

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

GENERAL OPTICAL COUNCIL

F(25)12

AND

DYLAN CHAHAL (01-45131)

**DETERMINATION OF A SUBSTANTIVE HEARING
20-22 OCTOBER 2025**

Committee Members:	Louise Fox (Chair) Lisa Hill (Lay) Amanda Webster (Lay) Ann Barrett (Optometrist) Iftab Akram (Optometrist)
Legal adviser:	Alice Robertson-Rickard
GOC Presenting Officer:	Neel Rokad
Registrant present/represented:	Yes and not represented
Registrant representative:	N/A
Hearings Officer:	Terence Yates
Facts found proved:	1(a), 1(b), 1(c), 2, 3, 4(a) and 4(b)
Facts not found proved:	None
Misconduct:	Found
Impairment:	Impaired
Sanction:	3 months' suspension (Without Review)
Immediate order:	No immediate order

Application to amend the allegation

1. Mr Rokad, on behalf of the Council, applied to amend the allegation as set out in red and green below:

ALLEGATION

*The Council alleges that in relation to you, Dylan Chahal a registered **student** optometrist:*

- 1) *On 8 February 2022, at Birmingham Magistrates' Court, you were convicted of road traffic offences, namely:*
 - a) *on 26/06/2021 at Walsall in the county of West Midlands drove a mechanically propelled vehicle, namely a VAUXHALL CORSA index [REDACTED], on a road, namely [REDACTED] without due care and attention Contrary to section 3 of the Road Traffic Act **1988** and Schedule 2 to the Road Traffic Offenders Act 1988;*
 - b) *on 26/06/2021 at Walsall in the county of West Midlands drove a mechanically propelled vehicle, namely a VAUXHALL CORSA index [REDACTED] owing to the presence of which on a road, namely [REDACTED] an accident occurred whereby damage was caused to another vehicle, namely THE V1 DRIVER (VAUXHALL REDACTED), COLLIDED WITH V2 (PEUGEOT VRM REDACTED), LEFT THE SCENE WITHOUT EXHANGING DETAILS, failed to stop contrary to section 170(4) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988;*
 - c) *on 26/06/2021 at Walsall in the county of West Midlands being the driver of a mechanically propelled vehicle, namely VAUXHALL CORSA index [REDACTED], owing to the presence of which on a road or other public place, namely [REDACTED], an accident occurred whereby damage was caused to another vehicle, namely PEUGEOT VRM REDACTED, and not having given his name and address to a person having reasonable grounds for requiring him to do so, failed to report the accident at a police station or to a constable as soon as was reasonably practicable, and in any case within twenty-four hours of the occurrence of the accident Contrary to section 170(4) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988;*
- 2) ***You** failed to declare the convictions set out at 1 above to the Council on your application for retention to the register of student optometrists dated 15 July 2022;*
- 3) ***You** failed to declare the convictions set out at 1 above to the Council on your application for retention to the register of student optometrists dated 14 July 2023;*
- 4) *Your conduct as set out at 2 and 3 above was:*
 - i) ~~*Inappropriate; and/or*~~

a. Misleading; and/or

b. Dishonest in that you knowingly failed to declare your convictions.

And by virtue of the facts set out above, your fitness to ~~undertake training practise~~ is impaired by reason of ~~misconduct and/or conviction~~

a. convictions as set out at 1 above;

b. misconduct as set out at 2 and 3 and 4 above.

2. Mr Rokad made an application in relation the amendments marked in red on the following basis (as set out in the Council's skeleton argument):
 - a. Stylistic tone of voice changes to particulars 2 and 3 by including "You" at the beginning of the allegation stem;
 - b. Removal of "inappropriate" conduct, to focus on misleading and/or dishonest conduct;
 - c. Dishonesty has been better particularised;
 - d. Further particularisation of the last paragraph to distinguish which allegations are alleged to cause impairment by conviction and which allegations are alleged to cause impairment due to misconduct.
3. Mr Rokad submitted that the amended allegations did not materially differ from the allegations that were referred to the Committee. No new allegations were included, and the amendments were intended to make the case clearer for the Registrant to understand. Further, the amended allegations were sent to the Registrant on 7 May 2025 in accordance with the standard procedural directions. The Registrant returned a completed Hearings Questionnaire dated 15 September 2025 raising no objection to the amended allegations. Additionally, the Registrant attended a Case Management Meeting on 30 September 2025, raising no objection to the amended allegations.
4. Mr Rokad also applied to make further amendments, as set out in green. He acknowledged that these amendments had not been seen in advance by the Registrant, but submitted that these were minor stylistic revisions. He submitted that the insertion of '1988' in allegation 1(a) was to correct a minor drafting oversight. The other amendments were to reflect the fact that the Registrant was no longer a student, but a qualified Optometrist. He submitted that these amendments were common sense and to reflect the Registrant's current registration status. The amendments did not materially change the allegation, but simply clarified the case against the Registrant. In the circumstances, he submitted that there was no prejudice caused.
5. The Registrant said that he understood the Council's application and had no objection to any of the amendments.
6. The Committee accepted the advice of the Legal Adviser. The Committee was advised to consider Rule 46(20) of The General Optical Council (Fitness to Practise) Rules ('the Rules'). The Legal Adviser advised that the key issue was fairness to the Registrant, that the Committee ought to decide whether the proposed amendments were minor or significant, and if the latter, whether allowing the amendment would be unfair to the Registrant. The Legal Adviser referred to the cases of ***The PSA v The HCPC & Doree [2017] EWCA Civ 319*** and

Ahmedsowida v GMC [2021] EWHC 3466. She advised that if the Committee was satisfied that the Registrant would be aware of the case that he had to meet if the amendments were permitted, no injustice ought to be caused to him in allowing the application.

