

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

GENERAL OPTICAL COUNCIL

F(22)06

AND

NIRMAL KOASHA (01-21288)

**DETERMINATION OF THIRD SUBSTANTIVE REVIEW
20 FEBRUARY 2025**

Committee Members: Julia Wortley (Chair/Lay)
Ann McKechin (Lay)
Vivienne Geary (Lay)
Ann Barrett (Optometrist)
Philippa Shaw (Optometrist)

Legal adviser: Georgina Goring

GOC Presenting Officer: Ryan Ross

Registrant: Not present

Registrant representative: Not represented

Hearings Officer: Latanya Gordon

Outcome: Erasure

DETERMINATION

Background

1. The Registrant had failed to meet her 2016 - 2018 Continuing Education and Training (“CET”) requirements. She was advised by the General Optical Council (‘the Council’) that she had not met the CET requirements and was, therefore, not permitted to undertake the activities which are restricted to registered Optometrists. This was reiterated to the Registrant on a number of occasions.

Substantive hearing – concluded February 2023

2. The Registrant did not attend the substantive hearing, which proceeded in her absence. However, she did submit written representations. The Committee dealing with the substantive hearing found it proved that between 10 April 2019 and 30 September 2019 the Registrant nevertheless conducted around 353 sight tests, a restricted activity.
3. In addition, the substantive hearing Committee also found it proved that the Registrant had dishonestly informed the Council in an email to a Senior Investigations Officer, Person A, dated 29 November 2019, that she had “*probably conducted about 20 eye tests earlier in the year*”.
4. In relation to the Registrant’s clinical practice, the substantive hearing Committee found it proved that she had failed sufficiently, or at all, to maintain records relating to aspects of the treatment provided to and assessments undertaken in relation to multiple patients.
5. The substantive hearing Committee found misconduct and that the Registrant’s fitness to practise was impaired on public protection and public interest grounds.
6. The Registrant’s registration was suspended for 12 months following the substantive hearing which concluded on 27 February 2023. The order is due to expire on 26 March 2024 and a Review hearing was directed to take place before the end of the order.
7. The substantive hearing Committee considered that the maximum suspension of 12 months was required in this case to mark the seriousness of the misconduct, and to declare and uphold the standards of the profession and maintain public confidence in the profession.
8. The substantive hearing Committee had determined that the Registrant needed to develop her insight and to undertake Continuing Professional Development (“CPD”) to maintain her skill set. This training was to include courses targeted at the concerns arising in this case, namely on honesty, integrity and probity, as well as recordkeeping.
9. The substantive hearing Committee considered that the Committee at the Review hearing may be assisted by the Registrant supplying it with:

- (i) Evidence of training undertaken to show development of honesty, integrity, probity, recognition of the importance of the role of the regulator and proper record keeping. Evidence of certificates of courses undertaken and detailed written personal reflections on the insight gained and how the Registrant will use this to improve her standard of practice.
- (ii) Testimonials from friends and colleagues who are aware of the circumstances.
- (iii) Written reflections on the misconduct, on how that has impacted on the reputation of the profession in the eyes of members of the public and of fellow professionals, as well as reflections on the importance of maintaining the standards of the profession.
- (iv) Evidence of practical experience to keep up to date with optometric environment, this could be for example; volunteering or undertaking a non-clinical role that gives the opportunity to observe the practice of other optometry professionals.

First Substantive Review 4 and 13 March 2024

10. The Committee heard evidence during the First Substantive Review hearing from the Registrant who attended unrepresented and supplied some evidence of her attempts to meet the above recommendations.
11. The Committee considered the documentary evidence that was before it, the evidence of the Registrant and the submissions from the parties. The Committee noted that the misconduct that was found proved was a mix of recordkeeping concerns, practising when restricted and a finding of dishonesty in respect of lying to the Council's investigations officer regarding the number of sight tests carried out. The Committee considered that all of the misconduct was capable of remediation.
12. The Committee had taken into account the substantive hearing determination and the findings of the previous Committee, as well as the steps which had been recommended to assist at a Review hearing, as set out above.
13. The Committee considered the steps that the Registrant had taken since the substantive hearing and was of the view that she had started to take some steps to remediate, including starting to reflect, reading guidance and listening to podcasts. The Committee noted that the Registrant had produced her CET and CPD statements for the previous and current cycle and that she had undertaken a significant number of CPD hours.
14. However, the Committee had been concerned that the vast majority of the courses were not targeted to address the misconduct in this case, of dishonesty and recordkeeping. The Committee had not been sufficiently reassured by the evidence before it, that the Registrant had sufficiently addressed the concerns in the case, had maintained her clinical skills and was safe to return to unrestricted practice.
15. The Committee had been mindful that there was in effect a persuasive burden on the Registrant to demonstrate that she is fit to resume unrestricted practice and was not

satisfied in the circumstances, that the Registrant had demonstrated she was safe to do so.

