

**General Pharmaceutical Council**

**Fitness to Practise Committee**

**Principal Hearing**

Remote videolink hearing

**11 February 2025**

<b>Registrant name:</b>	Patrick Colm Hassan
<b>Registration number:</b>	2091443
<b>Part of the register:</b>	Pharmacist
<b>Type of Case:</b>	Conviction
<b>Committee Members:</b>	Neville Sorab (Chair) Esosa Osakue (Registrant member) Michael Glickman (Lay member)
<b>Committee Secretary:</b>	Zainab Mohamad
<b>Registrant:</b>	Not present and not represented
<b>General Pharmaceutical Council:</b>	Represented by Unyime Davies, Counsel, Drystone Chambers
<b>Facts proved:</b>	All
<b>Fitness to practise:</b>	Impaired
<b>Outcome:</b>	Removal
<b>Interim measures:</b>	Interim Suspension

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 12 March 2025 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,*

1. *On 8 May 2024 were convicted of:*
  - 1.1. *Possession of an extreme pornographic image/images portraying assault by penetration;*
  - 1.2. *Make indecent photograph/pseudo-photograph of a child;*

*And your fitness to practise is impaired by reason of your conviction.*

## **Documentation**

Document 1- Council hearing bundle

Document 2- Council skeleton

Document 3- Council Proof of Service bundle

## **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 outcomes guidance* as revised March 2024.
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 7 January 2025 from the Council headed "*Notice of Hearing*" sent by email to the Registrant. The Notice of Hearing was sent more than 28-days prior to the commencement of the hearing, stated the date, time and venue of the hearing, and also contained the finalised particulars of the allegation. The Committee was satisfied that there had been good service of the Notice in accordance with Rules 3 and 16.

#### **Application to proceed in the absence of the Registrant**

7. The Registrant was not in attendance at this hearing, nor was someone attending on their behalf. The Committee heard submissions from Ms Davies, on behalf of the Council, to proceed in the absence of the Registrant under Rule 25, on the basis that:
  - a. There has been good service;

- b. The Registrant has expressly stated in an email seen by the Committee that he will not attend the Principal Hearing. The Registrant has voluntarily absented herself;
  - c. No adjournment has been sought by the Registrant and, in any case, an adjournment would not secure the attendance of the Registrant; and
  - d. It is in the public interest to proceed in the absence of the Registrant.
8. The Committee decided to proceed in the absence of the Registrant for the following reasons:
- a. The Committee has found good service of the Notice. The Registrant is aware of today's proceedings and has expressly stated that he will not attend. The Committee has therefore considered that the Registrant has chosen to voluntarily absent themselves from this hearing.
  - b. There was no information to suggest an adjournment would result in the Registrant's attendance in future.
  - c. There is a public interest in the expeditious disposal of cases.

## **Background**

9. The matter was referred to the Council on 19 October 2021 by Devon and Cornwall Police (the "Police"). The Registrant also made a self-referral on 20 October 2021.
10. The police were notified by the National Crime Agency that on 21 October 2020 a user on the application "Kik" uploaded 5 x category A indecent videos and 3 x category c indecent images of children. The category A videos feature penetrative sexual activity involving female children between 5 and 13 years old. This upload was traced back to the username, email address and home address of the Registrant.
11. On 19 October 2021 the police obtained a warrant and attended the home of the Registrant. He was arrested and interviewed. The Registrant's device, a Samsung Galaxy telephone, was seized and forensically examined. On the device were:

- a. 24 accessible and 80 inaccessible category A videos/images;
- b. 17 accessible and 44 inaccessible category B videos/images;
- c. 28 accessible and 143 inaccessible category c videos/images; and
- d. 43 accessible and 103 inaccessible extreme images.

The age range of the children depicted in the material deemed to be indecent appeared to be approximately 6 to 13 years of age.

