

General Pharmaceutical Council

Fitness to Practise Committee

Principal Hearing

Remote videolink hearing

7-8 August 2025

Registrant name:	Daniel Simnett
Registration number:	5015376
Part of the register:	Pharmacy Technician
Type of Case:	Conviction & Misconduct
Committee Members:	Manuela Grayson (Chair) Joanne Loague (Registrant member) Stephanie Hayle (Lay member)
Committee Secretary:	Chelsea Smith
Registrant:	Not Present
General Pharmaceutical Council:	Represented by Zain Choudry, Case Presenter
Facts proved:	1, 2 and 3
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 5 September 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 Pharmacy Technician,

1. Have been convicted of an offence contrary to section 15(1) Sexual Offences Act 2003 namely that between 22 January 2023 and 15 March 2023, you attempted to engage/communicate with a female you believed to be aged 13 years for the purposes of sexual gratification.

2. On 14 January 2024 you submitted an annual declaration with the General Pharmaceutical Council where you incorrectly answered ‘no’ to the question: Are you currently under investigation by any regulatory body (other than the GPhC) or Criminal enforcement authority (e.g police or NHS Counter Fraud Service) in the British Islands of elsewhere?

3. Your conduct at paragraph 2 above was dishonest and/or lacked integrity as you knew that were subject to a police investigation at the time you submitted the declaration.

By reason of the matters set out above, your fitness to practise is impaired by reason of your conviction and/or misconduct”.

Documentation

Document 1- Council’s hearing bundle, 60 pages

Document 2- Council’s skeleton argument, 15 pages, dated 20 June 2025

Document 3- Council’s Proof of Service bundle, 14 pages

Document 4- Council’s Proceeding in Absence bundle, 5 pages

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.
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 1 July 2025 from the Council headed 'Notice of Hearing' addressed to the Registrant and sent to his email 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 Proceed in the Absence of the Registrant

8. The Registrant was not in attendance at this hearing, nor was someone attending on his behalf. The Committee heard submissions from Mr Choudry on behalf of the Council, to proceed in the absence of the Registrant in accordance with Rule 25.
9. The Committee took into account the contents of the Council's Proof of Service bundle.
10. It noted that the Notice of Service was sent to the Registrant's registered email address and also that the Registrant accessed the bundle on the date it was sent, 1 July 2025.
11. On 18 July 2025 the Registrant emailed the Council stating:

"I have tried on several occasions to voluntarily be removed from the register and this has been declined so I am just wanting this to go as smoothly as possible and for it to be completed. Therefore I will not be wanting any legal representation nor will I be arguing anything...I politely put forward that the removal of my name from the register is the outcome of this hearing.

My only request is that due to the nature of the reason behind my removal being of a sensitive nature that it is not published in the public domain and the reason for removal remains confidential".

12. The Council sent the Registrant the 9-day bundle and Council's skeleton argument on 25 July 2025 and the Registrant accessed this email at 9.32pm on that date. There has been no further engagement from the Registrant.
13. The Committee considered both the submissions of Mr Choudry and the information he provided as to the Registrant's position. It decided to proceed in the absence of the Registrant for the following reasons:
- The Committee has found good service of Notice and the Registrant is clearly aware of today's proceedings.
 - The Registrant has indicated that he does not wish to put forward any arguments in relation to these proceedings and he has not asked for an adjournment.
 - The Committee is satisfied that the Registrant has voluntarily absented himself.
 - There is no information to suggest an adjournment would result in the Registrant's attendance at a future date if this hearing is postponed.
 - There are alleged public protection concerns in this case and a public interest in the case being considered expeditiously.
 - It is in the Registrant's interest for the matter to be dealt with in a timely manner; and indeed he has indicated that he wants the matter "to be completed".

Registrant's response to Particulars of Allegation

14. The Registrant made no formal admissions in relation to the alleged facts.

Background

Particular 1

15. On 24 July 2024, the Council received a concern that the Registrant had been convicted of a sexual offence and received a suspended prison sentence the previous

week. The offence was “Adult attempt to engage in sexual communication with a child”... “between 22/01/2023 and 15/03/2023 being a person aged 18 or over, for the purpose of obtaining sexual gratification, intentionally attempted to communicate with Amelia, a person under 16 who you did not reasonably believe to be 16 or over, the communication being sexual”.

