

General Pharmaceutical Council

Fitness to Practise Committee

Principal Hearing

Remote videolink hearing

1 – 4 September 2025, 11 December 2025 and 22 January 2026

PUBLIC DETERMINATION

Registrant name:	Pantea Shahiri
Registration number:	2221111
Part of the register:	Pharmacist
Type of Case:	Misconduct
Committee Members:	Lubna Shuja (Chair) Amira Guirguis (Registrant member) Stephanie Hayle (Lay member)
Committee Secretary:	Chelsea Smith (1-4 September 2025), Mark Mallinson (11 December 2025), Adam Hern (22 January 2026)
Registrant:	Present and represented by Joseph O’Leary (Counsel)
General Pharmaceutical Council:	Represented by Zahra Ahmed (Counsel)
Facts proved by admission:	1(a), 1(b) and 3
No Case to Answer:	2 and 5
Facts not proved:	1(c) and 4
Fitness to practise:	Impaired
Outcome:	Suspension for 2 months

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 20 February 2026 or, if an appeal is lodged, once that appeal has been concluded.

Particulars of Allegation

You, a Registered Pharmacist, whilst working at Boots 65 Moors Walk, Welwyn Garden City AL7 2BQ (the Pharmacy), in your capacity as store manager:

1. Between approximately February and March 2023 obtained one or more refunds from the Pharmacy:

- a. For which you did not have a purchase receipt; [Admitted]*
- b. In circumstances where you were not certain whether they had been purchased from Boots; [Admitted]*
- c. One of which was processed under Colleague A's Operator Code without their knowledge;*

2. Between approximately February and March 2023 purported to show Colleague A a genuine purchase receipt, via cash payment for a Dyson product when you did not have such a receipt;

3. Your actions at 1 a and/or 1 b above lacked integrity in that you knew you were not entitled to refunds into your bank account in these circumstances. [Admitted]

4. Your actions at 1 c. were dishonest in that:

- a. You sought to conceal that you were performing a refund to yourself;*
- b. You did not have permission to use Colleague A's Operator Code and did so without their knowledge;*

5. Your actions at 2 above were dishonest in that you sought to mislead Colleague A to believe that you had a receipt when you did not.

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

Documentation

- GPhC Hearing Bundle (145 pages)
- GPhC Statement of Case and Skeleton Argument dated 14 August 2025
- Investigation Meeting Notes dated 31 March 2023
- Investigation Meeting Notes dated 6 April 2023
- The Registrant's Bundle (20 pages)
- The Registrant's Legal Submissions dated 29 August 2025
- The Registrant's Closing Submissions on Facts dated 3 September 2025
- The Registrant's Submissions on Misconduct and Impairment dated 10 December 2025
- The Registrant's Submissions on Outcome dated 21 January 2026

Witnesses

CW - gave evidence at facts stage

LO - gave evidence at facts stage

SP - gave evidence at facts stage

The Registrant – gave evidence at facts, grounds and impairment stage

Determination

Introduction

1. This is the written determination of the Fitness to Practise Committee at the General Pharmaceutical Council ('the Council').
2. The matter concerns Pantea Shahiri ('the Registrant') who is registered with the Council as a Pharmacist, registration number 2221111. She qualified as a Pharmacist in November 2018.
3. The hearing is governed by *The Pharmacy Order 2010* ("the Order") and *The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010* ("the Rules").
4. 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.
5. The Committee also has regard to the guidance contained in the Council's '*Good decision making: Fitness to practise hearings and outcomes guidance*' (March 2024).
6. 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

7. A letter dated 30 July 2025 from the Council headed '*Notice of Principal Hearing*' was sent to the Registrant. This had been sent by email to the Registrant's registered email address on the same date in compliance with Rule 3 of the Rules. No issue was taken by either party with service. The Committee was satisfied that there had been good service of the Notice in accordance with Rules 3 and 16.