- 12. During interview on 19 October 2021, the Registrant accepted his offending in full. He stated that he viewed the material for sexual gratification as it was a taboo. The Registrant stated he viewed the material whilst he was at home. He expressed remorse for his actions.
- 13. The Registrant was charged with 3 offences of making indecent photographs/pseudo – photographs of a child (categories A, B and C) and an offence of possessing an extreme pornographic image portraying assault by penetration. The Registrant pleaded guilty at Exeter Magistrates Court on 8 May 2024 and was committed to the Crown Court for sentence.
- 14. On 1 August 2024 the Registrant was sentenced by HHJ Climie at Exeter Crown Court to 10 months' imprisonment, suspended for 2 years. He was also ordered to complete 40 days Rehabilitation Activity Requirement and 200 hours unpaid work. He was made subject to a sexual harm prevention order for 10 years and required to sign the sex offenders register for a period of 10 years.

### **Evidence**

- 15. The certificate of conviction dated 5 September 2024, sets out that the Registrant pleaded guilty to the offences of:
  - a. Make indecent photograph/pseudo-photograph of a child x 4; and
  - b. Possession of an extreme pornographic image/images portraying assault by penetration.

16. For which he:
- a. received 10 months imprisonment, suspended for 2 years;
  - b. was ordered to complete 40 days Rehabilitation Activity Requirement;
  - c. was made subject to a sexual harm prevention order for 10 years; and
  - d. required to sign the sex offenders register, for which he would be on for 10 years.

17. The Registrant provided the following statement for the Principal Hearing:

*“Please forgive my submission of a statement rather than appearing in person. I do not wish to take up any more of your time than necessary and the severity of my actions leaves the Committee only one recourse, my removal from the GPhC register.*

*I began using Internet chat rooms in 2020 during the coronavirus pandemic. At this time I was working as a community pharmacist and part-time as a clinical pharmacist for a GP practice. I was also in the process of completing an independent prescribing course. Both roles became more stressful with restrictions changing often, less availability of medication and still providing the level of service people expect. The lack of availability of locum pharmacists and fulfilling both roles led to me working long and unusual hours, so when I had time off, I was often alone. My wife was also having to work long hours so we were not able to see much of each other, especially when we had to isolate from each other after potential contact with the virus. This isolation led to me spending more time online which became unhealthy.*

*Initially, my use of this app was not illegal and that was not the intent with which I started using it but over time I became desensitised to what I was viewing and progressed to more extreme images. Eventually, this came to include indecent images. When my account was banned in October 2020, it was a wake-up call and I stopped accessing this material. A year later I was arrested in October 2021. I cooperated with the police from the beginning, making full admissions. I was charged and pleaded guilty in court in 2024. I*

*was sentenced to 10 months imprisonment (suspended for 2 years), 200 hours of unpaid work, 40 Rehabilitation Activity Requirement days, a Sexual Harm Prevention Order and being placed on the sex offenders register for 10 years.*

*While I hope this gives some context to what happened, I recognise that my actions were deplorable and there is no excuse or explanation that can diminish their severity.*

*After my arrest, I contacted the Stop It Now helpline, which the police signposted me to, who provided me with the details of an organisation called Safer Lives who give specialist counselling to people being investigated for indecent image offences. It helped me begin to get a better understanding of my behaviour and the impact these images have on the lives of the victims that appear in them. This is work I continue to do with the probation service and the Maps for Change programme. Since my arrest, I have worked in fast food, developed properties, completed a course in software development and worked as an internet assessor. This role helps flag misleading and inappropriate website content so that it does not appear in search results. My actions made the Internet a less safe place and doing this work is part of how I am trying to atone.*

*I was privileged to work as a pharmacist for the time that I did. I worked hard and did my best for patients. I sought to expand my role from a community pharmacist to a prescribing clinical pharmacist and support the provision of advanced services.*

*My proudest moment was when a mother brought her child in for me to assess their verrucas. The infection was unusually widespread for a minor self-limiting condition so I used my relationship with the GP surgery to have the duty doctor see him immediately, who then did a blood test. A couple of years later, the mother was in the pharmacy and thanked me for what I had done as her son was diagnosed with leukaemia and started treatment much sooner than would otherwise have been the case. She said the early*

*diagnosis must have helped and that he had made it through and recovered.*

*While most of the interventions and services we provide are not as extreme, they are no less meaningful to the community, and it is a gift to be part of a profession whose work benefits the people in this way.*

*My actions have brought the profession into disrepute and I regret them immensely. I would give anything to undo them but I cannot. There have been and there must be severe consequences for them. I fully recognise that they are incompatible with the position of trust that the role of the Pharmacist requires. I would like to thank my parents, brothers, sister and most of all my wife for their support during this difficult time, despite how my actions have hurt them.*