7. The Committee considered the proposed amendments and determined that the amendments were minor and involved helpful clarification. The Committee determined that the amendments properly reflected the evidence, and it was satisfied that there would be no material change to the allegation or impact for the Registrant if the amendments were permitted. They would therefore cause no injustice. Accordingly, it allowed the application.

DETERMINATION

Admissions in relation to the particulars of the allegation

8. The Registrant admitted particulars 1(a), 1(b), 1(c), 2, 3 and 4(a) of the Allegation and the Committee announced that it found them proved in accordance with Rule 46(6) of the Rules.

Background to the allegations

9. On 23 January 2024 the GOC received a criminal declaration outside of renewal from the Registrant. He was a Student Optometrist undergoing his pre-registration training. The Registrant described the declaration for convictions that he received on 8 February 2022 as follows:
“1) Drive a mechanically propelled vehicle on a road/in a public place without due care and attention. (Road traffic act 1988, S.3) 2) Failing to report accident (Road Traffic Act 1988, S.170) 3) Failing to stop after accident (Road Traffic Act 1988, s.170)”
10. In subsequent correspondence with the GOC dated 15 March 2024, the Registrant provided photographs of:
 - a. Application for name and address of driver in relation to a road traffic incident collision addressed to the Registrant’s uncle (dated 09 August 2021);
 - b. Notice of disqualification from driving (dated 2 March 2022);
 - c. Notice of fine and collection order (dated 2 March 2022).
11. In further correspondence with the GOC on 26 August 2024, the Registrant described the circumstances of the accident.
12. The GOC received a court extract from the Birmingham and Solihull Magistrates’ Court which outlined the Registrant’s convictions, stating the date of the offences as 26 June 2021, the date of conviction as 8 February 2022, and the date of

sentencing as 2 March 2022. The Registrant was sentenced to fines, costs, to pay a victim surcharge, and to a six-month driving disqualification.

13. An officer in the Council's Registrations team reviewed the Council's Registrant database on 11 December 2024. The Officer confirmed that the Registrant had not made any declarations on his retention applications or student application form since joining the register.

ALLEGATION (as amended)

The Council alleges that in relation to you, Dylan Chahal a registered optometrist:

- 1) *On 8 February 2022, at Birmingham Magistrates' Court, you were convicted of road traffic offences, namely:*
 - a) *on 26/06/2021 at Walsall in the county of West Midlands drove a mechanically propelled vehicle, namely a VAUXHALL CORSA index [REDACTED], on a road, namely [REDACTED] without due care and attention Contrary to section 3 of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988;*
 - b) *on 26/06/2021 at Walsall in the county of West Midlands drove a mechanically propelled vehicle, namely a VAUXHALL CORSA index [REDACTED] owing to the presence of which on a road, namely [REDACTED] an accident occurred whereby damage was caused to another vehicle, namely THE V1 DRIVER (VAUXHALL REDACTED), COLLIDED WITH V2 (PEUGEOT VRM REDACTED), LEFT THE SCENE WITHOUT EXHANGING DETAILS, failed to stop contrary to section 170(4) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988;*
 - c) *on 26/06/2021 at Walsall in the county of West Midlands being the driver of a mechanically propelled vehicle, namely VAUXHALL CORSA index [REDACTED], owing to the presence of which on a road or other public place, namely [REDACTED], an accident occurred whereby damage was caused to another vehicle, namely PEUGEOT VRM REDACTED, and not having given his name and address to a person having reasonable grounds for requiring him to do so, failed to report the accident at a police station or to a constable as soon as was reasonably practicable, and in any case within twenty-four hours of the occurrence of the accident Contrary to section 170(4) of the Road Traffic Act 1988 and Schedule 2 to the Road Traffic Offenders Act 1988;*
- 2) *You failed to declare the convictions set out at 1 above to the Council on your application for retention to the register of student optometrists dated 15 July 2022;*
- 3) *You failed to declare the convictions set out at 1 above to the Council on your application for retention to the register of student optometrists dated 14 July 2023;*
- 4) *Your conduct as set out at 2 and 3 above was:*
 - a. *Misleading; and/or*

b. Dishonest in that you knowingly failed to declare your convictions.

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

a. convictions as set out at 1 above;

b. misconduct as set out at 2 and 3 and 4 above.