Application for Part of the hearing to be held in Private

8. The Committee heard an application from Mr O'Leary, on behalf of the Registrant, under Rule 39(3) to hold parts of the hearing in private. He indicated that there were matters relating to the Registrant's health and her family life that he would need to raise. Ms Ahmed, on behalf of the Council, did not oppose the application.
9. The Committee considered that the Registrant's right to privacy should be protected and therefore any references to her health would be kept private. The Committee decided to hold those parts of the hearing where the Registrant's health was mentioned in private.
10. Mr O'Leary advised the Committee of the Registrant's medical condition. (REDACTED) Mr O'Leary stated that the Registrant wanted to engage with this hearing, she wanted to progress this case and wanted the hearing to continue.
11. The Committee raised its concern about whether the Registrant was well enough to fully participate in the hearing as it took into account regulatory hearings could be a stressful experience without additional health issues. (REDACTED) Mr O'Leary stated that he had had a very frank discussion with the Registrant and had explained the procedure to her. He had discussed the risks of the case being part heard. He stated the Registrant (REDACTED) was adamant that she could participate in the hearing, that she could engage and she wanted it to proceed (REDACTED)
12. The Committee emphasised to the Registrant that she must inform the Committee if she started to feel unwell at any point or if she needed a break. The Committee

confirmed that it would accommodate her needs as best it could and that she must make it clear if at any point she felt she could no longer fully participate in the hearing.

The Registrant's Application on Admissibility of Evidence from CW

13. Mr O'Leary made an application that the investigation notes of meetings between CW and "*Colleague 1*" and "*Colleague 2*" on 31 March 2023 as well as references to those meetings contained in CW's witness statement at paragraphs 4-6 be deemed inadmissible as they contained hearsay evidence. He referred the Committee to his written Legal Submissions document dated 1 September 2025 which summarised his application and the relevant caselaw. He stated that it was not clear why the notes of those two meetings were relied upon as they had not been referred to in the Council's Skeleton Argument.
14. Mr O'Leary referred to Rule 24 of the Rules which stated that Committee needed to consider relevance and fairness when making decisions about the admissibility of evidence. He also referred the Committee to the cases of *NMC v Ogbonna* [2010] EWCA Civ 1216, *Bonhoeffer v GMC* [2011] EWHC 1585 and *Thorneycroft v NMC* [2014] All ER (d) 161 which set out the principles to be considered when deciding whether to admit hearsay evidence.
15. Mr O'Leary reminded the Committee that there were allegations of dishonesty which were particularly serious. He submitted the hearsay evidence could not be relied upon and should not be admitted because:
 - Particular 1(c) was denied as the Registrant had consistently denied any allegation of "*self-serving*" as her position was that there was always someone with her when the refunds were processed. Mr O'Leary submitted the notes of the two investigation meetings did not provide any evidence in relation to that issue.

- Colleagues 1 and 2 had stated in the interview notes that they often '*cannot remember*' particular transactions. This evidence was challenged by the Registrant.
- The nature in which the statements in the interview meetings had been taken was not clear and was therefore inherently unreliable. Both meetings were with relatively junior members of staff who had questions put to them by an investigator in a very short space of time (13 and 15 minutes respectively). The meeting notes were not signed as to their accuracy by the interviewees, nor were they supported by statements of truth.
- The makers of the statements appeared to be unaware that their statements would be relied upon in the course of further proceedings.
- It was not clear if every employee who worked in the Pharmacy had been interviewed and the Registrant's case was that there were 6 employees altogether.
- No good reason had been given as to why these two individuals had not been approached by the Council for formal statements to be taken, or whether reasonable steps had been taken to secure their attendance, or any reason for their unavailability.

16. In response to Committee questions, Mr O'Leary stated that he had raised the hearsay concerns with his Instructing Solicitors on Friday 29 August 2025, just before the weekend. They had not identified this issue before his involvement but the Registrant had always denied that she had self-served, so the Council was aware of this. He submitted Particular 4 which was an allegation of dishonesty, was restricted only to the transaction involving LO on 7 March 2023 and the evidence relating to this was not improved by the interview meeting notes. Mr O'Leary submitted nothing was gained from these notes as the 2 colleagues could not remember anything. He reminded the Committee the purpose of this hearing was not a "*voyage of discovery into the unknown*" and dealing with questions that should have been put to CW much earlier. He submitted the evidence of Colleagues 1 and 2 was unfair as the Registrant's case was that there was always someone else present.

