



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

**GENERAL OPTICAL COUNCIL**

**F(24)21**

**AND**

**IMAAD AMANAT (01-39014)**

**DETERMINATION OF A SUBSTANTIVE HEARING  
11-15 NOVEMBER 2024**

<b>Committee Members:</b>	Julia Wortley (Chair/Lay) Nicola Enston (Lay) Asmita Naik (Lay) Sanna Nasrullah (OO) Kalpana Theophilus (OO)
<b>Legal adviser:</b>	Megan Ashworth
<b>GOC Presenting Officer:</b>	Jerome Burch
<b>Registrant present/represented:</b>	Yes and represented
<b>Registrant representative:</b>	Rina Hill (Counsel) Katie Holland (AOP)
<b>Hearings Officer:</b>	Terence Yates
<b>Facts found proved:</b>	1a, 1b, 1c, 1d, 3a, 3b, 3c, 4a, 4b, 4c, and 6 found proved by admission. 5 found proved (in respect of the Registrant's formal disciplinary and investigation processes only). 7 found proved (in respect of the Registrant only).
<b>Facts not found proved:</b>	2 (no case to answer)
<b>Misconduct:</b>	Yes
<b>Impairment:</b>	Fitness to practise currently impaired
<b>Sanction:</b>	6 months suspension order – (With a review)
<b>Immediate order:</b>	None



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## ALLEGATION

The Council alleges that in relation to you, Imaad Amanat (01-39014), a registered optometrist:

- 1) On 26 March 2023, you attended Specsavers [Branch A] for a contact lens end of trial consultation ('the Consultation') and your attendance at the Consultation was inappropriate because you knew that:
  - a. The reason for your attendance was to assist Registrant 1; and/or
  - b. You had not been provided with any trial lenses prior to attending the appointment; and/or
  - c. You did not have a genuine intention to continue with the contact lenses and/or purchase any contact lenses from the store following the appointment; and/or
  - d. Your attendance would inappropriately assist Registrant 1 with their preregistration requirements to become a fully qualified registrant.
- 2) On or around 29 March 2023, you colluded and/or discussed with Registrant 1 the responses you would give if you were asked about the Consultation.
- 3) On 26 July 2023, you attended a disciplinary hearing conducted by [Branch B] Specsavers and you stated the following in response to questions you were asked, or words to the effect that:
  - a. Registrant 1 had not been present during the Consultation; and/or
  - b. You had learned after the Consultation that Registrant 1 was under investigation; and/or
  - c. You had not told anyone about your attendance at the Consultation as you had not considered it to be significant and thought it was already being dealt with.
- 4) You knew that:
  - a. Registrant 1 had been present for some of the Consultation; and/or
  - b. You had been aware at the time of the Consultation that Registrant 1 was under investigation; and/or
  - c. Your attendance at the Consultation was significant.



- 5) Your actions as set out at paragraphs 2 and/or 3 were intended to interfere with and/or obstruct the ongoing formal disciplinary and/or investigation processes.
- 6) Your actions as set out at paragraph 1 were dishonest.
- 7) Your actions as set out at paragraphs 2 and/or 3 were dishonest by reason of paragraphs 4 and/or 5.

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

## **DETERMINATION**

### **Admissions in relation to the particulars of the allegation**

1. At the outset of the hearing, under Rule 46(5) of the GOC (Fitness to Practise) Rules Order of Council 2013 (the Rules), the Chair enquired whether the Registrant wished to make any admissions. Ms Hill, on the Registrant's behalf, confirmed that the Registrant admitted the following particulars in full: 1a, 1b, 1c, 1d, 3a, 3b, 3c, 4a, 4b, 4c and 6. Consequently, under Rule 46(6), those facts were found proved.
2. Ms Hill also indicated that there were partial admissions to particulars 5 and 7. In relation to particular 5, Ms Hill confirmed that the Registrant admitted the particular insofar as it related to particular 3, and only in respect of himself and not Registrant 1. In relation to particular 7, Ms Hill confirmed that the Registrant admitted the particular insofar as the dishonesty related to particular 3, and only in respect of himself and not Registrant 1. The Committee noted the partial admissions.

### **Background to the allegations**

3. On 22 March 2023, the Registrant was first registered with the GOC as an Optometrist. He was employed as a resident Optometrist with Specsavers in [Branch B]. The allegations arise out of his attendance at a consultation at the Specsavers [Branch A] on 26 March 2023.
4. Registrant 1 and Registrant 2 were registered student Optometrists working at Specsavers [Branch A]. Registrant 1 was a friend of the Registrant. The Registrant had never previously had an appointment at Specsavers [Branch A], nor had he been provided with any trial contact lenses.
5. On 2 February 2023, Registrant 1 asked Registrant 2, via Snapchat message, to access his profile and complete a clinical record relating to a contact lens fit for a patient, whereas there had been no contact lens trial and the clinical

record was a fabrication. Registrant 2 used Registrant 1's code to access his profile and complete a contact lens fit on the false clinical record, recording that it took place on 1 February 2023.