16. At the relevant time, the Registrant was employed as a lead pharmacy technician and dispensary manager at Rotherham NHS Trust. The Registrant’s employer, Mr 1, also disclosed that an internal investigation was taking place at the Trust and the Registrant had been suspended while this was pending.
17. Between January 2023 to March 2023, the Registrant attempted to engage in sexual communications with a child under the age of 16 without reasonable belief that they were 16 or over. Following this, the Registrant was charged with the relevant offence. On 29 May 2024, the Registrant pleaded guilty and was convicted at the Sheffield Crown Court.
18. On 17 July 2024, the Registrant was sentenced to the following:
 - 8 months’ Imprisonment suspended for 24 months;
 - 30 -day Rehabilitation Requirement Order;
 - Sexual Harm Prevention Order for a period of 5 years; and
 - Requirement to register with the police in accordance with Sexual Offences Act 2003 for 10 years
 - Notification to the Disclosure Barring Service
19. Police disclosure shows that on 23 January 2023 the Registrant sent a private message through Kik (an online communication Platform) to ‘Amelia’, whose profile was accompanied by a picture of a young female. Unbeknown to the Registrant, Amelia was the assumed identity of an undercover police operative.

20. When Amelia responded to the Registrant she told him she was 13 year old girl from London. The Registrant responded "35 M Yorkshire lol". Subsequent messages exchanged were sexual in nature, where the Registrant asked for pictures. Amelia sent a picture to which the registrant replied "cute" and the conversation continued.
21. On 24 January Amelia went on to her private messages on Kik and saw the Registrant had sent further messages the night before and another that morning. During this conversation the Registrant talked about Amelia getting into bed with him and asked for a picture of her "panties" and asked her to take this picture in school. The Registrant told Amelia that he was a paramedic.
22. A further message from the Registrant from 3 March 2023 asked Amelia if she was going to show the Registrant her "Titties" and also stated: "I still don't understand why u can't send a pic of your tits on here for me".
23. The Registrant sent pictures of a white male sitting on a sofa with his hands down his trousers. He said he would send a "dick pic" if she sent him a topless picture. The Registrant said that "I really should not be doing this with a fucking 13 year old" but continued to ask for pictures of the child. The conversation moved over also moved over to WhatsApp.
24. The child profile ceased all contact with the Registrant from 14 March 2023. A search warrant was executed on 29 March 2023 at the Registrant's house. He was arrested and interviewed the same day. He was remorseful in the police interview and admitted it was him in the pictures and admitted he asked sexual questions.
25. The Council was not informed about the concern until after the Registrant's conviction, when, as stated above, the referral was made by his employer on 24 July 2024. Subsequently, the Council opened an investigation and then notified the Registrant of the investigation on 13 August 2024. The Council had not received any notification from the Registrant of his conviction.

Particular 2

26. On 14 January 2024, the Registrant submitted an annual declaration to the Council's register where he was asked a series of questions. This included the question:
- "Are you currently under investigation by any regulatory body (other than the GPHC) or Criminal enforcement authority (e.g police or NHS Counter Fraud Service) in the British Islands or elsewhere?"* - to which the Registrant answered 'No'.

Decision on the facts

27. Fitness to Practise Rule 28 (Consideration of allegations that relate to more than one category of impairment) provides as follows:

- (1) As regards any fitness to practise allegation before the Committee, if—*
- (a) the particulars of the allegation in the Notice of Hearing relate to more than one category of impairment of fitness to practise; and*
 - (b) those particulars include a conviction or caution,*
- the chair must ensure (by adapting the procedure for the hearing, where necessary) that at the principal hearing, the Committee makes its findings of facts in relation to the allegations that do not relate to the conviction or caution before it hears and makes its findings of fact in relation to the conviction or caution.*
- (2) In the circumstances set out in paragraph (1), the chair must also ensure (by adapting the procedure for the hearing, where necessary), that the Committee only makes its decision as regards impairment of fitness to practise once it has made its finding of fact in relation to all the allegations set out in the Notice of Hearing.*

28. The Committee therefore turned to consider particulars 2 and 3 in relation to the allegation that did not relate to the conviction.

