

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

GENERAL OPTICAL COUNCIL

F(23)19 and 20

AND

IBRAR ADIL HAMID AHMED (01-30095)

**DETERMINATION OF A SUBSTANTIVE HEARING
11-15 AND 19-20 MARCH 2024**

Committee Members:	Mr Ian Crookall (Chair/Lay) Mr Mark Richards (Lay) Mr John Vaughan (Lay) Dr Ewen MacMillan (Optometrist) Ms Sanna Nasrullah (Optometrist)
Legal adviser:	Mr Timothy Akers
GOC Presenting Officer:	Ms Selena Jones
Registrant present/represented:	Yes and represented
Registrant representative:	Mr Khan Sepehar Ehtesham Khan
Hearings Officer:	Ms Latanya Gordon
Facts found proved:	All facts found proven: Case reference 2020/189 1 2a 2b 2c 2d 2e 2f

	<p>2g 3a 3b 4a 4b</p> <p>Case reference 2021/312 1a 1b 1c 2a 2b 3a 3b</p> <p>Case reference 2022/252 1a 1b 2a 2b 3a 3b</p>
Facts not found proved:	N/A
Misconduct:	Found
Impairment:	Impaired
Sanction:	Erasure
Immediate order:	Yes

ALLEGATIONS

1. The Registrant faced the following allegations:

Case reference 2020/189

1. On 8 August 2020 you told Ms A *“Your eyes are very beautiful I’d like to test them one day but don’t think we’d do much testing”* or words to that effect

2. On 15 August 2020 you;

- a. Brushed your hand against Ms A’s hand;
- b. Hit Ms A’s bottom with a clipboard;
- c. Winked at Ms A;
- d. Hugged Ms A;
- e. Touched Ms A’s breasts;
- f. Kissed Ms A’s neck;
- g. Attempted to kiss Ms A on her lips

3. On 15 August 2020, when speaking with Ms A you said words to the effect of;

- a. *“Do you want to go on a date? It could be our secret”*
- b. *“You’ve given me a boner now”*

4. Your conduct at 1), 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 3(a) and 3(b) was:

- a. inappropriate; and/or
- b. sexual

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

Case reference 2021/312

The Council alleges that you, Mr Ibrar Adil Hamid Ahmed (01-30095), a registered optometrist, whilst working at Specsavers, [redacted]:

1. On 14 September 2021 you made comments towards Patient A, namely:

- a. You complimented Patient A’s eye colour on one or more occasions;
- b. You complimented Patient A’s hair on one or more occasions;
- c. You said words to the effect of *“I would have come to this area sooner if I had I known you were living in the area”*.

2. On 14 September 2021 you touched Patient A, namely:

- a. You brushed your penis against Patient A’s elbow on one or more occasions whilst clothed;

- b. You brushed your penis against Patient A's breast on one or more occasions whilst clothed.

3. Your conduct at 1a and/or 1b and/or 1c and/or 2a and/or 2b was:

- a. Inappropriate and/or
- b. Sexual.

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

Case reference 2022/252

The Council alleges that you, Mr Ibrar Adil Hamid Ahmed (01-30095), a registered optometrist whilst working at Boots Opticians [redacted]:

1. On a date or dates unknown in May 2021 you made comments towards Ms B, namely:

- a. *"You're asking to be spanked bent over like that";*
- b. *"Why don't you come into my room so I can bend you over my desk?"*

2. On a date or dates unknown in May 2021 you touched Ms B:

- a. You put your arm around Ms B;
- b. You attempted to poke Ms B in the ribs.

3. Your conduct at 1a and/or 1b and/or 2a and/or 2b was:

- a. Inappropriate and/or
- b. Sexual.

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

DETERMINATION

Admissions or Denials in relation to the particulars of the allegation

2. All allegations were denied.

Background to the allegations

3. This application arises from three separate complaints which alleged inappropriate and sexualised behaviour. The Registrant denies the allegations and he provided a witness statement and a letter from his solicitor to the GOC.

First Complaint

4. The first complaint is from Ms A, who at the material time was working as an optical assistant at the Specsavers in [redacted]. Within her witness statement dated 7 March 2022 she sets out her position which can be summarised as follows:-
 - i. She met the Registrant when he worked as a locum optometrist at the Specsavers in [redacted] in August 2020;
 - ii. On 8 August 2020, Ms A felt that the Registrant was behaving in a flirtatious manner towards her. Towards the end of the shift at around 5.30pm as she was getting ready to leave she reports that he said to her *'your eyes are very beautiful'*. Ms A thanked him and she recounts that he replied *'I'd like to test them one day but I don't think we'd do much testing'*. Ms A says that she thought that the Registrant was being sexually suggestive and was making advances towards her;
 - iii. Ms A says that she reported what had been said to a colleague, Witness A. She also says that she felt like the Registrant was waiting for her outside and so she left the store with Witness A;
 - iv. On 15 August 2020, Ms A and the Registrant were both working in the store. Ms A states that at around 10 - 11 am when she went upstairs to collect a patient the Registrant had just seen, that the Registrant brushed her hand as she took the clipboard from him. Ms A says that he followed her and the patient out of the testing room and that whilst she was going down the stairs he hit her bottom with a clipboard. Moreover, she states that later on that morning the Registrant winked at her.
 - v. At around 12.15pm, Ms A says that she went to the staff room to eat her lunch. Whilst she was in the room the Registrant entered the room, shut the door and stood in front of the closed door. Ms A says that there was then a conversation between them in which the Registrant asked if she wanted to go on a date to which she responded that she had a boyfriend.