The Hearing

14. The Committee heard oral evidence from the Registrant under affirmation.
15. The Registrant stated that around the time of the convictions as well as at the time of his applications for renewal, he believed that they were in relation to road traffic offences and so did not need to be declared. He now realised this was a serious misunderstanding, due to a lack of awareness and poor judgement. He said that he regretted not seeking guidance and clarification and took full responsibility for his actions. He said that it was not a repeated pattern of behaviour. Rather, in 2023 he had acted under the same understanding as he had in 2022, as he continued to believe that he was doing the right thing. He said that once he realised there had been a big misunderstanding, he self-declared in 2024.
16. He said that he had read the declarations guidance at the time of making his declarations and accepted that it was clear in respect of the duty to declare convictions, but that he did not do so because he believed that road traffic incidents were different. He realised now that it was only matters such as fixed penalties that did not need to be declared, rather than road traffic convictions. He said he had read that certain road traffic offences did not need to be declared but could not locate where he had read that. He thought it might have been in the guidance provided to registered Optometrists rather than student Optometrists, or on the GOC website itself.
17. The Registrant said that when he became employed as a pre-registration Optometrist, he mentioned the matter to his employer. After a few conversations he realised that they were convictions that did need to be declared, which is when he made the self-declaration. He had previously spoken to a university lecturer about it, following a lecture that had taken place after the road traffic accident, but before he had been convicted. He had asked if road traffic offences needed to be declared and the lecturer said that they did not. He did not seek guidance from the GOC at any time.
18. The Registrant stated that at the time of making the declarations in 2022 and 2023 he believed that he was being truthful, but he accepted that perhaps others could consider it to be dishonest.
19. In response to Committee questions, he said that the application for retention had left him unsure as to what he needed to declare, so he looked at the GOC website, which is when he saw something to the effect that road traffic offences did not need to be declared. In relation to what led him to change his mind and to declare his convictions in January 2024, he said that he had had a conversation with his supervisor and the director, during which he had been asked about his convictions. He said he could not recall what led to the conversation at work. His employer advised him that he should declare his convictions and so he did so

shortly after. He accepted that he had attended the magistrates court in respect of his convictions, but having searched several different websites, believed that road traffic offences did not need to be declared. He had lived with [redacted] from a young age and did not have anyone to guide him in such matters. It was only following the conversation with his employer that he realised he had to declare his convictions.

20. In closing submissions Mr Rokad submitted that the Registrant had not provided any evidence to support his oral account. The chronology of events was unclear, as was why the Registrant made the decision to mention the convictions to his employer. Mr Rokad submitted that the Registrant's account was inconsistent in respect of what guidance he had relied upon, but neither the guidance to qualified Optometrists nor to students stated that driving offences did not need to be declared. The Registrant had not sought further guidance as he should have done if he was unclear as to his obligations. Mr Rokad submitted that the Registrant knowingly failed to declare his convictions, which was objectively dishonest.
21. In the Registrant's closing submissions, he summarised that his actions were due to of a lack of understanding and a failure to seek appropriate guidance. As soon as he realised he had to declare his convictions, he said he was more than happy to do so.

Findings in relation to the facts

22. The Committee heard and accepted the advice of the Legal Adviser. The Committee was advised that in accordance with Rule 40(3) of the Rules, a certificate of conviction shall be conclusive evidence of the offence committed. The Committee was further advised to have regard to Rule 46(6) of the Rules, which provided that where the Registrant admitted the facts, the Chair must announce that such facts have been found proved. The Committee was reminded that the Registrant had admitted particulars 1(a), (b), (c), 2, 3 and 4(a) of the Allegation.
23. In relation to the disputed particular, 4(b), the Legal Adviser advised the Committee that the burden of proof was on the Council and the standard of proof was on the balance of probabilities. The Committee was advised that it was entitled to draw reasonable inferences from the evidence in accordance with the case of *Soni v General Medical Council [2015] EWHC 263 (Admin)*. It was advised that when deciding if the Registrant had acted dishonestly, it should follow the approach set out in the case of *Ivey v Genting Casinos [2017] UKSC 67*. It should first decide subjectively, what was the Registrant's state of mind as to knowledge or belief as to the facts. It should then decide objectively whether this would be considered honest or dishonest by the standards of ordinary decent people. The Committee was advised that it could take the testimonials provided by the Registrant into account at the facts stage, as such evidence may be relevant to the Registrant's credibility and propensity to act dishonestly, in accordance with the cases of *Donkin v The Law Society [2007] EWHC 414 (Admin)* and *Wisson v Health Professions Council [2013] EWHC 1036 (Admin)*. In relation to how to assess the Registrant's evidence, the Committee was advised to have regard to the cases of *R (on the application of Dutta) v GMC [2020] EWHC 1974 (Admin)* and *Hindle v NMC [2025] EWHC 373 – 21 Feb 2025*.