Particular 2:

2. On 14 January 2024 you submitted an annual declaration with the General Pharmaceutical Council where you incorrectly answered 'no' to the question: Are you currently under investigation by any regulatory body (other than the GPhC) or Criminal enforcement authority (e.g police or NHS Counter Fraud Service) in the British Islands or elsewhere?

29. The Committee had before it the Witness Statement of Ms 1, CST Operations Support Officer at the GPhC, and the Registrant's Annual Declaration Form in which he entered "No" in relation to the question whether he was, at the time of the declaration, under criminal investigation. The Committee found particular 2 proved on the basis of the Annual Declaration completed by the Registrant and the Witness Statement of Ms 1.

Particular 3:

3. Your conduct at paragraph 2 above was dishonest and/or lacked integrity as you knew that were subject to a police investigation at the time you submitted the declaration.

30. The Committee took into account that the Annual Declaration Form submitted to the GPhC by the Registrant in which he answered "No" to the question whether he was under investigation by the police, was dated 14 January 2024. This was incorrect however, as the Registrant had been arrested over nine months before, on 29 March 2023, and was awaiting a charging decision.
31. In determining whether the Registrant acted dishonestly in declaring 'No', the Committee is applied the test set out in the case of Ivey v Genting Casinos [2017] UKSC 67. The test requires first identifying the Registrant's knowledge or belief as to facts, and then assessing whether, given his knowledge or belief, his conduct was dishonest by the standards of the ordinary decent person.

32. The Committee accepted the submissions of Mr Choudry on behalf of the Council to the effect that it was inconceivable that he was unaware of the fact that he was under criminal investigation at the time he filled in the Annual Declaration Form. It followed that the natural inference is that he provided the wrong information on purpose. An ordinary decent person would regard this as plainly dishonest. The Committee was satisfied that in entering “No” to the question whether he was at the time of making the declaration under criminal investigation, the Registrant was both dishonest and lacking in integrity.
33. The Committee therefore found particular 3 proved.

Particular 1:

“You, a registered Pharmacy Technician,

1. Have been convicted of an offence contrary to section 15(1) Sexual Offences Act 2003 namely that between 22 January 2023 and 15 March 2023, you attempted to engage/ communicate with a female you believed to be aged 13 years for the purposes of sexual gratification.

34. Rule 24 (“Evidence”) of the Rules provides as follows:

(4) Where a person concerned has been convicted of a criminal offence in the British Islands (and has not successfully appealed against the conviction), a copy of the certificate of conviction certified by a competent officer of the court or for a conviction in Scotland, an extract conviction, is admissible as conclusive proof of that conviction and the findings of fact on which it was based.

(5) The only evidence which may be adduced by the person concerned in rebuttal of a conviction certified or extracted in accordance with paragraph (4) is evidence for the purpose of proving that the person concerned is not the person referred to in the certificate or extract.

35. The Committee had before it the Certificate of Conviction from Sheffield Crown Court signed by the Officer of the Court and dated 19 August 2024 which confirmed that the Registrant was convicted as alleged at particular 1 and set out the findings of facts on which the conviction was based. It also took into account the Judge's sentencing remarks and the MG5 Police Report and the witness statement of Under Cover officer "Amelia".
36. The Committee observed that the Registrant had not sought to establish that he is not the person referred to in the Certificate of Conviction.
37. The Committee found particular 1 proved in accordance with Rule 24 of the Rules, and on the basis of the evidence contained within the Council's bundle.

Impairment

38. Having found the Particulars of Allegation proved in their entirety, the Committee went on to consider whether the Registrant's fitness to practise is currently impaired by reason of his conviction and his misconduct.

Submissions

39. Mr Choudry referred the Committee to the Council's Skeleton argument and to the relevant case law. He submitted that the proven facts amounted to both grounds of conviction and misconduct; that together the facts proved engaged Standards 5, 6 and 8 of the Council's Standards for pharmacy professionals of 2017, and that Rule 5(2) (a) (b) (c) and (d) of the Rules were engaged. He submitted that the Committee should make a finding of impairment both to protect the public and also in the wider public interest.