*I apologise to the victims depicted in these images for my role in perpetuating their existence by downloading them.”*

## **Decision on Facts**

18. When considering each particular of allegation, the Committee bore in mind that the burden of proof rests on the Council and that particulars are found proved based on the balance of probabilities. This means that particulars will be proved if the committee is satisfied that what is alleged is more likely than not to have happened.
19. In reaching its decisions on facts, the Committee considered the documentation listed at the start of this determination, and the submissions made by the Council.
20. The Committee has seen the certificate of conviction dated 5 September 2024, which sets out that the Registrant pleaded guilty to the offences of:
  - a. Make indecent photograph/pseudo-photograph of a child x 4; and
  - b. Possession of an extreme pornographic image/images portraying assault by penetration.



21. Consequently, pursuant to Rule 24(4) of the Rules, the Committee finds the particulars of allegation found proved.

### **Submissions on Grounds and Impairment**

22. Having found particulars of allegation proved, the Committee went on to consider whether the allegations amounted to conviction and, if so, whether the Registrant's fitness to practise is currently impaired.
23. In relation to the conviction, on behalf of the Council, Ms Davies submitted that the certificate of conviction is conclusive proof that the Registrant was convicted.
24. In relation to impairment, on behalf of the Council, Ms Davies submitted that:
  - a. the Registrant presents a potential risk to the public. As stated by HHJ Climie in the sentencing remarks, as a viewer of indecent images the Registrant is "*as much as an abuser of children as those that take the images*". The Rehabilitation Activity Requirement and the Sexual Harm Prevention Order to which the Registrant is subject are also indicative that he poses a risk of reoffending, and therefore, a risk of harm.
  - b. the Registrant's behaviour has brought the profession into disrepute and breached the fundamental principles of the profession of pharmacy.
  - c. this case is so serious (sexual misconduct) that it may not be remediable, and regulatory action may be necessary to ensure public protection and maintain public confidence in pharmacy.
  - d. even if the conduct which led to the conviction is capable of being remedied, it has not yet been remedied. The Registrant made full admissions and pleaded guilty to the offences. However, his suspended sentence has an operational period of 2 years during which the Registrant must complete rehabilitative requirements. The Registrant was recorded by the Probation Service as having said he should not go to prison. This would suggest that the Registrant does not appreciate the gravity of his offences and therefore has not genuinely

demonstrated insight; however, the Registrant is not present today to explain his comments.

- e. a finding of impairments is needed to declare and uphold proper standards of behaviour and/or maintain public confidence.

### **Decision on Grounds**

- 25. 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 2024).
- 26. The Committee accepted that the certificate of conviction is conclusive proof that the Registrant was convicted. Therefore, the ground of conviction has been established.

### **Decision on Impairment**

- 27. Having found that the particulars of allegation amounted to a conviction, the Committee went on to consider whether the Registrant’s fitness to practise is currently impaired.
- 28. At the outset, the Committee considered the Registrant’s insight and remediation.
- 29. The Committee considers that the Registrant has shown some insight. He has submitted a reflective account which sets out that:
  - a. *“the severity of my actions leaves the Committee only one recourse, my removal from the GPhC register.”*
  - b. *“My actions have brought the profession into disrepute and I regret them immensely. I would give anything to undo them but I cannot. There have been and there must be severe consequences for them. I fully recognise that they are incompatible with the position of trust that the role of the Pharmacist requires.”*
  - c. *“I apologise to the victims depicted in these images for my role in perpetuating their existence by downloading them.”*