Thereafter, the Registrant opened the door but continued the conversation. During this conversation Ms A reports that the Registrant asked her when she was next working and she told him next Wednesday. At this point he walked towards her, said that he would miss her and hugged her. At the same time he kissed her on her neck. Ms A describes that she froze in disbelief and then tried to lean back. However, as the Registrant pulled away she states that he stroked both her breasts with quite a bit of pressure and then tried to kiss Ms A. Ms A says that she moved away and told him to stop and leave the room. Ms A says that she felt uncomfortable, unsafe and upset and so started to tear up and asked the Registrant to leave. Her account is that the Registrant then asked what he had done wrong and she asked him to leave twice more. As he left the room Ms A says that the Registrant said to her '*you've given me a boner now*' and lifted his apron to demonstrate this, although Ms A says she turned away and did not see whether he did, in fact, have an erection.

- vi. On 15 August 2020 immediately after the incident, Ms A says she called a friend and told her what had taken place and that she was advised by her friend to tell her supervisor. She then had a conversation with Witness A during which she burst into tears and told him that the Registrant had touched her. Witness A suggested that the matter was reported to Person A, the supervisor, who asked her to write down what happened. Ms A duly did so and left the note Person A's locker. That note is before the Committee. #
 - vii. On her next shift on 19 August 2020, she went in and it was apparent that Person A had not yet read the statement. She raised this with a colleague and Person A read the statement and matters were escalated to the store director.
 - viii. Ms A has also given a witness statement to the police.
5. There are two additional witness statements relied upon in support of Ms A's case. Neither of these witnesses saw or heard what is alleged to have occurred but it is alleged that they support Ms A's account in that she told them what she says took place on 15 August 2020. These witnesses are:
- i. Witness A, optical assistant, who gives an account to the effect that Ms A told him what had taken place. He has also provided a witness statement to the police.

- ii. Witness B, Director of [redacted] Specsavers, who gives an account that on 15 August 2020 he was informed by Person A that Ms A had reported inappropriate behaviour by the Registrant. Further, that on 19 August 2020, Person B, Store Supervisor, reported that the conduct alleged involved touching Ms A's breasts. He provided a witness statement. Witness B spoke with both Ms A and the Registrant, telling the latter that he should not come into work.
 - iii. Person A, Optical/Contact Lens Supervisor, who states that on 15 August 2020 Ms A reported to her that the Registrant had made some inappropriate suggestions and touched her breasts. Person A asked her to write it down but did not read the note until 19 August 2020 after which matters were escalated to store director level. She provided a witness statement.
6. On 29 October 2020 the Registrant was interviewed by the police. Over the course of the interview the Registrant denied the allegation. No further action has been taken and there have been no charges brought by the police.
 7. On 11 July 2022 this matter was considered by the GOC's Case Examiners and was referred for consideration by the Fitness to Practise Committee.

Second Complaint

8. The second complaint comes from a patient, Patient A, and relates to an incident which is alleged to have taken place when she attended Specsavers [redacted] store on 14 September 2021.
9. Patient A, a woman in her 60s, provided a witness statement dated 29 August 2022. In summary she states as follows:
 - She attended the store for new glasses and a sight test;
 - After initial tests were carried out she was shown into the room where the Registrant was working and as she entered he complimented her hair and eyes, and said words to the effect that if he had known Patient A had lived in [redacted], he would have moved there sooner;
 - Patient A says that the Registrant said that he would carry out part of the eye examination manually and used a handheld instrument to examine her eyes. As he examined her right eye the Registrant touched her hair. He then went to look into the left eye and in order to do so had to squeeze into the space between one of the machines and Patient A's chair. Patient A recalls that the Registrant had to bend over to look into her eye and as he

stood up she felt his penis brush against her left elbow. Patient A says that she thought this was an accident;

- She states that the Registrant then bent down to continue looking in her left eye and then stood up once more, again touching her elbow with his penis on three or four occasions. She says that she moved her arm back but that the Registrant was then rubbing his penis against her left breast;
- Patient A then recalls that the eye test was over and so she got up to leave and he told her that the paperwork needed doing. Patient A then went downstairs and chose and paid for her glasses. Patient A says that upon leaving the store she told her mum about what had happened and then later she told a friend;
- About a week later when she went in to collect her glasses she reported what had taken place to the manager at the store.

Third Complaint

10. The third complaint comes from Ms B who worked with the Registrant at the Boots Opticians in [redacted], on a date unknown in May 2021. A complaint was made on 18 August 2022.
11. The complaint sets out that Ms B was working at the Boots Opticians in [redacted] in May 2021 and was working with a male optician she had not met before who she believes is the Registrant. She states that whilst she was upstairs doing some filing the Registrant came into the room and said '*you're asking to be spanked bent over like that*' and then asked if she was single and made further comments about her appearance, in particular complimenting her on her lashes. The next day she states that the Registrant was flirtatious with her and was touching and poking her. At some point she says that she asked if he would be able to check some children's glasses and he replied "*why don't you come to my room so I can bend you over my desk?*".
12. Ms B says that after the first incident she told her team leader that she was uncomfortable being upstairs alone with the Registrant.

Findings in relation to the facts

13. The following oral evidence was adduced on behalf of the GOC:
 - i. Oral evidence from Ms. A (an Apprentice Optical Assistant at Specsavers in [redacted]);
 - ii. Oral evidence from Witness A (An Optical Assistant at Specsavers in [redacted]);
 - iii. Oral evidence from Witness B (a Director at Specsavers in [redacted]);
 - iv. Oral evidence from Patient A (a patient of Specsavers in [redacted]);
 - v. Oral evidence from Ms B (an Optical Assistant at Boots in [redacted]);
 - vi. Oral evidence from Witness C (the Hub Manager for Boots Opticians in [redacted]).