6. On 26 March 2023, the Registrant attended Specsavers [Branch A] for a consultation. He was seen by Ms A, a resident Optometrist at Specsavers [Branch A]. When Ms A called the Registrant into the consultation room, she asked why he had attended. She was told that it was for an end of trial for contact lenses. During the consultation, Registrant 1 entered the room and told Ms A that he was a friend of the Registrant.
7. Concerns were raised as to the legitimacy of the consultation and other concerns relating to Registrant 1's actions. Both branches of Specsavers conducted their own respective investigations into the Registrant, Registrant 1 and Registrant 2.
8. On 21 June 2023, a referral was made to the GOC by Specsavers [Branch A], which included concerns regarding the Registrant's actions relating to the 26 March 2023 consultation.
9. On 26 July 2023, Specsavers [Branch B] conducted a formal disciplinary hearing with the Registrant. In that hearing, the Registrant knowingly made a number of incorrect statements as follows:
  - a. Registrant 1 had not been present during the consultation, whereas the Registrant knew Registrant 1 had been present;
  - b. The Registrant had not learned until after the consultation that Registrant 1 was under investigation, whereas the Registrant had been aware at the time of the consultation that Registrant 1 had been under investigation; and
  - c. The Registrant had not told anyone about his attendance at the consultation as he did not consider it to be significant and thought it was already being dealt with, whereas he knew it was significant.
10. On 21 August 2023, Specsavers [Branch B] confirmed to the Registrant that no further disciplinary action would be taken in respect of him.
11. At this hearing, the Registrant admitted that he gave the inaccurate answers in his disciplinary hearing and that they were intended to interfere with and obstruct the formal disciplinary and investigation processes in respect of himself (but not Registrant 1) and that he did so dishonestly.
12. The Registrant denied that he colluded with Registrant 1 or discussed with him the responses he would give if he were asked about the consultation.



### Submission of no case to answer

13. At the close of the GOC case, Ms Hill, on behalf of the Registrant, made a submission in respect of particular 2, submitting that there was no case to answer on it. She explained that she made her submission on the second limb of *R v Galbraith [1981] 1 WLR 1039*, namely that the evidence relied upon by the GOC is of a tenuous character, due to its inherent weakness and vagueness.
14. The main theme of Ms Hill's submission was that the evidence relied upon by the GOC was, in effect, multiple hearsay, which was inherently weak and vague. Whilst she acknowledged that hearsay evidence was admissible, she submitted that the evidence, taken at its highest, was insufficient to prove particular 2.
15. Ms Hill directed the Committee to the evidence which the GOC relied upon in support of particular 2, which essentially came from Ms A, a resident Optometrist at Specsavers [Branch B], who had been the Optometrist conducting the appointment attended by the Registrant on 26 March 2023. The evidence from Ms A comprised of the notes of an internal investigatory meeting with her on 25 April 2023 and her witness statements, dated 14 March 2024, 22 March 2024 and 5 April 2024.
16. Ms Hill submitted that Ms A's evidence, taken at its highest level, could only prove that there was a discussion. She submitted that the evidence of a discussion would not be sufficient to prove particular 2, as it specifically alleged collusion and/or discussion of responses the Registrant would give.
17. Mr Burch, on behalf of the GOC, opposed the application. He submitted that the evidence in support of particular 2 was to be found in the written evidence of Ms A and that it was sufficient to prove particular 2. Mr Burch drew to the Committee's attention the Registrant's position statement (document setting out the Registrant's admissions and denials), within which he admitted that he had spoken to Registrant 1, although he denied it was for the purpose of collusion. Mr Burch submitted that the Registrant's purpose in attending the consultation with Ms A on 26 March was a plan to help Registrant 1 in the first place. Mr Burch maintained that it was the position of the GOC that collusion had taken place and there was sufficient evidence to support it.
18. The Committee heard and accepted the advice of the Legal Adviser. She advised the Committee in accordance with Rule 46(8) of the GOC (Fitness to Practise) Rules Order of Council 2013 (the Rules) and the case of *R v Galbraith [1981] 1 WLR 1039*.
19. The Committee had regard to the evidence relied upon by the GOC in respect of particular 2 and considered that it was hearsay evidence. Whilst it understood that hearsay evidence is admissible in regulatory proceedings, it

assessed the nature and quality of the hearsay evidence and concluded that it was inherently weak and vague.