17. Ms Ahmed submitted that the additional documents were relevant as they went to the state of mind of the Registrant's colleagues who could not remember the relevant transactions, and were highly unlikely to remember even if they were called to give evidence. She submitted CW could be asked about the meetings during cross-examination and the Committee could place little or no weight on those interview notes in due course if it wished to do so. Ms Ahmed submitted the statements given by Colleagues 1 and 2 in those meetings were not the sole and decisive evidence relating to the Particular but were relevant to the issue of the Registrant self-serving. She stated the Committee would in due course hear from LO who could also be cross-examined. In any event, Ms Ahmed conceded the interview notes relating to Colleagues 1 and 2 were not relevant to Particular 1(c) or to the allegation of dishonesty which she confirmed was based only on the transaction of 7 March 2023 involving LO. She submitted the investigation interview notes were relevant to the context of the case and were an indication that some enquiries had been carried out with other employees.
18. Ms Ahmed stated that the Registrant had been aware for some time of these meeting notes being relied upon as they had been disclosed in both the Rule 9 Bundle and the Rule 14 Bundle. The Registrant had been aware of the Council's intention to rely on the hearsay statements and no objection had been raised until today. Ms Ahmed submitted it had always been made clear that Colleagues 1 and 2 would not be called and the case management process required parties to work together on issues before the Principal Hearing. She opposed the Registrant's application and submitted it was a matter for the Committee to decide whether to place little or no weight on the interview notes having heard from CW. She submitted the meeting notes were reliable enough to be admitted for the Committee's consideration.
19. The Committee carefully considered the submissions of both parties, the legislation and the caselaw to which it had been referred. Both parties had confirmed that the

investigation notes of the meetings with CW and Colleagues 1 and 2 were not relevant to the allegation of dishonesty, which both agreed was serious.

20. The Committee considered the relevance and fairness of those notes and reference to them in CW's statement. Dealing firstly with fairness, this application had been made very late and despite earlier opportunities being available to the Registrant to raise hearsay concerns, they were not identified until Mr O'Leary's involvement. It would be unfair to the Council if one of their key witnesses was unable to refer to all the meetings that had taken place during the investigation. The Committee was satisfied that fairness to the Registrant could be addressed as Mr O'Leary could cross-examine CW in due course on any matters she referred to.
21. On the matter of relevance, the Committee, having already read the investigation meeting notes, considered they provided some broader context to the background of the allegations. They were relevant to the Registrant's position that she had not been alone when processing refunds. The Committee concluded that CW should be given the opportunity to give evidence about these meetings with Colleagues 1 and 2 on which the Registrant would have an opportunity to cross-examine her. The Committee was satisfied that it was still possible to ensure the Registrant received a fair hearing. The Committee was an experienced panel and could use its discretion in due course, in determining what weight, if any, it would attach to the notes of those meetings and that part of CW's evidence, particularly as neither Colleagues 1 or 2 had been called to give live evidence. The Committee refused the application.

Application to admit further evidence

22. Ms Ahmed made an application under Rule 18(5) to admit the notes of Investigation Meetings held between CW and the Registrant on 31 March 2023 and 6 April 2023 into evidence. These related to two further meetings that had taken place with the Registrant and had only been brought to Ms Ahmed's attention by CW that morning during their discussions prior to CW giving evidence.

