

General Pharmaceutical Council

Fitness to Practise Committee

Principal Review Hearing

Remote videolink hearing

5 July 2024

Registrant name:	Ismail Essop Nagdi
Registration number:	2034553
Part of the register:	Pharmacist
Type of Case:	Conviction
Committee Members:	Angela Black (Chair) Surinder Bassan (Registrant member) Alice Robertson-Rickard (Lay member)
Committee Secretary:	Zainab Mohamad
Registrant:	Present, not represented
General Pharmaceutical Council:	Represented by Priya Khanna, Counsel
Order being reviewed:	Suspension (3 months)
Fitness to practise:	Not impaired
Outcome:	Order of suspension to lapse upon expiry
Interim measures:	None

Particulars of Allegation found proved at the Principal Hearing

“You, a registered Pharmacist,

On 2 September 2021, were convicted at Manchester and Salford Magistrates’ Court of obtaining exemption from liability by deception x 2

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

Documentation

- GPhC Principal Review Hearing bundle, 237 pages
- GPhC combined statement of case and skeleton argument

Witnesses

- The Registrant

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 outcomes guidance* as revised March 2024.
5. At a Review Hearing the Committee must decide whether the Registrant’s fitness to practise remains currently impaired and, if so, what should be the appropriate outcome.

6. Article 54(a) of the Order provides that the Committee may take the following steps if it finds the Registrant’s fitness to practise is impaired:
- “a) where the entry in the Register of the person concerned is suspended, give a direction that –*
- (i) the entry be removed from the Register,*
 - (ii) the suspension of the entry be extended for such further period not exceeding 12 months as may be specified in the direction, starting from the time when the period of suspension would otherwise expire,*
 - (iii) the entry be suspended indefinitely, if the suspension has already been in force throughout a period of at least two years,*
 - (iv) in the case of an indefinite suspension, terminate the suspension, provided that the review takes place in the circumstances provided for in paragraph (4), or*
 - (v) on expiry or termination of the period of suspension (including a period of suspension that was expressed to be indefinite), the entry be conditional upon that person complying, during such a period not exceeding 3 years as may be specified in the direction, with such requirements specified in the direction as the Committee thinks fit to impose for the protection of the public or otherwise in the public interest or in the interests of the person concerned.”*
7. If the Committee find that the Registrant’s fitness to practise is no longer impaired the current order will lapse upon expiry.

Service of Notice of Hearing

8. The Committee has seen a letter dated 31 May 2024 from the Council headed ‘Notice of Review Hearing’ addressed to the Registrant. The Committee was satisfied that there had been good service of the Notice in accordance with Rules 3 and 16.

Hearing history

- Principal Hearing (10-11 October 2022, 20-21 March 2023 and 21-22 September 2023) – Suspension of the Registrant’s registration for four months.
- On appeal by the Professional Standards Authority for Health and Social Care (“PSA”), on 16 January 2024, the High Court quashed the Committee’s decision and substituted a suspension order of six months with a review
- Principal Review Hearing (17-18 April 2024 and 22 April 2024) – Suspension of three months with a review.
- The current order of suspension is due to expire on 23 July 2024.

Background

9. This was summarised as follows by the Committee reviewing the Registrant's fitness to practise in April this year:

"8. In summary, at the material time, the Registrant was the Managing Director of G Pennant Roberts Limited, which operated pharmacies at 12 Albert Road, Manchester and 137 Ayres Road, Trafford. The Registrant was convicted, by pleading guilty, on 2 September 2021, to the charge of "obtaining an exemption from liability by deception x 2" in respect of small business rate reliefs in respect of these pharmacies between 1 April 2005 and 4 July 2019. On 20 December 2021, he was sentenced at the Crown Court to 16 months imprisonment suspended for 18 months and he was ordered to pay £5,091 prosecution costs. The fraudulent claims resulted in an overpayment of £56,941.75 which the Registrant repaid in full.

9. The Fitness to Practise Committee at the Principal Hearing ("the Principal Hearing Committee") noted in its determination:

"3. Small business rates relief can be given to businesses that occupy one property in England which has a rateable value below a threshold (which has changed over the years but started at £12,000). Another key qualifying criterion for the rates relief was that, if the business had more than one property, then the relief was only obtainable if those additional properties' rateable value was below a [sic] another much lower threshold. G Pennant Roberts Limited was not entitled to the business rates relief that was claimed on either of the premises detailed above. G Pennant Roberts Limited was not entitled to the business rates relief that was claimed on either of the premises. In simple terms the rateable value of one pharmacy disqualified the other".