The Committees determination

40. 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). Paragraph 2.12 states:

“A pharmacy professional is ‘fit to practise’ when they have the skills, knowledge, character, behaviour and health needed to work as a pharmacist...safely and effectively. In practical terms, this means maintaining appropriate standards of competence, demonstrating good character, and also adhering to the principles of good practice set out in your various standards, guidance and advice.”

Grounds

41. Article 51(1) of the Order set out the possible grounds or “gateways” to a finding of impairment. The relevant gateways in this matter are:
- *“conviction for a criminal offence”* (Article 51(1)(e) in respect of particular 1); and
 - *“misconduct”* (Article 51(1)(a), in relation to particulars 2 and 3).
42. The Committee considered each of the relevant grounds.
43. The Committee determined that the ground of conviction was established on the basis of the copy Certificate of Conviction dated 19 August 2024.
44. The Committee next turned to consider whether the Registrant breached any of the Council’s Standards for Pharmacy Professionals (May 2017). It accepted the submissions of Mr Choudry to the effect that the Registrant breached standards 5, 6 and 8.

- (i) **Standard 5: Pharmacy professionals must use their professional judgement.** The Registrant manifestly failed to use his professional

judgement when he entered “No” in his annual Declaration Form for 2024 knowing full well that he was under investigation by the police for a very serious offence.

- (ii) **Standard 6:** Pharmacy professionals must behave in a professional manner...Behaving professionally is not limited to the working day. The standard states that people expect pharmacy professionals to behave professionally and that this is “essential to maintaining trust and confidence in pharmacy”. It states that the privilege of being a pharmacy technician and the importance of maintaining confidence in the profession calls for appropriate behaviour at all times. It sets out an expectation that pharmacy professionals will be “trustworthy and act with honesty and integrity”, “show empathy and compassion” and “treat people with respect and safeguard their dignity”. The Committee was of the view that the Registrant breached this Standard by the conduct which resulted in his conviction; and also by his dishonest failure to declare that he was under police investigation at the time he submitted the Annual Declaration on 14 January 2024.
- (iii) **Standard 8:** Pharmacy professionals must... speak up when things go wrong. The Committee was of the view that the Registrant’s dishonesty in not informing his regulator that he was under police investigation when he filled in his Annual Declaration was a breach of the requirement set by the standard to be candid.

45. The Committee also took into account paragraph 6 of the Council’s Standards for Pharmacy Professionals (May 2017), which makes it clear that the Standards:

“need to be met at all times, not only during working hours. This is because the attitudes and behaviours of professionals outside of work can affect the trust and confidence of patients and the public in pharmacy professionals”.

46. The Committee bore in mind that the Standards may be taken into account when considering the issues of grounds and impairment but that a breach of the Standards does not automatically result in a finding of misconduct (Rule 24(11) of the Rules).

47. The Committee next turned to consider whether the facts found proved at particulars 2 and 3 reached the threshold of seriousness for a finding of misconduct, as had been submitted by Mr Choudry. The Committee took into account the relevant case law including the cases of Roylance and General Medical Council (No.2) [2000] 1 A.C. 311 which states that:

“Misconduct is a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances. The standard of propriety may often be found by reference to the rules and standards ordinarily required to be followed... in the particular circumstances.”

48. The Committee also took into account the case of Forz Khan v Bar Standards Board [2018] EWHC 2184 (Admin), in which the judge said:

“behaviour must be “seriously reprehensible” before it can amount to professional misconduct”.

49. The Committee was of the view that the Registrant’s dishonesty and lack of integrity in making a false declaration to his regulator in January 2024 in relation to a criminal investigation which he knew was on-going, given his arrest and admissions in the previous March, clearly fell short of what was to be expected of him as a healthcare professional, and it was indeed seriously reprehensible. The Committee was satisfied that it was serious enough to amount to the ground of misconduct.

50. Accordingly, the Committee concluded that both the alleged grounds, of conviction and misconduct, were established by the proven facts of this case.

