General Pharmaceutical Council

Fitness to Practise Committee

Principal Review Hearing

Remote videolink hearing

4 December 2025

Registrant name:	Sunil Kumar Lakhani
Registration number:	2038518
Part of the register:	Pharmacist
Type of Case:	Misconduct
Committee Members:	Rachel Forster (Chair) Sulthana Begum (Registrant member) Stephanie Hayle (Lay member)
Legal Adviser:	Vishal Misra
Committee Secretary:	Sameen Ahmed
Registrant:	Not Present and Not Represented
General Pharmaceutical Council:	Represented by Yesim Hall, Case Presenter
Order being reviewed:	Suspension – 12 Months
Fitness to practise:	Impaired
Outcome:	Suspension of 4 months with review.
Interim measures:	Interim suspension

This decision including any finding of 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 January 2026**, or, if an appeal is lodged, once that appeal has been concluded. However, the interim suspension set out in the decision take/s effect immediately and will lapse when the decision takes effect or once any appeal is concluded.

Particulars of Allegations found proved at the Principal Hearing

You, a registered pharmacist/pharmacy technician

1. On 22 February 2022, placed a used swab taken for a Covid-19 test back into its packaging;

2. On unknown dates between 11 February 2022 and 22 February 2022:

2.2 did not keep a record of Covid-19 tests completed at the pharmacy;

2.3 did not keep records of courier services used for Covid-19 tests;

2.4 Issued Fit to Fly certificates to patients certifying Circular 1 Health testing service had found their rapid antigen test negative for Covid-19;

2.5 accepted only cash payments for Covid-19 tests;

2.6 recorded the cash received for Covid-19 tests as no sale.

3. Your conduct at 2.1 to 2.6 above was dishonest in that you:

3.3 knew that Covid-19 tests conducted at the Pharmacy were not/would not be tested by Circular 1 Health

3.4 knew that the Fit to Fly certificates provided to patients were not legitimate.

4. In relation to Covid-19 PCR tests, on 22 February 2022 you:

4.1 used a swab kit from Fit2Fly 24/7 Limited at the Pharmacy.

4.2 informed a GPhC inspector that the Pharmacy used “24/7” services to process tests.

6. On 24 February 2022 you notified a GPhC Inspector by way of email that you:

6.1 did not realise that you needed United Kingdom Accreditation Service (UKAS) accreditation for taking swabs

6.2 had now applied for this accreditation

7. Your conduct at paragraph 6.2 was dishonest in that you knew you had not applied for the relevant accreditation with UKAS.

9. Between February 2021 and February 2022, did not ensure that testing services provided by the Pharmacy were accredited with UKAS and/ or make an application to UKAS.

Documentation

Exhibit 1- Council's hearing bundle

Exhibit 2- Council's skeleton argument dated 21 November 2025

Exhibit 3- Proceeding in absence bundle

Exhibit 4 – Email from Registrant dated 1 November 2025

Exhibit 5 – Proof of Service Bundle

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 outcomes guidance* as revised March 2024.

5. At a Review Hearing the Committee must decide whether the Registrant's fitness to practise remains currently impaired and, if so, what should be the appropriate outcome. If the Committee find that the Registrant's fitness to practise is no longer impaired the current order will lapse on expiry.

Service of Notice of Hearing

6. The Committee has seen a letter dated 31 October 2025 from the Council headed 'Notice of Hearing' ('Notice') addressed to the Registrant and sent to them via their email address as noted on the Register.

7. That hearing was due to take place on 1 December 2025. This hearing was postponed due to unavoidable issues around the attendance of one the Committee members that day. The Chair postponed that hearing pursuant to Rule 37 of the Rules.

8. The Committee has seen that the Council has sent notice to the Registrant on 2 December 2025 of the postponed meeting which was to be held on 4 December 2025.

9. The Committee considered that Notice had been given to the Registrant in compliance with Rule 16 of the Rules. The Committee considered that the Council had complied with Rule 37(5) of the Rules by emailing the Registrant notification of the postponed date as soon as practicable.

10. 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

11. The Registrant was not in attendance at this hearing, nor was someone attending on their behalf. The Committee heard submissions from Ms Hall, on behalf of the Council under Rule 25 to proceed in the absence of the registrant.

12. The Committee noted that the Registrant had not responded to the Notice of Hearing.

13. The Committee accepted the advice of the Legal Adviser. The relevant factors to consider were:

a. The general public interest that hearings take place within a reasonable time.
b. The nature and circumstances of the Registrant's absence and if he his behaviour was deliberate and voluntary.
c. Whether an adjournment was likely to result in his attendance at a later date.
d. The extent of the disadvantage in not being able to give oral evidence.
e. The likely length of any adjournment.
f. Whether or not the Registrant wished to represented.

