

**BEFORE THE REGISTRATION APPEALS COMMITTEE
OF THE GENERAL OPTICAL COUNCIL**

HEIKO PULT (01-24545)

A(25)04

AND

GENERAL OPTICAL COUNCIL

**DECISION OF THE REGISTRATION APPEALS COMMITTEE
17 JUNE 2025**

Committee Members:	Ms Sarah Hamilton (Chair/Lay) Mr John Vaughan (Lay) Mr Nigel Pilkington (Lay) Ms Maninder Gupta (Optometrist) Ms Sanna Nasrullah (Optometrist)
Legal adviser:	Ms Jennifer Ferrario
GOC Presenting Officer:	Ms Holly Huxtable
Appellant present/represented:	Yes and not represented
Hearings Officer:	Ms Natasha Bance
Outcome:	Appeal dismissed

Background

1. The Appellant registered with the General Optical Council ('the Council') on 3 April 2009. On the 4 November 2024 the Appellant was advised by the Council that as at 31 October 2024, the records showed that he had not completed the required Continued Professional Development ('CPD') for the cycle January 2022 – December 2024. He was told to log into his account with the Council to identify the CPD requirements that he had not met, and to complete them by 31 December 2024. The Appellant was informed that failure to do so may lead to his removal from the Council's register.
2. On the 18 December 2024, the Appellant contacted the Council and said that he had been unable to meet the CPD requirements for the 2022 – 2024 cycle due to his [redacted]. He asked the Council for advice. The Council responded and informed the Appellant that he could consider applying to establish an exceptional circumstance to justify the CPD shortfall, or he could consider withdrawing from the Council's register.
3. On the 27 February 2025, the Appellant was advised by the Council that as he had not completed the outstanding CPD activity, that his name would be removed from the Council's register on 1 April 2025. He was informed of the right to appeal.
4. The Appellant was required to achieve 36 CPD points in the cycle, 18 of which were required to be interactive, which requires physical attendance at an event or distance learning with an interactive element. During the cycle and specifically on the 9 June 2023, the Appellant completed a total of 9.5 points.
5. The Appellant submitted a letter of appeal to the Council on the 3 April 2025. [redacted]. The Appellant made reference to a [redacted] Optometry business in Germany which he said he focused on in 2023. He invited the Council to find that there were exceptional reasons for his CPD shortfall.
6. The appeal was referred to this Committee to consider and determine.

Preliminary matters

Proceeding in Private

7. At the outset of the proceedings Ms Huxtable invited the Committee pursuant to Rule 17(3) of the "The GOC (Registration Appeals Rules) Order of Council 2005" to deal with matters relating to the Appellant's [redacted] in private. The Appellant supported this application.
8. Having heard and accepted the advice of the Legal Adviser, the Committee determined that this was fair and proportionate and determined that all

matters relating to the [redacted] and private life of the Appellant should be considered in private.

Order of Proceeding

9. As the Appellant was unrepresented, the Committee invited an opening statement from Ms Huxtable to assist. The Appellant agreed to this course and was content to allow Ms Huxtable to outline the background to the Appeal. The Committee accepted the advice of the Legal Adviser and agreed that this was the most effective way of dealing with proceedings.
10. Ms Huxtable, on behalf of the Council, outlined the background to the appeal. She referred the Committee to the Council's Skeleton Argument. She submitted that the fundamental issue in this appeal was whether the Appellant satisfied the 'exceptional circumstances' criteria and she invited the Committee to have regard for the Council's 'Exceptions Policy.' Ms Huxtable said that in view of the significant CPD shortfall, the Council is concerned about public protection and public interest and the appeal ought to be dismissed.
11. The Committee then heard oral evidence from the Appellant under affirmation. Within that evidence the Appellant confirmed that the content of his letter to the Council dated 3 April 2025 was accurate. He told the Committee that he understands the importance of CPD and in Germany is highly regarded in the contact lens field. He said that it was his usual practice to undertake CPD activity in either the second or third year of a cycle and this was why he had not undertaken any recognised CPD training in 2022. [redacted] and it was 'impossible' to complete the required CPD. He said 'it was really an exceptional situation.'
12. In response to questions from the Committee, the Appellant said that he wants to be registered with the Council, because whilst he lives and works in Germany, he believes that Council registration will improve his practice. In terms of managing his [redacted] Optometry business in Germany in 2023 and 2024, the Appellant told the Committee that if he had not devoted his time to the business, it would have had a significant financial impact for him. He agreed that despite being [redacted] in 2023 and 2024, that it had been a busy year for the business. The Appellant was asked whether he had attended any CPD activity since October 2024. He said that he had attended one weekend course during the first week of June 2025, amounting to 9.5 CPD points. He told the Committee that he had contributed to educational reports and academic pieces of writing, however he accepted that these were not CPD recognised activities.
13. The Committee heard a closing statement by Ms Huxtable on behalf of the Council. She said that the Council's position had not changed. Ms Huxtable submitted that the Appellant had not provided the Committee with a

compelling reason for deciding not to complete any CPD activity in 2022. She said that by ordinarily leaving his CPD training until the second or third year of a cycle, that he ran the risk of unforeseen events, [redacted], which may impact on his ability to reach the required number of points. She said that if the Appellant were to have his name maintained on the Council register, this would raise a potential risk of harm to public safety and public confidence in the profession.