23. Ms Ahmed stated that she had not seen these documents before and they had not previously been disclosed to the Registrant, although she submitted the Registrant would have been aware of their content as she had attended those meetings. Ms Ahmed stated that it appeared the Council's Case Officer had no record of these notes being sent to the Council by CW, they had not been contained in any of the bundles and CW could not recall or ascertain when they had been sent. Ms Ahmed stated that the initial referral had contained a number of documents which were sent to the screening team and they may not have passed them all to the Case Officer. As there was no record of this disclosure, they had not been sent to the Investigating Committee or served on the Registrant with the Rule 14 Statement.
24. Ms Ahmed submitted that it was in the interests of fairness to allow the documents as CW wanted to refer to them in her evidence and this would allow her to give her best evidence. Ms Ahmed submitted it would be unfair to CW and not in the public interest not to admit the meeting notes. The notes were not lengthy and with the agreement of Mr O'Leary a number of redactions had been made to exclude references to matters that were not relevant. She submitted it would not be unfair to the Registrant to allow the notes as they supported her position in that they demonstrated she had been consistent in her denials and explanations.
25. Mr O'Leary confirmed the application was not opposed. The notes assisted the Registrant and were a repetition of what she had said throughout.
26. The Committee decided to admit the further documents into evidence. It appeared that the documents had gone astray after being sent to the Council which was through no fault of CW. They were not recorded or disclosed to the Registrant earlier but Mr O'Leary had confirmed they did not cause her any prejudice, rather they supported her case. The Committee concluded the notes of the investigation meetings on 31 March 2023 and 6 April 2023 may be of assistance and it was in the interests of justice, as well as in the Registrant's interests to allow them into evidence.

The Registrant's Response to the Particulars of the Allegation

27. The Registrant admitted Particulars 1(a), 1(b) and 3. Accordingly, the Committee found Particulars 1(a), 1(b) and 3 proved on her admissions under Rule 31(6) of the Rules.
28. The Committee went on to receive evidence and submissions regarding the remaining disputed Particulars.

The Registrant's Application of No Case to Answer

29. After the Council had closed its case on the facts, Mr O'Leary made an application under Rule 31(8) of no case to answer in respect of Particulars 1(c), 2, 4 and 5.
30. In relation to Particulars 1(c) and 4, which were linked, Mr O'Leary submitted these relied on the refund transaction of 7 March 2023 and the Committee had heard evidence from the witnesses confirming there had been issues with the tills at the Pharmacy as they did not automatically log off staff operator codes after a period of time. As a result, LO had confirmed that she could leave the till, come back and use someone else's code. He submitted the Council's evidence on Particulars 1(c) and 4 were limited to the evidence of LO who could not remember the date or time of this transaction, or indeed of a number of others.
31. Mr O'Leary submitted that evidence has also been given by a number of witnesses confirming that 5 or 6 other staff members were present at the Pharmacy each day. However, no evidence had been given by any other staff member save LO. He reminded the Committee that the Registrant's position was always that she had not served herself and that someone else had been present. The investigation notes of the meetings with Colleagues 1 and 2 related to different transactions which neither of them could recall or recall clearly. CW's evidence had been that 2 individuals had to be present to process a refund which supported the Registrant's case.
32. Mr O'Leary submitted the Council had not done its own investigation. CW had decided to interview only 3 staff members so her investigation had been limited and evidence from it must be treated with extreme caution. He referred the Committee

to the case of *Enemuwe v NMC [2015] EWHC 2081 (Admin)* which confirmed that the findings made at investigations by another person were inadmissible in regulatory proceedings. He submitted there was no CCTV and the Council's case relied on a lack of memory rather than positive assertions. He submitted CW had made a number of unfounded statements in her evidence and some of it contradicted what LO had said. CW had stated that there was no evidence of the refunded items being returned by the Registrant but the evidence of LO and the investigation meeting notes with Colleague 1 confirmed they had both seen the items. Mr O'Leary submitted not all the evidence that could be obtained had been obtained and lack of recall was not evidence, it related to knowledge.