10. The Principal Hearing Committee found that the Registrant's fitness to practise was impaired due to his conviction under:

- Rule 5(2)(b) of the Rules in that the Registrant's conduct had brought or might bring the profession of pharmacy into disrepute; and
- Rule 5(2)(c) of the Rules in that the Registrant had breached one of the fundamental principles of the profession of pharmacy.

11. The Principal Hearing Committee "had no difficulty" in agreeing with the Council's submissions that the conviction and sentence for "dishonestly obtaining business rate relief from public funds for a period of 14 years" would shock the public and the Registrant's conviction had or might bring the

profession of pharmacy into disrepute. The Principal Hearing Committee observed there was a breach of trust in this case and stated:

“58.....The public expect regulated professionals, including pharmacy professionals, to be honest in all their dealings, including in their private and business life. The public are required to place their trust in the hands of pharmacy professionals when seeking advice and treatment. That necessary and unquestioned trust and confidence in the profession is likely to be seriously damaged” by the Registrant’s conviction for defrauding, substantially, public funds”.

12. The Principal Hearing Committee found the Registrant’s dishonesty was “connected with the carrying on a pharmacy business” which directly breached the requirement for a pharmacy professional to act professional “at all times”.

13. In respect of Rule 5(2)(d) of the Rules – whether the Registrant’s conduct or behaviour showed that his integrity could no longer be relied upon, the Principal Hearing Committee initially concluded that the Registrant had sought to go behind the facts of his conviction to minimise his culpability to, not only that Committee, but also to his patients. This view was based on the account of the Registrant, in his statement, where he spoke of the disbelief in and shock caused by the conviction to his patients and the local community who felt it was entirely out of character for the Registrant. The Registrant had stated that he had sat and explained the background to the case to patients and felt they were then more sympathetic and forgiving. The Principal Hearing Committee concluded that due to minimising his culpability to both that Committee and his patients in this manner, the Registrant had demonstrated that his integrity “cannot entirely be relied upon: he is in breach of Standard 9 for not taking responsibility for his actions”.

14. The Principal Hearing Committee considered the difficulty posed by dishonesty, in that it could not be easily remediated. In the case of the Registrant, that Committee found:

“68..... in seeking to minimise his culpability the Registrant, despite his insight into the damage the fact of his conviction will have caused to the reputation of the profession, the Registrant had not remediated the actions that led to that conviction. Further, that given the nature of the offence of which he was convicted, even if the Registrant had done the utmost to remediate his dishonesty, nevertheless there would be a necessity to make a finding of impairment to restore the public trust and confidence in the reputation of the profession and to maintain standard [sic] of pharmacy professionals.”

15. The finding by the Principal Hearing Committee that Rule 5(2)(d) had been engaged was called into question by the Registrant on the grounds of procedural unfairness. On hearing from the Registrant's representative, that Committee concluded that:

"83..... in its [the Principal Hearing Committee] analysis and reasoning it had made an unwarranted inference by ascribing the views expressed by the Registrant in his statement made in January 2022 – in particular that he had not made an application for the rebate - to be his continuing views and that he had expressed those to patients to seek to minimise his culpability. The Committee recognised that it should have put questions to the Registrant to seek clarification on this particular point, especially in light of the fact that the GPhC had not asked such questions of the Registrant.

84. That being so the Committee acknowledged that it had been unfair in reaching the conclusion that it had about the reliability of his integrity without exploring this matter with the Registrant when he had given evidence."

16. In consequence, the Principal Hearing Committee decided to proceed only on the basis of Rule 5(2)(b) and (c), revoking, in effect, its findings in respect of Rule 5(2)(d). The Committee concluded "as regards the integrity of the Registrant", it "would play no part on the decision on sanction".

17. The Principal Hearing Committee imposed a sanction of 4 months with no requirement for a review. The Professional Standards Authority appealed the decision and on 8 February 2024 the High Court quashed the Principal Hearing Committee's decision and substituted the 4 months Suspension Order with a 6 months Suspension Order with a review. The High Court Order is due to expire on 23 April 2023 and must be reviewed before that date.