Decision on Impairment

51. Having found that the grounds of conviction and misconduct were established, the Committee went on to consider whether the Registrant's fitness to practise is currently impaired.
52. The Committee approached the question of current impairment by considering the information before it, confirming the Registrant's conviction and the findings of fact on which it was based, and also the evidence of the Registrant's dishonest entry in the Annual Declaration for 2024.
53. The Committee turned to consider whether any sub-particulars of Rule 5(2) of the Rules are engaged by the Registrant's conviction and misconduct.
54. Rule 5(2) of the Rules provides:

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

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

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

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

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

55. Guidance on this issue was set out by Mr Justice Silber in Cohen v General Medical Council [2008] EWHC 581 (Admin) at paragraph 65:

"It must be highly relevant in determining if a [practitioner's] fitness to practise is impaired that first ... his conduct that led to the charge is easily remediable, second that it has been remedied and third that it is highly unlikely to be repeated".

56. Those principles are echoed (and adapted in different words) in the Council's Guidance at paragraph 2.15:

"The committee should also consider whether:

- the conduct which led to the complaint is able to be addressed*
- the conduct which led to the complaint has been addressed*
- the conduct which led to the complaint is likely to be repeated ..."*

57. The Committee carefully considered all of the evidence before it in light of the above principles. It took into account that the Registrant admitted his conduct in his police interview on the same day as he was arrested, and that he pleaded guilty at the first opportunity in Court. It also took into account the Registrant's comments in interview which demonstrated his understanding that what he attempted to do, or thought he was doing, that is, engaging in sexual communication with a 13 year old girl, including sending her a picture of himself bare-chested with his hands down his trousers, and repeated requests for her to send him naked pictures of herself, was unlawful.

58. The Committee noted in particular the following comments made by the Registrant in his police interview:

"I know why I've been investigated. I stupidly got into a conversation online, carried it on in a way I know I shouldn't have done, at the time and now makes me feel sick with myself...Idk why I kept pestering, why I sent her so many messages. I definitely do not have a sexual interest in children...I've got no explanation and no defence for that ...I'm extremely sorry for what I've done".

59. The Committee was of the view that the Registrant accepted responsibility for his actions during his police interview and expressed remorse.
60. However, he provided no further evidence or submissions for the purposes of this regulatory process. He had provided no insight or remediation in relation to his dishonest declaration when asked to respond to the question whether he was under police investigation at the time of completing the Annual Declaration Form on 14 January 2024.
61. The Committee took into account the seriousness of the Registrant's conviction which was reflected in his sentence which included an eight-month custodial sentence suspended for 2 years, a 30-day Rehabilitation Requirement Order, a 5-year Sexual Harm Prevention Order and Sex Register Notification requirements also for a 10-year period.
62. Applying the principles set out in the Council's Guidance, the Committee was of the view that it would not be an easy matter to address the conduct which led to the complaint given that it was of a sexual nature in relation to a child, and also included dishonesty and a lack of integrity, the latter being matters which are often said to be "attitudinal" in nature and therefore difficult to rectify.
63. The Committee noted that the Registrant had told the police during interview that he did not have a sexual interest in children, however he was not able to provide a satisfactory explanation for why he had engaged in the conduct which led to his conviction. The Committee also noted that the Registrant had been made subject to a rehabilitation requirement order requiring him to work with the probation service for 30 days as part of his criminal sentence, which the Judge in his sentencing remarks emphasised was in order to "challenge [the Registrant's] behaviour "and also manage the risk that [he] poses". However, the Committee had no information before it as to whether that rehabilitation was successfully completed or what it may have consisted of.

64. Given the Registrant's lack of meaningful engagement with this regulatory process, the Committee could not be sure that the conduct which led to the complaint has been addressed; consequently, the Committee had no evidence it could rely on to satisfy itself that the conduct which led to the complaint is unlikely to be repeated.
65. Having carefully assessed all of the evidence before it, the Committee accepted the submissions of Mr Choudry to the effect that all the sub-particulars of Rule 5(2) (a) to (d) are engaged.
66. In relation to Rule 5(2) (a), that is, whether the Registrant presents an actual or potential risk to patients or the public, the Committee observed that the Sexual Harm Prevention Order included a restriction preventing the Registrant from having any unsupervised contact or communication of any kind with any child under the age of 18, and from living in the same household as any child under the age of 18, unless (among other things) with the express approval of Social Services for the area. It was of the view that this sentence clearly demonstrated that the Court considered the Registrant to be an ongoing safeguarding concern, given his admitted conduct which led to his conviction.
67. The Committee has concluded above that it cannot be sure that the Registrant will not repeat his conduct; it hardly needs stating therefore that, given the facts which lie behind his conviction, Rule 5 (2) (a) is engaged. The Registrant presents an actual risk to members of the public, in particular, young females.
68. Furthermore, the Registrant has presented no evidence to suggest that he has acknowledged and remediated his dishonesty towards his regulator, as alleged in the particular of allegation and now found proved by this Committee.
69. The Committee is also of the view that the Registrant has brought the profession of pharmacy into disrepute by his conviction for a sexual offence and his dishonest