14. The Committee decided to proceed in the absence of the Registrant for the following reasons:

- The Committee has found good service of the Notice therefore the Registrant is, or should be, aware of today's proceedings. The Committee has therefore

decided that the Registrant had chosen to voluntarily absent themselves from this hearing.

- Correspondence from the Registrant on 1 November 2025 indicated that they would not attend the meeting at any point during the week commencing 1 December 2025, and they did not ask for an adjournment.
- There was no information to suggest an adjournment would result in the Registrant's attendance in future.
- There is a public interest in the expeditious disposal of cases.
- Not proceeding today would result in the current order lapsing on 5 December 2025 without a committee considering whether the Registrant remains impaired and whether any further action is required to protect the public or address the public interest.

Hearing history

- Principal Hearing (2-13 September 2024 and 5-7 November 2024) – Suspension (12 months with review).
- The current suspension is due to expire on 5 December 2025.

15. The committee at the last hearing determined that the Registrant's misconduct meant they were impaired on public protection and public interest grounds. In finding the Registrant impaired, that committee referred to the Registrant's:

- Limited insight
- Limited opportunity to demonstrate remediation
- Potential ability to remediate his misconduct
- Risk of repetition

16. The committee at the last hearing determined the following with regard to sanction:

> *"102. The Committee took into account the circumstances of the proven allegations and assessed where the dishonesty found proved fell on a scale of dishonesty. While the dishonesty was serious it was not the most serious, no evidence had been provided by the Council that it was motivated by financial gain. The Committee accepted the submissions made by Mr Thomas that this was not a Regulator for whom a finding of dishonesty must inevitably mean removal from the register. The Committee considered the criteria set out in paragraph 6.9 of the GPhC Guidance and determined that the dishonesty found was not as serious as that referred to in the non-exhaustive list. The Committee determined that this dishonesty was potentially remediable. The Committee considered the period of suspension that the Registrant had been under for a period of two and a half years. The Committee was persuaded by the Registrant's submission in respect of how he intended to work as a locum in the future and not as a Superintendent Pharmacist or Pharmacy owner and his concrete commitment to rebuild trust. The Registrant had demonstrated his commitment to public service through his voluntary work in the community during the period of his suspension. This was evidenced by the testimonial produced.*
>
> *103. The Committee determined that a period of suspension for 12 months was appropriate and*

proportionate taking into account the aggravating factors and the serious nature of the findings. This period would adequately protect the public and the wider public interest."

17. The committee at the last hearing suggested that today's Committee may be assisted by:

- A written reflection on the findings of the committee at the principal hearing.
- Recent testimonials relevant to integrity and communication from paid or unpaid work. Any referees need to be aware and make reference to the findings of the committee at the principal hearing.
- Evidence of relevant training.
- Evidence and a written reflection of any professional discussions concerning ethics and integrity.

Determination

Decision on Impairment

18. The Committee considered whether Registrant's fitness to practise remains impaired. The Committee has taken into account all of the documentation before it and submissions on behalf of the Council, and on the written submissions emailed by the Registrant.

19. *The Committee recognised and applied the following guidance in Abrahaem v GMC [2008] EWHC 183:*

"…the review has to consider whether all the concerns raised in the original finding of impairment through misconduct have been sufficiently addressed to the Panel's satisfaction. In practical terms there is a persuasive burden on the practitioner at a review to demonstrate that he or she has fully acknowledged why past professional

performance was deficient and through insight, application, education, supervision or other achievement sufficiently addressed the past impairments."

20. The Committee accepted the advice of the Legal Adviser. The advice was:

    a. The definition of impairment as laid out at paragraph 2.12 *et seq* of the Hearings and outcomes Guidance 2024.

    b. That it was for a registrant to prove that they were no longer impaired.

    c. This was a forward-looking approach, not one that looks into the past.

21. The Committee considered the following*:*

    a. The Committee noted the finding from the principal hearing that the conduct was potentially remediable. This Committee accepts that finding.

    b. The Committee considered that the level of insight shown by the Registrant remains limited and superficial. The Committee finds that there remains a degree of minimisation of the conduct found proven on the part of the Registrant, and a reluctance to accept the finding of dishonesty.

    c. The Committee noted that no evidence of any relevant training or CPD, especially around ethics, has been provided by the Registrant.

    d. It is noted that the Registrant has explained that he feels a degree of shame and embarrassment around obtaining testimonials from the charity with whom he has volunteered. The Committee has sympathy with this but recognises that part of the remediation process requires the overcoming of this embarrassment. The Committee noted that Registrant demonstrated an expansive career, including acting as a magistrate. These could all have been possible sources of third-party testimonials, as could others he has worked with or encountered following his

suspension. Such evidence could provide objective insight into the changed person that the Registrant now says that he is. However, the Committee had no sight of any such information today.

e. The Committee accepts that the Registrant has started the process of remediation and has expressed remorse. However, in the absence of the Registrant at this meeting today, it was impossible for the Committee to ask the Registrant any further questions. It is for the Registrant to persuade the Committee that he is no longer impaired. This would require further independent evidence of remediation.

f. The lack of independent evidence of remediation leaves the Committee with lingering concerns of a risk of repetition.