18. The High Court set out its reasons for allowing the appeal in Schedule 1 attached to the High Court Order. In Schedule 1 the High Court found the Principal Hearing Committee had:

".....erred by failing to have adequate regard to the [Registrant]'s maintenance of his innocence in the face of a conviction which it was not open to the Committee to go behind

The procedural approach then adopted by the Committee resulted in the removal of findings and reasons in relation to integrity and reliance only upon his conduct bringing the profession into disrepute and breaching one of the fundamental tenets of the profession as grounds for impairment."

19. The High Court also found in Schedule 1 that the Principal Hearing Committee:

“...erred by failing to have adequate regard to the [Registrant’s] maintenance of innocence when considering whether he posed an actual or potential risk to patients and the public and whether his integrity could no longer be relied upon”.

The High Court found that there had been a further serious procedural irregularity as the Principal Hearing Committee had failed to sufficiently consider that dishonesty convictions showed:

“3. i) that the Registrant may present a risk to patients or the public (in the event of repeated dishonest conduct) and ii) that the integrity of the Registrant can no longer be relied upon: they have failed to adhere to the high standards expected of a professional person. Conviction for a dishonesty offence, combined with any identified lack of insight and/ or continued denial, may give rise to a real concern about future risk to patients and the public.”

20. Mrs Justice Lang observed that

“4. Lack of integrity has a significant, adverse impact upon the reputation of the pharmaceutical profession, and upon public trust and confidence in the profession. By abandoning the finding of impairment relating to lack of integrity and proceeding on a narrow basis, the Committee failed to have proper regard to the factors relevant to the sanction required to protect the public and to properly restore public confidence and uphold standards and as a result the sanction ultimately imposed was insufficient.”

21. The High Court also found in Schedule 1 the Committee had failed to take into account the following aggravating factors:

“(i) Whether the [Registrant] had refused to accept his dishonesty and/or lacked insight into his dishonesty.

(ii) The amount of money involved.

(iii) The fact that the fraud would have continued “but for” the

And in so failing, this amounted to a serious procedural irregularity which means that the ultimate sanction imposed was insufficient.”

22. These factors led the High Court to substitute 6 months suspension with a review, in place of the 4 months suspension with no review.

23. Finally, the High Court made the following directions, in Schedule 2 attached to the High Court Order, which the Reviewing Committee “must” consider and “give reasons for its determination”:

“(i) The extent to which the [Registrant]’s fitness to practise remains impaired having regard to the matters contained within Rule 5(2). For the avoidance of any doubt, this must include in relation to whether Rule 5(2)(d) is engaged.

(ii) The level of insight shown by the [Registrant] having particular regard to the extent and impact of any continued denial of dishonesty before the reviewing Committee.

(iii) The level of risk or harm posed by the Registrant in light of: the conviction for dishonesty, any previous or continued denial and any findings made in relation to the engagement of Rule 5(2)(d).

(iv) Any aggravating or mitigating factors (including those identified in schedule 1 above).”

10. At the review hearing in April this year the Registrant gave oral evidence. The reviewing Committee determined that

“56. ... The Registrant genuinely appeared to believe he had made mistakes which had led to his conviction. While he accepted his conduct had been dishonest, this seemed to be on the basis that the conviction was one of dishonesty, rather than on the basis that his actual conduct had been dishonest. He repeatedly said that he could not understand how the rebates were applied for and how he had filled in the forms. He did not accept that his underlying conduct, which had led to the conviction, was dishonest because he spoke about making mistakes and errors, which contradicted his acceptance of dishonesty.

...

57. ... Whilst the Registrant accepted that he had been convicted of a dishonesty conviction, this did not reconcile with his explanations that he could not understand how the rebates were applied for or how he had filled in the forms. There was a difficulty in reconciling the Registrant’s genuine expression of remorse with his lack of a real admission to dishonesty.”

...