14. The Committee also had before it a 159-page bundle which included the witness statements of the above witnesses and their associated exhibits, witness statements to the police from Ms A and Witness A, a police interview with the Registrant, and the statements of Person A (Optical/Contact Lens Supervisor at Specsavers in [redacted]) and Person C (the latter two statements having been agreed between the parties).
15. The following evidence was adduced on behalf of the Registrant:
 - i. The oral evidence of Ibrar Ahmed (the Registrant);
 - ii. The witness statement of the Registrant;
 - iii. A letter from Adam Bernard Solicitors.
16. Written closing submissions were provided on behalf of the Council and on behalf of the Registrant and oral submissions in closing were also made.
17. After the closing submissions, the Committee was provided with legal advice which addressed the following areas:
 - i. The burden and standard of proof;
 - ii. The definition of sexually motivated conduct, with reference to *Basson v GMC* [2018] EWHC 505 (Admin);
 - iii. Recent complaint evidence;
 - iv. Cross-admissibility;
 - v. Displays of emotion when giving evidence, and at the time of making a complaint;
 - vi. Good character.
18. The Committee accepted the legal advice provided.
19. The Committee then moved on to consider an overview of the history of the allegations and relevant dates, and general observations on the accuracy and reliability of the evidence of the witnesses for the GOC and the Registrant's evidence, in light of the oral evidence given.
20. In terms of the history of the allegations and relevant dates, the Committee noted the following chronological order of events:

Ms A

- i. Ms A's witness statement was dated 7 March 2022 and pertained to events that allegedly took place on 8 and 15 August 2020;
- ii. Ms A immediately informed Witness A of what she said took place on 8 August and on 15 August 2020;
- iii. Ms A made a handwritten statement on 15 August 2020 recording what she said took place;
- iv. Store director, Witness B spoke with Ms A on 15 August 2020
- v. Ms A's handwritten statement was later read by store supervisor, Person A on 19 August 2020.

Ms B

- i. Witness C said she was approached by Ms B in the week of 24 May 2021 and that Ms B told her what happened on 24 and 25 May 2021;
- ii. Witness C interviewed Ms B on 28 May 2021;
- iii. Witness C interviewed the Registrant on 29 May 2021;
- iv. The date of Ms B's statement to the GOC was redacted;
- v. Ms B made a referral to the GOC dated 18 August 2022.

Patient A

- i. Patient A gave a witness statement dated 29 August 2022, recalling alleged events from 14 September 2021;
- ii. Patient A had informed her mother of the events which had taken place and her friend whom, it transpired, happened to be Ms B's mother.

21. The Committee reminded itself of the burden and standard of proof and then made the following general observations on the accuracy and reliability of the evidence of the witnesses for the GOC and the Registrant's evidence, in light of the oral evidence given:

- i. The Committee noted that there were no witnesses who saw any alleged inappropriate or sexual conduct, other than the complainants themselves;
- ii. The Registrant is a man of good character who came across as a dedicated and clinically sound optometrist;
- iii. The Committee found the evidence of the three complainants to be persuasive;
- iv. In terms of the Registrant's evidence, the Committee noted that he denied all the alleged inappropriate and sexual actions described by Ms A, Patient A and Ms B. Apart from touching Ms A on the shoulder to comfort her and carrying out a normal sight test on Patient A, there was no physical touching. A number of witnesses spoke of the Registrant's professional approach, his competence as an optometrist and that he was a respected professional colleague. He described the efforts he had made to qualify and the devastating impact which these allegations had had upon him. He considered that the allegations depicted him as "*a sexual monster*" and he was appalled that such a term might be used in relation to him;
- v. The Committee did not find the Registrant's evidence that the Complainants had conspired against him to be credible and found that there was no pre-existing relationship between the complainants and no motive for fabricating the allegations;
- vi. There appeared to be a similar pattern of alleged conduct that the Registrant had carried out against each complainant, consisting of verbal compliments about the Complainants' physical appearance, followed by alleged inappropriate/sexual touching over clothing, when in a one-on-one optometrist/patient or optometrist/colleague environment;

- vii. There were some notable inconsistencies in the Registrant's evidence; for example:
 - a. initially admitting telling Ms B *"you're asking to be spanked"* in his interview with Witness C on 29 May 2021 and stating this was *"light-hearted banter"* and then changing his account to saying that what he in fact said was *"don't crouch down you'll get a bad back"*;
 - b. telling Witness C that he decided not to work at Specsavers Opticians any more, when Witness B's evidence was that the Registrant's shifts had been cancelled;
 - c. admitting to Witness B that he had hugged Ms A when he spoke to him on 15 August 2020 and then subsequently changing his account and asserting that he did not hug Ms A but put a hand on her shoulder instead.
- viii. In respect of Ms A and Ms B, there was evidence that complaints had been made immediately.

22. The Committee went on to address each specific fact alleged, as follows:

Ms A

1. On 8 August 2020 you told Ms A "Your eyes are very beautiful I'd like to test them one day but don't think we'd do much testing" or words to that effect

The Committee found particular 1 proved

23. The Committee found it more likely than not that the Registrant made the above comment. In arriving at this decision, the Committee noted that Person A described the Registrant as seeming overly friendly towards Ms A (at paragraph 14 of her statement), that Ms A had reported this comment to Witness A minutes after it happened (at paragraph 10 of Witness A's statement) and that she had made a contemporaneous note of the comment (at page 24 of the hearing bundle).

2. On 15 August 2020 you;

a. Brushed your hand against Ms A's hand;

The Committee found particular 2a proved

24. The Committee found it more likely than not that the Registrant brushed his hand against Ms A's hand. In reaching this decision, the Committee preferred the evidence of Ms A over that of the Registrant, and formed the view that, ordinarily when exchanging a clipboard, one person's hand would not touch the other person's hand. The Committee determined that the Registrant therefore made a conscious effort to brush his hand against Ms A's hand, using exchanging a patient's clipboard as a means for doing so.

**2b. Hit Ms A's bottom with a clipboard;
The Committee found particular 2b proved**

25. The Committee found it more likely than not that the Registrant hit Ms A's bottom with a clipboard. In arriving at this decision, the Committee noted that Ms A made a contemporaneous note of the Registrant touching her "bum" "with a board" (at page 24 of the hearing bundle) and found it plausible that the Registrant picked up another clipboard that had been left in or near his optometrist's room and that he hit Ms A's bottom with it whilst walking down the stairs behind her.