24. The Committee considered the memorandum of conviction, the Registrant's admissions and Rules 40(3) and 46(6), and found particulars 1(a), 1(b), 1(c), 2, 3 and 4(a) of the Allegation proved.
25. In relation to particular 4(b), the Committee had regard to the documentary evidence, to the oral evidence of the Registrant and to the parties' submissions.
26. The Committee first considered what was the Registrant's state of mind as to his knowledge or belief as to the facts. It noted that it was the Registrant's case that he did not know that he had to declare his convictions, as he believed that they were exempt road traffic offences.
27. The Committee did not accept this explanation. In reaching this conclusion it first had regard to the documentary evidence. It noted that the Registrant said that he had read the 'Declarations guidance for student registrants' dated November 2013, that was in force at the relevant time. This clearly states:

'Applicants are... required to declare the following:

a. Any conviction...received in the British Islands for a criminal offence...'

28. There is no reference to exempt road traffic offences. The Committee also had regard to the 'Declarations guidance for fully qualified registrants' of the same date, which was in the same terms, and which similarly makes no reference to exempt road traffic offences. In addition, the Committee noted there was a section in both guidance documents referring to issues that the Council does not need to be informed about such as being declared bankrupt or being subject to a clinical negligence claim. Again, there is no reference to any exemption for road traffic offences.
29. There was therefore no documentary evidence to support the Registrant's assertion that he had read that road traffic offences were exempt. Whilst the Committee was mindful of the fact that the burden of proof was on the Council and not the Registrant, all the documentary evidence before the Committee was to the effect that convictions such as those received by the Registrant should be declared.
30. The Committee also had regard to the Registrant's evidence that he had been told following a university lecture that road traffic offences did not need to be declared. The Committee considered that even if he had been given such advice, he clearly had doubts in his own mind. The Registrant said that the lecture had occurred after he had committed the offences in June 2021, but prior to his conviction in February 2022. The Registrant attended court in respect of his offences, and following this, when he was making his application for retention in July 2022, the Registrant accepted that the application had left him unsure as to what he needed to declare. Despite this, he did not seek further guidance. The Registrant gave evidence that he visited various websites and found information to the effect that that road traffic offences were exempt from declaration, but the Committee did not find this account, which was not supported by the documentary evidence, to be credible.
31. The Committee also could not fully understand the Registrant's account of his conversation with his employers. Whilst it accepted that his self-declaration in January 2024 was likely to have been prompted by his employer advising him to

make a declaration, the Registrant's evidence as to what had prompted him to discuss his convictions with his employer was vague. Whilst the Committee accepted that there was likely to have been an element of the Registrant 'burying his head in the sand', the Committee nonetheless found that it was likely that the Registrant had the conversation at work because he knew that that he had a conviction that should have been declared.

32. In light of all of the above, the Committee was satisfied that on the balance of probabilities, the Registrant knew that he had convictions that should be declared when he made the declarations in July 2022 and July 2023.
33. Having determined that the Registrant knowingly failed to declare his convictions, the Committee went on to consider whether his conduct was honest or dishonest, applying the objective standards of ordinary decent people. The Committee determined that ordinary decent people would consider such conduct to be dishonest.
34. The Committee, in reaching its decision, gave careful consideration to the character references provided by the Registrant. It noted the legal advice that evidence of good character could be relevant to both the Registrant's credibility and his propensity to act dishonestly and took on board the fact that the Registrant's referees do speak more broadly of his honesty and integrity. Nonetheless, the Committee was satisfied that in relation to the discrete issue of declaring his convictions, for the reasons set out above, the Registrant acted dishonestly.
35. Accordingly, the Committee found particular 4(b) of the Allegation proved.

Findings in relation to misconduct and impairment

36. Mr Rokad made submissions on impairment and invited the Committee to find that the Registrant's current fitness to practise is impaired both by reason of misconduct in relation to particulars of allegation 2, 3, 4 a), b) and c) and by reason of his conviction in relation to particular 1.
37. Mr Rokad relied upon the Council's skeleton argument, which he supplemented with oral submissions. He referred to the Standards for Optical Students ('the Standards') effective from April 2016, which were in force at the relevant time. Mr Rokad submitted that the Registrant's conduct had breached Standards 15.1, 16.1 and 16.3 and was sufficiently serious to amount to misconduct:
 - 15.1 Act with honesty and integrity to maintain public trust and confidence in your profession.*
 - 16.1 Ensure that your conduct, whether or not connected to your professional study does not damage public confidence in you or your profession.*
 - 16.3 Be aware of and comply with the law and all the requirements of the General Optical Council.*
38. In relation to impairment, Mr Rokad submitted that the Registrant's fitness to practise was impaired both by reason of his misconduct and his convictions, which

he said were serious. He submitted that limbs b - d of the 'Grant Test' (see below) were engaged.