33. In relation to Particulars 2 and 5, which were also linked, Mr O'Leary submitted LO had conceded in her evidence that the piece of paper in the Registrant's hand during the refund transaction on 27 February 2023 could have been something other than a receipt. LO had stated that she had "*automatically assumed*" it was a receipt. The Registrant's position had always been that she did not have a receipt for most of the refund transactions. Mr O'Leary submitted there was no other evidence to support these allegations.
34. Mr O'Leary reminded the Committee that these were serious allegations and the evidence in support must be cogent. He submitted there was no case to answer on Particulars 1(c), 2, 4 and 5.
35. Ms Ahmed, on behalf of the Council, submitted the Committee should consider if there was any evidence of a case to answer. She submitted in relation to Particulars 1(c) and 4 that LO stated she did not remember the refund transaction of 7 March 2023 and that "*there was no reason for her not to remember it*". Ms Ahmed submitted she could not remember it because she had not authorised it. She submitted LO's operator code had been used that day and there was a clear implication on who was involved as the transaction was refunded to the Registrant's bank card. She submitted the Committee should consider all the other evidence. She submitted there was some evidence in DT's witness statement which attached a

telephone attendance note with the Registrant where they had discussed the irregularities. Ms Ahmed submitted that third parties stepping onto the till to make refunds should be explored in the Registrant's evidence as all the refunds had been to her benefit.

36. In relation to Particulars 2 and 5, Ms Ahmed submitted that whilst LO was clear that she had not looked at the receipt, she also stated that the Registrant had taken over this refund transaction. Ms Ahmed referred the Committee to her Statement of Case and Skeleton Argument which she relied upon and submitted the Committee could still, in due course, find some of the charges not proved having heard from the Registrant.

Decision on the Registrant's Application of No Case to Answer

37. The Committee took into account the submissions of both parties, the evidence it had heard on Particulars 1(c), 2, 4 and 5 and all the documents provided. The Committee also took into account the guidance in the case of R v Galbraith [1981] 1 WLR 1039 and considered whether the evidence adduced by the Council placed the case into either of the following categories:

- (1) There was no evidence that the Registrant had carried out the acts alleged in these Particulars;
- (2) There was some evidence but that it was of a vague or tenuous character or it was inconsistent with other evidence, such that no Committee, taking the evidence at its highest and properly directing itself, could find the Particulars proved on the balance of probabilities.

38. The Committee was mindful that taking the Council's evidence at its highest does not mean selecting only those parts of the evidence that support the Council's case and all of the evidence as a whole must be considered.

39. The Council's case on Particulars 1(c) and 4 related to the refund transaction on 7 March 2023. Particular 4 was an allegation of dishonesty which relied on Particular 1(c). LO did not remember this transaction and she stated "*I don't see why I wouldn't remember ... I didn't do that one*". The Committee concluded that this evidence was tenuous particularly in view of the evidence it had heard that the tills at the Pharmacy did not automatically log staff off after a certain period of time so it was possible that staff members could operate the tills using another person's operator code.
40. However, the Committee also carefully considered the other documentary evidence provided. It noted that the Rota for LO appeared to indicate that she was not working at the Pharmacy on 7 March 2023. The table of updated till transactions showed that a refund of £499.99 had been made to the Registrant's bank card and appeared to show that LO's operator code had been logged in that day to make that refund even though LO may not have been working.
41. The Committee concluded that the Council had provided some evidence that the refund transaction of 7 March 2023 may have been processed under LO's operator code without her knowledge and the Registrant obtained a refund as a result. The Committee decided that the Council's evidence was such that on one possible view of the facts there was evidence upon which the Committee could properly come to the conclusion that Particular 1(c) was proved and therefore there was a case to answer on Particulars 1(c) and 4.
42. In relation to Particulars 2 and 5, the Council's case was that during the refund transaction of 27 February 2023, the Registrant was alleged to have shown LO a purchase receipt for a Dyson product, when she did not have such a receipt. Particular 5 was an allegation of dishonesty which relied on Particular 2.
43. The Committee accepted Mr O'Leary's submissions in relation to Particulars 2 and 5. When LO was asked about this transaction and what the Registrant had shown her, she stated:

“She showed me a receipt but I didn’t know what it was for..... I didn’t actually see what the receipt was for.... I didn’t get a proper look at the receipt so don’t know what was on it..... She showed me a piece of paper but I didn’t get a look at what it was. I assumed automatically it was the receipt.”