**2c. Winked at Ms A
The Committee found particular 2c proved**

26. The Committee found it more likely than not that the Registrant winked at Ms A when she was undertaking a visual field test. In reaching this decision, the Committee noted that Witness A referred to this in his statement to the police (at page 56 of the hearing bundle) as something that Ms A told him on the day it occurred, and that it is recorded in Ms A's typed record dated 19 August 2020 (at page 23 of the hearing bundle). The Committee also noted that other members of staff at the opticians would not necessarily notice if the Registrant had winked at Ms A, and that the main person who usually notices a wink is the person being winked at.

**2d. Hugged Ms A
The Committee found particular 2d proved**

27. The Committee found it more likely than not that the Registrant hugged Ms A. In arriving at this decision, the Committee noted that Ms A had made a contemporaneous handwritten note of the hug occurring (stating, "*he then hugged me and said that he would miss me*", at page 24 of the hearing bundle). The Committee noted that Witness B, in his witness statement (and in cross-examination), stated that the Registrant told him that he gave Ms A a hug (albeit at the time the Registrant said that the hug was for the purpose of comforting Ms A over having encountered racism in the past) (at paragraph 13 of Witness B's statement). The Committee noted that this was something the Registrant completely denied in his evidence, stating that he put his hand on Ms A's shoulder, to console her. In its findings, the Committee rejected the Registrant's account that he only put his hand on Ms A's shoulder. The Committee also rejected the submission of Mr Khan that Ms A had fabricated allegations against the Registrant for fear of her losing her job over the alleged use of a racial slur as lacking in credibility and without any sound evidential basis.

2e. Touched Ms A's breasts

The Committee found particular 2e proved

28. The Committee found it more likely than not that the Registrant touched Ms A's breasts. In reaching this decision, the Committee noted that Ms A stated the Registrant "*touched my boobs and then tried to kiss me*" in her contemporaneous handwritten note. Similarly, the Committee noted that, in her statement to the police, Ms A stated that the Registrant "*put his hands on both my breast and stroked them*" (at page 51 of the hearing bundle). The Committee was also mindful that Ms A told Witness A that the Registrant "*cupped her breasts*" (at paragraph 16 of Witness A's statement) and that she also told supervisor, Person A that the Registrant "*touched her breasts*" (at paragraph 7 of Person A's statement) on the day that it happened. The Committee noted that there was some inconsistency in Ms A's evidence around the precise type of touch (for example, whether it was a stroking or cupping motion) used by the Registrant but it took the view that this did not sufficiently undermine the GOC's case in respect of this alleged fact in order for it not to be proven. The Committee took the view that, regardless of the precise type of touch used by the Registrant, Ms A was clear in her oral evidence when she stated, "*pressure was on my boobs – he had intentionally gone to touch my boobs when he's come out of the hug*". The Committee was mindful that Ms A did not appear to have informed Witness B that the Registrant touched her breasts, but it did not consider this unusual, given Witness B's position of authority as a director of the optician's store. The Committee took the view, having carefully considered Ms A's emotional reaction whilst giving evidence, that this demonstrated an experience that was clear and prominent in her mind and that was psychologically impactful at the time the conduct occurred.

2f. Kissed Ms A's neck

The Committee found particular 2f proved

29. The Committee found it more likely than not that the Registrant kissed Ms A's neck. In arriving at this decision, the Committee noted that, whilst at first Ms A seemed a little equivocal on this in her oral evidence (for example as to whether a stereotypical kiss with puckered lips to the neck took place), the witness clearly stated in her oral evidence that the Registrant's "*lips touched my neck*" and "*he certainly put his lips against my neck*".

2g. Attempted to kiss Ms A on her lips

The Committee found particular 2g proved

30. The Committee found it more likely than not that the Registrant attempted to kiss Ms A on the lips. In reaching this decision, the Committee took the view that Ms A's account in her contemporaneous handwritten note was clear that the Registrant "*touched my boobs and tried to kiss me*" (at page 25 of the hearing bundle).

3. On 15 August 2020, when speaking with Ms A you said words to the effect of;

a. “Do you want to go on a date? It could be our secret”

The Committee found particular 3a proved

31. The Committee found it more likely than not that the Registrant asked “Do you want to go on a date? It could be our secret”. In arriving at this decision, the Committee took account of Ms A’s witness statement dated 7 March 2022, her contemporaneous handwritten note, which stated, “he said he wanted to take me out” and Ms A’s written statement dated 19 August 2020, which stated, “He then went straight into the next conversation about wanting to take me out on a date, as he wanted me to get into Asians and it would be our secret”. The Committee also noted that Ms A’s statement to the police stated that the Registrant said to her, “we should go on a date sometime...it could be our secret thing” (at page 50 of the hearing bundle).

3. On 15 August 2020, when speaking with Ms A you said words to the effect of;

b. “You’ve given me a boner now”

The Committee found particular 3b proved

32. The Committee found it more likely than not that the Registrant told Ms A, “you’ve given me a boner now”. In reaching this decision, the Committee took Ms A’s handwritten contemporaneous note into account, which stated “he also said he had a boner”, her typed statement dated 19/08/2020, which stated “he had the door open and said he had a boner and moved his apron to show me”, and her contemporaneous report to Witness A, telling him that the Registrant “said he had a boner”. Ms A’s reaction to this statement, namely to look at her phone and look away, was consistent throughout her evidence. The Committee rejected the Registrant’s evidence that he would never use such language, finding that this was contradicted by the statement of Witness A to the police, who stated that the Registrant had said to him, “Oh, you’ve got to think with your cock sometimes, not your brain” (at page 56 of the hearing bundle).

4. Your conduct at 1), 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 3(a) and 3(b) was:

a. inappropriate;

The Committee found particular 4a proved

33. The Committee found it more likely than not that the Registrant’s conduct that had been found proved was inappropriate for the workplace.

