperated fully with the proceedings and has developed insight over time. He emphasised that she had received strong testimonials, and while there was an element of personal gain, it was limited. Mr Graham drew a distinction between the dishonesty in this case and dishonesty cases generally. He invited the Committee to consider the broader spectrum of such conduct and submitted that this case "*was not at the most serious end*".
54. The Committee accepted the advice of the Legal Adviser on the powers of the Committee and the approach to take at the sanction stage.

Findings on Sanction

55. When considering the most appropriate sanction to impose in this case, the Committee had regard to all of the relevant evidence and submissions it had heard.
56. The Committee was cognisant that any sanction should be commensurate with the risk associated with the impairment found and that sanctions are not intended to be punitive.
57. The Committee considered the sanctions available starting with the least restrictive. The Committee also bore in mind that proportionality dictates that the sanction ordered should only be ordered to the extent it is required to address the impairment found.
58. The Committee concluded that 'no further action' would be inappropriate in this case given the seriousness of the misconduct. Taking no action would fail to uphold public confidence and undermine the purpose of the regulation of the profession.
59. The Committee considered a financial order in this case to remove any financial benefit accrued to the Registrant. However, the Committee considered that the loss was so far as can be ascertained, relatively small and the loser in this case was unclear. As such the Committee decided not to make any financial order.
60. The Committee determined that to impose conditions of practice would be inappropriate and unworkable in this case because the misconduct involved

dishonesty rather than clinical failings or deficiencies in competence. There are no specific, measurable shortcomings that conditions could realistically address, and imposing conditions would not adequately reflect the seriousness of the breach of standards or uphold public confidence in the profession.

61. The Committee considered the General Optical Council's Indicative Sanctions Guidance for dealing with suspension orders, at paragraph 21.29 which provides:

The suspension sanction may be appropriate when some, or all, of the following factors are apparent (this list is not exhaustive):

- a. A serious instance of misconduct where a lesser sanction is not sufficient.
- b. No evidence of harmful deep-seated personality or attitudinal problems.
- c. No evidence of repetition of behaviour since incident.
- d. The Committee is satisfied the registrant has insight and does not pose a significant risk of repeating behaviour.

62. The Committee considered that these points were of application to the Registrant. The Committee found that there is an insignificant risk of repetition of the misconduct in the Registrant's case.

63. The Committee considered that whilst any dishonesty is a serious matter this case is less serious than typical dishonesty cases because it did not involve more than a modest financial gain, or attempts to conceal wrongdoing once discovered. The Registrant's actions were motivated by a desire to help her [redacted], and she was open about her conduct when questioned. The Committee considered that while still a serious breach of professional standards, the context and absence of malicious intent reduce its overall gravity compared to more egregious, financially motivated or self-serving examples of dishonesty.

64. The Committee considered the seriousness of the misconduct, which involved repeated and premeditated dishonesty, falsification of records, and the supply of a significant number of contact lenses to Mr A without a valid specification. These actions represented a clear and sustained breach of professional standards and had the potential to undermine public trust in the profession. Although no direct clinical harm occurred, the dishonesty had regulatory significance, as it involved misuse of professional systems and authority, posed a risk to the integrity of the profession, and constituted an abuse of position. The Registrant used her professional role to improperly obtain products for a [redacted], breaching the trust placed in her as a healthcare professional. The conduct was sustained over time and involved deliberate misrepresentation for personal benefit.

65. Despite the seriousness of the misconduct, the Committee recognised several mitigating factors. The Registrant has expressed genuine remorse for her actions

and has taken active steps to address the underlying causes by engaging in [redacted] and undertaking some CPD. The Registrant had provided multiple testimonials and character references from colleagues, which described the Registrant as a diligent and professional practitioner, indicating that the conduct was out of character. Furthermore, this was a single episode in an otherwise unblemished career, and there was no evidence of any previous regulatory concerns or subsequent misconduct.

66. The Committee determined that a suspension is the proportionate and appropriate sanction. It reflects the need to uphold professional standards and public confidence in the regulatory system and the fact that erasure would be disproportionate given the Registrant's previous good character, the absence of ongoing risk to patients and the testimonials of her contribution to practice. In relation to the Registrant's insight into her actions, the Committee was of the view that some further development and evidence of progress is still required.
67. The Committee considered that a short period of suspension provides the Registrant with the opportunity to continue developing insight and gather evidence of her remediation, while signalling to the public and to the profession that dishonesty of this nature is unacceptable and will be met with serious regulatory consequences.
68. The Committee therefore imposes a suspension order of three months with a review.
69. The reviewing Committee may be assisted by evidence of any relevant CPD and a detailed reflective statement.

Immediate order

70. The General Optical Council argued that immediate suspension was necessary in this case due to the seriousness of the misconduct and the potential ongoing risk to public confidence in the profession. The Council submitted that the Registrant may still be ordering trial lenses for [redacted], and it is unclear whether this is being done in line with professional standards.
71. The Registrant argued that an immediate order was unnecessary as no immediate patient risk had been identified. There is no clinical risk and no ongoing concern to the public. The Registrant argued that there is a dividend to the Registrant to the order coming into effect immediately. The Registrant indicated a preference for the order 'to come into immediate effect'. Additionally, Mr Graham told the Committee that there is no interim order in place.
72. Having carefully considered the submissions of the Council and the Registrant, the Committee determined that an immediate order was not necessary to protect the public and nor was it required in the public interest. The Committee therefore determined that no immediate order was necessary and refused the Council's application.

Chair of the Committee: Julia Wortley

Signature

A handwritten signature in blue ink, appearing to read 'Julia Wortley', with a long horizontal stroke underneath.

Date: 11 August 2025

Registrant: Emily Gray

Signature *Present remotely and received via e-mail* **Date:** 11 August 2025

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.</p> <p>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).</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.	
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.	