16. The Committee considered whether the public interest required a finding of impairment to be made, in order to maintain public confidence in the profession and/or to declare and uphold standards in the profession. The Committee was of the view that the original suspension for a period of 12 months had served the purpose of upholding public confidence and maintaining standards of the profession, which appropriately marked the misconduct. Therefore, the Committee determined that it was neither necessary, nor proportionate, to make a finding of impairment on wider public interest grounds.
17. Accordingly, the Committee had found that the fitness of the Registrant to practise as an optometrist remained impaired on the grounds of public protection.
18. The Committee determined that in the circumstances the most appropriate and proportionate sanction to impose at that time was a further period of suspension. The Committee bore in mind the impact of this upon the Registrant and her practice. However, it was of the view that conditions of practice at that time were neither workable nor appropriate and the only appropriate and proportionate sanction to adequately protect patients was to impose a further period of suspension.
19. The Committee went on to consider the length of suspension to impose. The Committee bore in mind the length of time that the Registrant had already been suspended and that the minimum order to address the risks in the case ought to be imposed. The Committee determined that an appropriate and proportionate period of suspension was one of six months. In the Committee's view six months was the minimum period required in order to allow the Registrant sufficient time to further reflect, develop her insight and remediate adequately.
20. The Committee determined that a review hearing will be held between four and six weeks prior to the expiration of the order. The Review Committee will need to be satisfied that the Registrant:
 - has fully appreciated the gravity of the offence;
 - has not re-offended and has maintained her skills and knowledge and
 - that the Registrant's patients will not be placed at risk by resumption of practice or by the imposition of conditional registration.
21. The Committee at the review hearing may be assisted by the Registrant supplying it with;
 - (1) Evidence of training undertaken (such as course certificates) relevant to show development of insight into honesty, integrity, probity, recognition of the importance of the role of the regulator, relevant to the Optometry sector;
 - (2) Evidence of training undertaken (such as course certificates) relevant to show development of proper record keeping, relevant to the Optometry sector;

- (3) Any further testimonials from friends and colleagues who are aware of the circumstances;
- (4) Detailed written reflections on learnings from the further training undertaken and the misconduct and on the importance of maintaining the standards of the profession;
- (5) Evidence of practical experience to keep up to date with optometric environment, this could be for example; volunteering or undertaking a non-clinical role that gives the opportunity to observe the practice of other optometry professionals. This could include evidence of the shadowing undertaken, and a report or testimonial from any mentor.

22. The Registrant's registration was further suspended for 6 months following a substantive review hearing held on 4 and 13 March 2024. The order is due to expire on 26 September 2024.

Second substantive review – 20 August 2024

23. The Registrant did not attend and the Committee decided to proceed in absence. There were no representations made or documents supplied from the Registrant.
24. The Committee was not satisfied, based on the evidence before it, that the Registrant has sufficiently reflected on and/or remediated her conduct. They also considered that there was no evidence of insight on the Registrant's part.
25. The Committee noted that there had been no repetition of the conduct since 2019. However, it was the view of the Committee that as the Registrant had further reflection and remediation to undertake, and had not taken any steps since the last hearing, were she to return to unrestricted practice, this would pose a risk to patient safety. As a result there still remained a potential risk to the public.
26. The Committee considered that the ordinary well-informed person would be concerned where a Registrant had failed to address any of the concerns of her Regulator, despite reassurances at the last hearing that she would do so, and further had failed to supply any information as to why.
27. Accordingly, the Committee found that the fitness of the Registrant to practise as an optometrist remains impaired on the grounds of public protection and public interest.

Findings regarding Sanction

28. The Committee heard submissions from Mr Ross on behalf of the Council, namely that the GOC were neutral on sanction.
29. There were no representations made or documents supplied from the Registrant who did not attend.