44. The Committee concluded that there was no evidence that the Registrant had purported to show LO a genuine purchase receipt for the item involved. There was no case to answer on Particular 2 and as Particular 5 relied on Particular 2, it followed there was no case to answer on Particular 5.
45. The Committee granted the Registrant’s application of no case to answer on Particulars 2 and 5.

Background

46. At the material time, the Registrant was employed as a Pharmacist and Store Manager at Boots, 65 Moors Walk, Welwyn Garden City AL7 2BQ (“the Pharmacy”). She started work at the Pharmacy in August 2022. The store was a pharmacy only and did not sell electrical items.
47. On 1 August 2023, the Registrant’s conduct was referred to the Council by GC, a Clinical Governance Specialist on behalf of the Superintendent Pharmacist at Boots UK. The referral stated that the Fraud Analytics Team had flagged several high value refunds which had been processed. The referral stated that during an investigation, it was noted that a number of electrical products had been refunded to the Registrant and this was not in line with company processes and refund policy. The referral stated that when questioned, the Registrant had admitted not following company policy. The referral stated that refunds had been processed with no proof of purchase provided by the Registrant and that the Registrant was dismissed on 23 April 2023.
48. During February to March 2023, the following refund transactions, for which receipts had not been provided, were processed to the Registrant’s credit card in the total sum of £3,769.93:

- (1) Babyliss Elegance straightener 235(8557209) – £90 on 9/3/23 at 08:31
- (2) BaByliss Pearl Shimmer Wand (8943303) – £35 on 9/3/23 at 08:31
- (3) Babyliss Elegance hair dryer 2100 (8557195) – £45 on 9/3/23 at 08:31
- (4) LRP Anthls UVmn 400 invs fld SPF50 50ml (9005250) – £19 on 8/3/23 at 18:04
- (5) PIZ BUIN MOUNTAIN SUN CREAM SPF50 50ML (4103505) – £8 on 8/3/23 at 10:46
- (6) PIZ BUIN MOUNTAIN SUN CREAM SPF50 50ML (4103505) – £8 on 8/3/23 at 10:46
- (7) PIZ BUIN MOUNTAIN SUN CREAM SPF50 50ML (4103505) – £8 on 8/3/23 at 10:46
- (8) DA multistyler cmplt C&P vinca blue&rose (5225744) - £499.99 on 7/3/23 at 12:31
- (9) Oral B iO7 elec tbrush black Onyx (4726626) - £400 on 1/3/23 at 15:00
- (10) Philips hair clipper hc9450/13 (6341268) - £99.99 on 28/2/23 at 08:58
- (11) Estee Lauder Modern Muse EDP 50ml F (1634461) - £82 on 28/2/23 2023 at 08:58
- (12) Oral B iO7 elec tbrush black Onyx (4726626) - £400 on 24/2/23 at 11:15
- (13) Dyson Airwrap multi-styler long nic copp (3569748) - £479.99 on 22/2/23 at 08:30
- (14) Oral B iO7 elec tbrush black Onyx (4726626) - £400 on 28/3/23 at 09:05
- (15) DA multistyler cmplt C&P vinca blue&rose (5225744) - £499.99 on 28/3/23 at 09:00
- (16) Philips hair clipper hc9450/13 (6341268) - £99.99 on 24/3/23 at 11:28
- (17) Oral B iO7 elec tbrush black Onyx (4726626) - £400 on 24/3/23 at 11:28
- (18) Nuby Silicone Breast pump - £12.99 on 14/3/23 at 09:05
- (19) Philips hair clipper hc9450/13 (6341268) - £99.99 on 14/3/23 at 09:05
- (20) Estee Lauder Modern Muse EDP 50ml F (1634461) - £82 on 14/03/23 at 09:10

49. The Registrant admitted during her employer's investigation meeting on 31 March 2023 that she had assumed some items had been purchased from Boots by her mother, but she was unable to confirm this. The Registrant did not process the returned items using tracking labels as required by the Pharmacy "*returns system*" so the items could not be traced.
50. The Registrant appealed the dismissal decision and Appeal meetings were held on 31 May 2023 and 2 June 2023. She raised concerns about the accuracy of notes taken at earlier meetings among other issues. The dismissal decision was upheld.