4. Your conduct at 1), 2(a), 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 3(a) and 3(b) was:

b. sexual

The Committee found particular 4b proved

34. The Committee found it more likely than not that that the Registrant’s conduct towards Ms A was undertaken either in pursuit of sexual gratification or in pursuit of a future sexual relationship with her.

Patient A

1. On 14 September 2021 you made comments towards Patient A, namely:

a. You complimented Patient A's eye colour on one or more occasions;

The Committee found particular 1a proved

35. The Committee found it more likely than not that the Registrant complimented Patient A's eye colour on one or more occasions. In arriving at this decision, the Committee noted Patient A's oral evidence that "*he complimented my eyes*", and the contents of the statement of Patient A, which stated "*the registrant also complimented my eyes, saying I've got nice blue eyes*". Notwithstanding Patient A's opinion that the Registrant's comments did not appear overtly sexual, the Committee decided as a matter of fact, with the benefit of having heard the evidence in relation to Ms A, that Ms A's allegations supported the allegations of Patient A, having found that the Registrant also complimented Ms A's physical appearance, before later going on to touch Ms A in a sexual and inappropriate way.

1.b You complimented Patient A's hair on one or more occasions;

The Committee found particular 1b proved

36. The Committee found it more likely than not that the Registrant complimented Patient A's hair on one or more occasions. In reaching this decision, the Committee viewed Patient A's oral evidence as credible and persuasive, the witness stating that the Registrant said it was "*a nice colour and curly*". Notwithstanding Patient A's opinion that the Registrant's comments did not appear overtly sexual, the Committee decided as a matter of fact, with the benefit of having heard the evidence in relation to Ms A, that Ms A's allegations supported the allegations of Patient A, having found that the Registrant also complimented Ms A's physical appearance, before later going on to touch Ms A in a sexual and inappropriate way. These comments were similar to the comments that were made to Ms A.

1c. You said words to the effect of "I would have come to this area sooner if I had I known you were living in the area"

The Committee found particular 1c proved

37. The Committee found it more likely than not that the Registrant *said words to the effect of "I would have come to this area sooner if I had I known you were living in the area"*. In arriving at this decision, the Committee took the oral evidence of Patient A into account, Patient A stating that the Registrant said to her, "*If I'd have known you were down here id have come down sooner*". The Committee also considered the statement of Patient A, which stated that the Registrant "*said something along the lines of 'I would have come to this area sooner if I had known that you were living in the area'*" (at paragraph 11).

**2. On 14 September 2021 you touched Patient A, namely:
a. You brushed your penis against Patient A's elbow on one or more occasions whilst clothed;**

The Committee found particular 2a proved

38. The Committee found it more likely than not that the Registrant brushed his penis against Patient A's elbow on one or more occasions whilst clothed. In reaching this decision, the Committee found Patient A's oral evidence to be credible and persuasive, noting in particular Patient A's gesture of how the Registrant's penis was rubbing against her, stating "*he was moving it back and forth on my arm*" and that, in response, she "*moved my arm behind my back so that he couldn't touch me*". The Committee took the view, having carefully considered Patient A's emotional reaction whilst giving evidence, that this demonstrated an experience that was clear and prominent in her mind and that was psychologically impactful at the time the conduct occurred. The Committee also took the view that Ms A's allegations supported the allegations of Patient A in this regard, having found that the Registrant went on to touch Ms A in a sexual and inappropriate way, after having complimented her physical appearance.

**2. On 14 September 2021 you touched Patient A, namely:
b. You brushed your penis against Patient A's breast on one or more occasions whilst clothed.**

The Committee found particular 2b proved

39. The Committee found it more likely than not that the Registrant brushed his penis against Patient A's breast on one or more occasions whilst clothed. In arriving at this decision, the Committee found that the Registrant continued rubbing his penis against Patient A after she moved her arm, and the Committee noted Patient A's oral evidence that "*I moved my arm behind my back so that he couldn't touch me...to give him more room...but of course its touching my breast then*". The Committee noted that, at one stage in her oral evidence, Patient A was slightly more equivocal as to whether the Registrant's penis touched her breast; however, when taken to her witness statement, dated 29 August 2022, Patient A stated "*I wouldn't have said it if it hadn't happened*" and "*yeah, it says it touched my breast and then I moved in the chair*". The Committee also took the view that Ms A's allegations supported the allegations of Patient A in this regard, having found that the Registrant went on to touch Ms A in a sexual and inappropriate way, after having complimented her physical appearance.

3. Your conduct at 1a and/or 1b and/or 1c and/or 2a and/or 2b was:

a. inappropriate;

The Committee found particular 3a proved

40. The Committee found it more likely than not that the Registrant's conduct that had been found proved was inappropriate for the workplace.

3. Your conduct at 1a and/or 1b and/or 1c and/or 2a and/or 2b was:

b. sexual

The Committee found particular 3b proved

41. The Committee found it more likely than not that that the Registrant's conduct towards Patient A was undertaken in pursuit of sexual gratification.

Ms B

1. On a date or dates unknown in May 2021 you made comments towards Ms B, namely:

a. "You're asking to be spanked bent over like that";

