

General Pharmaceutical Council

Fitness to Practise Committee

Principal Hearing

Remote video link hearing

19 – 20 February 2025

Registrant name:	Miss Mandip Kaur Sidhu
Registration number:	2052343
Part of the register:	Pharmacist
Type of Case:	Conviction
Committee Members:	Jennifer Ferrario (Legally Qualified Chair) Lizzie Provis (Registrant member) Moriarn Bartlett (Lay member)
Committee Secretary:	Zainab Mohamad
Registrant:	Present and not represented
General Pharmaceutical Council:	Represented by Leonard Wigg, Case Presenter
Facts proved:	Admitted and proved.
Fitness to practise:	Impaired
Outcome:	Removal
Interim measures:	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 21 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 (as amended)

You, a registered pharmacist/pharmacy technician,

1. On 6 November 2020, were convicted at Southwark Crown Court of:

*1.1 Supply controlled drug of Class C x 3 **Admitted.***

2. On 26 November 2020, were convicted at Southwark Crown Court of:

*2.1 Supply controlled drug of Class C x 2. **Admitted.***

*2.2 Make machine / implement / paper / material for forgery with intent x 1. **Admitted.***

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

Documentation

Document 1- Council's hearing bundle

Document 2- Council's skeleton argument

Document 3- Council's Particulars of Allegation

Document 4- Registrant's statement dated 10 February 2025

Document 5- Character reference bundle provided by the Registrant.

Witnesses

The Registrant made submissions during the hearing.

No witnesses attended the hearing.

Determination

Introduction

1. This is the written determination of the Fitness to Practise Committee at the General Pharmaceutical Council ('the Council').

2. This 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 2024 ('the Council's Guidance.')
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 20 January 2025 from the Council headed 'Notice of Hearing' addressed to the Registrant and sent to their registered postal address as noted on the Register.
7. The Committee was satisfied that there had been good service of the Notice of Hearing ('Notice') in accordance with Rules 3 and 16 of the Rules.

Application to amend the particulars of allegation.

8. The Committee heard an application from the Case Presenter under Rule 41 to amend the particulars of the allegation to the following:

You, a registered pharmacist,

1. *On 6 November 2020, were convicted at Southwark Crown Court of:*

1.1 Supply controlled drug of Class C x 3

2. On 26 November 2020, were convicted at Southwark Crown Court of:

2.1 Supply controlled drug of Class C x 2

2.2 Make machine / implement / paper / material for forgery with intent x 1

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

9. The Registrant did not oppose the proposed amendments.
10. The Committee accepted the advice of the Legally Qualified Chair. The advice in summary, was that the Committee should determine whether any disadvantage or unfairness would be caused to the Registrant if the amendment was granted.
11. The Committee noted that the only change to the information in the proposed allegation was the inserting of a second date relating to a further appearance by the Registrant at the Crown Court. The rest of the information in the allegation was exactly the same as the original allegation. The Committee was of the view that the proposed amendment would assist the Registrant as it would bring clarity. The Committee was satisfied therefore that the proposed amendment would cause no disadvantage or unfairness to the Registrant.
12. The application to amend the allegation was granted.

Application to hear part of the hearing in private

13. Mr Wigg made an application to the Committee pursuant to Rule 39(3) of the Rules, for the hearing to be heard in private if mention is made during the hearing of the Registrant's health or the health of a family member. He submitted that the interest of protecting the privacy of the Registrant or her family outweighed holding that part of the hearing in public.
14. The Registrant did not object to the application.
15. The Committee accepted the advice of the Legally Qualified Chair. The advice in summary, was that the Committee should determine whether the default position of holding the hearing in public would be undermined if the hearing were to move into private where reference was made to the health of the Registrant or her family.

16. The Committee was satisfied that moving into a private hearing where there is reference to the Registrant's health or that of her family, will not undermine the requirement to hold these types of hearing in public. The Committee was satisfied that the public interest would not be adversely affected if information or evidence relating to health were to be heard in private.
17. The application was granted.

Registrant's response to Particulars of allegation

18. The Registrant admitted the particulars in their entirety.
19. In the light of the above, and by the application of Rule 31(6) of the Rules, the admitted factual particulars were found proved by the Committee.
20. The Committee went on to consider whether the Registrant's fitness to practise is currently impaired which is a matter for the Committee's judgement.