59. The Registrant had demonstrated some insight in that he understood the impact his conviction had had on the reputation of the pharmacy profession. He talked about his “shameful conduct” giving a “bad reflection on the profession as a whole”. He accepted his criminal record had reflected awfully on the reputation of the profession and assured the Committee a number of

times that it would never be repeated. Indeed, the Crown Court Judge's Sentencing Remarks had also stated: "*I do not doubt he will not be near a court again.*"

60. The Registrant had also demonstrated some insight into how dishonesty breached a fundamental principle of the pharmacy profession. He spoke several times about the trust and confidence placed in pharmacy professionals. He spoke about how the public would view a dishonest pharmacist as "not kindly" and the public "expected higher morals and standards from pharmacists". He did not, however, give a full explanation of what he had said to the community members and patients who had asked him about the conviction, having read about it in the papers. He said that he had told them there had been "issues with the council with rebates" and said they did not probe too much. This seemed to indicate that there was an element of minimising his own culpability.

61. The Registrant spoke of the steps he had taken to ensure he would not find himself in a similar position again but there was limited remediation. Whilst he said he had done some reading on acting honestly in the pharmacy profession and had discussed this with colleagues, he did not elaborate on what he had learnt from this or provide documentary evidence of what he had actually read. It would also have been useful for the Committee to have been informed of any other training or professional development activity the Registrant had undertaken during his period of suspension.

62. The Committee concluded that whilst the Registrant had shown some insight, this was still developing. He had not accepted personal culpability or blame and instead passed responsibility to the local authorities saying that he wished they had "caught me out a lot earlier". He did not consider or address the impact of his conduct on third parties or the fact that public funds had been diverted to him over a long period of time, which meant the local authorities had been deprived from using them elsewhere. These were very important factors given that the Registrant accepted he had been convicted for two counts of deception as a result of at least 3 forms submitted to the local authorities with false information containing his signatures. This had happened over a very long period of 14 years and he had received a substantial amount of money over that period as a result - £56,941.75. Even though that money had been repaid before the conviction, there was no acknowledgement from the Registrant of the consequences of depriving two local authorities of those funds. When asked what might have happened if the local authorities had not acted when they did, he simply said that the rebate scheme had changed. He did not mention his own role or responsibilities. The Registrant's answers appeared to indicate that he did not appreciate the full gravity and consequences of his conviction and the conduct that had led to it.

63. The High Court had directed the Committee to have regard to the matters contained within Rule 5(2) of the Rules. At the Principal Hearing, the Council had not relied on Rule 5(2)(a) and the Committee had therefore not invited further submissions on it. The Committee was satisfied that there was a low risk of repetition of the Registrant's conduct, which could be a risk to the public, because he had demonstrated a level of insight into the importance of being honest and he understood that it was a fundamental tenet of the pharmacy profession. He had spoken repeatedly of the impact of his conviction on the reputation of the profession. Taking this into account alongside the time lapse since the conviction without any repetition and the impact of the Crown Court proceedings, the Committee concluded there was a low risk of repetition. Even the Crown Court Judge had remarked the Registrant was unlikely to be in court again. The previous testimonials had also indicated that this was out of character for the Registrant. There was no risk to patients as the conviction did not relate to clinical practice.

64. The Committee concluded that not accepting blame for the underlying conduct which led to the conviction was likely to impact on the views of members of the public and the reputation of the pharmacy profession. Accordingly, Rule 5(2)(b) is still engaged due to the Registrant's lack of sufficient insight and understanding, and the resulting impact on the reputation of the profession.

65. In relation to Rule 5(2)(c), there was no doubt the Registrant had breached fundamental principles of the pharmacy profession, indeed, the Principal Hearing Committee had found this. This had been marked by the imposition of the 6 months Suspension Order and the Committee was satisfied Rule 5(2)(c) was no longer engaged.

66. In relation to Rule 5(2)(d), the Committee concluded the Registrant had not shown sufficient insight, understanding and remediation today such as to demonstrate that his integrity could be fully relied upon. As such Rule 5(2)(d) is engaged.

67. The Committee concluded that the Registrant's fitness to practise remained currently impaired due to his conviction. A finding of impairment continued to be necessary to declare and uphold proper standards of behaviour and to maintain public confidence in the profession."

11. The Committee at the review hearing identified various aggravating and mitigating factors. It concluded that the Registrant's "insight was developing, and additional remediation may still be possible. The Committee decided that he should be given a further opportunity to reflect on his conduct which had led to the conviction and the wider consequences of this, to assist with demonstrating his fuller insight and remediation. A short period of 3 months suspension would be proportionate, appropriate, and sufficient to enable him to do this. It would also maintain public

confidence in the profession and uphold standards of behaviour expected from pharmacy professionals.”