20. The Committee noted that particular 2 alleges that the Registrant “colluded and/or discussed with the Registrant 1 the responses” he would give if her were asked about the Consultation (on 26 March 2023). The Committee bore in mind the written hearsay evidence of Ms A, in particular her addendum statement at paragraphs 5 and 6, that:

*“5. Registrant 1 messaged me after work, asking me to call him regarding the contact lens appointment with [the Registrant]. When I called him, he said I would likely be asked about the appointment by [the store owners] as I was the optometrist who attended to [the Registrant].*

*6. Registrant 1 asked me what I would say if they asked me about the appointment and I said I would tell the truth. He said that he had spoken to [the Registrant] about what [the Registrant] should say if questioned about it, but he did not tell me what he told [the Registrant] to say.”*

21. The Committee considered that for an allegation of collusion or discussion about what responses to give, the evidence required would need to include at least direct evidence of the content of the conversation itself between the two participants. The Committee bore in mind that the hearsay evidence of Ms A did not directly cover the content of the conversation itself, only that she had been told by Registrant 1 that there had been a conversation between himself and the Registrant. The Committee noted that the texts between Ms A and Registrant 1 before she telephoned him, did not record the conversation itself. Furthermore, the Committee did not have direct evidence from anyone regarding the conversation which was said to have taken place. The Committee noted that the Registrant had denied particular 2.

22. The Committee bore in mind that the burden of proof was on the GOC. It considered that the evidence relied upon by the GOC was inherently weak and vague, such that the evidence, taken at its highest, was insufficient for particular 2 to be found proved. The Committee, therefore, concluded that there was no case to answer on particular 2.

### **Findings in relation to the facts**

23. The Committee had been provided with documentation in support of the GOC case. This included:

- a. A witness statement from Mr B, Ophthalmic Director of Specsavers [Branch B], dated 10 January 2024;
- b. An email, dated 26 June 2023, from Mr B to the GOC, raising concerns about the Registrant;

- c. Notes of an investigation meeting with Ms A, dated 25 April 2023;
- d. A witness statement from Mr C, Ophthalmic Director of Specsavers, [Branch B], dated 24 November 2023;
- e. A copy of the Specsavers [Branch B] Investigation Report into the Registrant, dated 25 May 2023;
- f. Correspondence with the Registrant;
- g. Minutes of formal disciplinary hearing, dated 26 July 2023;
- h. Outcome letter of formal disciplinary hearing, dated 21 August 2023;
- i. Witness statements of Ms A, dated 14 and 22 March 2024 and 5 April 2024; and
- j. An agreed statement of facts in respect of matters relating to Registrant 1 and Registrant 2.

24. The GOC did not call any live witnesses.

25. The Registrant gave oral evidence.

26. The Committee heard and accepted the advice of the Legal Adviser. She advised that the burden of proof was on the GOC and the standard of proof required was the civil standard, namely whether it was more likely than not that the alleged fact occurred. In relation to intent, the Legal Adviser advised that a person directly intends those consequences which he desires to bring about by his acts, whether or not they will be likely to follow and a person obliquely intends those consequences which are virtually certain to result from his acts and which he knows are virtually certain so to result. In relation to dishonesty, the Legal Adviser advised in accordance with the case of *Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67*.

27. The Committee considered all the evidence and the submissions by Mr Burch on behalf of the GOC and Ms Hill on behalf of the Registrant.

28. In terms of the interpretation of particular 5, which the Registrant had partially admitted, Mr Burch confirmed that the GOC position was that it alleged that the Registrant intended not just to interfere with/obstruct the Registrant's own disciplinary and investigation processes, but also those in respect of Registrant 1. Ms Hill confirmed that the Registrant's admissions were limited to his intention to interfere with/obstruct his own disciplinary and investigation processes.

29. In terms of the interpretation of particular 7, which the Registrant partially admitted, Mr Burch confirmed that the GOC position was an allegation of dishonesty by the Registrant by interfering with/obstructing not just his own disciplinary and investigation processes, but also dishonesty by interfering with/obstructing those in respect of Registrant 1. Ms Hill confirmed that the

Registrant's admissions were limited to his intention to interfere with/obstruct his own disciplinary and investigation processes.

