

General Pharmaceutical Council

Fitness to Practise Committee

Principal Hearing

Remote videolink hearing

19 October 2023

Registrant name:	Olufunke Anthony
Registration number:	2072195
Part of the register:	Pharmacist
Type of Case:	Conviction
Committee Members:	Angela Black (Chair) Leigh Settingington (Registrant member) Nalini Varma (Lay member)
Committee Secretary:	Zainab Mohamad
Registrant:	Not present or represented
General Pharmaceutical Council:	Represented by Alex Lawson, Counsel
Facts proved:	All
Facts proved by admission:	None
Facts not proved:	None
Fitness to practise:	Impaired
Outcome:	Removal
Interim measures:	Interim suspension Order

This decision including any finding of facts, impairment and sanction is an appealable decision under *The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010*. Therefore, this decision will not take effect until Friday, 17 November 2023 or, if an appeal is lodged, once that appeal has been concluded. However,

the interim suspension set out in the decision takes effect immediately and will lapse when the decision takes effect or once any appeal is concluded.

Particulars of Allegation

You, a registered pharmacist/pharmacy technician

1. *On 04 January 2022, at Maidstone Magistrates' Court, were convicted of the following offence: [PROVED]*

1.1 Theft by employee. [PROVED]

By reason of the matters set out above, your fitness to practise is impaired by reason of your conviction.

Documentation

Document 1 - GPhC Service of Notice of Hearing bundle

Document 2 - GPhC Proceeding in Absence bundle.

Document 3 - GPhC hearing bundle

Document 2 - GPhC skeleton argument

Witnesses

None

Determination

Introduction

1. This is the written determination of the Fitness to Practise Committee at the General Pharmaceutical Council ('the Council').
2. The hearing is governed by *The Pharmacy Order 2010* ("the Order") and *The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010* ("the Rules").
3. The statutory overarching objectives for these regulatory proceedings are:
 - a. To protect, promote and maintain the health, safety and well-being of the public;

- b. To promote and maintain public confidence in the professions regulated by the Council; and
 - c. To promote and maintain proper professional standards and conduct for members of those professions.
4. The Committee also has regard to the guidance contained in the Council's *Good decision making: Fitness to practise hearings and sanction guidance* as revised March 2017.
5. A Principal Hearing has up to three stages:
- Stage 1. Findings of Fact – the Committee determines any disputed facts.
 - Stage 2. Findings of ground(s) of impairment and impairment – the Committee determines whether, on the facts as proved, a statutory ground for impairment is established and, if so, whether the Registrant's fitness to practise is currently impaired.
 - Stage 3. Sanction – the Committee considers what, if any, sanction should be applied if the Registrant's fitness to practise is found to be impaired.

Service of Notice of Hearing

6. The Committee has seen a letter dated 18 August 2023 from the Council headed 'Notice of Hearing' addressed to the Registrant. It is marked as having been sent by email only to the Registrant. The letter was sent to the email address which is entered on the Council's register. Rule 3 (as amended by The General Pharmaceutical Council (Coronavirus) (Amendment) Rules 2021) provides that "any notice or document required to be served by the Council under these Rules must be in writing and may be served by sending it by a postal service or another delivery service (including by electronic mail to an electronic mail address notified to the Registrar as an address for communications) ...". Service of the notice of hearing is compliant with this provision and the Committee therefore determined that the notice of hearing had been validly served on the Registrant.

Application to proceed in the absence of the Registrant.

7. The Registrant was not in attendance at this hearing; nor was someone attending on her behalf. The Committee heard the brief submissions of Mr Lawson who applied, pursuant to Rule 25, for the hearing to proceed in the absence of the Registrant.
8. The Council emailed the Registrant copies of the Council's draft hearing bundle on 29 September 2023. The Council then emailed the Registrant the final version of the bundle and its skeleton argument on 6 October 2023. The Registrant was invited to submit documents for the hearing before 13 October 2023 but did not do so. She was also invited to indicate whether she would attend the hearing.
9. On 17 October a paralegal working at the Council attempted to contact the Registrant by telephone using the mobile telephone number registered with the Council. There was no reply. A message was left on the answerphone asking whether the Registrant would be attending the hearing and for confirmation as to whether she had legal representation. The attempted telephone calls were followed by an email from the paralegal to the Registrant in similar terms.
10. The Registrant emailed the Council on 17 October 2023 stating she acknowledged all correspondence regarding the upcoming principal hearing; she would not be legally represented at the hearing because she could not afford the cost. The Registrant stated she had decided, after careful consideration, not to attend. She stated the last couple of years had been "traumatizing to say the least". She said she was "healing but not strong enough to attend". The Registrant did not produce any medical evidence and did not ask for an adjournment.
11. The Committee decided to proceed in the absence of the Registrant for the following reasons:
 - The Committee had found good service of the notice of hearing.
 - The Registrant was aware of the hearing and the issues to be decided. She had not produced any independent evidence demonstrating she was not fit to