12. The Committee at the last hearing suggested that today’s Committee may be assisted by:
 - “a. The Registrant’s written reflections on the underlying conduct that led to the conviction and the consequences/impact of this, with reference to the GPhC’s Standards for pharmacy professionals (May 2017);
 - b. Documentary evidence of any learning or professional development carried out relevant to the dishonesty conviction, including any courses attended and written reflections explaining how he has applied that learning.”
13. The Council has provided recent email correspondence with the Registrant in which the latter confirms on 5 June 2024 his compliance with the order of suspension of his registration.

Decision on Impairment

14. The Committee considered whether the Registrant’s fitness to practise remains impaired. The Committee has taken into account all of the documentation before it and submissions on behalf of the Council and by the Registrant.
15. The Registrant has provided his written reflections on the underlying conduct that led to the conviction and the consequences and impact of this with reference to the Council’s standards for pharmacy professionals. His written reflections are as follows:

“During the last few months, I have had a lot of time to self-reflect on my misconduct. I now fully understand the seriousness of my dishonesty and understand the negative implications my actions had on my patients and the trust of the general public in the pharmacy profession. My actions have brought shame and disrepute to the pharmacy profession. My actions also damaged the vital role of the GPhC which is there to protect patients, the public, and the pharmacy profession. I have since realised my dishonesty hindered Manchester councils' ability to use the funds, I had claimed for, elsewhere in the community.

As a result of my reflection and improved understanding, I feel deep remorse of my actions and the shame I have brought to myself, my family, colleagues and most importantly the pharmacy profession. It is disappointing that after 30 years of practising as a community pharmacist I have had my Fitness to Practice questioned due to my actions.

Upon reflection I realised I should have and should always abide by the GPhC guidance and ethical standards expected of me. As a pharmacist, I must

exercise my autonomy to ensure that my morals and code of ethics always come before financial gain, prioritising the well-being and trust of my patients.

I have made an attempt to remediate my misconduct by building insight in to my actions. I have also learned how to improve going forward and ensure that such misconduct is not repeated in the future. I have and will be using my accountant as a mentor to help and guide me regarding any form filling. I will always uphold the standards that are expected of me and will always be honest and upright and act with integrity in the future.”

16. In addition, the Registrant has provided CPD certificates relating to the following courses he has attended:
 - i. Module on Insight (Online Course) provided by “Probity and Ethics”; 4 June 2024. One CPD hour.
 - ii. Module on Reflection (Online Course) provided by “Probity and Ethics”; 5 June 2024. One CPD hour.
 - iii. Module on Remediation (Online Course) provided by “Probity and Ethics”; 5 June 2024. One CPD hour.

17. The Registrant has also provided a statement reflecting on these CPD courses, as follows:

“...I have carried out an online course with a CPD provider called Probity and Ethics. The three modules included were Insight, Reflection and Remediation. The certificates for each module have been attached within this document.

From these courses I have learned the importance of behaving ethically, with probity, and to be honest and upright. These qualities ensure; patient safety, the trust of patients in pharmacists, the trust of the general public in the pharmacy profession and support the GPhC in their roles.

I have learned that insight is very important and is needed when facing a disciplinary preceding [sic] especially one related to Probity and Ethics. Insight is needed at all times when practising as a pharmacist. Without insight and realising and accepting your mistake you can never change and improve.

I have also learned that remediation is very important. This is when you fully change internally and make improvement to your personality, performance and behaviour ensuring the wrong conduct of the past will not be repeated. Remediation is the only way that the trust of the general public can be restored and maintained in the pharmacy profession.”

18. The Registrant gave oral evidence. In summary, he told the Committee that he accepted, on reflection, that he had downplayed the seriousness of his criminal behaviour when responding to patients about it. He accepted he had, at that stage,

“tried to minimise [his] ... dishonesty”. He told the Committee that the three courses he had attended online, on insight, reflection and remediation, had been detailed on the impact of dishonesty. By way of explanation for the brevity of his reflective pieces he told the Committee he had not included all the relevant material because this was already in the bundle; he “presumed that everybody knows what actually happened”. He said he did not, for this reason, “repeat the argument in [his] statement”. He said he was aware of where he had gone “wrong” and what he did wrong. He told the Committee, in response to questions, that he had accepted his actions were dishonest because he had signed the forms having filled them in incorrectly (albeit he continued to maintain that he had misunderstood the questions on the form).