Background

21. On the 2 June 2017, the Council was notified by the Medicines and Healthcare products Regulatory Agency (MHRA) of an investigation against the Registrant.
22. The Registrant was arrested on the 25 July 2017 in relation to allegations of supplying controlled drugs between 2014 – 2017 and fabricating an invoice. The basis of the allegations were that the Registrant together with another Pharmacist had supplied various controlled drugs at wholesale levels to a Pharmacist without the requisite licences and purported to sell the drugs outside of Europe when this had not been the case.
23. The Registrant was interviewed a number of times by the MHRA and subsequently appeared before Westminster Magistrates Court on the 9 October 2020. Her case was sent to Southwark Crown Court, and according to the Basis of Plea document, on the 6 November 2020 the Registrant pleaded guilty to supplying a controlled drug of Class C, namely:
 - 22,377,124 tablets of Diazepam (Count 1)
 - 55,020.00 tablets of Zolpidem (Count 2)
 - 4,141,676 tablets of Zopiclone (Count 3)
24. The matter was adjourned and on the 26 November 2020 the Registrant returned to Court and pleaded guilty to supplying a controlled drug of Class C, namely:
 - 8,400 tablets of Zolpidem (Count 5)

7,000 tablets of Zopiclone (Count 6)

25. Also, on the 26 November 2020, the Registrant pleaded guilty to forgery, contrary to section 1 of the Forgery and Counterfeiting Act 1981 (count 15). This related to the falsification of an invoice during the investigation.
26. There was a significant delay in the Registrant's sentencing due to one of her co-accused going to trial. The Registrant was eventually sentenced on the 15 May 2024 to 24 months imprisonment suspended for 24 months and 200 hours unpaid work to be completed before 15 May 2025. The Registrant told the Committee that she completed the unpaid work.
27. The Registrant was further made subject to a confiscation order on 19 July 2024 ordering £720,881.59 to be paid by 19 July 2024. The Registrant told the Committee that she had paid the sum in full.
28. The Registrant has not pursued an appeal against her conviction.

Decision on the Facts

29. The allegation in this case relates to a conviction. The Committee had sight of the memorandum of conviction and therefore found the facts proved in accordance with Rule 24(4). Furthermore, the Registrant had admitted the allegation in its entirety.

Conviction and Impairment

30. Having found the particulars of the allegation proved, the Committee went on to decide in accordance with rule 31(8), whether the Registrant's current fitness to practise is impaired by reason of her conviction.
31. The Committee took account of the guidance given to the meaning of 'fitness to practise' in the Council's Guidance. Paragraph 2.12 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 our various standards, guidance and advice."
32. The Committee took into account the submissions made by Mr Wigg and the Registrant. The Chair of the Committee had explained and provided the Registrant with the option to give evidence or to make submissions and she chose to make submissions.

33. Mr Wigg referred the Committee to the Council's skeleton argument. He said that public confidence is *'the linchpin'* and that despite the passage of time, the Registrant had shown a lack of insight in terms of the seriousness of the convictions and the impact on public confidence in the profession. Mr Wigg invited the Committee to find that the Registrant's current fitness to practise is impaired.
34. The Registrant did not accept that her fitness to practise is currently impaired. She submitted that her status as a registered Pharmacist at the time of the offences had not played a role. She said that she had been the named 'Responsible Person' on her Wholesale Dealers licence and she had not been required to be a registered Pharmacist to be eligible for the licence. She told the Committee *'I just happened to be a registered Pharmacist at the time.'* She said that her convictions had not occurred because she had been a registered Pharmacist at the material time, but because she had been the 'Responsible Person' named in the licence.
35. The Registrant went on to say that at the time of the offences, that she had been unaware that she had required a licence for Controlled Drugs. She said that when audits had taken place for her pharmacy online business in or around 2014, that she had not been told to apply for a Controlled Drugs licence from the Home Office. In terms of the forged invoice, she said that her only error with the invoice had been the reference on the document to an incorrect address. She described it as *'a dishonest mistake.'*
36. When the Registrant answered questions from the Committee, she said that whilst she had earned approximately £100,000 profit from the controlled drugs that featured in the convictions, as far as she had been concerned, she had not made any financial gain. She told the Committee that she had given a no comment interview at first because her arrest had been out of the blue and she had been arrested and removed from her family home and had been anxious and ashamed. She said that at the first available opportunity after the interview, she had explained her involvement and admitted wrong-doing to the police.
37. The Registrant went on to say that she was very remorseful and understands now that she should have *'made more checks.'* She told the Committee that she will not be involved in a wholesale business again and therefore there will be no repeat of the conduct. In terms of remediating herself, she referred the Committee to the certificates for training courses that she had provided. She went on to tell the Committee that for the last twelve months, she had shadowed Dr K, a registered Pharmacist for three to five hours a week, every week. She said that she had attended a pharmacy in Nottingham to observe Dr K but was unable to tell the Committee the name of the pharmacy or the exact address or location. When she was asked why Dr K had not mentioned the twelve months of shadowing in her character reference, the Registrant was unable to offer an explanation.
38. When the Registrant was asked about the impact of her conduct on public confidence, she said that she could *'see that it would be affected to some degree.'*