#### Particular 5

**Your actions as set out at paragraph [...] 3 were intended to interfere with and/or obstruct the ongoing formal disciplinary and/or investigation processes.**

30. The Committee found particular 5 proved only insofar as the Registrant's actions at particular 3 were intended to interfere with and obstruct the ongoing formal disciplinary and investigation processes in respect of himself.
31. The Committee noted the chronology of events in respect of Registrant 1 as set out in the agreed facts. On 7 March 2023, Registrant 1 referred himself to the GOC. On 16 and 23 March 2023, Registrant 1 was interviewed by Specsavers [Branch B]. On 24 April 2023, Registrant 1 was suspended from his employment with Specsavers [Branch B] and on 26 April 2023 he submitted his resignation which was received on 27 April 2023. The Committee noted, therefore, that by the time of the Registrant's own disciplinary hearing on 26 July 2023, Registrant 1 had resigned and left Specsavers [Branch B].
32. The Committee had regard to the Registrant's evidence, unchallenged by the GOC, to the effect that there had, initially, been a legitimate plan for the Registrant to attend two parts of a contact lens fitting appointment with Registrant 1. The Registrant stated that it was common practice for pre-registration Optometrists to assist fellow pre-registration Optometrists by attending consultations to improve their experience, and he had done this for other Optometrists.
33. However, the Registrant told the Committee that in this case, Registrant 1 had gone ahead without the Registrant's knowledge and fabricated an appointment for 1 February 2023. The Registrant by his admissions and in his evidence, accepted that he had dishonestly attended what purported to be the follow up appointment on 26 March 2023, in order to assist Registrant 1 who the Registrant knew was under investigation at that time.
34. The Committee had regard to the Registrant's evidence to the effect that by the time of his own disciplinary hearing in July 2023, he was aware that Registrant 1 had left Specsavers [Branch B] and the Registrant was acting purely in his own interests. The Committee considered that this was a change of circumstances since the consultation in March 2023, whereby the Registrant was attempting to assist Registrant 1 by attending the consultation. The Committee accepted the Registrant's evidence that by the time of his own disciplinary hearing in July 2023, his primary concern was for his self-preservation and his own career as a newly qualified Optometrist and this was supported by the admissions he had made to that effect.





35. The Committee considered the three knowingly inaccurate answers (set out in particular 3) that the Registrant had given in his disciplinary hearing in July 2023. The Committee did not consider, when looking objectively at inaccurate answers 3b and 3c, that in all the circumstances of this case, the GOC had proved that they would have assisted Registrant 1 in any Specsavers internal investigation or disciplinary process. In relation to inaccurate answer 3a, the Committee considered that whilst this may have had the potential to help Registrant 1, the GOC had not proved this.
36. The Committee bore in mind that the burden of proof is on the GOC to prove the Registrant's intent. He had admitted his intent to interfere with and obstruct the ongoing formal disciplinary and investigative processes, and the Committee accepted that admission and finds particular 5 proved to that extent. However, the Committee was not satisfied that the GOC had provided sufficient evidence to prove, in addition, the Registrant's intent in respect of Registrant 1.

#### **Particular 7**

#### **Your actions as set out at paragraph [...] 3 were dishonest by reason of paragraphs 4 and/or 5**

37. The Committee accepted the Registrant's admission that his actions were dishonest in that he intended to interfere with and obstruct the disciplinary and investigation processes in respect of himself and found paragraph 7 proved to that extent. However, in light of its findings regarding particular 5, the Committee was not satisfied that the GOC had provided sufficient evidence to prove that the Registrant's actions were dishonest in that he intended to interfere with and obstruct the disciplinary and investigation processes in respect of Registrant 1.

#### **Findings in relation to misconduct**

38. Having announced its decision on the facts, the Committee went on to determine whether, in accordance with Rule 46(12), on the basis of the facts found proved, misconduct was established. The committee understood that if concluded that misconduct was established, then it would go on to determine whether the Registrant's fitness to practise is currently impaired by reason of that misconduct, in accordance with Rule 46(14).
39. Mr Burch drew the Committee's attention to the cases of *Roylance v GMC (no 2) [2000] AC 311* and *Nandi v GMC [2004] EWHC (Admin)*. He submitted that the facts found proved amounted to a serious departure from the standards of practice expected of a competent Optometrist. Mr Burch submitted that the Registrant's dishonesty was not a single act; had breached the GOC Standards

of Practice (the Standards) 16, 17 and 19 and was so serious as to amount to dishonesty.