30. However, the Committee does not consider the Registrant to have full insight given that he was recorded by the Probation Service as having said he should not go to prison. This would suggest that the Registrant does not appreciate the gravity of his offences and therefore has not demonstrated full insight.
31. Although the Registrant's insight can lay a foundation for remediation, the Committee considers there to be limited remediation on the part of the Registrant, given:
- a. The Registrant presents a potential risk to the public. As stated by HHJ Climie in the sentencing remarks as a viewer of indecent images the Registrant is *"as much as an abuser of children as those that take the images"*.
  - b. The Rehabilitation Activity Requirement and the Sexual Harm Prevention Order that the Registrant is subject are also indicative that he poses a risk of reoffending, and therefore, a risk of harm.
  - c. The Registrant's suspended sentence has an operational period of 2 years during which he must complete rehabilitative requirements.
  - d. As set out in the Council's publication *"Good decision-making"* (Revised March 2024), paragraph 5.22, this case is so serious (sexual misconduct involving minors) that it is not remediable. Regulatory action is necessary to ensure public protection and maintain public confidence in pharmacy.
32. The Committee considered whether the particulars found proved show that actions of the Registrant:
- a. present an actual or potential risk to patients or to the public;
  - b. have brought, or might bring, the profession of pharmacy into disrepute;
  - c. have breached one of the fundamental principles of the profession of pharmacy;  
or
  - d. mean that the integrity of the Registrant can no longer be relied upon.

Whether the Registrant's conduct or behaviour presents an actual or potential risk to patients or to the public

33. The Committee considers that the Registrant's conduct and behaviour presented an actual risk of harm to patients given the nature of the conviction which involved children as young as 6 years old. The Registrant has said that he "*became desensitised to what I was viewing and progressed to more extreme images*". The Committee note a pattern of progression when the Registrant became "*desensitised*".

34. Given that the Committee considers this case to be so serious that it is not remediable, and given that, in any case, the Registrant has not remediated his conduct, the Committee considers that the Registrant's conduct or behaviour may be repeated, which presents an actual or potential risk to patients or to the public.

Whether the Registrant's conduct or behaviour has brought, or might bring, the profession of Pharmacy into disrepute

35. The Committee considered that the Registrant's conviction – Possession of an extreme pornographic image/images portraying assault by penetration and making indecent photograph/pseudo-photograph of a child – has brought the profession of pharmacy into disrepute.

36. Given that the Committee considers this case to be so serious that it is not remediable, and given that, in any case, the Registrant has not remediated his conduct, the Committee considers that the Registrant's conduct or behaviour might bring the profession of pharmacy into disrepute in the future.

Whether the Registrant's conduct or behaviour has breached one of the fundamental principles of the profession of Pharmacy

37. The Committee considered that the Registrant's conduct and behaviour has breached more than one of the fundamental principles of the profession of pharmacy, namely the requirements to treat everyone with respect and not engage in criminal conduct, especially where the victims were vulnerable.

38. Given that the Committee considers this case to be so serious that it is not remediable, and given that, in any case, the Registrant has not remediated his conduct, the Committee considers that the Registrant's conduct or behaviour might breach one of the fundamental principles of the pharmacy profession in the future.

Whether the Registrant's conduct or behaviour shows that the integrity of the Registrant can no longer be relied upon

39. The Committee does not consider this case to be an integrity case.

Committee's conclusion on impairment

40. Given that the Committee considers this case to be so serious that it is not remediable, and given that, in any case, the Registrant has not remediated his conduct, the Committee considered the Registrant's fitness to practise to be impaired on public protection grounds.
41. Further, members of the public would be appalled to learn that a pharmacist had conducted the actions set out in the proven allegations. Consequently, the Committee considered the Registrant's fitness to practise to be impaired on the wider public interest element, namely maintaining public confidence in the pharmacy profession and upholding professional standards.

**Sanction**

42. 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 Pharmacy Order 2010. The Committee should consider the available sanctions in ascending order from least restrictive, take no action, to most restrictive, removal from the register, in order to identify the appropriate and proportionate sanction that meets the circumstances of the case.
43. 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 in the profession and to promote professional standards. The Committee is therefore entitled to give greater weight to the public interest over the Registrant's interests.