am willing to talk about my mistakes and I hope that others will learn from it. I am ashamed. I do think that the public would forgive me and would have compassion and say that it is really sad what has happened because I have had to suffer for the last ten years.’ The Registrant told the Committee that *‘obviously it will have a negative impact but everyone deserves a second chance.’*

39. The Committee accepted the legal advice provided by the Chair. In summary, the Chair advised that there is no burden or standard of proof and the decision of impairment is a matter for the Committee’s professional judgment. The Committee was advised to have regard for the questions posed by Dame Janet Smith in the Fifth Shipman Report as referred to in the case of *CHRE v NMC and Grant [2011] EWHC 927 (Admin)*. The Chair referred the Committee to the case of *Cohen v GMC [2008] EWHC 581 (Admin)* in which Mr Justice Silber states,
- ‘It must be highly relevant in determining if a doctor’s fitness to practise is impaired that; first his or her conduct which led to the charge is easily remedied, second that it has been remedied and third that it is highly unlikely to be repeated’*
40. The Committee was also advised to refer to the Council’s Guidance document, specifically paragraphs 2.14 and 2.15.

Decision on Impairment

41. The Committee first considered the details of the case. It had involved the unlawful sale of approximately twenty-seven million tablets of various Class C drugs to another Pharmacist between January 2014 – June 2017. The Registrant had also been convicted of forgery in December 2016 in that she had created an invoice purporting to sell the Class C drugs to a firm outside of the European Economic Area when this had not been the case.
42. The Committee noted that the unlawful sale of the Class C drugs had occurred over a sustained period of time, and on numerous occasions and the Registrant had engaged in an element of deception in terms of the forgery.
43. The Committee concluded that the convictions demonstrated behaviour that had breached fundamental tenets of the profession, namely that Pharmacists should be trustworthy and act openly and with integrity; should use their professional judgment appropriately; should speak up when things go wrong, and ought to lead by example. The Committee further concluded that by her actions and subsequent convictions, the Registrant will have brought the profession into disrepute.
44. Having arrived at these conclusions, the Committee went on to consider whether the Registrant’s conduct was capable of being remedied, has been remedied and whether it was likely to be repeated. In so doing, the Committee looked for evidence of insight, remorse, reflection and remediation.