declaration - (Rule 5(2)(b)); and he has breached one or more of the fundamental principles of his profession, for example, the expectations that he will behave ethically and professionally including during his personal life; treat people with respect and dignity; act in accordance with the law and not with dishonesty - (Rule 5(2)(c)).

70. Furthermore, given its findings of dishonesty and lack of integrity at the facts stage of this hearing, the Committee is of the view that the Registrant's integrity can no longer be relied on (Rule 5(2)(d)).

71. Turning to consider the wider public interest, the Committee bore in mind the well-known case of CHRE v NMC and Grant [EWHC] 927 (Admin), in which Mrs Justice Cox stated that a panel must consider whether

"the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances" of a case.

72. The Committee also took into account the principles set out in the case of Fopma v General Medical Council [2018] EWHC 714 (Admin), in which it was said that:

"...the tribunal must bear in mind that a key aspect of its overarching aim is to uphold the reputation of the profession. A finding of impairment is the gateway to the jurisdiction to impose sanctions. Put the other way round, a failure to find impairment in any given case, whilst warnings as to future conduct can still be issued, is tantamount to an indication on behalf of the profession that conduct of the kind in question need not have regulatory consequences. If that, depending on the nature of the conduct in question, would itself be an unacceptable conclusion, then that can in any given case be a sufficient basis in itself to justify or indeed compel a conclusion of impairment."

73. The Committee considered the nature of the conduct in question, namely a conviction for attempting to engage in sexual communication with a child aged under 16 – in this case, a girl he thought was 13 years old - and was satisfied that a failure to find impairment in this case, being tantamount to an indication on behalf of the profession that conduct of the kind in question need not have regulatory consequences, would surely be unacceptable.
74. The Committee is satisfied that members of the public, if they were fully appraised of the facts of this case, would be shocked and appalled if a finding of impairment were not made, and therefore, in the words from the case of Grant set out above, the need to uphold proper professional standards and public confidence in the profession would be undermined if a finding of impairment were not made in the particular circumstances.
75. For all the reasons set out above, the Committee finds the Registrant's fitness to practise is currently impaired on grounds of public protection and also in the wider public interest, so as to promote and maintain public confidence in the professions regulated by the Council; and to uphold proper professional standards and conduct for members of those professions.

Outcome

76. Having found impairment, the Committee went on to consider the matter of outcome, formerly referred to as sanction. The Committee's powers are set out in Article 54(2) of the Order. The Committee should consider the available outcomes in ascending order from least restrictive, take no action, to most restrictive, removal from the Register, in order to identify the appropriate and proportionate outcome that meets the circumstances of the case.
77. The purpose of the outcome is not to be punitive, though an outcome may in fact have a punitive effect. The purpose of the outcome 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.

Submissions on Outcome

78. Mr Choudry, on behalf of the Council, reminded the Committee of the law and guidance on sanctions, in particular the Council's Good decision making guidance: fitness to practice and outcomes guidance (March 2024), and the specific paragraphs therein relating to convictions for sexual offences. Addressing the available outcomes in ascending order of severity he submitted that only a removal order would adequately mark the gravity of the Committee's findings on current impairment. He drew the Committee's attention to the fact that the Registrant has previously asked for voluntary removal.
79. Mr Choudry submitted that as a Pharmacy Technician, the Registrant was expected to assist vulnerable members of the public, including children. He submitted that the Registrant's actions, for which he was convicted, and his dishonest lack of candour when completing his Annual Declaration, are not compatible with remaining on the register. Removal was the only outcome which would adequately protect the public and reputation of the profession.