39. Mr Rokad submitted that the Registrant's propensity to make false declarations to the Council had brought the profession into disrepute and breached a fundamental tenet of the profession. He further submitted that the repetitive pattern of behaviour and comparative lack of insight on the part of the Registrant made it highly likely that he could continue to act dishonestly and further damage the reputation of the profession.
40. Mr Rokad submitted that the dishonesty in this case was attitudinal and involved the Registrant concealing his criminal past repeatedly and for a number of years. He submitted that such conduct was inherently difficult to remediate, and the Registrant had provided limited evidence of remediation and insight. The circumstances of the case were so serious that a finding of impairment was required, to uphold the reputation of the profession, to uphold professional standards and to maintain public confidence. He highlighted the case of *GMC v Armstrong [2021] EWHC 1658 (Admin)* and submitted that it was very rare indeed for a person who has committed serious professional misconduct by reason of dishonesty to escape a finding of impairment.
41. Mr Rokad submitted that the Registrant's convictions were also serious and should lead to a finding of impairment in the public interest.
42. In response to a Committee question, he clarified that it was not the Council's case that a finding of impairment was required on public protection grounds in respect of either ground of impairment.
43. The Registrant gave further evidence at the impairment stage. He stated that since his convictions he had developed and matured. He had gone on to complete his OSCEs and pre-registration training. He said that he was dedicated to his profession and had gone on to do further significant clinical training. He had been working for two years and there had been no further issues. There had been no further driving convictions, and he had a clean driving licence aside from the convictions in relation to the offences that occurred in 2021. He said that his references showed his honesty, commitment and compassion at work. He said that he could guarantee that there would not be a repeat of what had happened, as he had learned to seek guidance and clarification in times of uncertainty. He said that whilst he could see why his conduct may be regarded as dishonest, it was not done with intent.
44. The Registrant stated that he understood the importance of honesty and integrity and understood that dishonesty could damage public confidence. However, he said that patients and colleagues who knew him, knew that he was not by nature dishonest. He said that there were no other instances where dishonesty has been an issue. He explained that it was not easy to prove a negative, that he had not been dishonest again, but that he had demonstrated honesty, for example, in his record keeping. He understood that the reason honesty was important was so that patients could trust what he said.
45. He said that he could guarantee this would not happen again in the future, as he would seek appropriate guidance. He acknowledged that he did not seek the right sort of guidance before and should have emailed the GOC and got proper answers, rather than relying on his own research. As an example of where he had

sought guidance since the events in question, he said that at the start of his pre-registration year, he had a patient with a condition in respect of which he had sought guidance, as he was unsure of which procedure to follow. He said he now always asked questions and found out as much as he could about everything.

46. He said that he appreciated that his convictions were serious, that a member of the public would consider them to be serious, and that they could potentially damage public confidence in the profession. However, he had served his six-month driving ban and had driven with no further issues since.
47. The Registrant concluded by expressing his sincere remorse.
48. The Committee accepted the advice of the Legal Adviser. She advised the Committee that Section 13D(2) of The Opticians Act 1989 provided that both misconduct and conviction were statutory grounds for a finding of impairment. In terms of misconduct, the Committee should first consider whether the facts found proved in particulars of allegation 2, 3 and/or 4 a and b amounted to misconduct. She referred the Committee to the cases of *Roylance v GMC (2000) 1 AC 311* and *Nandi v GMC (2004) EWHC 2317 (Admin)*. Only if those particulars amounted to misconduct which could properly be described as serious should the Committee go on to consider whether the Registrant's fitness to practise is currently impaired as a result of the misconduct. The Committee should also consider whether the Registrant's fitness to practise is currently impaired by reason of his conviction.
49. The Committee was advised that whether the Registrant's fitness to practise was impaired was a matter for the Committee's own judgement. The Legal Adviser referred the Committee to the Council's overarching objective and advised it to give equal consideration to each of its limbs. The Committee was invited to have regard to the Standards, to determine if any of the Standards had been breached and if so, the seriousness of that breach. In terms of assessing impairment, the Committee was referred to paragraphs 16.1 – 16.7 of the Guidance and the cases of *Cheatle v GMC [2009] EWHC 645*, *CHRE v NMC and Grant EWHC 927 (Admin)* and *Cohen v GMC [2008] EWHC 581 (Admin)*. The Legal Adviser summarised for the Committee's benefit the approach formulated by Dame Janet Smith in her Fifth Report from the Shipman case, cited with approval in *Grant*, namely whether, by virtue of his convictions or misconduct, the Registrant:
 - (a) *Has in the past acted and/or is liable in the future to act so as to put a patient(s) at unwarranted risk of harm: and/or,*
 - (b) *Has in the past and/or is liable in the future to bring the profession into disrepute, and/or*
 - (c) *Has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession; and/or*
 - (d) *Has in the past acted dishonestly and/or is liable to act dishonestly in the future*
50. The Committee was advised to consider whether the Registrant had provided any evidence of insight, reflection, remorse or remediation, and whether there was a risk of repetition. In assessing the Registrant's insight, the Legal Adviser referred the Committee to the case of *Sawati v GMC [2022] EWHC 283 (Admin)*. The Committee was further advised to consider whether a finding of impairment was required in the wider public interest, and whether an ordinary well-informed person

would expect a declaration of current impairment in order to promote and maintain public confidence in the profession.