45. In considering insight, the Committee referred to the Registrant's written statement dated 10 February 2025 and her submissions during the hearing. In her statement the Registrant says that she takes full responsibility for her actions; she should have '*conducted further diligence checks*' and is disappointed with the '*naivety and gullibility of the situation ..*' She said that she has demonstrated accountability by having pleaded guilty at court.
46. In terms of 'the checks' that she referred to, the Committee reminded itself that during her police station interview on 25 July 2017, the Registrant told the interviewing officer that she had contacted the Home Office by email to enquire whether she had required a licence for Controlled Drugs. She said that they had informed her that a licence had not been required because she had been a registered Pharmacist at the time. When she was answering the Committee's questions, the Registrant said that she had not sent an email to the Home Office but had enquired over the telephone. She said that she had not subsequently received a letter or an email from the Home Office to confirm their advice.
47. The Committee, on balance decided that the Registrant had not taken full responsibility for the wrong doing in terms of the convictions because she had attempted to minimise the conduct as a failure to carry out further checks and an error in terms of an address on an invoice. It noted that the Registrant had been inconsistent in relation to her contact with the Home Office. There had also been a lack of acknowledgement from her that it had been her responsibility at the time to ensure that the appropriate licences had been in place.
48. The Committee considered the Registrant's submission that her status as a registered Pharmacist at the material time had been of no relevance in terms of the convictions. The Committee determined that this demonstrated a lack of insight because during her interview under caution on the 25 July 2017, the Registrant had said that the Home Office had told her that she did not require a Controlled Drugs licence in view of her status as a registered Pharmacist. There had therefore been a direct link between her conduct giving rise to the convictions and her Pharmacist status. The Committee found that the Registrant had attempted to distance herself from her status as a registered Pharmacist and had failed to understand the impact of her actions on the wider Pharmacy profession.
49. The Committee found that the Registrant had not shown an appreciation for GPhC professional standards in terms of her status as a registered Pharmacist. It reminded itself that in the document, 'GPhC Standards for Pharmacy Professionals' (2017) it provides, '*the standards need to be met at all times, not only during working hours.*'
50. The Committee considered that a further example of lack of insight had been demonstrated by the Registrant when, during the hearing, she had described the forgery conviction as a '*dishonest mistake.*' The Committee determined that the conviction of forgery had involved an element of deception because according to the particulars of the offence, the forgery had been intended to create the impression

that a fabricated invoice had been genuine. A further lack of insight had been demonstrated when the Registrant had told the Committee that she had not benefited financially by the convictions despite accepting that she had earned a profit in the region of £100,000. The Committee had also noted that the Registrant had given no consideration to the on sale of the Class C drugs in terms of the risk that this posed to patients or customers.

51. The Committee noted that the Registrant had shown some insight into the impact of her convictions on the profession, and public confidence in the profession. In her written statement, the Registrant had referred to the *'negative impact this incident may have had on the reputation of the pharmacy profession.'* The Committee reminded itself of the Registrant's submissions and how she believes that the wider public would have some sympathy for her. The Committee carefully considered these submissions and was not persuaded by them. The Committee found the convictions to be serious in nature. Whilst there had been a considerable passage of time since the offences had occurred, the Committee concluded that an ordinary well-informed member of the public would be appalled at the Registrant's behaviour and their confidence in the wider profession would be reduced.
52. The Committee decided that whilst the Registrant had shown some insight into the impact of her actions on the pharmacy profession, overall she had demonstrated a lack of insight in terms of her professional accountability and impact.
53. The Committee went on to consider remorse and noted that the Registrant had told the Committee that she had been very remorseful. The Committee reminded itself that when the Registrant acknowledged this, she had also said that she should have *'carried out more checks.'* The Committee determined that this demonstrated limited remorse because the Registrant had not accepted full responsibility for her actions.
54. In terms of reflection, the Committee had already referred to the written statement from the Registrant dated 10 February 2025. The Committee concluded that the Registrant had made an attempt to reflect about her convictions however this had been limited because she had not accepted full responsibility for her actions.
55. The Committee, in considering remediation, decided that the conduct behind the convictions was not easily capable of remediation. It was mindful of the training courses that the Registrant had attended, the most recent clinical course dating back to 2018. It considered the submissions from the Registrant during the hearing that she had been shadowing a Pharmacist, Dr K during the last twelve months for three to five hours a week. The Committee was concerned that Dr K's character reference had made no mention of having been shadowed and the Registrant had not referred to it in her own written statement. When the Registrant had been asked the whereabouts of the pharmacy in which she had shadowed, she had been unable to say. The Committee decided that with no documentary evidence it was unable, on balance to place any weight on the submissions from the Registrant that she had been shadowing Dr K for the previous twelve months. Neither had it placed any

weight on the Registrant's submissions that she had recently completed twelve months of a medical degree course with a university in Ukraine, online, because the Committee had not received any documentary evidence in support.