40. Ms Hill conceded on the Registrant's behalf that he must have appreciated the gravity of his attendance at the consultation because he was later to lie about it in the disciplinary hearing, chiefly in relation to his knowledge the Registrant 1 was under investigation. Ms Hill acknowledged on the Registrant's behalf that after the consultation he should properly have taken stock, reflected on his attendance and been open and transparent about it. However, he had chosen to be dishonest to his employers to preserve his own position. On the Registrant's behalf, Ms Hill accepted that the findings of fact breached Standards 16, 17, and 19 and amounted to misconduct.
41. The Committee heard and accepted the advice of the Legal Adviser. She cited the cases of *Roylance v GMC (No.2) [2000] 1 AC 311* and *Doughty v GDC [1988] AC 164 PC*, drawing the Committee's attention to the need for a serious departure from the standards required of an Optometrist, for a finding of misconduct. She advised the Committee that any findings of misconduct or matters for the independent judgement of the Committee. The Legal Adviser invited the Committee to have regard to the GOC Standards but advised that not every breach of the Standards would necessarily amount to misconduct.
42. The Committee took account of Ms Hill's acceptance on the Registrant's behalf, that the facts found proved amount to misconduct. Nevertheless, it exercised its own independent judgement to determine whether or not the facts found proved were so serious as to amount to misconduct.
43. The Committee was of the view that all the Registrant's actions were linked to dishonesty. The first instance of dishonesty occurred on 26 March 2023 through his attendance at the consultation at Specsavers [Branch B]. The Committee considered that the Registrant's dishonesty was pre-planned and deliberate. Knowing that his friend, Registrant 1, was under investigation, the Registrant attended the consultation for the purpose of inappropriately assisting him. The Committee considered that the Registrant's dishonesty on this occasion had primarily been intended to help Registrant 1 by supporting Registrant 1's false account about the allegations for which Registrant 1 was already under investigation. The Committee considered that the Registrant's dishonesty on this occasion had also been intended to help Registrant 1, potentially to enter the Optometrist profession without meeting the GOC pre-registration requirements.
44. The second instance of dishonesty occurred on 26 July 2023, which the Committee noted was some four months after the Registrant's attendance at the consultation. Whilst the Committee considered that this second instance of dishonesty was connected to the first, it nevertheless concluded that it was a separate instance of dishonesty which was also deliberate. The Committee bore in mind that on this occasion, the Registrant's dishonesty was in his own self-

interest and was an attempt to minimise his own wrongdoing so as to protect the career in which he had so recently qualified. The Committee was of the view that the Registrant would have had the opportunity in the intervening months to reflect and therefore to be open and transparent in his disciplinary hearing, but had instead compounded his previous dishonesty by lying in his answers.

45. In the Committee's judgement, the Registrant, by his dishonest actions, had breached Standards 16, 17 and 18:

*16 – Be honest and trustworthy;*

*17 – Do not damage the reputation of your profession through your conduct;*

*19 – Be candid when things have gone wrong.*

46. The Committee considered that honesty is a fundamental tenet of the profession. Consequently, the Committee concluded that the Registrant's actions in breaching this fundamental tenet were sufficiently serious as to amount to misconduct.

### **Findings regarding current fitness to practise**

47. The Committee was provided with a Registrant's bundle which included the following:

- a. The Registrant's CV;
- b. Recent references from professional colleagues, including the Registrant's pre-registration supervisor;
- c. A reflective statement from the Registrant.

48. The Registrant also gave evidence.

49. Mr Burch, on behalf of the GOC, drew the Committee's attention to the case of *Zygmunt v GMC [2008] EWHC 2643 (Admin)*, which had adopted the summary of recurrent features of impairment identified by Dame Janet Smith in the Fifth Shipman Report, namely:

- a. That the doctor presented a risk to patients;
- b. That the doctor had brought the profession into disrepute;
- c. That the doctor had breached one of the fundamental tenets of the profession; and
- d. That the doctor's integrity could not be relied upon.

50. Mr Burch submitted that features b, c and d apply in the circumstances of this case. In terms of remediation, Mr Burch submitted that the Registrant had not done anything until recently, pointing out that his reflective piece and testimonials were provided on the morning the substantive hearing started. The

Registrant had also not completed any targeted training involving ethics and probity, saying only that he was 'looking into' completing some training. Mr Burch submitted that the Registrant was trying to downplay his dishonesty and had not done enough to address it. Mr Burch submitted that the Registrant's fitness to practise is currently impaired.