attend or to participate in the hearing. She appeared to have made an informed decision not to attend.

- There was no information to suggest an adjournment would result in the Registrant's attendance in future.
- There is a public interest in the expeditious disposal of cases.

Registrant's response to Particulars of allegation

12. The Registrant has made no formal response to the particulars of allegation.
13. The Committee therefore went on to receive evidence and submissions regarding the disputed particulars.

Background and Context

14. On 16 June 2023 Kent Police provided the Council with disclosure relating to a criminal investigation into the Registrant's activities as a registered pharmacist.
15. Relevant extracts from the Police summary of the key evidence are as follows:

“The Defendant, Olufunke ANTHONY has been charged with 1 count of Theft from Employee [sic].

The Defendant is an ex-employee who worked for Paydens Pharmacy as the Pharmacy Manager, from the 1st May 2018 until her dismissal on the 19th February 2021.

During October 2020 and February 2021, the Defendant, Olufunke ANTHONY was in charge of ordering stock whilst being the Pharmacy Manager. The Defendant, however, was ordering surplus stock into the store in order to take the items and sell them on EBAY for her financial gain in order to pay for hospital treatment for her mother. Payden's Pharmacy therefore commenced their own internal investigation and have calculated the total amount of goods

stolen to be £40,133.47. The investigation started in January 2021 and finished on the 22nd February 2021 with the Defendant's written dismissal from the company.

Between October 2020 and February 2021, staff members have become aware of the suspicious behaviour of the Defendant. [...] former work colleagues, namely, [MB] [...] witnessed a series of these incidents.

On the 23rd January 2021, [MB] stated she saw the Defendant within the store and that she had placed a box of medical supplies into the staff toilets (unknown quantity). [MB], then saw the Defendant remove the box from the toilets and place it into her car.

On the 1st February 2021, [MB] noticed a box of medical supplies were inside a bag (unknown quantity) placed next to the defendant's desk. At around 14:30 hours she noticed the Defendant taking the bag with the medical supplies and returning the bag around 1 hour later but with no medical supplies.

On the 10th February 2021 a delivery of medical supplies were received into the store. [MB] saw the Defendant take the supplies and package them into a separate cardboard box. At around 15:00 hours on the same day, the Defendant left the store with the cardboard box full of supplies and walked towards the direction of her car after telling [MB] that she will deliver the supplies to a neighbouring surgery. However, [MB] states that they did not get delivered to this neighbouring surgery. An invoice showing the value of the goods that were taken has been exhibited [...].

On the 11th February 2021, the store received a box of medical supplies. [MB] has seen the Defendant take the supplies and package them before placing a UPS postage label onto the box with a destination of ITALY printed on the box. The Defendant then left the store with the box on the same day. An invoice showing the value of the goods that were taken has been exhibited [...]

Paydens Pharmacy have provided Kent Police with a series of documents which they used as part of their internal investigation and the OIC has exhibited these.

...

Paydens Pharmacy have calculated that the total amount of stock that was stolen was to the value of £40,133.47 and provided an invoice which is exhibit MS/14. This figure includes VAT.

A statement [...] confirms the total amount owed dated 20/10/2021.

Paydens Pharmacy, therefore reported this matter to Kent Police on the 25th February 2021 and the Defendant was interviewed on the Tuesday 15th June 2021 in relation to this offence.

...

The Defendant was interviewed at Medway Police Station by PC [...] on the Tuesday 15th June 2021. The PACE Codes of Practice were adhered to and the Defendant was represented by Simon Bethel Solicitors.

At the start of the interview the suspect provided the following Prepared Statement [as follows] ...

I, OLUFUNKE ANTHONY make this written statement to the allegation for which I have been invited for this interview. I admit the allegation.