56. The Committee had regard for the training courses that the Registrant had attended. It concluded that whilst she had attempted some remediation, that this had been limited in nature and the Committee was not persuaded on balance that the training courses would mitigate any risk of repetition of the conduct.
57. The Committee had regard during its considerations, to the character references that had been provided by the Registrant.
58. The Committee went on to consider whether there was a risk of repetition of behaviour. It referred to paragraph 2.14 of the Guidance and determined that the conduct in terms of the convictions,
 - *presented a potential risk to patients or to the public;*
 - *has brought the profession of pharmacy into disrepute;*
 - *has breached more than one of the fundamental principles of the profession of pharmacy;*
 - *means that the integrity of the registrant can no longer be relied upon.*
59. In view of the above, the Committee found the Registrant's current fitness to practise to be impaired on a personal level. It went on to consider how a member of the public in full knowledge of the facts of the case would react to the convictions, and the submissions and information received from the Registrant. The Committee reminded itself that the registrant had been convicted of serious criminal offences. She had been sentenced to a term of imprisonment, that had been suspended. She had been ordered to repay and had repaid over £700,000.
60. The Committee was also of the view that given the serious nature of the convictions, public confidence in the profession and the Council would be seriously undermined if a finding of impaired fitness to practise were not made. The Committee also considered that a finding of impaired fitness to practise was required to declare and uphold proper standards of behaviour and to maintain confidence in the profession.
61. Having regard to the overarching objective of the Council, the Committee finds the Registrant's current fitness to practise to be impaired on the grounds of public protection, maintaining public confidence in the profession and the maintenance of proper professional standards. Accordingly, the Committee went on to consider the issue of sanction.

Decision on Sanction

62. Having found impairment, the Committee went on to consider the matter of sanction. The Committee's powers are set out in Article 54(2) of the Order. The Committee considered 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 this case.
63. The Committee reminded itself that 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.
64. The Committee had regard to the Council's Guidance on outcomes to inform its decision.
65. The Committee took into account the submissions made by Mr Wigg and the Registrant. Mr Wigg invited the Committee to consider the aggravating and mitigating factors in this case. He said that the aggravating features included the scale of the controlled drugs supply and the sustained period of the unlawful conduct. He drew the Committee's attention to the forgery conviction and the intention to deceive an Inspector of the MHRA, a person that held a position of authority. He submitted that the Registrant had benefitted financially, and she had posed a risk of harm to the public. He said that she had abused her position as a registered Pharmacist as this had played a role in the unlawful supply chain, and he reminded the Committee of their findings in terms of having found a link between the Registrant's Pharmacist status and the absence of a Controlled Drugs licence.
66. In terms of mitigating factors, Mr Wigg said that the Registrant had shown some remorse. He went on to say that the key point in this case is the wider public interest and public perception. He submitted that in light of the Committee's decision that fundamental tenets of the profession had been breached, together with the seriousness of the convictions, that the only appropriate and proportionate outcome was removal from the register. Mr Wigg told the Committee that the Registrant had been suspended on an interim basis from practising since July 2017 and the passage of time ought not to impact on the Committee's decision in terms of outcome.
67. The Registrant made submissions. She told the Committee that she accepts full responsibility for her actions. She said that she has carried shame and guilt for several years about her actions and this has caused her to have issues (REDACTED).
68. The Registrant said that she will not repeat the behaviour because she will not work in a wholesale business in the future. She asked the Committee to impose conditions

on her practice and said that conditions would be appropriate because she will work in a pharmacy.

69. The Committee accepted the advice of the Legally Qualified Chair. In summary, the Chair advised the Committee to have the statutory objective of public protection at the forefront of its mind. It should work its way through the Council's Guidance on outcome document starting with the least restrictive outcome and move onto the next more restrictive option where it is satisfied that an outcome is not appropriate or proportionate. The Committee was advised that the leading case authorities on outcome provide that the reputation of the profession *'is more important than the fortunes of any individual member'* as stated in *Bolton v Law Society* [1994] 1WLR 512.
70. The Committee first considered what, if any, aggravating and mitigating factors were present. The Committee identified the following aggravating factors,
- a. A significant aggravating factor was the seriousness of the convictions. It had involved unlawful behaviour of providing controlled drugs on a large scale over a lengthy period of time.
 - b. There had been a significant financial gain for the Registrant.
 - c. Abuse of position of trust: The Committee had already determined a link between the conduct behind the convictions and the Registrant's status as a registered Pharmacist.
 - d. There had been an element of dishonesty or deception by the Registrant. The conviction for forgery had involved an attempt to deceive an Inspector of the MHRA with a false invoice.
 - e. Risk of harm to the public: The Committee considered that one of the reasons for the regulation of controlled drugs is to ensure that there are appropriate supply routes to protect patients and the wider public from harm. The Registrant had engaged in the supply of drugs outside of the lawful supply chain potentially exposing members of the public to a risk of harm.
 - f. The impact on the wider profession was significant.
71. The Committee identified the following mitigating features,
- a. There has been some remorse from the Registrant.
 - b. The Registrant has not been convicted of any further offences since 2020.
 - c. During the Registrant's submissions on outcome in the hearing, she said that she took full responsibility for her actions.