30. The Committee determined that in the circumstances, considering all of the above matters, the most appropriate and proportionate sanction to impose at that time was a further period of suspension.
31. The Committee did briefly consider erasure in this matter, as it was unclear why the Registrant had failed to provide any information that she had undertaken to provide at the last hearing. The Committee was mindful of the [redacted] the Registrant outlined on the last occasion and were concerned that this may have interfered with the Registrant's ability to comply. The Committee reminded itself it must not speculate and it was required to make a decision on the information available today. The Committee were inclined to allow the Registrant another attempt to remedy the lack of information in order to reassure the GOC that she was moving towards being fit to return to unrestricted practice.
32. However, given the lack of progress since the last hearing, the Committee was clear that this position could not continue. If the Registrant continued to be unable to demonstrate sufficient progress at the next hearing, or at least provide an explanation as to why there was such a failure in that progress, the next Committee would need to consider all options available to it.
33. The Committee determined that an appropriate and proportionate period of suspension was one of six months. In the Committee's view six months was the minimum period required in order to allow the Registrant sufficient time to further reflect, develop her insight and remediate adequately.

Review Hearing

34. A review hearing will be held between four and six weeks prior to the expiration of this order. The Review Committee will need to be satisfied that the Registrant:
- has fully appreciated the gravity of the offence
 - has not re-offended and has maintained her skills and knowledge
 - that the Registrant's patients will not be placed at risk by resumption of practice or by the imposition of conditional registration
35. The Committee at the review hearing may be assisted by the Registrant supplying it with:
- 1) Evidence of training undertaken (such as course certificates) relevant to show development of insight into honesty, integrity, probity, recognition of the importance of the role of the regulator, relevant to the Optometry sector;
 - 2) Evidence of training undertaken (such as course certificates) relevant to show development of proper record keeping, relevant to the Optometry sector;
 - 3) Any further testimonials from friends and colleagues who are aware of the circumstances;
 - 4) Detailed written reflections on learnings from the further training undertaken and the misconduct and on the importance of maintaining the standards of the profession;

- 5) Evidence of practical experience to keep up to date with optometric environment, this could be for example; volunteering or undertaking a non-clinical role that gives the opportunity to observe the practice of other optometry professionals. This could include evidence of the shadowing undertaken, and a report or testimonial from any mentor.
- 6) Evidence that if you are unable to provide the evidence suggested in paragraphs (1) to (5) above, that an explanation is provided so that Committee can understand why that progress was not made.

Third substantive review – 20 February 2025

Proof of service

36. The Committee heard an application from Mr Ross for the Council for the matter to proceed in the Registrant's absence. First, the Council was required to satisfy the Committee that the documents had been served in accordance with Section 23A of the Act and Rule 61 of the Fitness to Practise Rules 2013 (*The Rules*). Mr Ross referred to the notice of hearing which was sent to the Registrant on 20 December 2024 and to the email dated 20 February 2025 from the Registrant which suggests that she had understood the documents sent to her and is aware of the hearing today.
37. The Legal Adviser outlined that for Proof of Service the Committee should be satisfied, according to *Rule 22(a) of The Rules* that all reasonable efforts have been made to notify the Registrant of the hearing in accordance with the above.
38. The Committee accepted the advice of the Legal Adviser and was satisfied there has been sufficient service and that all reasonable efforts have been made to notify the Registrant of the hearing. This was confirmed by the email received from the Registrant.

Proceeding in the absence of the Registrant

39. The Committee then went on to consider whether it would be in the public interest to proceed in the Registrant's absence in accordance with Rule 22.
40. Mr Ross for the Council invited the Committee to proceed in the Registrant's absence. Mr Ross referred to the email sent by the Registrant and he submitted that it appears that she has voluntarily absented herself.
41. Mr Ross submitted that the Committee may consider that the Registrant has voluntarily absented herself, that she appears to be aware of the proceedings and has chosen not to attend. Mr Ross submitted that there was no evidence before the Committee to justify any adjournment or that this would secure her attendance at a future hearing. Mr Ross also referred to the case of *GMC v Adeogba [2016] EWCA Civ 162* and the public interest test.
42. The Legal Adviser stated that the test for proceeding in absence according to Rule 22. The Legal Adviser referred to the cases of *R v Jones [2002] UKHL* and *GMC v*

Adeogba [2016] EWCA Civ 162 for the factors the Committee should consider. The Committee was advised that there is an onus on a Registrant to engage with their Regulator.