44. The Committee had regard to the Council's "*Good decision making: Fitness to practise hearings and outcomes guidance*", published in March 2024 ("Guidance"), to inform its decision.
45. On behalf of the Council, Ms Davies submitted:
- a. The Registrant's behaviour is fundamentally incompatible with continued registration and removal from the register is necessary and proportionate to uphold public confidence in the profession and the regulator. No lesser sanction is sufficient in this case.
  - b. The Council's "*Guidance on particular areas – sexual misconduct*" indicates that a conviction for a serious sexual offence, an incident involving a child (including accessing, viewing images of child sexual abuse) and the Registrant having been required to register as a sex offender are incompatible with continued registration given the risk to patients and the impact on public confidence in the profession. It is submitted that the repetition of the behaviour, the grading of material and the age of the children are further aggravating factors.
  - c. The Registrant has shown remorse and some insight into his offending however he has not fully remediated.
  - d. The Registrant's suspended sentence is in operation until August 2026 during which he must complete rehabilitative requirements.
46. The Registrant did not attend to give evidence or provide oral submissions in relation to sanction. The Registrant did not provide written submissions on sanction for the Committee to take into consideration other than: "*the severity of my actions leaves the Committee only one recourse, my removal from the GPhC register*".
47. The Committee considers taking no action or imposing a warning to be insufficient to protect the public, given the Registrant's conviction and his conduct being so serious that it is not remediable. Further, these sanctions would not adequately meet the wider public interest of maintaining public confidence in the profession and declaring and upholding proper standards of conduct and behaviour. Therefore, the Committee finds that taking no action or issuing a warning to be inappropriate.

48. The Committee next considered the imposition of conditions of registration on the Registrant. The Committee did not consider that conditions would be appropriate given:

- a. The seriousness of the conviction, for which only serious sanctions are appropriate; and
- b. no relevant or proportionate conditions could be formulated, or enforced, to mitigate risk from the Registrant repeating his actions given his conduct being so serious that it is not remediable.

Further, the Committee considered that conditions would not adequately meet the wider public interest of maintaining public confidence in the profession and declaring and upholding proper standards of conduct and behaviour.

49. The Committee next considered whether suspension would be a proportionate sanction. The Committee noted the Council's Guidance concerning sexual misconduct:

*"The GPhC believes that some acts of sexual misconduct will be incompatible with continued registration as a pharmacist or pharmacy technician. Removal from the register is likely to be the most appropriate outcome in these circumstances, unless there is evidence of clear, mitigating factors that cause a committee to decide that such an outcome is not appropriate. The misconduct is particularly serious if:*

- *there is a conviction for a serious sexual offence*
- *there is an abuse of the special position of trust that a professional has*
- *it involves a child (including accessing, viewing, or other involvement in images of child sexual abuse) or a vulnerable adult*
- *the professional has been required to register as a sex offender or has been included on a barred list"*

50. In light of the Council's Guidance, the Committee considered that suspension would not be appropriate, or be in the wider public interest, given:

- a. The Committee does not have before it any evidence of clear, mitigating factors that cause it to decide that removal is not appropriate.
  - b. The Registrant's conduct is particularly serious as:
    - i. there is a conviction for a serious sexual offence;
    - ii. it involves a child (including accessing, viewing, or other involvement in images of child sexual abuse); and
    - iii. the Registrant has been required to register as a sex offender.
51. In light of the above, the Committee found that removal from the register is the only appropriate sanction. The Committee therefore directs that the Registrant be removed from the Council's Register.

#### **Interim Order**

52. The Committee directs that, pursuant to Article 56(10) of the Pharmacy Order 2010, as it has been determined that the Registrant's fitness to practise is impaired, the interim order which is currently in place be revoked.

#### **Decision on Interim Measure**

53. Ms Davies made an application for an interim measure of suspension to be imposed on the Registrant's registration, to take effect from today's date, pursuant to Article 60 of the Pharmacy Order 2010, pending the coming into force of the Committee's substantive order. She submitted that an interim measure would be consistent with the substantive order imposed by the Committee.
54. In considering Ms Davies' application, the Committee took account of the fact that its decision to remove the Registrant from the Council register will not take effect until 28 days after the Registrant is formally notified of the outcome, or until any appeal is concluded.



55. The Committee has found that there remains a risk that the Registrant might repeat his conduct, if permitted to return to work unrestricted. For the reasons set out in this decision, the Registrant's unrestricted registration would place patients and the public at risk of harm and have an impact on public confidence and upholding standards. The Committee is satisfied that it is necessary for an interim measure to be put in place to protect the public and safeguard the public interest during the appeal period.
56. The Committee is satisfied that it is therefore appropriate for an interim measure to be in place prior to the taking effect of the substantive order.
57. The Committee hereby orders that the entry of the Registrant in the register be suspended forthwith, pending the coming into force of the substantive order.
58. This concludes the determination.