The Committee found particular 1a proved

42. The Committee found it more likely than not that that the Registrant commented to Ms B, *"You're asking to be spanked bent over like that"*. Witness C conducted an investigatory interview with the Registrant to ascertain his recollection of events. Witness C put to the Registrant that he made a comment to the effect of, *"you don't want to leave your bum there, as you're asking to be spanked"*. Significantly, the Registrant implicitly admitted making this comment but dismissed it as a *"joke"* and stated that it was *"light-hearted banter"*. The Registrant's explanation that he was caught off-guard at the beginning of the interview by Witness C's questions and that later in the interview he denied using these words was unconvincing. The Committee took the view that Ms B's oral evidence was clear, credible and persuasive, the witness stating, *"The Registrant had come past me and had said something along the lines of, 'you're asking to be spanked, bent over like that'"*. Further, the Committee noted that the Complainant made a recent complaint of the allegation to Witness C in the week of 24 May 2021. The Committee noted this same allegation was contained within Ms B's complaint to the GOC, dated 18 August 2022 (at page 115 of the hearing bundle) and in her witness statement to the GOC (at page 112 of the hearing bundle). The Committee also took the view that Ms A's and Patient A's allegations supported the allegations of Ms B in this regard, in that the Registrant had used sexualised behaviour towards both complainants. The Committee found that the Registrant's evidence in this regard, that he in fact said to Ms B *"don't crouch down you'll get a bad back"* was not credible.
43. In terms of the delay in Ms B reporting her complaint to the GOC, the Committee took the view that this was adequately explained at paragraphs 22 and 23 of Ms B's witness statement, which she stated she had since learnt that her mother's friend had had an *"awful experience"* *"with an optometrist in Specsavers, [redacted]"* and that she worried for future patients who may be left alone in a testing room with the Registrant.

1. On a date or dates unknown in May 2021 you made comments towards Ms B, namely:

b. "Why don't you come into my room so I can bend you over my desk?"

The Committee found particular 1b proved

44. The Committee found it more likely than not that the Registrant commented to Ms B, *"Why don't you come into my room so I can bend you over my desk?"*. In arriving

at this decision, the Committee noted that Ms B had made a recent complaint of the allegation to Witness C in the week of 24 May 2021. The Committee noted this same allegation was contained within Ms B's complaint to the GOC, dated 18 August 2022, and in her witness statement to the GOC. The Committee found Ms B's oral evidence on this point persuasive, the witness stating, "*It's just totally inappropriate – someone I've been friends with for many, many years wouldn't make a comment like that to me, let alone someone I've just met*". The Committee also took the view that Ms A's and Patient A's allegations supported the allegations of Ms B in this regard, in that the Registrant had used sexualised behaviour towards both complainants.

2. On a date or dates unknown in May 2021 you touched Ms B:

a. You put your arm around Ms B;

The Committee found particular 2a proved

45. The Committee found it more likely than not that the Registrant put his arm around Ms B. In reaching this decision, the Committee took paragraph 16 of Ms B's statement to the GOC into account, which stated, "*we were standing side by side and the Registrant put his arm around me and tried to poke me in the ribs*". The Committee also took the view that Ms A's and Patient A's allegations supported the allegations of Ms B in this regard, in that the Registrant had used sexualised behaviour, which became physical, towards both complainants.

2. On a date or dates unknown in May 2021 you touched Ms B:

b. You attempted to poke Ms B in the ribs.

The Committee found particular 2b proved

46. The Committee found it more likely than not that the Registrant attempted to poke Ms B in the ribs. In arriving at this decision, the Committee took Ms B's witness statement into account, together with her complaint to the GOC, which stated "*The following day I was back in [redacted] to work, I bby continued to be quite flirty and also touching my sides and trying to poke me*" (at page 115 of the hearing bundle). The Committee also noted that Ms B had made a recent complaint to Witness C, informing her in the week of 24 May 2021 that "*the registrant had poked her in her side*" (at paragraph 12 of Witness C's witness statement). The Committee also took the view that Ms A's and Patient A's allegations supported the allegations of Ms B in this regard, in that the Registrant had used sexualised behaviour, which became physical, towards both complainants.

3. Your conduct at 1a and/or 1b and/or 2a and/or 2b was:

a. Inappropriate

The Committee found particular 3a proved

47. The Committee found it more likely than not that the Registrant's conduct that had been found proved was inappropriate for the workplace.

**3. Your conduct at 1a and/or 1b and/or 2a and/or 2b was:
b. sexual**

The Committee found particular 3b proved

48. The Committee found it more likely than not that that the Registrant's conduct towards Ms B was undertaken either in pursuit of sexual gratification or in pursuit of a future sexual relationship with her.

Findings in relation to misconduct

49. The Committee heard submissions on behalf of the Council and the Registrant. On behalf of the Council, Miss Jones submitted that the facts that had been found proved amounted to misconduct, referring to the contents of her written submissions and to the GOC Standards of Practice for Optometrists and Dispensing Opticians 2016. On behalf of the GOC, Mr Khan accepted that, given the Committee's findings on the facts, "*it will logically follow that there will be a finding of sexual misconduct*", although he invited the Committee to exercise leniency based upon the standard of proof being the civil, as opposed to the criminal, standard in the proceedings.
50. The Legal Adviser advised the Committee on the legal definition of misconduct and that the Committee would not be able to exercise leniency based upon the specific standard of proof that the Fitness to Practise Rules stipulate must be applied. The Committee accepted the advice.
51. The Committee carefully considered the submissions of the advocates and found that the facts that had been proved inescapably amounted to "*conduct which would be regarded as deplorable by fellow practitioners*" (per Collins J. in *Nandi v GMC* [2004] EWHC 2317 (Admin), at para. 31) and that, therefore, misconduct was made out.
52. In its assessment, the Committee found that the Registrant's misconduct breached the following standards of the GOC Standards of Practice for Optometrists and Dispensing Opticians 2016:
- i. 4.1: *Treat others with dignity, and show empathy and respect;*
 - ii. 4.2: *Respond with humanity and kindness to circumstances where patients, their family or carers may experience pain, distress or anxiety;*
 - iii. 13.1: *Respect a patient's dignity, showing politeness and consideration;*
 - iv. 15.1: *Maintain proper professional boundaries with your patients, students and others that you come into contact with during the course of your professional practice and take special care when dealing with vulnerable people;*
 - v. 15.2: *Never abuse your professional position to exploit or unduly influence your patients or the public, whether politically, financially, sexually or by other means which serve your own interest;*
 - vi. 16.1: *Act with honesty and integrity to maintain public trust and confidence in your profession;*