43. The Committee accepted the advice of the Legal Adviser. The Committee considered the Registrant's email dated 20 February 2025 in which she has made it clear that she wished for the Hearing to continue in her absence. The Committee noted that the Registrant had failed to attend previous hearings on more than one occasion, and therefore it would be unlikely that she would be attend if the hearing were to be adjourned. The Committee determined that it was in both the public interest and Registrant's interest to proceed in the Registrant's absence.

Private

44. The Committee raised the question of whether this matter should be heard in private. Mr Ross did not make an application for the matter to be heard in private, however, he was neutral if the Committee wanted to hear matters in private. Mr Ross told the Committee that he did not intend to refer to the Registrant's [redacted] and if he did then the question of privacy could be revisited.
45. The Committee heard the advice of the Legal Adviser who referred to Rule 25 and that there was a presumption that the hearing should proceed in public.
46. The Committee noted the assurance from Mr Ross that the Council did not envisage referring to the Registrant's [redacted] during the consideration of this case. The Committee decided, in all the circumstances, that this case should not be heard in private and should proceed in public. If any issue arose which required privacy the Committee would revisit this issue as the hearing progressed.

Substantive hearing

47. The Committee considered the evidence provided by the Council. The Committee noted that no further evidence had been received from the Registrant since from the substantive hearing review on 13 March 2024.

Impairment

48. The Committee heard from Mr Ross on behalf of the Council who submitted that there was a lack of evidence of remediation and therefore the Registrant continues to be impaired. Mr Ross reminded the Committee that the persuasive burden was on the Registrant to demonstrate that she is fit to return to practise. Mr Ross invited the Committee to consider whether there was a risk of repetition and whether a finding of impairment was necessary on public interest grounds.

49. The Legal Adviser advised on the cases of *Abrahaem v GMC EWHC 183 (Admin)* and *Khan v GPhc [2016] UKSC 64* and advised that there is a persuasive burden upon a Registrant to demonstrate that they are fit to resume unrestricted practice.
50. Further, the focus of a review hearing is upon the current fitness of the Registrant to resume practice, judged in light of what they have, or have not, done since the substantive hearing and whether they remain impaired.
51. The Legal Adviser also outlined the *Hearings and Indicative Sanctions Guidance ("The Guidance") Paragraphs 16.1-16.7*, as well as the personal and public elements of impairment, pointing to the Council's overriding objective, namely *"To protect, promote and maintain the health, safety and well-being of the public, the protection of the public by promoting and maintaining public confidence in the profession and promoting and maintaining proper professional standards and conduct."*
52. The Legal Adviser also outlined the public interest considerations and whether an ordinary well-informed person would expect a declaration of current impairment in order to promote and maintain public confidence in the profession. She referred to the case of *CHRE v NMC (Grant) [2011] EWHC 927 (Admin)*, para 76 which gives four principles to consider as to whether the Registrant has:
- a) *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.*
 - b) *has in the past brought and/or is liable in the future to bring the profession into disrepute.*
 - c) *has in the past breached and/or is liable in the future to breach one of the fundamental tenets of the profession.*
 - d) *has in the past acted dishonestly and/or is liable in the future to act dishonestly.*
53. The Committee accepted the advice of the Legal Adviser.
54. The Committee noted that the misconduct that was found proved at the substantive hearing was a mix of recordkeeping concerns, practising when restricted and a finding of dishonesty in respect of lying to the Council's investigations officer regarding the number of sight tests carried out. The Committee considered that this misconduct was repeated and serious in nature.
55. The Committee took account of the substantive hearing determination and the findings of the previous reviewing Committees, as well as the steps which had been recommended to the Registrant to assist at a Review hearing, as set out above. The Committee was mindful that it was not bound by the views of the earlier Committee, and it had to come to its own independent judgement on whether or not the Registrant was currently impaired.
56. The Committee was mindful that there was a persuasive burden on the Registrant to demonstrate that she is fit to resume unrestricted practice and was not satisfied in the circumstances, that the Registrant had demonstrated she was safe to do so.
57. The Committee considered the steps that the Registrant has taken since the last substantive review hearing in August 2024 and noted that no information at all had

been forthcoming from the Registrant. There was a lack of any further information which would allow the Committee to make an informed decision on the risks of repetition, whether the Registrant had kept up to date with Optometric practice, CPD or appreciated the gravity of the misconduct. The Committee noted that the Registrant had not submitted any new evidence for a period of a year.