51. Ms Hill, on behalf of the Registrant, submitted that the misconduct occurred over 19 months ago with regards to the consultation on 26 March 2023 and 15 months ago with regards to the disciplinary hearing on 26 July 2023. She pointed out that the Registrant had been working as a locum since July 2023 and there had been no repetition of dishonest conduct. There was also no fitness to practise history.
52. Ms Hill drew the Committee's attention to the testimonials submitted on behalf of the Registrant, in particular the one from his pre-registration supervisor, who considered him to be a conscientious and capable Optometrist, who always maintained excellent standards in patient care. The supervisor had also identified an example of an occasion when the Registrant was able to recognise and put right a misdiagnosis he had made without hesitation and was "completely honest in explaining [to the patient] the updated emergency of her condition". Ms Hill pointed out that all those who provided testimonials had described how the Registrant's dishonesty was out of character.
53. In terms of reflection, Ms Hill submitted that it was clear from the Registrant's reflective statement and his oral evidence that he had sincerely reflected on his actions, took full responsibility for them and now fully appreciated their gravity. He had also not shied away from discussing the situation with others and was committed to ensuring that in future he would be open, honest and transparent and aware of his obligations.
54. In terms of remediation, Ms Hill submitted that remediation may take many forms including coaching, mentoring and training. She acknowledged that the Registrant had not yet undertaken any relevant training courses, finding out relatively recently that such courses were available. Once he found out about them he did not want to rush them before the deadline of the substantive hearing, but wanted to undertake them in the future in a more conscientious manner. Ms Hill identified the steps he had taken, which included openly discussing his situation with others, including his supervisor and revisiting the Standards which he continued to apply in his professional practice.
55. Ms Hill submitted that the risk of repetition in this case was low and the misconduct was in relation to a specific set of circumstances. She submitted that the Registrant's fitness to practise is not currently impaired and identified that the Committee, if it agreed with that assessment, could issue him with a warning to formally record the concerns raised in the case.

56. The Committee heard and accepted the advice of the Legal Adviser. She advised in accordance with the cases of *Cohen v GMC [2008] EWHC 581 (Admin)*, *Grant v GMC [2011] EWHC 927 (Admin)*, *GMC v Meadow [2006] EWCA Civ 1319* and *Azzam v GMC [2008] EWHC 2711 (Admin)*. The Legal Adviser advised the Committee to keep in mind the critically important public policy issues, namely the need to protect the public and the collective need to maintain public confidence in the profession as well as to declare and uphold standards of conduct and behaviour. She further advised that in relation to impairment, what has to be determined is whether or not there is current impaired fitness to practise from today and looking forward from today.
57. The Committee considered whether the misconduct was capable of remediation. The Committee recognised that it was difficult to evidence remediation in respect of dishonesty, although evidence of insight, practical steps taken since the misconduct and how a Registrant had conducted themselves subsequently may demonstrate remediation. In the circumstances of this case, given the Registrant's engagement in the process, and his efforts thus far, the Committee was satisfied that the Registrant's dishonesty was capable of remediation.
58. The Committee went on to consider whether the Registrant had, in fact, remedied his misconduct.
59. The Committee had regard to the references and testimonials submitted on the Registrant's behalf, which stated that he was a highly regarded colleague and there were no issues with his clinical practice and they demonstrated that no further instances had been identified where his integrity had been called into question since. The Committee noted that the references were from former colleagues and a former supervisor, but there were no references from current employers.
60. The Committee also had regard to the Registrant's reflective piece. It took account of his remorse and apology for his actions as well as his taking full responsibility for his decisions and acknowledging:
- "There is no excuse for my behaviour, and I deeply regret the impact it has had on the investigation, the trust placed in me as a professional, and the integrity of the optometry profession."*
61. The Committee considered that the Registrant had expressed remorse for his actions. It also considered that he was developing insight into his misconduct, but was of the view that this had come rather late in the GOC investigative process. The Committee noted that the Registrant, in his reflective piece, recently written, had stated that he had now begun to understand the impact and damage his dishonesty would have on patients, colleagues and the public's confidence in the Optometrist profession. Nevertheless, the Committee remained concerned that a newly qualified Optometrist, who would have been

so recently educated in the importance of upholding professional standards, had twice not been able to prioritise them over a friend's or his own interests and had twice failed to adhere to them by acting dishonestly.

62. The Committee was also surprised that the Registrant had not proactively sourced and undertaken training in the relevant areas of probity and ethics. The Committee was mindful of the Registrant's account that he intended to undertake courses in this field, but had not been aware of the availability of such courses until speaking recently to his Association of Optometrists (AOP) representative. However, the Committee considered that the responsibility lay with the Registrant for his learning and to embed the expected professional standards into his practice. Furthermore, at this time, the Committee was not confident that the Registrant had taken sufficient practical steps to evidence that he is not at risk of breaching professional standards.
63. The Committee considered that the Registrant's evidence was inconsistent on how open and transparent he had been to others about these matters. In reaching this view, the Committee noted that the Registrant had told it that he had been open and transparent with colleagues and employers about his situation. However, in answer to Committee questions, he accepted that he had not informed the agencies he was signed up with, as well as employers for short-term locum posts, about his situation and what had happened. The Committee noted that the Registrant said that once he started a longer locum placement he would disclose these matters to colleagues.
64. In all the circumstances, whilst the Committee concluded that the risk of repetition of this particular type of dishonest conduct was relatively low, it did not consider that the Registrant's insight and remediation were yet at a level whereby it could be confident that the risk of repetition was 'highly unlikely', which was the test identified in *Cohen*. Therefore, the Committee was not satisfied that the Registrant had yet fully remedied his misconduct.
65. Accordingly, the Committee concluded that the Registrant's fitness to practise is currently impaired on the personal element.
66. The Committee bore in mind that the GOC had not identified any public protection issues arising from the Registrant's dishonest misconduct. Nevertheless, the Committee considered that the public interest considerations in this case were significant, in particular the need to promote and maintain public confidence in the profession as well as to declare and uphold professional standards of conduct and behaviour.
67. The Committee bore in mind that the Registrant's misconduct involved two distinct, albeit linked, instances of dishonesty within the Registrant's professional practice. Given that honesty is a fundamental tenet of the profession, which the Registrant had breached twice, it was the Committee's