I wish to rely on this statement at the Police Interview:

1 - I admit that i took the strips on the days that are alleged, and I am deeply sorry for my actions.

2 - I have already admitted this to my employers and informed them that I am prepared to pay the money back in full.

3 - I regret my actions and I am deeply sorry for the distress I have caused my employers.

4 - I am currently too distressed to answer police questions and I am very sorry I cannot answer but I am making these full admissions to the allegation.

5 - I am prepared to pay all the money back and I have started doing so. I have a payment arrangement with my employer to pay the money back in full.

6 - Once again I am extremely sorry for my actions and all the distress that I have caused to my employer.

1 - I admit the allegation

2 - This is what I will be saying in the police interview and I will answer no comment to all questions.

confirm the above statement to be my statement and to be true and correct.

Dated this 15th day of June 2021.”

16. The Registrant was convicted, on her guilty plea, at Maidstone Magistrates’ Court on 4 January 2022 of theft by employee. She was sentenced at Maidstone Crown Court on 4 October 2022 to 12 months’ imprisonment suspended for two years with requirements.
17. Relevant extracts from the Judge’s sentencing remarks are as follows:

“Olufunke Anthony, you were employed in a position of great trust at Paydens Pharmacy, a position that I accept you had worked both to fund and achieve, entirely through your own efforts.

In circumstances of which you are aware, and I have been advised you took it upon yourself to fund your mother's treatment in Nigeria by abusing the degree of trust that your employers and the staff at that branch of Paydens Pharmacy invested in you.

The total loss to the company by your thefts over a period of approximately four months amounted to 41,000 - I've lost the precise figure, 41,000 or so pounds. That is, by any standards, even for a large company, a sizeable sum of money.

I must deal with you in accordance with the Sentencing Guidelines which inform my decision. I am guided by those guidelines, and I must apply them.

The harm it is agreed that you caused is to be assessed as category 2 harm based on the financial loss. However, the harm you caused was greater than mere financial loss because you caused in addition to that loss, you caused the employees who respected you and looked up to you to lose trust in you, and your employers then had to expend time and money investigating your crimes. That is therefore within that category illustration of further harm.

The culpability, that is to say your responsibility for your offending, is somewhere between medium and high.

You were regarded with a high degree of trust in the firm for which you worked and there was a - some degree, some considerable degree of planning in as much as you lied to your colleagues, you created a false label, you told them that the supplies were going to the surgery. That said, there was nothing further in terms of sophistication, not least because you were seen depositing items in your own car, and albeit that this activity continued for four months it was within that context a relatively short space of time but by no means short. You undoubtedly therefore bore a great deal of responsibility.

Turning then to the guidelines and attempting to assess those features as between the various categories, I have taken as my starting point a sentence of 21 weeks - 21 months' imprisonment.

I turn then to consider whether there are any additional statutory aggravating features. As a woman of 40 years old with no previous convictions there are none, or no other additional aggravating features.

So I turn then, to the mitigation. It is the case that you made full admissions when challenged, if not initially by your employers but very soon thereafter. You wrote a letter of apology which I assess as sincere, and you explain in that letter and as you have through Mr Rosenberg today in your mitigation, that at that time you were somebody who was suffering from considering personal pressure by virtue of the fact that you were the sole provider responsible for the care and upbringing and provision for two small dependent children, supporting a partner who I accept didn't work and who provided nothing by way of financial support, and it seems very little by way of emotional support either, in circumstances where your mother, many thousands of miles away, was diagnosed with breast cancer from which sadly she has since died.

It is also relevant to observe, in my view, that this was in the height of the Covid pandemic, and therefore your opportunities to seek - to provide comfort to your mother, whether you could finance it or not, were significantly impacted.

The police became involved as we know, and you were interviewed by them, and you repeated your full and frank admissions. You pleaded guilty at the first opportunity at the lower court, and of course you have repayed - repaid to date almost two thirds of the money stolen I accept in circumstances which were financially difficult for you. You were therefore alone in the UK, and you made the decision over those four months to, rather than investigate other sources of

funding to support your mother, to steal from your employer. The seriousness of that crime cannot be disregarded.

I turn then to the character references. I have assessed you as a person of positive good character. Not only do you get full credit for your plea of guilty, but you have been spoken of by your friends, your sister-in-law, your friend, as somebody who is a person who provides to others support and comfort, going the extra mile, and somebody significantly who has recognised and is remorseful for what they have done.