72. During the outcome stage of the hearing, the Registrant had provided to the Committee a second character reference from Dr K. The Committee considered the reference during the hearing and noted that it was dated 18 February 2025 which was the day before day one of the hearing. When the Chair raised this with the Registrant, the Registrant she said that she had asked Dr K to provide a second reference to confirm the shadowing that she had undertaken. She said that the date on the reference should have read as the 19 February 2025. During its deliberations on outcome the Committee considered the reference and decided that it did not assist.
73. The Committee, as part of its deliberations, considered that the lack of cogent measures in place to avoid repeat behaviour by the Registrant was significant, and relevant. It reminded itself of the training courses that she had attended and found that they all related to clinical training. The Committee identified one course entitled 'Safer management of controlled drugs' in 2018, after her arrest and before her conviction. The Committee further noted that in her written statement, the Registrant had said,
- 'I have engaged with a senior pharmacist mentor through professional network to reflect on my decision-making processes and enhance my understanding of ethical responsibilities in pharmacy practice.'*
74. The Committee had not received a character reference from a mentor. The Committee having carefully considered the training course certificates and the Registrant's submissions noted that the Registrant had not specifically undertaken any professional development designed to address dishonesty or deception. The Committee was mindful that dishonesty or deception can be difficult to remediate.

To take no action

75. The Committee first considered whether to conclude the case by taking no action. It noted that taking no action following a finding of impaired fitness to practise would only be appropriate in exceptional circumstances for instance where there was no risk to the public including public confidence.
76. The Committee was satisfied that there were no exceptional circumstances in the Registrant's case which could justify it taking no action. Further, the Committee considered that concluding the case by taking no action would be insufficient to protect the public interest including the risk of harm identified by the Committee and would not mark the seriousness of the Registrant's underlying conduct or convictions.

Conditions of Registration

77. The Committee next considered the imposition of conditions of registration. A conditions of registration order would allow the Registrant to practise albeit with restrictions. The Committee determined that as this was not a case involving poor clinical performance, imposing conditions would not be appropriate. It further noted that having regard to the nature of the convictions, it would not be possible to formulate workable conditions to address the conduct. The Committee decided in any event that conditions would not adequately reflect the seriousness of the convictions and the risk that the Committee had identified to the public including harm to public confidence.

Suspension Order

78. The Committee next considered whether suspension would be a proportionate sanction. The Committee noted the Council's guidance which 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."

79. The Committee determined that in light of the seriousness of the Registrant's convictions, action must be taken to maintain public confidence in the profession and to uphold proper standards of its members.
80. The Committee recognised that the most significant issue for it in this case will be whether the Registrant's conduct is fundamentally incompatible with continued registration. It considered the relevant paragraphs of the Council's Guidance to assist in its assessment in terms of being fundamentally incompatible and took the following into account:
- a. The Registrant had breached more than one of the professional standards and the breaches had represented a significant falling short of those standards;
 - b. The Registrant, until the outcome stage of the hearing had demonstrated a lack of insight in terms of accepting full responsibility for her actions and the impact for the wider profession;

- c. The GPhC was committed to protecting the public in terms of the risk of harm and confidence in the profession;
 - d. The reputation of the profession was to be given priority over the impact for the Registrant;
 - e. The Registrant had shown a lack of integrity.
 - f. The element of deception in this case increases the seriousness. Paragraph 6.9 of the Council's Guidance refers to fraudulent conduct and how in certain circumstances removal from the register should be regarded as *'the only proportionate and appropriate outcome.'*
 - g. The submissions by the Registrant during the outcome stage of the hearing had been vague. The Committee had not been assured of there being no risk of repeat behaviour other than the Registrant saying that she had no intention of being involved in a wholesale business and this would not happen again.
 - h. The testimonials provided by the Registrant had been carefully considered by the Committee. It had determined that they had been of very limited assistance in terms of addressing the statutory objective of public protection.
81. The Committee considered very carefully whether a suspension order would be sufficient to reflect the gravity of the convictions and maintain and uphold public confidence in the profession. It considered this alongside its assessment of whether the Registrant's conduct had been fundamentally incompatible with continued registration.
82. The Committee had regard to its findings that the Registrant had breached more than one fundamental tenets of the Pharmacy profession. The Committee was satisfied that the identified breaches represented a significant departure from the professional standards expected of a registered Pharmacist.
83. The Committee also reminded itself of its findings on insight and remediation. It had determined that the Registrant had on balance, demonstrated a lack of insight specifically in relation to the impact of her convictions on the public including confidence in the profession. The Committee bore in mind that the Registrant had