judgement that public confidence in the profession would be undermined if no finding of current impairment were made in this case.

68. Accordingly, the Committee also concluded that the Registrant's fitness to practise is currently impaired on the public element.

69. In all the circumstances, the Committee determined that the Registrant's fitness to practise is currently impaired.

### **Sanction**

70. Having determined that the Registrant's fitness to practise is currently impaired by reason of his misconduct, the Committee next considered whether it was impaired to a degree which required action to be taken on his registration. Mr Burch, on behalf of the Council, took the Committee through the available sanctions. He stated that the position of the GOC was that a suspension order of between 9 and 12 months would be the appropriate and proportionate sanction in this case. Ms Hill, on behalf of the Registrant, invited the Committee to impose a conditions of practice order. She submitted that the factors set out in the GOC's Indicative Sanctions Guidance (the Guidance) as to when conditional registration may be appropriate were present in this case, in particular there was an identifiable area of the Registrant's practice to be addressed.

71. The Committee accepted the advice of the Legal Adviser. She advised it to have regard to the Guidance and consider the sanction in ascending order of severity starting with the least serious. The Legal Adviser advised that the purpose of sanction is not to be punitive but to protect members of the public and to safeguard the wider public interest which includes upholding standards within the profession together with maintaining public confidence in the profession and the regulatory process. The Legal Adviser advised the Committee that any sanction must be proportionate and that it must impose the least onerous sanction sufficient to address both public protection and the public interest.

72. The Committee had regard to the Guidance and the examples of aggravating factors set out within it. The Committee considered the following to be the relevant aggravating factors in this case:

- a. The Registrant had not demonstrated the timely development of insight;
- b. The circumstances were that the Registrant had failed to raise concerns;
- c. The Registrant had failed to be candid; and
- d. The Registrant had twice been dishonest.

73. The Committee considered the following to be the relevant mitigating factors in this case:

- a. There was no victim in this case who was caused actual or potential harm;
- b. The Registrant had endeavoured to be candid with the GOC hearing process;
- c. The Registrant had shown remorse and some insight, including an acceptance that he should have behaved differently, taking steps to prevent recurrence and giving the example of being open and honest when he had misdiagnosed a patient's condition;
- d. The Registrant's dishonesty had occurred at an early stage of his career and there was evidence that he could have a promising career as an Optometrist.

74. The Committee first considered whether a sanction was necessary. Given the Committee's findings that the Registrant's misconduct had been serious and he had not yet remedied it, the Committee concluded that some form of sanction was necessary. It considered that a sanction was required in particular to promote and maintain public confidence in the profession and to uphold proper standards in the profession. The Committee did not consider that a financial penalty was appropriate in the particular circumstances of this case.

75. The Committee considered whether a conditions of practice order would be appropriate and sufficient to meet the circumstances of the case. It noted that Ms Hill invited the Committee to impose such a sanction as there was evidence of shortcomings in a specific area of the Registrant's practice, namely probity and ethics. The Committee noted that the Registrant had stated a willingness to undertake training, but it did not consider that conditions to address the Registrant's dishonesty were workable in this case. Specifically, the Committee was not satisfied that conditions were sufficient to address the significant public interest aspects of promoting public confidence and upholding professional standards, which it had earlier identified.

76. The Committee next considered a suspension order. The Committee had regard to the factors set out in the Guidance which may indicate that suspension is appropriate:

- a. *A serious instance of misconduct where a lesser sanction is not sufficient;*
- b. *No evidence of harmful deep-seated personality or attitudinal problems;*
- c. *No evidence of repetition of behaviour since the incident;*



- d. *The Committee is satisfied the registrant has insight and does not pose a significant risk of repeating behaviour; and*
- e. *(not relevant, relates to health)*

77. The Committee considered that each of the relevant factors was present in this case. Whilst the Committee acknowledged that dishonesty is often attitudinal in nature, it did not consider that there was evidence to indicate harmful or deep-seated issues, noting that there was evidence presented of the Registrant's other positive personal and professional qualities. The Committee determined that a suspension order was the appropriate and proportionate sanction in this case.