My assessment of what I describe as your positive good character, coupled with the loss of your professional registration with the General Pharmaceutical Council, which I accept is a punishment of itself which will far outlast any punishment the court can impose, having as it does the impact that you can no longer practice and are unlikely ever to be able to practice in the field that you yourself worked so hard in which to qualify and to fund your education, those positive good character features I have assessed as capable of reducing the sentence further to 18 months' imprisonment.

You do of course therefore - are you - you - you may therefore expect and will receive from me full credit, that is to say a full third discount, for pleading guilty at the very first opportunity, and that therefore brings me to a sentence of 12 months' imprisonment.

I am going to pause there. I have been invited to, and indeed I must reflect on the impact on your innocent dependent children.

I have no doubt, and it is well - now well documented that the detriment to children if their primary carer, usually their mothers, are imprisoned, is profound, wide ranging and long lasting. I have regard therefore to those children's Article 8 rights to a private and family life, the UN Convention on the Rights of the Child, Section 44 of the Children and Young Person's Act, to have

regard to the welfare of the children, and of course the specific guidance in the Sentencing Guidelines, to which I will come.

You need to understand that the fact that you are the sole carer for dependent children does not prevent the courts from sending mothers, carers, to prison. They can, and do, and must. And I have thought very carefully whether or not, given the nature of your offending and the degree of breach of trust, this was one such case. Hence, I made the enquiry as to who, if not you, were - were going to look after those children. I am told it's Social Services and there is no other. But I do not assess that you have conducted as full as an enquiry as you might, given that you indicated your guilty plea in January, nine months ago. Children are not a shield against custody, you need to understand that. However, I have had regard to the impact on those children and also to the Sentencing Guidelines which govern the assessment of whether or not a sentence is capable of being suspended.

I accept the contents of the pre-sentence report that the proposed interventions by them will offer sufficient rehabilitation, and I am satisfied therefore that your prospects of rehabilitation are good.

I also have had regard to your strong personal mitigation. I am aware that I have made allowance for that already, and I do not double-count, but it is nonetheless significant too within this context.

The primary reason, I tell you now, I have told you, that I am suspending your prison sentence is the impact on your children. When I ask myself is prison - only prison sufficient to punish you for this crime which you have committed, I have come to the conclusion, just, that this is a case, notwithstanding that the - punish - the offence is deserving of punishment, the punishment that you have endured for the reasons that I have sought to set out, and will endure under a suspended sentence, is sufficient in all the circumstances to meet the justice of the situation.

Olufunke Anthony, will you stand please?

The sentence I impose upon you then is one of 12 months' imprisonment. That sentence will be suspended for 24 months.

The terms of the suspended sentence order will be as directed - as advised by the Probation Service. There will be up to 26 days' rehabilitation activity requirement, and you will also be required to undertake the Thinking Skills programme as a specified activity requirement. ..."

Decision on Facts

18. The allegation in this case is a conviction. The Committee has had sight of the signed certificate of conviction and therefore finds the facts proved in accordance with Rule 24(4).

Decision on Impairment

19. Having found the particulars of allegation proved, the Committee went on to consider whether the Registrant's fitness to practise is currently impaired by reason of her conviction.
20. Article 51(1)(e) of the Pharmacy Order 2010 provides that "A person's fitness to practise is to be regarded as impaired for the purposes of this Order only by reason of - (e) a conviction in the British Islands for a criminal offence". The Committee has therefore turned to the issue of current impairment.
21. The Committee took account of the guidance given to the meaning of 'fitness to practise' in the Council's publication "*Good decision-making*" (Revised March 2017). Paragraph 2.11 reads:

"A pharmacy professional is 'fit to practise' when they have the skills, knowledge, character, behaviour and health needed to work as a

pharmacist...safely and effectively. In practical terms, this means maintaining appropriate standards of competence, demonstrating good character, and also adhering to the principles of good practice set out in your various standards, guidance and advice.”

22. The Committee also had regard to the Council’s skeleton argument and the oral submissions of Mr Lawson. He submitted, in summary, that, by reference to the matters listed in Rule 5(2), the Registrant’s fitness to practise was currently impaired. He noted the Registrant had made full and frank admissions at an early stage, that her sentence was ongoing and that the Registrant had not engaged in these proceedings.
23. The Committee has not received from the Registrant any indication of her position as regards her fitness to practise but it has taken into account the Registrant’s prepared statement to the police and the mitigation identified by the sentencing judge in the Crown Court.
24. The Committee has noted the requirements of Rule 5 of the Rules which provides that:

“5(1) The Committee must have regard to the criteria specified in paragraph (2) or, where appropriate, (3), or, where appropriate, paragraphs (2) and (3), when deciding, in the case of any registrant, whether or not the requirements as to fitness to practise are met in relation to that registrant.