14. The Appellant responded with his closing submissions and said that he is very highly regarded in Germany as a registered Optometrist and he does not present a risk of harm to the public. He said that he has fulfilled all CPD requirements to maintain his registration in Germany.
15. The Committee heard and accepted the advice of the Legal Adviser. The Legal Adviser set out the Committee's powers under the Opticians Act which included the options open to the Committee. The Legal Adviser reminded the Committee that the fundamental question for the Committee is whether the Appellant had satisfied the burden of demonstrating exceptional circumstances. She referred the Committee to the examples of previous cases in the Council's 'Continuing Professional Development Exceptions Policy' ('Exceptions Policy') and advised that the Committee should use them as a guide and arrive at its own independent decision. The Committee was advised to consider the evidence in the bundle; the letter from the Appellant dated 3 April 2025; oral evidence; submissions, and the Council's overarching objective.

Determination

16. In making its decision, the Committee had regard to all of the evidence, and had at the forefront of its consideration the Council's overarching objective to protect the public, maintain confidence in the profession and uphold proper professional standards. The Committee had regard to the fact that a certain number of CPD activity is required to maintain registration with the Council and it should scrutinise carefully whether any shortfall would undermine public safety or public confidence. The Committee noted that it was for the Appellant to demonstrate that there were exceptional circumstances, in terms of his having completed 9.5 out of the required 36 CPD points for the 2022 – 2024 cycle.
17. The Committee noted that it was not in dispute that there was a shortfall of 26.5 points for the relevant cycle. The Committee considered whether the circumstances as put forward by the Appellant were exceptional and whether retaining the Appellant in these circumstances would give rise to a potential risk to public protection or undermine the public interest.

18. The Committee was sympathetic to the [redacted].
19. The Committee reminded itself of the Appellant's oral evidence and his letter to the Council dated the 3 April 2025. The Appellant had accepted that during 2023 and 2024 when he had been [redacted], he had prioritised the time that he had had, to his [redacted] Optometry business in Germany. The Committee believed that this demonstrated that for some of the time in 2023 and 2024, he had been capable of undertaking CPD activity. The Committee was not persuaded that the Appellant's [redacted] were such that he had been unable to undertake any professional learning, recognised by the Council as CPD, during this period.
20. The Appellant had told the Committee that in terms of his CPD history, he would ordinarily undertake CPD training during the second or third year of any cycle. The Committee agreed with Ms Huxtable's submission that in taking this approach, the Appellant placed himself at risk of an unforeseen event impacting on his capacity to undertake the required CPD. The Committee considered that the Appellant had provided no cogent reason for deciding not to undertake any CPD training in 2022. It went on to find that the Appellant had provided no reassurance that if successful with his appeal, that he would use the full three years of the cycle to undertake CPD training in the future.
21. The Committee considered the Council's Exceptions Policy. It took into account that the Appellant's CPD shortfall was significant. Whilst the Committee was sympathetic to the Appellant's difficulties it considered that public protection would be undermined by allowing the Appellant to remain on the register when his knowledge is not up to date. Further, the Committee was not persuaded that the Appellant had addressed his shortfall. The Committee reminded itself that the Appellant had said during his evidence that he had attended a conference in June 2025 which would have attracted 9.5 CPD points. The Committee had not received any documentary evidence of this and in any event determined that this conference alone was not sufficient to address the CPD requirements.
22. Having considered all of the circumstances, the Committee was not persuaded that the Appellant's circumstances, whilst challenging, were exceptional to meet the threshold. The Appellant had had an obligation to fulfil in 2022 – 2024 and he should have used the entire time available to him, to complete the required number of training points. When he was challenged with [redacted] in 2023 and 2024, he was able to devote time to his [redacted] business and he appears to have prioritised this over and above the Council's CPD requirements.
23. In terms of the significant shortfall in CPD training from January 2022 to date, the Committee decided that the public interest element of the Council's overarching objective outweighed the interests of the Appellant. It went on to find that to allow the Appellant to remain on the register in these

circumstances would undermine standards in the profession and put the public at risk. The exceptional circumstances put forward by the Appellant were not sufficient to convince the Committee that the standards expected of a registrant were being met and would adequately protect the public.

- 24. The Committee considered whether it should allow the appeal and direct that the Appellant undertake the shortfall of CPD points by a specific period, in line with paragraph 4(7) of Schedule 1A of The Opticians Act 1989. It decided that in the circumstances this would be inappropriate due to the significant number of CPD points the Appellant would be required to undertake, and the potential impact on public confidence in the profession.
- 25. The Committee therefore determined that the Registrar's decision be upheld and the appeal is dismissed.
- 26. In conclusion, the Committee wished to draw to the Appellant's attention the provisions for re-registration after removal from the register. This would enable the Appellant to address the shortfall in his CPD and demonstrate to the Council that his training was up to date.

Chair of the Committee: Sarah Hamilton



Signed

Date 17 June 2025

Appellant: Heiko Pult

Signed *Present remotely and received via email* **Date** 17 June 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).

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.