19. The Registrant was asked to explain what dishonesty meant to him as a concept. He replied that “in simple terms, lying to somebody”. He confirmed he had lied on the local council’s forms in that he had answered the questions incorrectly. This was, he said, dishonesty. He said he had genuinely understood that he was being asked whether he had other premises in the same borough. He told the Committee that although he had misunderstood the question he accepted his response on the form was dishonest because it was a lie. He now appreciated that it appeared that he had intended to lie to the local council.
20. In response to questions from the Committee, the Registrant said he would, in future, refer forms to his accountant for completion to ensure they were accurate; the accountant would be able to cross-check and ensure they were completed accurately because he had access to other financial information related to the business. In addition, forms which required completion within the pharmacy itself would be completed by the Registrant with a pharmacy colleague to ensure they were “done absolutely correctly”.
21. The Registrant told the Committee that integrity was extremely important; he said it was important to “work with good morals and standards and ethics; ... a lot of trust involved regarding the authorities, patients, colleagues” and the pharmacist “has to abide by the standards which have been set up by the GPhC”. He said that if a pharmacist did not act with honesty and integrity, the “trust of the general public was definitely damaged” and there would be a detrimental impact on the safety of patients. He referred to the role of the GPhC being damaged because it controlled the “image of pharmacists”.
22. By way of conclusion the Registrant said he was genuinely sorry for what he had done. He apologised to the GPhC for causing such a headache for them. He expressed “great remorse” saying he found it hard to express it. He referred to his professional unblemished history of 30-31 years; this had been the only issue in his career. He told the Committee he would like to return to community pharmacy and that he had been undertaking CPD during his suspension albeit he had not recorded it on the Council’s website due to his suspension.

23. In her submissions, Ms Khanna adopted her skeleton argument and submitted that while the Registrant seemed to be developing insight this was not evident from his written reflections. She accepted he was now focussing on “the fundamental issues which put him here”. It was of some concern that he still appeared to draw a distinction between form filling and the content. It was accepted he had shown genuine remorse and that there were no other incidents in his practice. He was a very senior pharmacist. She submitted that his evidence did not address the previous concerns of the Committee as regards his integrity. She accepted this was “a tricky course for the panel”. She considered there remained much work for this Registrant to undertake and that the Committee may be minded to be more prescriptive about what was expected if a further period of suspension were imposed. That said, in her skeleton argument, Ms Khanna submitted that, a further period of suspension would serve little purpose and that removal from the Register was the appropriate and proportionate order.
24. The Registrant asked for leniency; he submitted he had addressed the cause of his underlying criminal behaviour and identified ways of ensuring it did not occur again. He referred to his unblemished clinical career and his ongoing CPD. He wanted to return to clinical practice.
25. The Committee recognised and applied the guidance in ***Abrahaem v GMC [2008] EWHC 183***:
- “...the review has to consider whether all the concerns raised in the original finding of impairment through misconduct have been sufficiently addressed to the Panel's satisfaction. In practical terms there is a persuasive burden on the practitioner at a review to demonstrate that he or she has fully acknowledged why past professional performance was deficient and through insight, application, education, supervision or other achievement sufficiently addressed the past impairments.”*
26. The Committee has had regard to the findings of the previous reviewing Committee on the engagement of Rule 5(2)(a)-(d). It notes that the previous reviewing Committee concluded on 22 April 2024 that Rule 5(2)(a) and (c) were not engaged. That Committee had concluded, however, that, due to the insufficiency of the Registrant’s insight, understanding and remediation Rules 5(2)(b) and (d) were engaged. In particular it concluded that the Registrant’s integrity could not be “fully relied upon” (Rule 5(2)(d)).
27. The nub of this case is the nature and extent of the Registrant’s efforts to reflect on his dishonest conduct and its circumstances, in order to gain insight and to remediate sufficiently to demonstrate that the dishonest misconduct is highly unlikely to be repeated. To some extent the Registrant has explained the mismatch between his “misunderstanding” of the questions on the local council forms and the conviction for dishonesty: he told the Committee that an inaccurate assertion on a form is a

“lie” and therefore dishonest. He appeared to believe this was the case irrespective of the cause of the inaccuracy.