- vii. 17.1: *Ensure your conduct, whether or not connected to your professional practice, does not damage public confidence in you or your profession.*

53. The Committee found that the facts found proved amount to misconduct.

Findings regarding impairment

54. The Committee heard submissions from Ms Jones on behalf of the Council and from Mr Khan on behalf of the Registrant. The Registrant did not give evidence at the impairment stage. Mr Khan provided two character references on behalf of the Registrant.
55. Ms Jones referred the Committee to her written submissions and asserted that the Registrant's fitness to practise was currently impaired. Ms Jones submitted that this case concerned serious and fundamental breaches of the GOC Standards of Practice for Optometrists and Dispensing Opticians, that the complainants were relatively vulnerable people, against whom there had been a breach of trust. Ms Jones submitted that the misconduct had been persistent and that there had been no insight, remorse nor remediation: Ms Jones submitted that the lack of acknowledgement from the Registrant of the Committee's findings demonstrated that his actions had not been remediated and were incapable of being remedied in light of this. Ms Jones further submitted that little or no weight should be attached to the references that had been provided, given that the Registrant was currently awaiting a GOC Fitness to Practise Committee hearing date for allegedly falsifying a reference. Ms Jones concluded by submitting that the Registrant's fitness to practise was impaired when considering both the personal and public components of impairment.
56. In his submissions, Mr Khan referred the Committee to relevant paragraphs of the GOC Hearings and Indicative Sanctions Guidance and submitted that the Registrant should not be penalised for contesting the GOC's case. Mr Khan submitted that the Registrant had maintained throughout (and continues to maintain) that the misconduct did not take place and that, in light of the standard of proof in the proceedings, there was a possibility that the Registrant's misconduct did not take place. Mr Khan submitted that the Registrant had committed no misconduct for the majority of his time as a practising optometrist, and that the periods of misconduct represented a very small percentage of his working life thus far, in an otherwise compliant and unblemished career. Mr Khan conceded that "*on the severity alone, [the Committee] is likely to conclude the ability to practise is impaired*" but went on to submit that it "*would be wrong*" for the optical professions to "*lose a person*" who had the Registrant's "*credentials*" and "*qualifications*".
57. The Committee received and accepted legal advice on the issue of impairment.
58. At the outset, the Committee noted that the Registrant was, but for the misconduct, a clinically competent optometrist. The Committee also carefully considered the two character references that had been provided which supported this view. In terms of the Registrant's pending GOC Fitness to Practise Committee hearing for

allegedly falsifying a reference, the Committee chose to disregard this entirely, given that no evidence had been adduced in respect of it and that it amounted, at this point in time, to nothing more than hearsay evidence pertaining to an unproven allegation.

59. The Committee addressed the questions identified by Dame Janet Smith in her fifth shipman report and adopted in *CHRE v NMC and Grant* [2011] EWHC 927 (Admin) as follows:

“Do our findings of fact in respect of the Registrant’s misconduct, show that his fitness to practise is impaired in the sense that he:

a. has in the past acted and/or is liable in the future to act so as to put a patient or patients at unwarranted risk of harm; and/or

The Committee determined that the Registrant had acted in the past to put a patient and two colleagues at unwarranted risk of harm. The Committee also took the view that there is a real risk the Registrant will be liable in the future to act so as to put a patient/patients and/or a colleague/colleagues at unwarranted risk of harm because he did not acknowledge that the acts which the Committee had found proved had taken place.

b. has in the past brought and/or is liable in the future to bring the [Optical professions] into disrepute; and/or

The Committee decided that, through his misconduct, the Registrant had brought the optical professions into disrepute and that there is a real risk he may do so again in the future.

c. has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the [optical professions]; and/or

The Committee determined that the Registrant had breached fundamental tenets of the optical professions and that there is a real risk he may do so again in the future. The Registrant seemed unable to acknowledge that his actions had crossed professional boundaries.

d. has in the past acted dishonestly and/or is liable to act dishonestly in the future.”

The Committee accepted that the Registrant did not face any allegations of alleged dishonesty.

60. In arriving at the above determinations the Committee noted that:

- i. The misconduct was of a serious sexual nature;
- ii. Through his misconduct, the Registrant had breached a number of fundamental principles of the GOC Standards of Practice for Optometrists and Dispensing Opticians;

- iii. The misconduct was repeated, having been committed against a number of individuals, on multiple occasions;
 - iv. There was a breach of trust (the Registrant committing the misconduct against one patient, to whom the Registrant had a duty of care);
 - v. There was an abuse of authority (as a professional, the Registrant had committed the misconduct against two junior employees of different opticians);
 - vi. The misconduct had had a relatively serious psychological impact upon Ms A and Patient A, in particular;
 - vii. No insight or remediation had been demonstrated. The Registrant chose not to give evidence at the impairment stage and no reflective statement had been provided on his behalf;
 - viii. No remorse had been shown;
 - ix. The misconduct had been repeated in May and September 2021, despite the Registrant being challenged about his behaviour towards Ms A in August 2020. Accordingly, the Registrant's misconduct was deep-seated and attitudinal in nature;
 - x. Having considered all of the evidence at the facts stage, the Committee took the view that there was a real risk of repetition of misconduct of a sexual and/or inappropriate nature, and that it had a duty to safeguard members of the public and future colleagues of the Registrant in respect of this;
 - xi. The Committee was clear that it would seriously undermine public confidence in the optical professions and the reputation of the Council if it did not find impairment and there was a need to uphold professional standards.
61. The Committee concluded by finding the fitness of Ibrar Adil Hamid Ahmed to practise as an optometrist to be impaired.