78. To satisfy itself that it had identified the appropriate and proportionate sanction, the Committee also considered the sanction of erasure. It was of the view that such a sanction was too severe and would be unduly punitive. In reaching this view, the Committee had regard to the fact that the Registrant had developing insight, had expressed a willingness to address his shortcomings through relevant training and he was at such an early stage of his career with the potential to be a good clinician.

79. Therefore, the Committee determined to impose a suspension order for 6 months with a review. In deciding this length, the Committee considered that this term would satisfy the significant public interest aspects identified in this case, as well as affording the Registrant further time to continue to develop his insight and fully remedy his misconduct.

80. The Committee decided that the suspension order should be reviewed before its expiry, given that it had identified that there was further reflection and remediation required of the Registrant and that at this point in time, it could not be confident that the Registrant had taken sufficient practical steps to evidence that he is not at risk of breaching professional standards.

81. A review hearing will be held between four and six weeks prior to the expiration of this order. Whilst this Committee does not seek to bind the Review Committee's hands, it considered that the Review Committee may be assisted by:

- a. Evidence that the Registrant has undertaken targeted and relevant professional development/training in respect of probity and ethics;
- b. A detailed reflective statement incorporating the particular learning the Registrant has gained from the relevant professional development/training; and
- c. Testimonials from any current employer, manager or equivalent in either paid or unpaid work, attesting to their knowledge of the Registrant's integrity.



### **Immediate order**

82. Mr Burch, on behalf of the GOC, applied for an immediate suspension order to cover the 28 days' appeal period before the substantive order comes into effect, or if the Registrant should appeal, whilst that appeal is determined or otherwise disposed of. Mr Burch submitted that serious issues had been found and an immediate order was necessary to uphold the high standards of the profession and maintain public confidence. He pointed out that if no immediate order were imposed, the Registrant would be able to practise pending the appeal period. Ms Hill, on behalf of the Registrant, submitted that no immediate order was necessary, drawing the Committee's attention to the Guidance. She submitted that there were no circumstances on the facts found proved to indicate that an immediate order was necessary on either public protection or public interest grounds.
83. The Committee accepted the advice of the Legal Adviser, who advised that before an immediate order could be imposed, the Committee must be satisfied that to do so is necessary for the protection of members of the public, otherwise in the public interest or in the best interests of the Registrant.
84. The Committee has decided not to impose an immediate suspension order, as it was not satisfied that the requirements for imposing one were met. It had regard to its substantive decision and the fact that this was not a case involving public protection concerns. It bore in mind that there were no clinical issues, the Registrant had not been subject to any interim order pending these GOC proceedings and, to date, he had been practising unrestricted, without reported incident. The Committee concluded that there was no risk to patients or other members of the public necessitating an immediate suspension order on public protection grounds.
85. Whilst the Committee acknowledged there were no public protection concerns in this case, it considered whether an immediate suspension order was required on the grounds of public interest. The Committee was mindful that it was a high bar to meet, akin to necessity, for an immediate order to be imposed on public interest grounds alone. In the circumstances of this case, the Committee was not satisfied that the high bar had been met. It did not consider public confidence would be undermined if the Registrant were permitted to practise during the appeal period until the substantive suspension order came into effect. In reaching this view, the Committee bore in mind that the substantive suspension order itself was imposed to satisfy the public interest aspects of the case as well as to afford the Registrant time to further reflect and fully remediate his misconduct. The Committee did not consider that the public interest also required him to be suspended during the appeal period, given the absence of public protection concerns.



**Chair of the Committee: Ms Julia Wortley**

A handwritten signature in blue ink that reads 'Julia Wortley'. The signature is written in a cursive style with a long horizontal stroke at the bottom.

**Signature**

**Date: 15 November 2024**

**Registrant: Mr Imaad Amanat**

**Signature present and received via email**

**Date: 15 November 2024**



<b>FURTHER INFORMATION</b>
<b>Transcript</b>
A full transcript of the hearing will be made available for purchase in due course.
<b>Appeal</b>
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).
<b>Professional Standards Authority</b>
<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 <a href="http://www.professionalstandards.org.uk">www.professionalstandards.org.uk</a> or by telephone on 020 7389 8030.</p>
<b>Effect of orders for suspension or erasure</b>
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.
<b>Contact</b>
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.