28. The Committee finds that, in principle, it is possible to remediate dishonest conduct which is limited to one set of circumstances (albeit repeated, as here). It has considered carefully the Registrant’s attitude of mind in order to decide whether this Registrant has remediated his dishonesty.
29. It is perhaps to the Registrant’s credit that he has maintained his account of how the forms came to be completed inaccurately; he has not sought to change his evidence to suit these proceedings. He has been open and honest throughout these proceedings, as has been acknowledged by previous Committees. This Committee has no disagreement with that assessment. It finds him an honest and genuine witness; his evidence is credible and reliable. That said, his evidence is somewhat limited in scope and breadth; he is not an articulate, fluent or expressive writer or speaker and that hampers his ability to communicate effectively his thoughts and understanding.
30. As Ms Khanna acknowledged the Registrant is continuing to develop insight into the impact of his conviction and the underlying criminal behaviour. That said, he has full insight into the impact of these on the reputation of the profession, public confidence in the profession and the maintenance of standards within it. He acknowledged that dishonesty by a pharmacist could have patient safety implications, depending on the nature of it. He has accepted he underplayed the seriousness of his conviction in discussion with patients. That demonstrates insight.
31. The Committee accepts that the Registrant will closely involve his accountant in the completion and submission of official forms and paperwork; his accountant no doubt has an in-depth knowledge of the pharmacy business and this would ensure all such submissions are accurate. The Registrant also said he would expect two persons to complete and sign forms within the pharmacy business; in this way accuracy would be ensured. These steps would minimise the opportunities for dishonest conduct in the course of business.
32. The Committee is mindful of the remarks of the sentencing Judge that the Registrant “presents a low risk of reoffending” and that he did “not doubt he will not be near a court again”.
33. The Registrant has undertaken reflective practice and while his reflections are somewhat brief in nature, they are to the point. They are descriptive rather than analytical but they reflect the limited articulacy and fluency of this Registrant and are consistent with his oral evidence. The Registrant should not be penalised for his poor writing and oral skills.
34. This Committee endorses the view of the previous reviewing Committee that there is a low risk of repetition. That is consistent with the evidence today. The Registrant

has sufficiently demonstrated that he recognises the detrimental impact of his dishonesty on the wider public interest and on patient protection.

35. In summary, while the Registrant's insight and remediation have not been clearly or fluently expressed or described, they do exist (as has been acknowledged by previous Committees and indeed the Council today). The Registrant does not have complete insight but it is sufficient to demonstrate that he is highly unlikely to repeat his dishonest conduct. He has remediated sufficiently by objective standards to demonstrate a low risk of repetition. He understands the detrimental impact of what he has done and is ardent in his desire not to repeat it. The Committee accepts that his conviction, and the underlying dishonest behaviour, is highly unlikely to be repeated.
36. In making this finding the Committee does not derogate from the conviction for dishonesty and the Registrant's own evidence that his dishonest conduct arose from mistake and error rather than intention. However, the Committee does not consider that this fundamental mismatch between the nature of the conviction and the Registrant's explanation for his actions necessarily leads to a finding that he lacks insight into the reasons for his actions and the consequences of it. He has put steps in place to ensure it does not happen again and is genuine in his remorse, sorrow and shame. The Committee gives weight to the remarks of the sentencing judge (as above) and endorses them.
37. The Committee concludes that Rules 5(2)(b) and (d) are no longer engaged. The Registrant has demonstrated sufficiently that there is an insignificant risk of his again bringing the profession into disrepute; his integrity can now be relied upon.
38. The Registrant has served his criminal sentence; his registration has been suspended since September 2023. The wider public interest, namely the maintenance of public confidence and upholding professional standards, no longer requires a finding of impairment: there is an insignificant risk of repetition. A finding of impairment is no longer necessary to mark the seriousness of what has occurred and to thereby maintain public confidence and promote professional standards by making clear to other professionals what is expected and deterring other professionals from failing to meet standards. A member of the public, fully informed about the nature and extent of the Registrant's dishonest conduct, conviction and efforts to remediate, would not be shocked were the Registrant to return to pharmacy practice.
39. The Committee therefore finds the Registrant's current fitness to practise is no longer impaired. Having found that to be the case the current order of suspension will lapse upon expiry, namely 23 July 2024.
40. That concludes the determination.