22. The Committee therefore finds the Registrant's current fitness to practise to be impaired on public protection and interest grounds. This is because the Committee retains concerns that the conduct has not been properly remedied and the Committee has not been convinced that there is no risk of repetition as highlighted above.

Decision on Sanction

23. Having found impairment, the Committee has gone on to consider the matter of sanction. The Committee's powers are set out in Article 54(3) of the Order. The Committee should consider the available sanctions in ascending order from least restrictive, namely take no action, to most restrictive, namely removal from the Register, in order to identify the appropriate and proportionate sanction that meets the circumstances of the case.

24. 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.

25. The Committee had regard to the Council's '*Good decision making: Hearings and outcomes guidance 2024* to inform its decision.

26. The Committee took into account the submissions made on behalf of the Council and on behalf of the Registrant.

27. The Committee accepted the advice of the Legal Adviser. The advice was:

a. The factors to consider are outlined in the Hearings and outcomes guidance at paragraph 5.1 *et seq.*
b. The purpose of regulatory proceedings is not to punish the Registrant, but rather to protect patients, the public interest, and the reputation of the profession.
c. The public interest is outlined at paragraph 5.7 *et seq.* of the Hearings and outcomes guidance 2024.

28. <u>To take no action.</u> This would not be an appropriate outcome given the Committee's findings.

29. <u>Warning.</u> This would not be an appropriate outcome given the Committee's findings.

30. <u>Conditions of Practice.</u> The Committee next considered the imposition of conditions of practice. A conditions of practice Order would allow the Registrant to practise albeit with restrictions. The Committee must determine whether a conditions of practice Order would be appropriate given the concerns identified regarding the Registrant's practice, in particular whether conditions would protect the public from harm, be sufficient to mark the seriousness of the matter so as to maintain public confidence in the Registrant, the profession and the regulator, and sufficient to promote professional standards within the profession.

31. If conditions are to be imposed, the conditions must be relevant and proportionate to the concerns identified regarding the Registrant's practice. Conditions must be workable and susceptible to being monitored. The Committee must also be satisfied that the Registrant will comply with any conditions imposed.

32. The Committee noted that it would be exceptionally difficult to properly monitor any conditions of practice and thus these would not be workable. As the misconduct relates to dishonesty, the Committee finds that it would not be appropriate to seek to address these concerns through conditions of practice.

33. Suspension Order. 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 unbefitting a member of the pharmacy profession. Also, when public confidence in the profession demands no lesser sanction.*"

34. The Committee noted that this would be the most proportionate sanction in the circumstances. However, the length of any such suspension would need to be proportionate and reflect the purpose of such a suspension, i.e., not to act as a punitive measure.

35. The Committee accepted the submissions of the Council that the Registrant had clearly made a start on demonstrating remediation. Thus, the Committee was keen to ensure that the period of suspension be sufficient to allow the Registrant to complete the process of demonstrating remediation and to give him time to undertake any CPD and source testimonials that he felt may assist the next reviewing committee.

36. In the circumstances, the Committee considered that a suspension of 4 months would be appropriate and proportionate.

37. Removal. Given the above conclusions, and taking account of the seriousness of the matter, the Committee concluded that removal was not a proportionate sanction.

Review Hearing

38. This decision will be reviewed by the Committee before the sanction expires. A future Committee may be assisted by:

- Recent testimonials relevant to integrity and communication from either paid or voluntary work. Any referees need to be aware and make reference to the findings of this Committee and the principal hearing committee.
- Evidence of CPD courses or training courses undertaken, particularly around ethics and integrity, and any reflections on how he would apply any learning to his practice.
- Any evidence of any voluntary work undertaken, including voluntary work within pharmaceutical work.
- Any testimonials from the above.
- A more detailed reflection piece from the Registrant outlining his understanding of his current impairment, and the wider impact of his conduct together with steps he has taken to remedy it.
- Any independent evidence of the steps taken to remedy his impairment.

Decision on Interim Measure

39. Due to the close proximity of the Registrant's suspension lapsing, the Committee considers it important to impose an interim suspension to cover the 28-day period in which the Registrant may seek to appeal this decision.

40. This concludes the determination.