Sanction

62. The Committee heard submissions from Ms Jones on behalf of the Council and from Mr Khan on behalf of the Registrant. It accepted the advice of the Legal Adviser.
63. Ms Jones submitted that, in light of the Committee's findings that the Registrant had breached a number of fundamental principles of the GOC Standards of Practice, that he seemed unable to acknowledge that his actions had crossed professional boundaries, and that it had found a real risk that the misconduct could be repeated. There were no conditions of practice that could be put in place that could adequately safeguard the public. Ms Jones submitted that a well-informed member of the public would be appalled if they heard that an optometrist who had had these facts proven against him was not prohibited from practice. Ms Jones highlighted the Registrant's evidence that anyone who committed the misconduct that he had been accused of, could be described as a "*sexual monster*". Ms Jones went on to submit that, as a result, the Registrant had effectively been proved to

be the very “*sexual monster*” that he claimed not to be. Ms Jones elaborated, submitting that, given that the Registrant was, but for the sexual misconduct, a clinically sound optometrist, it made it all the more concerning that he had another, concealed side to him and that he was also able to commit such misconduct. Ms Jones submitted that misconduct of this nature was serious, that there had been no remediation, and that public confidence in the optical professions would be seriously diminished if the Registrant remained in practice.

64. Mr Khan conceded that taking no further action against the Registrant, in the circumstances, would be “*off the table*” and invited the Committee to impose either a Conditions of Practice Order with a financial penalty (if deemed appropriate) or a suspension order of 12 months with a financial penalty (if appropriate), submitting that a sanction of erasure would be disproportionate in all the circumstances. Mr Khan submitted that the Registrant was a clinically competent optometrist and that to lose such a competent individual from the profession would not be a proportionate outcome. Mr Khan submitted it was relevant that the Registrant had committed no other misconduct, either prior to, or after, the misconduct that had been found proven. Mr Khan also submitted that the Registrant had also, in effect, already received a sanction in the form of an interim suspension order in September 2022, and that this could be taken into account by the Committee when determining the final sanction to impose. Mr Khan submitted that the Registrant using the term “*sexual monster*” conveyed a recognition and an understanding of the seriousness of the allegations that had been found proven against him.
65. The Committee retired and carefully considered the available sanctions in ascending order of seriousness, beginning with the least serious and having due regard to the GOC Hearings and Indicative Sanctions Guidance (ISG). The Committee kept the issue of proportionality in mind when considering each sanction.
66. **No further action:** the Committee took the view that there were no “*exceptional circumstances*” to justify taking no further action, and noted that Mr Khan conceded such a sanction to be “*off the table*” in any event.
67. **Financial penalty order:** the Committee determined that a financial penalty would not meet the overarching regulatory objective of protecting patients and the wider public interest.
68. **Conditional registration:** The Committee decided that a Conditions of Practice Order would not be practicable in light of the deep-seated, attitudinal nature of the Registrant’s misconduct, combined with the lack of evidence of any remorse, insight or remediation; para 21.25 ISG;
69. **Suspension:** The Committee took the view that a suspension would not be appropriate nor proportionate in light of its findings at the impairment stage. The Committee noted that there had been repeated misconduct and that there was evidence of harmful deep-seated attitudinal problems, a lack of insight, and a real risk of the Registrant committing similar misconduct in the future; para 21.29 ISG;

70. **Erasure:** Taking the above into account, the Committee determined that a sanction of erasure was the only proportionate sanction that it could impose that would protect the public, protect fellow members of the optical professions, and uphold standards and maintain the reputation of the Council. The Committee took the view that the Registrant's conduct represented a serious departure from the relevant professional standards as set out in the Standards of Practice for registrants, that there was a continuing risk of harm to patients and colleagues, and that there had been an abuse of position and an abuse of trust. The actions related to allegations of a sexual nature (para 21.35 ISG).

71. In particular, the Committee noted paragraph 22.1 of the ISG, which states as follows in relation to sexual misconduct:

“A wide range of conduct is encompassed in this category, from criminal convictions for sexual assault, sexual abuse of children (including child pornography), to sexual misconduct with patients, patients’ relatives, or colleagues. The risk to patients is vitally important and the misconduct is particularly serious where there is an abuse of the registrant’s special position of trust, or where a registrant has been registered as a sex offender. A more serious sanction, such as erasure, is likely to be appropriate in such cases.”

The Committee concluded that in light of this additional guidance, erasure was the only appropriate sanction in the circumstances.

72. The Committee also took paragraph 21.37 of the ISG into account, namely that *“erasure from the register is appropriate if it is the only means of protecting patients and/or maintaining public confidence in the optical profession”*. In respect of the Registrant's misconduct and impairment, the Committee regrettably concluded that erasure was indeed the only means of protecting patients and colleagues and maintaining confidence in the optical professions in this particular instance. In taking this view, the Committee noted that, in such serious cases as this, protecting patients and colleagues and the wider public interest had to take precedence over the interests of the individual Registrant, bearing in mind the words of Lord Bingham in *Bolton v Law Society* [1994] 1 WLR 512 at p519, that *“[the] reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is part of the price”*.

73. The Committee ordered that the registration of Ibrar Adil Hamid Ahmed be erased from the register.

Immediate order

74. The Committee revoked the Registrant's current interim suspension order and then invited submissions on whether an immediate order should be imposed.

75. The Committee heard submissions from Ms Jones on behalf of the Council. Ms Jones submitted that an immediate order was necessary for the protection of members of the public. Mr Khan did not oppose this and made no submissions in response.

76. The Committee received and accepted the advice of the Legal Adviser.
77. The Committee carefully considered the matter and decided to impose an immediate order on the basis that such an order was necessary for the protection of members of the public and otherwise in the public interest. Accordingly, the Committee ordered that the Registrant's registration be suspended forthwith for a period of 12 months. In the event that an appeal is not lodged within a period of 28 days from the date of this decision, the suspension will lapse and, at the same time, the Registrant's registration will be erased.

Chair of the Committee: Ian Crookall

Signature 

Date: 20 March 2024

Registrant: Ibrar Adil Hamid Ahmed

Signature present and received via Microsoft teams

Date: 20 March 2024

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 10 Old Bailey, London, EC4M 7NG or, by telephone, on 020 7580 3898.