58. Furthermore, the Committee considered that dishonesty is hard to remediate and despite being given very clear steers by previous Committees, there is no evidence of any steps taken to address this particular concern in the past 2 years.
59. The Committee further considered that there is no evidence of full insight and therefore they are unable to assess if the Registrant understands the gravity of her extensive misconduct.
60. The Committee was mindful that the Registrant had been absent from practice since October 2020 as she had been given an Interim Order initially. The Committee was not reassured by the evidence before it. The Committee had no recent evidence that the Registrant had sufficiently addressed the concerns in the case, had maintained her clinical skills nor any evidence that she was safe to return to unrestricted practice.
61. The Committee considered the determinations of the previous Committees. Today's Committee considered that the Registrant had been given helpful suggestions by all previous Committees as to what may assist her case moving forwards. The Committee determined that the Registrant has not addressed any of the particular suggestions as outlined by the previous Committee. The Committee noted that the Registrant has not meaningfully engaged in this process in any way for a year.
62. The Committee considered whether the public interest required a finding of impairment to be made, in order to maintain public confidence in the profession and/or to declare and uphold standards in the profession. The Committee considered that there was a total absence of any information provided by the Registrant to indicate that she had taken the previous Committees' recommendations seriously. The Committee was concerned that the Registrant had not addressed any of the recommendations despite her repeated reassurances at the hearing on 13 March 2024.
63. Further, no explanation had been provided by the Registrant as to why she had been unable to supply this information. The Committee concluded that this lack of engagement increased its concerns and found that the public interest element remained engaged. The Committee considered that the ordinary well-informed person would be concerned where a Registrant had failed to address any of the concerns of her Regulator, despite reassurances at the last hearing that she would do so, and further had failed to supply any information as to why. If the Registrant were to resume to unrestricted practise this would undermine the public's confidence in the profession.
64. The Committee concluded that the Registrant's fitness to practise remains impaired.

65. The Committee heard submissions from Mr Ross on behalf of the Council, namely that the Council were neutral on sanction. Mr Ross outlined that sanctions are not supposed to be punitive although may have that effect. Mr Ross submitted that the Committee should start with the least restrictive sanction and work up to the most serious, and he went through each of the sanctions available, including no further action, financial penalty, conditional registration, suspension and erasure. Mr Ross reminded the Committee this is the third substantive review hearing.
66. There were no representations made or documents supplied by the Registrant, who did not attend and was not represented.
67. The Committee heard and accepted the advice of the Legal Adviser, who referred to The Guidance at Paragraphs 20-23 as well as sections 13F-13H of the Opticians Act 1989, namely that the purpose of imposing a sanction is not to punish the Registrant but to protect patients and the wider public interest. It is for the Committee to form their own judgement, and to consider the least restrictive sanction first, and where not appropriate or proportionate, to move to the next available sanction in ascending order. Sanctions are not designed to punish although may well have that effect. The Committee was reminded that there is no standard or burden of proof at this stage in proceedings.
68. The Committee considered the sanctions available from the least restrictive to the most severe as set out in The Guidance. The Committee was mindful that the purpose of imposing a sanction is not to punish the Registrant but to protect patients and the wider public interest. The Committee applied the principle of proportionality by weighing the Registrant's interests against the wider public interest.
69. The Committee was of the view that given the lack of evidence of remediation and of full insight, it would neither be appropriate nor proportionate to make no order. Furthermore, there were no exceptional circumstances that would justify taking no action.
70. The Committee was of the view that a financial penalty order was not appropriate in this case.
71. The Committee next went on to consider whether a conditions of practice order was a sufficient and proportionate response to the risks identified. The Committee had regard to paragraph 21.25 of The Guidance, which states:
- 21.25 Conditional registration may be appropriate when most, or all, of the following factors are apparent (this list is not exhaustive):
- a) No evidence of harmful deep-seated personality or attitudinal problems
 - b) Identifiable areas of registrant's practise in need of assessment or retraining
 - c) Evidence that registrant has insight into any health problems and is prepared to agree to abide by conditions regarding medical condition, treatment, and supervision
 - d) Potential and willingness to respond positively to retraining

- e) Patients will not be put in danger either directly or indirectly as a result of conditional registration itself
- f) The conditions will protect patients during the period they are in force
- g) It is possible to formulate appropriate and practical conditions to impose on registration and make provision as to how conditions will be monitored.