(2) In relation to evidence about the conduct or behaviour of the registrant which might cast doubt on whether the requirements as to fitness to practise are met in relation to the registrant, the Committee must have regard to whether or not that conduct or behaviour—

(a) presents an actual or potential risk to patients or to the public;

(b) has brought, or might bring, the profession of pharmacy into disrepute;

(c) has breached one of the fundamental principles of the profession of pharmacy; or

(d) shows that the integrity of the registrant can no longer be relied upon.”

25. This rule mirrors the relevant case law and is consonant in particular with the guidance of Cox J in the case of **CHRE v NMC & Grant [2011] EWHC 927 (Admin)** as to the approach to be adopted by healthcare regulators generally to the question of current impairment.

26. The Committee bears in mind the guidance of Mrs Justice Cox at paragraph 74 of **Grant** where she stated:

*“In determining whether a practitioner’s fitness to practise is impaired by reason of misconduct, the relevant panel should generally consider not **only** whether the practitioner continues to present a risk to members of the public in his or her current role, but also whether the need to uphold professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.”*

27. The Committee has concluded that a well-informed member of the public, with knowledge of the facts of this case, would consider that this was a very serious offence. The nature and length of the Registrant’s sentence attests to the seriousness of her actions.

28. That said, being convicted of an offence is not automatically a breach of a fundamental principle. Each case depends on its own facts. Here, the Committee is satisfied that the Registrant has breached the following standards of the profession:

a. Standard 5 - Pharmacy professionals must use their professional judgement.

The Registrant ordered and stole items for personal financial gain. She abused the trust of her employer. She put her own needs ahead of those of her employer. She did not “consider and manage appropriately any personal or

organisational goals, incentives or targets ...”. The Registrant did not use her professional judgment.

b. Standard 6 - Pharmacy professionals must behave in a professional manner.

The Registrant did not behave with honesty and integrity: she held a management role and abused the trust of her employer, ordering and stealing a significant number of items, test strips, over a period of about four months from her employer. She did so for personal financial gain.

c. Standard 8 – Pharmacy professionals must speak up when they have concerns or when things go wrong.

The Registrant failed to admit her dishonest behaviour when her employer raised concerns about her activities during a telephone interview with the Registrant on 16 January 2021.

d. Standard 9 - Pharmacy professionals must demonstrate leadership.

The Registrant was a pharmacy manager yet did not demonstrate leadership to colleagues and staff at the pharmacy. She did not lead by example. Indeed her activities put a junior member of staff in a difficult position whereby she had to report her suspicions about the Registrant to their employer.

29. The Registrant has demonstrated a lack of respect for the laws of this country and failed to abide by several of the fundamental principles of her profession. She has ordered items, at a cost to her employer, and sold them through Ebay for significant personal financial gain. The Judge’s sentencing remarks refer to the value of the stolen items as being about £41,000 but it appears from the evidence produced to the Committee by the Registrant’s employer (and Mr Lawson confirmed this) that this sum may include VAT. The value of the items “unaccounted for” by the Registrant’s employer is about £35,000. Nonetheless, the Committee does not seek

to go behind the conviction and the financial loss to the company over the four month period of the theft is significant.

