

BEFORE THE FITNESS TO PRACTISE COMMITTEE  
OF THE GENERAL OPTICAL COUNCIL

GENERAL OPTICAL COUNCIL

F(24)07

AND

EMMA TURNER (01-24849)

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DETERMINATION SUMMARY OF A SUBSTANTIVE HEARING  
**PRIVATE HEARING**  
8 – 12 JULY 2024

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<b>Committee Members:</b>	Ms Valerie Paterson (Chair) Ms Ann McKechin (Lay) Ms Miriam Karp (Lay) Ms Danielle Ellis (Optometrist) Ms Kalpana Theophilus (Optometrist)
<b>Clinical adviser:</b>	Dr Desmond Dunleavy
<b>Legal adviser:</b>	Ms Kelly Thomas
<b>GOC Presenting Officer:</b>	Mr Alex Lawson
<b>Registrant present/represented:</b>	Present and represented
<b>Registrant representative:</b>	Mr Nicholas Hall instructed by Ms Nan Mousley
<b>Hearings Officer:</b>	Ms Humera Asif
<b>Facts found proved:</b>	Allegation 1 and Schedule A
<b>Impairment:</b>	Impaired
<b>Sanction:</b>	Conditional registration order for 6 months

	with review
<b>Immediate order:</b>	Immediate Order made on grounds of public protection and the public interest.

### ALLEGATION

*The Council alleges that in relation to you, Emma Turner (01-24849), a registered Optometrist:*

*have the [redacted] conditions set out in Schedule A.*

*And by virtue of the facts set out above, your fitness to practise is impaired by reason of [redacted].*

*Schedule A (not for publication)*

*[redacted]*

### DETERMINATION

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

The Registrant admitted the facts in Allegation 1.

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

Having heard the evidence and considered the Registrant's admission, the Committee therefore found the facts at Allegation 1 and Schedule A proved.

#### **Findings in relation to impairment**

The Committee found that the Registrant's fitness to practise is currently impaired on the grounds of public protection and in the public interest.

#### **Sanction**

The Committee determined that a conditional registration order be imposed on the Registrant's registration for a period of 6 months.

The Committee determined that the following conditions should be imposed:

- 1) *You must inform the following parties that your registration is subject to conditions. You should do this within two weeks of the date this order takes effect:*
  - a. *Any organisation or person employing or contracting with you to provide paid or unpaid optical services, whether or not in the UK (to include any locum agency).*
  - b. *Any prospective employer or contractor where you have applied to provide optical services, whether or not in the UK.*
  - c. *The Chair of the Local Optometric Committee for the area where you provide optometric services.*
  - d. *The NHS body in whose ophthalmic performer or contractor list you are included or are seeking inclusion.*
  
- 2) *You must inform the GOC within two weeks if:*
  - a. *You accept any paid or unpaid employment or contract, whether or not in the UK, to provide optical services.*
  - b. *You apply for any paid or unpaid employment or contract to provide optical services outside the UK.*
  - c. *You cease working. This information must include the contact details of your prospective employer/ contractor and (if the role includes providing NHS ophthalmic services) the relevant NHS body.*
  
- 3) *You must:*
  - a. *Identify a workplace supervisor who would be prepared to monitor your conduct, wellbeing and any other concerns raised about your behaviour at work.*
  - b. *Arrange for the supervisor identified in a) to submit a report to the GOC at least 2 weeks before the Review Hearing, which must include specific reference to:*
    - i) *your conduct at work and your general wellbeing;*



**Immediate Order**

The Committee heard and accepted advice from the Legal Adviser, namely that the Committee should refer to *Paragraphs 23.1-23.5* of the *Guidance*. The Committee may impose an immediate order if it determines that it is necessary to protect members of the public, is otherwise in the public interest, or is in the best interests of the Registrant.

The Committee took account of the relevant paragraphs of the *Guidance*. The Committee decided that there is a necessity for an immediate order. The Committee had made a finding that the Registrant’s fitness to practise is impaired such that members of the public may at real risk of significant harm if she were entitled to practise without restriction. Having made those findings, the Committee had determined that it was not in the public interest for the Registrant to practice without restrictions. The Committee did not consider that the ground of ‘necessary in the best interests of the Registrant’ was made out. However the Committee did find that an Immediate Order was necessary to protect the public and was otherwise in the public interest.

The Committee therefore imposed an Immediate Order.

**Chair of the Committee: Valerie Paterson**



Signature .....

**Date: 12 July 2024**

**Registrant: Emma Turner**

Signature .....sent via email.....

**Date: 12 July 2024**

**NOTICE TO REGISTRANT:**

- The GOC will enter these conditions against your name in the register save for any conditions that disclose information [redacted].
- In accordance with Section 13C(3) of the Opticians Act 1989, the GOC may disclose to any person any information relating to your fitness to practise in the public interest.
- In accordance with Section 13B(1) of the Opticians Act 1989, the GOC may require any person, including your learning/workplace supervisor or professional colleague, to supply any information or document relevant to its statutory functions.

<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>
This decision will be reported to the Professional Standards Authority (PSA) under the provisions of section 29 of the NHS Reform and Healthcare Professions Act 2002. PSA may refer this case to the High Court of Justice in England and Wales, the Court of Session in Scotland or the High Court of Justice in Northern Ireland as

appropriate if they decide that a decision has been insufficient to protect the public and/or should not have been made, and if they consider that referral is desirable for the protection of the public.

Where a registrant can appeal against a decision, the Authority has 40 days beginning with the day which is the last day in which you can appeal. Where a registrant cannot appeal against the outcome of a hearing, the Authority's appeal period is 56 days beginning with the day in which notification of the decision was served on you. PSA will notify you promptly of a decision to refer. A letter will be sent by recorded delivery to your registered address (unless PSA has been notified by the GOC of a change of address).

Further information about the PSA can be obtained from its website at [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk) or by telephone on 020 7389 8030.

#### **Effect of orders for suspension or erasure**

To practise or carry on business as an optometrist or dispensing optician, to take or use a description which implies registration or entitlement to undertake any activity which the law restricts to a registered person, may amount to a criminal offence once an entry in the register has been suspended or erased.

#### **Contact**

If you require any further information, please contact the Council's Hearings Manager at 10 Old Bailey, London, EC4M 7NG or, by telephone, on 020 7580 3898.