51. The Committee bore in mind the Council's overarching objective and gave equal consideration to each of its limbs:
 - a) to protect, promote and maintain the health, safety and wellbeing of the public
 - b) to promote and maintain public confidence; and
 - c) to promote and maintain proper standards and conduct for the members of the profession.
52. The Committee first considered whether the facts found proved in particulars 2, 3 and 4 amounted to misconduct. It had regard to the Standards, determined that the Registrant's conduct had breached standards 15.1, 16.1 and 16.3 and the breaches were sufficiently serious as to amount to misconduct. His conduct was serious because the Registrant had dishonestly failed to declare his criminal convictions to the GOC, which had deprived his regulator of the opportunity to assess the seriousness of his convictions, and could have had an impact on the integrity of the register.
53. The Committee then moved on to consider whether the Registrant's fitness to practise was currently impaired by reason of his misconduct and/or his convictions. It first considered impairment by reason of misconduct.
54. The Committee considered the questions endorsed in *Grant* in relation to past behaviour. It concluded that at no time had the Registrant placed patients at risk of harm. However, it determined that his dishonest failures to declare his convictions to the GOC had brought the profession into disrepute by depriving his regulator of the opportunity to consider the seriousness of his convictions, which could have had an impact on the integrity of the register. His misconduct had also breached a fundamental tenet of the profession, namely, to be honest and trustworthy. The Committee had already determined that in failing to declare his convictions, he had acted dishonestly.
55. In deciding whether the Registrant was liable to repeat his misconduct in the future, the Committee had regard to the case of *Cohen*. It considered that dishonesty was inherently difficult to remediate, albeit not impossible. The Committee went on to consider whether the Registrant had demonstrated remorse, reflection, remediation or insight. It took into account that the Registrant had fully engaged with the process and considered that he had demonstrated genuine remorse for his actions. He had not demonstrated any specific remedial activity with regard to dishonesty, but he had provided a reflective account in which he had taken responsibility for his actions. During his evidence to the Committee, he made appropriate concessions and although he had not admitted dishonesty, he had made admissions to all the other particulars. It was the evaluation of his conduct that he had disputed rather than what he did or did not do. In accordance with the case of *Sawati* the Committee found that it would be unfair to hold his denial of dishonesty against him.
56. The Committee did not accept Mr Rokad's contention that the Registrant's dishonesty was attitudinal. It noted that the Registrant had ultimately made a self-declaration in respect of his convictions, which was not indicative of inherent

dishonesty. The Committee gave weight to the testimonial from Ms A, a senior Optometrist who has known and worked alongside the Registrant for over two years, and who spoke highly of his professionalism and of his deep regret over his actions. It also took into account the character reference from his store director who described the Registrant as “trustworthy, capable and compassionate” which suggests there has been no subsequent dishonesty at work.

57. Having carefully considered the Registrant’s written reflection and his oral evidence, the Committee was satisfied that the Registrant had demonstrated genuine remorse and developing insight into his past behaviour. He had also explained how he would behave differently in the future, in terms of seeking proper guidance.
58. The Committee went on to assess whether this had been sufficient to address the risk of repeat behaviour. On balance, the Committee was satisfied that it was sufficient and the Committee determined that it was unlikely that he would act in a similar way in the future, particularly after facing regulatory proceedings at such an early stage of his career. It was satisfied that he had learned from what he had done and the consequences of it.
59. Regardless of the level of insight or the risk of repetition, the Committee went on to consider whether a finding of impairment by reason of his misconduct was required in order to promote and maintain public confidence and proper standards of conduct. It determined that the Registrant’s dishonest conduct had been a serious departure from expected standards of behaviour, and that public confidence would be undermined if a finding of impairment was not made.
60. The Committee accordingly decided that the Registrant’s fitness to practise was currently impaired by reason of his misconduct, on public interest grounds.
61. The Committee then considered whether the Registrant’s fitness to practise was impaired by reason of his convictions. It reminded itself of the circumstances of the convictions, which were in respect of three road traffic offences arising out of one incident that occurred in June 2021, namely: driving without due care and attention; failing to stop after an accident; and failing to report the accident.
62. The Committee considered the questions endorsed in *Grant* in relation to the convictions. It concluded that at no time had the Registrant, by virtue of his convictions, placed patients at risk of harm. However, it determined that the convictions had in the past brought the profession into disrepute as the Registrant had failed to comply with the law. Further, he had breached fundamental tenets of the profession by breaking the law and by failing to protect and maintain public confidence. The Committee noted that his convictions were not for dishonesty and did not find this limb of the *Grant* test to be engaged.
63. In deciding whether the Registrant was liable to repeat the conduct leading to his convictions in the future, the Committee had regard to the case of *Cohen*. It found that the conduct which had led to his convictions was remediable, had been remedied and was highly unlikely to be repeated. In reaching this decision the Committee had regard to the fact the incident which had led to the convictions had occurred in June 2021, over four years ago. At the time the Registrant was a student Optometrist. Whilst the Registrant had served a six-month ban, he had subsequently driven for over three and a half years without further incident. He had demonstrated remorse for his conduct and had pleaded guilty to the charges

at the Magistrates Court. The Registrant's convictions had caused him to have a criminal record and to face regulatory proceedings. In all the circumstances, the Committee was satisfied that he was highly unlikely to repeat the conduct leading to his convictions.