had several years in which to take remedial steps and she had produced little evidence of this to the Committee.

84. In considering whether the Registrant's conduct was fundamentally incompatible with continued registration, the Committee took into account the very serious nature of the convictions and the suspended custodial sentence that she had received. The Committee considered the following comments from the sentencing Judge to be particularly significant,

'I accept the Crown's submission as an aggravating factor there was an abuse of position of trust or responsibility. I do not think it is enough to sidestep that point by saying 'Ah, we weren't acting as pharmacists when conducting this wholesale business;' I think that is too literal minded an approach to the concept of abuse of trust. They were both using their knowledge and their status as pharmacists and their contacts, in conducting these transactions..

.. Were it not for the 10 year delay, there would be a sentence substantially over that starting point for these quantities of drugs which on any analysis would have made the market awash with uncontrolled drugs. And both defendants must have known that factor. It is dangerous, it is irresponsible, it shows an attitude .. but this offending demonstrates a triumph of personal greed over social responsibility .. Greed over personal responsibility.'

85. The Committee recognised that this is not a criminal court and different criteria apply in terms of an appropriate and proportionate outcome. However, the Committee decided that the remarks of the sentencing Judge could be considered as part of its assessment.
86. The Committee is of the view that given the seriousness of the convictions and the aggravating and mitigating factors in this case, it could not conclude that a suspension order was an appropriate or proportionate sanction. It would not protect the public interest or meet the statutory objective.
87. The Committee is satisfied that the circumstances of this case are such that the Registrant's underlying conduct and convictions is fundamentally incompatible with continued registration.

Removal

88. Having determined that the Registrant's convictions are fundamentally incompatible with continued registration, the Committee concluded that removal from the register is the only appropriate and proportionate outcome for this case.
89. The Committee considered that removal from the register is the only sanction that would protect patients, mark the seriousness of the conviction, maintain public confidence in the profession, the regulator and the regulatory process and meet each limb of the statutory overarching objective.
90. The Committee therefore directs that the Registrant's name be removed from the Pharmacist Register.
91. The Committee hereby revokes the Interim Order of suspension which was in place in respect of the Registrant.

Interim Order

92. Mr Wigg, on behalf of the Council made an application for an immediate interim order of suspension to be imposed on the Registrant's registration under Article 60 of the Pharmacy Order 2010 pending the coming into force of the Committee's substantive order. He submitted that such a measure was necessary to protect the public and was also in the public interest.
93. The Registrant chose to make no response to the application.
94. The Committee received and accepted legal advice from the Chair in terms of the 'necessity' test to be satisfied.

Decision on Interim Measure

95. The Committee carefully considered the Council's application. It took into account the fact that its decision to order the removal of the Registrant's name from the register will not take effect until 28 days after the Registrant is formally notified of the outcome or until any appeal is concluded. As a result, there would be no order in place to protect the public pending the removal direction coming into effect. The Committee also took into account the Council's Guidance document.
96. The Committee reminded itself that it had determined that the convictions had been sufficiently serious in nature to direct that the Registrant's name be removed from the register. It had concluded that public protection in terms of harm and confidence had been at the forefront of this case. The Committee had also determined that there was a risk of repetition.

97. The Committee is satisfied that it is necessary for an interim measure of suspension to be in place from today's date, both because it is necessary to protect the public who might otherwise place trust in the Registrant as a professional person, and also in the public interest, to uphold and maintain proper professional standards and confidence in the profession.
98. The Committee therefore hereby orders that the entry of the Registrant in the register be suspended forthwith both on grounds of public protection and in the public interest, pending the coming into force of the substantive order.
99. That concludes this determination.