Decision on Outcome

80. The Committee had regard to the Council's 'Good decision making: Fitness to Practise Hearings and Outcomes Guidance' (March 2024), which sets out that when deciding on an outcome, key factors to consider include the public interest and an assessment of mitigating and aggravating factors. The Committee should give appropriate weight to protecting the public, maintaining public confidence in the profession, and maintaining proper standards of behaviour.

81. The Committee took into account the submissions made by Mr Choudry.
82. The Committee first considered what, if any, aggravating and mitigating factors there may be.
83. The Committee identified the following aggravating factors:
- The Registrant was sentenced to eight months' imprisonment, suspended for two years, together with a five-year Sexual Harm Prevention Order and has been placed on the Sexual Offences register for ten years
 - The conviction was child-related
 - The Registrant dishonestly submitted incorrect information to his regulator in an attempt to conceal his criminal investigation.
84. In relation to mitigating factors, the Committee noted that the Registrant had no previous regulatory findings against him; and that the Registrant pleaded guilty at the first opportunity in his criminal proceedings.
85. The Committee also took into account, in determining the appropriate outcome, that the Registrant has provided no reflections in relation to the impact of his conduct on the intended victim, nor in relation to the effect that his conviction and misconduct will have on confidence in his profession.
86. The Committee had regard to the principles of proportionality and weighed the interests of the public against those of the Registrant. It took into account the principles set out in the case of Bolton v Law Society (1994) 1 WLR 512 CA (Civ Div) in which it was said that:

"The reputation of the profession is more important than the fortunes of any individual member. Membership of a profession brings many benefits, but that is a part of the price".

87. The Committee turned to consider the outcomes available to it in ascending order of severity.
88. Take No Action: The Committee first considered whether it would be appropriate to take no action, however it was of the view that this outcome would not be sufficient to reflect the seriousness of the proven facts. It would not sufficiently protect the public who might otherwise place trust in the Registrant as a professional person. Moreover, it would not protect the wider public interest by sending out a message to the profession and the public that the Registrant's conduct breached the professional standards expected of a registered professional.
89. Warning: The Committee next considered whether issuing a warning would be appropriate but it decided that, for the same reasons as above, a warning would not sufficiently mark the seriousness of the Registrant's conviction and misconduct.
90. Conditions of Practice: The Committee next considered whether to impose conditions of practice. The Council's Good decision-making: Fitness to Practise Hearings and Outcomes Guidance states that conditions may be appropriate where there is evidence of poor performance or of significant shortcomings in a registrant's practice. The Committee concluded that conditions would not be appropriate or relevant in this case since the Particulars of Allegation involve a serious criminal conviction in relation to his conduct outside the workplace, and misconduct which, though related to his professional practice, consisted of dishonesty rather than any shortcomings in his practice which might be improved by way of for example supervision or training.
91. In any case, the Committee considered that an order for conditions would not be sufficient to mark the seriousness of the matter so as to maintain public confidence in the profession and the Regulator.

92. Suspension Order: The Committee next considered whether suspension would be a proportionate outcome. The Council's Good Decision-making: Fitness to Practise Hearings and Outcomes Guidance (2024) indicates that suspension may be appropriate where:

"The Committee considers that a warning or conditions are not sufficient to deal with any risk to patient safety or to protect the public, or would undermine public confidence. [It may also be appropriate] [w]hen it is necessary to highlight to the profession and to the public that the conduct of the professional is unacceptable and unbefitting a member of the pharmacy profession. Also, when public confidence in the profession demands no lesser sanction."

93. The Committee noted that the Registrant's conviction was for conduct which fell outside his professional practice, (whilst his misconduct could be said to be in connection with this professional role since it involved a dishonest declaration to his professional regulator). It observed therefore that a suspension would do little to protect the public and particularly children from potential repetition of the Registrant's conduct, (although it would ensure that he did not come into contact with children during the course of his practice if suspended). The Committee therefore turned to consider whether a suspension would satisfy the wider public interest by highlighting that the Registrant's conduct was unacceptable for a professional.
94. The Committee took into account the Registrant's criminal sentence, as set out in the Certificate of Conviction. It bore in mind that the Registrant is currently still subject to the eight-month prison sentence, suspended for two years, which will come to an end on 17 July 2026.
95. The Committee considered the Registrant's sentence in the light of the case of The Council for the Regulation of Health Care Professionals v General Dental Council and Alexander Fleischmann [2005] EWHC 87 (Admin). At paragraph 54, Newman J stated:

“...[A]s a general principle, where a practitioner has been convicted of a serious criminal offence or offences, he should not be permitted to resume his practice until he has satisfactorily completed his sentence. Only circumstances which plainly justify a different course should permit otherwise... The rationale for the principle is not that it can serve to punish the practitioner whilst serving his sentence, but that good standing in a profession must be earned if the reputation of the profession is to be maintained.”

96. The Committee took into account that the longest period of suspension which it has the power to impose, is one of 12 months. If the Committee were to impose a suspension of 12 months, the suspended sentence would have come to an end shortly before the expiry of a 12-month suspension, however the Registrant would still be subject to the five-year Sexual Harm Prevention Order for approximately a further three years and would remain on the Sexual Offences Register for a number of years thereafter.
97. The Committee was satisfied that the facts of this case fall squarely within the principle set out in the Fleischmann case: it would be entirely inappropriate for the Registrant to be permitted to return to the Register whilst still subject to those elements of his criminal sentence.
98. Furthermore, the Committee did not consider that a suspension, even for 12 months, would satisfy the need to adequately mark the seriousness of the Registrant’s conviction and misconduct, and the egregious breaches of personal and professional standards which they represent. Put simply, a direction to suspend would not be sufficient, in the Committee’s view, to send out a clear message, both to practitioners and to the public, of the gravity of the findings in this case.
99. Removal Order: The Committee next turned to consider whether this was a case in which the most serious sanction, that of removal, was appropriate. The Good decision-making: Fitness to Practise Hearings and Outcomes Guidance (March 2024) states that removal is “reserved for the most serious conduct” and that it should be

considered “when the registrant’s behaviour is fundamentally incompatible with being a registered professional”.

100. The Committee took into account the guidance set out in the Council’s Good decision-making: Fitness to Practise Hearings and Outcomes guidance (March 2024), to which Mr Choudry had referred during his submissions, in which, at paragraph 6.3 it states:

“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 [...]*
- *the professional has been required to register as a sex offender or has been included on a barred list”.*

101. The Committee was satisfied that the Registrant’s conviction for attempting to engage in sexual communication with a child and the facts which lay behind that conviction, together with its findings of dishonest misconduct were fundamentally incompatible with continued registration as a healthcare professional. It considered that removal from the Register was the only outcome which would adequately protect the wider public interest by marking the gravity of the Registrant’s conviction and conduct, thereby maintaining public confidence in the profession, and in the regulator, and upholding proper standards of behaviour.
102. The Committee observed that the Judge at the criminal trial, in addition judged it necessary to impose a Sexual Harm Prevention Order on the Registrant for a five-year period in order to manage the risk posed by the Registrant, and ordered him to be

placed and remain on the Sex Offenders register for ten years. The Registrant was also referred to the Disclosure and Barring Service.

103. The Committee was in no doubt that the public would consider a person subject to such orders imposed by the criminal court to be an entirely unsuitable person to remain on the register. The public would surely be shocked if this Committee were to impose any lesser outcome than removal.
104. The Committee therefore resolved to give a direction that the Registrant's entry in the Register be removed.
105. The Committee hereby revokes the interim order of suspension which was in place in respect of the Registrant.

Decision on interim measures

106. Mr Choudry, for the Council, 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. He submitted that given the Committee's findings in relation to the Registrant's conviction and dishonest declaration about the criminal investigation, it would be entirely inappropriate for him to be permitted to remain on the register during the interim period before the substantive order comes into effect. He submitted that such an order was necessary to protect the public and was otherwise in the public interest.
107. The Committee carefully considered Mr Choudry's application. It took account of the fact that its decision to order 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.

108. The Committee has found that there remains a risk that the Registrant might repeat his conduct. It accepts the submissions of Mr Choudry that an interim measure of suspension is necessary to protect the public and is otherwise in the wider public interest.
109. The Committee therefore hereby orders that the entry of the Registrant in the register be suspended forthwith, pending the coming into force of the substantive order.