64. The Committee went on to consider whether a finding of impairment by reason of his convictions was required in the wider public interest. Whilst the Committee acknowledged that the offences were serious, it did not consider that the offences, which were road traffic offences (that had resulted in a disqualification from driving and fines), were at the more serious end of criminal conduct. The Registrant had been punished by the criminal court in respect of his offending and had completed his sentence. The Registrant had pleaded guilty and had expressed remorse for his actions. In all the circumstances, the Committee determined that a finding of impairment by reason of the Registrant's convictions was not required in order to maintain public confidence in the profession or to promote and maintain proper professional standards and conduct.
65. However, because of its findings at paragraph 60 above, the Committee found that the Registrant's fitness to practise is currently impaired.

Sanction

66. Having determined that the Registrant's fitness to practise is currently impaired, the Committee went on to consider sanction.
67. In his submissions on sanction, Mr Rokad relied upon the Council's skeleton argument, which he supplemented with oral submissions. He submitted that the appropriate and proportionate sanction was erasure. He acknowledged that the Committee had not found the Registrant's dishonesty to be attitudinal, but noted that the Committee had not accepted all of the Registrant's evidence. He submitted there was a pattern of dishonesty and a lack of detailed and comprehensive remediation. He submitted that the Registrant's conduct constituted a serious departure from the professional standards and was conduct that was fundamentally incompatible with registered practice. As such, erasure was the only sanction that was sufficient to protect the public and the public interest.
68. The Registrant made submissions on sanction. During his submissions he referred to personal circumstances which caused the Committee to go into private. Before doing so, it took the advice of the Legal Adviser who reminded the Committee that Rule 25 states that as a general rule hearings must be held in public, but that there are certain situations in which it may be in the interests of justice for parts of the hearing to be in private, particularly if it is to protect the private and family life of the Registrant. Both Mr Rokad and the Registrant concurred that it was appropriate for the Committee to go into private in relation to matters relating to the Registrant's private and family life and the Committee agreed.
69. The Registrant submitted that since the events in question, his maturity had developed, which was supported by his character references. He submitted that he had the utmost respect for the profession and had undertaken significant additional training, in an attempt to better himself both as a professional, and as an individual. He submitted that erasure would have a significant impact on him,

as he was responsible, along with his [redacted], for financially supporting [redacted]. If he were to be prevented from working as an Optometrist, his employers had offered him a role as an Optical Assistant, but this would have financial implications.

70. The Committee accepted the advice of the Legal Adviser. She reminded the Committee that it must come to its own independent view in terms of the most appropriate and proportionate sanction to impose. The Committee was advised that there was no burden or standard of proof at this stage of the hearing. The Legal Adviser advised the Committee that the purpose of imposing a sanction is not to punish, but that the appropriate sanction may have a punitive effect. The Committee was advised to have regard to the principle of proportionality, balancing the Registrant's interests with the public interest.
71. The Legal Adviser advised the Committee to consider aggravating and mitigating factors, in accordance with the Guidance. She also referred the Committee to the sections of the Guidance on dishonesty and to the case of *Lusinga v NMC [2017] EWHC 1458 (Admin)* in relation to the scale of dishonesty.
72. The Committee was advised to consider the least restrictive sanction first and, if not appropriate or proportionate, to move to the next available sanction in ascending order. The Legal Adviser reminded the Committee to be mindful of the overarching objective, specifically the public interest element when considering each available sanction. She referenced *Bolton v Law Society [1994] WLR 512*.
73. The Legal Adviser advised the Committee to have regard to the submissions from Mr Rokad and from the Registrant and advised that it should arrive at its own decision as to which sanction would be appropriate and proportionate.
74. In reaching its decision on sanction, the Committee took into account the parties' submissions; the facts found proved and its previous findings on impairment. Throughout its deliberations the Committee had regard to the overarching objective.
75. The Committee first considered any aggravating factors. Whilst it acknowledged that the Registrant had dishonestly failed to declare his convictions on two occasions, it did not identify any aggravating features above and beyond the allegations themselves that would make them more serious.
76. The Committee considered the following to be mitigating factors:
 - the Registrant has shown developing insight and genuine remorse both in his reflective statement and in his evidence to the Committee
 - the Registrant was a student at the relevant time, had accepted that he should have behaved differently and had made efforts to change his behaviour and seek appropriate guidance since the events in question
 - the Registrant had provided positive testimonials with regard to his conduct, honesty and professionalism since the incidents.
77. The Committee first gave careful consideration to the seriousness of the Registrant's misconduct. The Committee acknowledged that all dishonesty was serious. It had regard to the case of *Lusinga* and considered that the Registrant's dishonesty was towards the lower end of the scale, involving 'burying his head in the sand' as opposed to anything more deep-seated. The convictions he had failed

to declare were for road traffic offences, which were not in themselves the most serious of convictions (the Committee had assessed them as not serious enough to impair his fitness to practise), and he had eventually taken action to disclose them to the GOC. In addition, the Committee noted his dishonesty did not impact on patient care.