72. The Committee noted that conditions may have been considered for the clinical element of the misconduct, however, when considering the entirety of the misconduct, the Committee determined that conditions were not an appropriate or proportionate response. There is no evidence of any current CPD. Furthermore, the Committee noted the lack of meaningful engagement from the Registrant for nearly a year and due to lack of any information on the Registrant's current position they were unable to assess the workability of any conditions that could be put into place. In addition, the Committee was of the view that conditions would not address the dishonesty element of the misconduct.

73. The Committee acknowledged the Registrant's previous indication that she would comply with conditions but given the lack of remediation and insight, the risk to patient safety remains.

74. Consequently, in all the circumstances, the Committee concluded that conditional registration was not an appropriate or proportionate sanction.

75. The Committee went on to consider the question of suspension and noted Paragraph 21.29 of The Guidance as to when this sanction may be appropriate, namely:

- 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 incident.*
- d. *The Committee is satisfied the registrant has insight and does not pose a significant risk of repeating behaviour.*
- e. *In cases where the only issue relates to the registrant's health, there is a risk to patient safety if the registrant continued to practise, even under conditions.*

76. The Committee considered that over the last year the Registrant has not provided any evidence of remediation or insight. The Committee considered the continued lack of engagement as significant, particularly given that the Registrant has now been out of practise for 4 and a half years. The Committee noted that there was no meaningful engagement from the Registrant during the past year despite very detailed advice set out by previous Committees to aid the Registrant at the future hearing.

77. The Committee has found that the Registrant has not provided any evidence of fully developed insight and therefore there remains a risk of the Registrant repeating the behaviour which led to the misconduct. The Committee is therefore satisfied that this

case does not fall under the factors set out on suspension within paragraph 21.29 of the Guidance. Whilst the Committee acknowledged that the list is not exhaustive, the Committee was not convinced that the Registrant would utilise a further period of suspension to provide evidence of remediation and/or developed insight.

78. The Committee concluded that a further period of suspension was not an appropriate or proportionate sanction in all the circumstances.

79. The Committee went on to consider the question of erasure and noted Paragraph 21.35 of The Guidance as to when this sanction may be appropriate, namely:

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

80. The Committee considered that sub paragraphs (a), (b), (f) and (h) are all engaged in this case. The Committee considered that the dishonesty finding was serious. The Committee noted the current position was that there has been a persistent lack of evidence of any demonstrable insight since the first substantive review on 13 March 2024. The Committee further noted that the Registrant had not responded to the previous Committee's clear advice as to next steps the Registrant might have taken to support her case and in addition had not provided this Committee with any reason why.

81. The Committee was mindful of the [redacted] the Registrant outlined at the review hearing on 13 March 2024. The Committee, however, reminded itself that in the absence of additional evidence it must not speculate as to the ongoing impact on the Registrant and it was required to make a decision solely on the information available to them.

82. The Committee also considered that the previous Committee in August 2024 was specific and clear in that they briefly considered erasure. The Committee considered that the Registrant therefore would have been aware from the previous Committee's determination that erasure was an option. The Committee noted that despite this there was still inaction from the Registrant.



83. The Committee considered the overarching objective, namely: to protect, promote and maintain the health, safety and wellbeing of the public; to promote and maintain public confidence in the profession; and to promote and maintain proper professional standards and conduct for members of that profession. The Committee concluded that erasure was the proportionate sanction to uphold this objective.

84. Accordingly, the Committee determined that a sanction of erasure be imposed upon the Registrant.

Chairman of the Committee: Julia Wortley

Signature 

Date: 20 February 2025

Registrant: Nirmal Koesha

Signature Not present

Date: 20 February 2025

FURTHER INFORMATION	
Transcript	
	A full transcript of the hearing will be made available for purchase in due course.
Appeal	
	Any appeal against an order of the Committee must be lodged with the relevant court within 28 days of the service of this notification. If no appeal is lodged, the order will take effect at the end of that period. The relevant court is shown at section 23G(4)(a)-(c) of the Opticians Act 1989 (as amended).
Professional Standards Authority	



This decision will be reported to the Professional Standards Authority (PSA) under the provisions of section 29 of the NHS Reform and Healthcare Professions Act 2002. PSA may refer this case to the High Court of Justice in England and Wales, the Court of Session in Scotland or the High Court of Justice in Northern Ireland as appropriate if they decide that a decision has been insufficient to protect the public and/or should not have been made, and if they consider that referral is desirable for the protection of the public.

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

Further information about the PSA can be obtained from its website at www.professionalstandards.org.uk or by telephone on 020 7389 8030.

Effect of orders for suspension or erasure

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

Contact

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