30. The Registrant acted dishonestly and without integrity within the practice of pharmacy at a time when she held a position of responsibility: she was the Pharmacy Manager. Her actions were methodical in that she ordered the test strips from her employer's supplier with the intention of stealing them for sale on Ebay in her own name. This was a deliberate and relatively sophisticated process which required preparation and planning. Trust is a fundamental principle of the profession. The Registrant's conviction undermines the public's ability justifiably to have trust and confidence in pharmacy professionals. Her offending behaviour and conviction bring the profession into disrepute.
31. The Registrant has not participated in these proceedings. The Committee notes her early admissions and apologies in her statement to the police, her guilty plea in the Magistrates Court and her efforts to repay her former employer for their financial loss. At the date of sentencing she had not yet fully repaid the debt but had indicated her intention to do so over time (as can be seen from the sentencing remarks cited above). This suggests a degree of remediation and insight. However, in the absence of specific evidence from the Registrant, such as evidence of reflection, the Committee is unable to find she has fully remediated or has genuine full insight into the impact of her offending behaviour. In particular there is no evidence that she understands and acknowledges the impact of her offending behaviour on public confidence in the profession and the need to maintain and uphold professional standards. Nor is there evidence that she has reflected on how she would behave in the future if she were under financial pressure. By its nature, dishonesty is an attitudinal issue and therefore harder to remediate, particularly given the need to uphold the wider public interest. The Committee concluded that it could not be satisfied the offending behaviour is highly unlikely to be repeated.
32. The Registrant has not yet completed her sentence. Public confidence would be materially damaged if this Committee were not to find the Registrant's fitness to

practise impaired when she is subject to a suspended prison sentence. She has not yet repaid her debt to society.

33. There is no evidence of harm to members of the public as a result of the Registrant's activities. The items stolen and sold on by the Registrant were not medications. The items were widely available in retail outlets and on the internet. It is unlikely these products would have or could have caused harm to those who bought them from the Registrant on Ebay. There is no evidence of that. The Committee concludes that the Registrant's offending behaviour did not and would not now, even if repeated, present an actual or potential risk to patients or to the public. For this reason, Rule 5(2)(a) is not engaged by the Registrant's conviction and the underlying criminal behaviour.
34. The Committee acknowledges the Registrant has apologised and shown remorse; she has repaid a significant proportion of the loss to her employer and intended (at the date of sentencing) to repay the total cost. Mr Lawson was unable to inform the Committee as to whether she had yet done so. Nonetheless, In the absence of specific evidence of reflection from the Registrant to demonstrate full insight and remediation the Committee cannot be confident the offending behaviour will not be repeated.
35. For these reasons, the Committee finds that the remaining three limbs of Rule 5(2) are engaged: the Registrant has brought, and might bring, the profession of pharmacy into disrepute; she has breached several of the fundamental principles of the profession and her integrity can no longer be relied upon. The Committee accordingly determines that the Registrant's fitness to practise is currently impaired as a result of her conviction and that Rules 5(2)(b), (c) and (d) are engaged. Furthermore, a finding of impairment is necessary to mark the seriousness of what has occurred and thereby maintain public confidence and promote professional standards by making clear to other professionals what is expected and by deterring other professionals from failing to meet standards.

36. In summary, the Committee therefore finds the Registrant's current fitness to practise to be impaired solely on public interest grounds.

Decision on Sanction

37. Having found impairment, the Committee has gone on to consider the matter of sanction. The Committee's powers are set out in Article 54(2) of the Order. The Committee should consider the available sanctions in ascending order from the least restrictive, taking no action, to the most restrictive, removal from the register, in order to identify the appropriate and proportionate sanction that meets the circumstances of the case.
38. The purpose of the sanction is not to be punitive, though a sanction may in fact have a punitive effect. The purpose of the sanction is to meet the overarching objectives of regulation, namely the protection of the public, the maintenance of public confidence and to promote professional standards. The Committee is therefore entitled to give greater weight to the public interest over the Registrant's interests.
39. The Committee had regard to the Council's '*Good decision making: Fitness to practise hearings and sanctions guidance*' to inform its decision.
40. The Committee took into account the skeleton argument and oral submissions of Mr Lawson who invited the Committee to remove the Registrant's name from the register.
41. The Committee first considered what, if any, aggravating and mitigating factors there may be.
42. The Committee identified some aggravating factors, including:
- a. The dishonesty occurred in the course of pharmacy practice and involved an abuse of trust.
 - b. The Registrant defrauded her employer of significant sums of money.

- c. The Registrant initially denied any wrongdoing when interviewed by her employer over the telephone on 16 January 2021.
- d. The offending behaviour took place over a period of about four months, a sustained period.
- e. The Registrant's offending behaviour involved planning and organisation.
- f. The Registrant has not engaged with these proceedings.

43. The Committee identified some mitigating features including:

- a. The offending behaviour did not involve the theft and sale of medications or drugs.
- b. There is no evidence of harm to patients or the public.
- c. While the dishonest conduct was for personal financial gain, the Registrant used the funds to pay for her mother's medical treatment in Nigeria. Her motive was, to that extent, altruistic.
- d. The Registrant made early admissions to the police. She pleaded guilty at the earliest opportunity in the criminal proceedings.
- e. The Registrant has apologised and shown remorse, acknowledging she breached her employer's trust.
- f. She has repaid her employer for the cost of most of the stolen items and is continuing to do so.