78. The Committee went on to consider the available sanctions in ascending order. It first considered taking no action. It determined, having regard to the Guidance, that there were no exceptional circumstances to justify it doing so. Taking no action would not promote public confidence in the profession and would not reflect the seriousness of the misconduct. For these reasons the Committee decided that it would be inappropriate to take no further action.
79. The Committee decided that the imposition of a financial penalty was not appropriate or proportionate. This was not a case which involved a financial motive. The Committee's view was that in any event a financial penalty would not reflect the seriousness of the misconduct and would not protect the public interest element of the overarching objective.
80. The Committee next considered a period of conditional registration. The Committee had regard to paragraphs 21.15 – 21.25 of the Guidance and decided that conditions would be neither appropriate nor proportionate. The Committee considered the nature of the misconduct and reminded itself that it had not related to the Registrant's clinical competency. Further, the Committee, decided that a conditional order would not adequately reflect the seriousness of the misconduct.
81. The Committee next considered a suspension order and the relevant sections of the Guidance contained within paragraph 21.29 namely;

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

 - (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.*
 - (e)*
82. The Committee considered that paragraph 21.29 parts (a)-(d) were engaged. In terms of part (a), having regard to its findings at paragraph 77 above, the Committee was satisfied that was a serious instance of misconduct where a lesser sanction would not be sufficient. In considering parts (b) and (d), the Committee reminded itself of its findings at paragraphs 55 to 58 above, that there was no evidence of harmful deep-seated or attitudinal problems, that there had been no repetition of the behaviour since the incident, and that the Registrant has sufficient insight not to pose a significant risk of repeating the behaviour.
83. In accordance with paragraph 8.3 of the Guidance, the Committee considered whether a suspension order in the circumstances would sufficiently promote and maintain public confidence in the profession and promote and maintain proper professional standards in line with the overarching objective.

84. In order to check whether suspension was the proportionate sanction, it went on to consider the sanction of erasure and had regard to paragraph 21.35 of the Guidance which states the following:

‘Erasure is likely to be appropriate when the behaviour is fundamentally incompatible with being a registered professional and involves any of the following (this list is not exhaustive):

- a. Serious departure from the relevant professional standards....*
- b. Creating or contributing to a risk of harm to individuals (patients or otherwise) either deliberately, recklessly or through incompetence, and particularly where there is a continuing risk of harm to patients;*
- c. Abuse of position/trust (particularly involving vulnerable patients) or violation of the rights of patients;*
- d. Offences of a sexual nature, including involvement in child pornography;*
- e. Offences including violence;*
- f. Dishonesty (especially where persistent and covered up);*
- g. Repeated breach of the professional duty of candour, including preventing others from being candid, that present a serious risk to patient safety; or*
- h. Persistent lack of insight into seriousness of actions or consequences.’*

85. Whilst the Registrant’s misconduct had been a serious departure from the Standards, the Committee did not characterise the dishonesty as persistent or covered up. It involved two instances of failing to declare his convictions when the Registrant was still a Student Optometrist and lacked a proper understanding of his professional obligations. This was followed by a self-declaration when the Registrant was undertaking his pre-registration training. The Committee formed the view that erasure was not the only sanction that was sufficient to protect the public interest and indeed would be disproportionate.
86. The Committee had regard to the public interest element of the case and decided that a suspension was the appropriate and proportionate sanction. The Committee considered the length of the suspension and in the circumstances determined that a suspension of the Registrant’s registration for a period of three months would be appropriate. It would sufficiently reflect the seriousness of the misconduct, redress public confidence in the profession and send out a message to the Registrant, colleagues in the profession and to the wider public, that professional standards must be upheld. The Committee noted this will have a financial and reputational impact on the Registrant but concluded this was outweighed by the need to uphold standards and maintain confidence in the profession.
87. The Committee considered whether it should direct that a review hearing take place before the expiry of the suspension order. It had regard for the public interest element of the case and the mitigating factors and determined that in the circumstances a review hearing would be unnecessary. The Committee was satisfied that the finding of impairment and a substantive order for suspension would be sufficient to reflect the seriousness of the misconduct and to address the public interest. It determined that having regard to the circumstances of this case, specifically that there are no on-going public protection concerns, that a review hearing was unnecessary.

Immediate Order

88. The Committee invited submissions in relation to an Immediate Order. Mr Rokad indicated that it was the Council's position that an Immediate Order was not necessary. The Registrant agreed.
89. The Committee accepted the advice of the Legal Adviser, which was that to make an immediate order, the Committee must be satisfied that the statutory test in Section 13I of the Opticians Act 1989 is met, i.e., that the making of an order is necessary for the protection of members of the public, otherwise in the public interest or in the interests of the Registrant.
90. The Committee had regard to the statutory test, which required that an immediate order had to be necessary to protect members of the public, be otherwise in the public interest or in the best interests of the Registrant.
91. The Committee bore in mind its findings at the impairment stage, in particular that there were no public protection concerns in this case. There was no suggestion that an immediate order was in the Registrant's best interests. It carefully considered whether an immediate order was required in the public interest and was satisfied that the public interest would be adequately addressed by its substantive sanction. It concluded that in the particular circumstances of this case, an immediate order was not necessary.

Revocation of interim order

92. The Committee noted there was no interim order to be revoked.

Chair of the Committee: Louise Fox



Signature

2025

Date: 22 October

Registrant: Dylan Chahal

Signature present and received via email

Date: 22 October 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	
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.	