44. The Committee also considered the following factors to be relevant: in the sentencing remarks the Judge found that the Registrant's "prospects of rehabilitation are good". While this is in the context of the criminal offending, it is an indicator of some remediation in the context of that behaviour.

45. The Committee has little information about the Registrant's current circumstances. From the sentencing remarks it appears that, at that time, she was employed as a driver. She is a single mother with two dependent children. The Committee infers she is the sole earner in the family. The Committee has taken into account the Registrant's circumstances as set out in the sentencing remarks. It notes the sentencing judge had sight of references and testimonials but none have been produced to this Committee.
46. The Committee has borne in mind its findings on impairment.
47. Throughout its decision-making on the issue of sanction it has taken into account the mitigating and aggravating features.
48. The Committee has considered the context and scale of the Registrant's dishonesty. It resulted in a conviction for theft and a custodial sentence of 12 months suspended for two years. The offending behaviour occurred in the course of pharmacy practice; the Registrant intentionally defrauded her employer for significant personal financial gain: approximately £35-40,000; the theft was an abuse of trust exacerbated by the Registrant's role as pharmacy manager; it was a sustained course of conduct over a four-month period and it involved significant planning and organisation. On the other hand, the Registrant did not steal medication or drugs and there is no evidence of harm to the public or patients. The Committee considers the level of dishonesty to be very serious and towards the upper end of the spectrum of dishonesty but not at the top of that spectrum.
49. This is not a case where no action can be taken: members of the public, with knowledge of the Registrant's conviction, and the underlying criminal behaviour, would be appalled were that to be the case. The Registrant's conviction warrants action by this Committee to mark its disapproval of her offending behaviour. For similar reasons, a warning is not sufficient.
50. The Committee next considered the imposition of conditions of practice. Conditions must be workable and susceptible to being monitored. The Committee must also be

satisfied that the Registrant will comply with any conditions imposed. The Committee concluded that the imposition of conditions is not appropriate given the nature of the convictions and their seriousness: the offending behaviour occurred in the course of pharmacy practice when the Registrant held a position of trust, seniority and responsibility. The Registrant has not participated in this hearing and the Committee is not satisfied she would comply with conditions. In any event, informed members of the public would be shocked if this Committee were only to impose conditions on the Registrant's practice in circumstances where the Registrant was convicted as a result of her dishonesty in the course of pharmacy practice.

51. The Committee next considered whether suspension would be a proportionate sanction. The Committee noted the "Good decision making: fitness to practise hearings and sanctions guidance" issued in March 2017. This indicates that suspension may be appropriate where:

"The Committee considers that a warning or conditions are insufficient to deal with any risk to patient safety or to protect the public, or would undermine public confidence. It may be required when necessary to highlight to the profession and to the public that the conduct of the Registrant is unacceptable and unbecoming a member of the pharmacy profession. Also, when public confidence in the profession demands no lesser sanction."

52. The guidance states the following with regard to dishonest conduct:

"6.8 Regulators ensure that public confidence in a profession is maintained. This is a long-established principle and our standards state that registrants should act with honesty and integrity to maintain public trust and confidence in the profession. There are some acts which, while not presenting a direct risk to the public, are so serious they undermine confidence in the profession as a whole. The GPhC believes that dishonesty damages public confidence, and undermines the integrity of pharmacists and pharmacy technicians. However, cases involving dishonesty can be complicated – committees should carefully consider the context and circumstances in which the

dishonesty took place. Therefore, although serious, there is not a presumption of removal in all cases involving dishonesty.

6.9 Some acts of dishonesty are so serious that the committee should consider removal as the only proportionate and appropriate sanction. This includes allegations that involve intentionally defrauding the NHS or an employer, falsifying patient records, or dishonesty in clinical drug trials.

6.10 When deciding on the appropriate sanction in a case involving dishonesty, the committee should balance all the relevant issues, including any aggravating and mitigating factors. It is important to understand the context in which the dishonest act took place and make a decision considering the key factors. The committee should then put proper emphasis on the effect a finding of dishonesty has on public confidence in the profession.”

53. The Committee has, in considering the option of suspension, borne in mind the aggravating and mitigating factors above. It has also borne in mind the impact of suspension on the Registrant’s ability to practise in her chosen career.
54. The Committee has considered the Registrant’s position. It has taken into account the findings at the impairment stage on the issues of insight and remediation. It has had regard to the Registrant’s apologies and remorse. While the Committee is sympathetic to the Registrant’s personal circumstances at the time, this does not justify or explain her decision to engage in a course of dishonest behaviour which was a gross breach of both her employer’s trust and fundamental principles of her profession.
55. There is no evidence that the Registrant understands or acknowledges the detrimental impact of her conviction on the wider public interest, particularly public confidence in the profession and the upholding and maintenance of professional

standards. Members of the public, and indeed the profession itself, would be shocked by her behaviour.

56. The Committee is mindful of the guidance in **CHRE (ex p Fleishmann) v General Dental Council [2005] EWHC 87 (Admin)**. The Registrant was sentenced on 4 October 2022 to 12 months' imprisonment suspended for two years with requirements. Her sentence is ongoing and is unlikely to be completed until early October 2024. The minimum period of suspension the Committee could impose would be 11 months (taking into account the 28 day period before the sanction comes into effect). The maximum period it could impose would be 12 months.
57. The sentencing remarks are an indicator of the seriousness of the Registrant's offending. The judge appears to have expected the Registrant to lose her professional registration as a result of it. The Committee gives weight to this because it is an indication of the expectations of an informed member of the public.
58. The Committee has given weight to the guidance at paragraphs 6.8 and 6.9. This is a case involving dishonesty "which, while not presenting a direct risk to the public, [is] so serious [it] undermine[s] confidence in the profession as a whole". This case falls into the category of a case which is "so serious that the committee should consider removal as the only proportionate and appropriate sanction. This includes allegations that involve intentionally defrauding ... an employer".
59. The Committee heeds this guidance and concludes that the Registrant's conviction and underlying dishonest behaviour are such that even the maximum period of suspension would not be sufficient; removal of the Registrant's name from the Register is the only proportionate and appropriate response to her conviction and offending behaviour. The public interest includes maintaining public confidence in the profession and upholding proper standards of behaviour. The Committee is entitled to give greater weight to the public interest than the Registrant's own interest in remaining on the register. The Committee recognises the sanction has a punitive effect in that the Registrant's ability to practise and earn an income as a

pharmacist will be curtailed; her professional reputation will be damaged; it will be five years before she can seek restoration to the register. However, that is the price she must pay for failing to comply with the fundamental principles of her profession.

60. The Committee acknowledges that, according to the Council's guidance, "Removing a registrant's registration is reserved for the most serious conduct. The committee should consider this sanction when the registrant's behaviour is fundamentally incompatible with being a registered professional". This is such a case. In summary, notwithstanding the sparse evidence of the Registrant's limited remediation and insight, the seriousness of the Registrant's conviction, her underlying offending behaviour, and their impact on the public interest outweigh the Registrant's own interests in maintaining her registration.
61. The Committee determines therefore that the appropriate and proportionate sanction in this case is removal of the Registrant's name from the Council's register. It accordingly directs that the Registrar remove her name from the Register.

Interim Measures

62. Mr Lawson has applied for the imposition of interim measures under Article 60 of the Pharmacy Order 2010.
63. The Registrant has 28 days in which to pursue an appeal against the Committee's decision. In that period, and pending the completion of any subsequent appeal proceedings, she would be free to return to unrestricted practice because this Committee's substantive decision would not come into effect in the interim.
64. The Committee has found there are no public protection issues. Consideration of interim measures falls to be determined on the basis of the wider public interest alone. Interim measures are by no means the default position and every case must be considered carefully to determine whether the bar for their imposition is met.

That bar is high. The Committee takes into account its earlier findings and, in particular, that the offending behaviour occurred in the course of the Registrant's pharmacy practice. The Committee is not confident that the offending behaviour will not be repeated.

65. Public confidence in the profession will have been undermined by the Registrant's conviction for theft from employer, an offence which involved dishonesty and which was committed in the course of pharmacy practice. An interim measure of suspension is therefore warranted. To find otherwise would be inconsistent with the Committee's findings on impairment and sanction.
66. The effect of this determination is that from today's date the Registrant's registration will be suspended until the substantive order of removal takes effect.