Summary of Evidence

The Council

51. The Council relied upon five witnesses:
- CW – Store Operations Support Specialist at Boots UK
 - LO – Dispenser at the Pharmacy
 - SP – The Area Manager for Boots East Essex
 - GC – Clinical Governance Specialist at Boots UK
 - DT – Case Officer at the Council
52. The Council called CW, LO and SP to give evidence. The three witnesses gave evidence under affirmation and adopted the contents of their witness statements.

Evidence from CW – Store Operations Support Specialist at Boots UK

53. The Committee had witness statements from CW dated 21 February 2024 and 6 June 2024. The statement attached numerous exhibits including the Boots Refund Policy, staff rotas for the Registrant and LO, a table of refunds made to the Registrant and notes from CW's investigation meetings.

54. In her first witness statement, CW confirmed she had investigated the Registrant's refund transactions and had then given all the information to a Disciplinary Manager. She stated the refunds had not been processed as returns, so there had been no tracking labels on the returned items which meant the items were untraceable. She explained that the refund policy at Boots was that if a purchase was returned by a customer within 35 days in its original packaging with proof of purchase, Boots would refund or exchange it. Refunds must be paid to the original payment method and in the amount shown on the proof of purchase. If the customer did not have proof of purchase, an exchange or credit on a Boots gift card would be offered at the current selling price.
55. In her second witness statement, CW stated that the Registrant's refund transactions had breached Boots refund policy and had been a security breach as staff were not permitted to process their own transactions. She stated that the refund transaction of 1 March 2023 in the sum of £400 for an Oral B electric toothbrush had been processed under the Registrant's operator code. She stated other staff had not processed the refund transactions or seen the products in store. CW also stated that she had carried out a search of all Boots stores across the UK and the results were that no Dyson product had been purchased in cash during the period March 2022 to March 2023. She stated there were a limited number of stores that stocked Dyson products and the Fosse Park store was not a stockist. She stated there was no evidence that the refunded items had been sent back to a Boots warehouse.
56. CW also explained in her second witness statement "*credit claiming*" which was used to manage stock and returns in store. She referred to "*Inter Store Transfer*" which was used to amend stock figures and transmit data to other Boots stores.
57. CW's evidence before the Committee was as follows:
- (a) Each employee had a 6 digit passcode that was used to log into a till in conjunction with an Operator ID so a user name and a passcode were required. As she had not worked in the Pharmacy, she did not know whether the tills

logged staff off automatically after a period of time. She confirmed issues with the tills had been raised with her by the Registrant during the investigation. She did not dispute staff could operate the tills using another person's code as three members of staff had told her this.

- (b) Boots had a "*Lock Your Shop*" and "*Cash Control*" policy. There was a specific operator code for locums and staff were not permitted to use this. She stated that it was against Boots security policy for staff to complete their own transactions or those of family/friends.
- (c) On cross-examination, CW could not confirm how many staff were employed in the Pharmacy at that time and could not comment on why she had not interviewed all of them but said she would have interviewed those whose till numbers had been used. She stated: "*I interviewed colleagues who said they hadn't seen any of these refunds or those items present. So that completed my investigation and no other staff needed to be interviewed.*"
- (d) She confirmed there had been no CCTV in the Pharmacy.
- (e) CW stated that when she interviewed Colleague 2, he had spoken good English. She stated he could not have completed any refunds without a supervisor code as he was a Trainee Pharmacy Advisor.
- (f) CW maintained that her notes were an accurate reflection of her interview with the Registrant even though they were not word for word verbatim. She disputed the Registrant had informed her that the Registrant's partner had purchased an item at Fosse Park store and maintained the Registrant had informed her that the Registrant had purchased the item at the Fosse Park store.
- (g) CW accepted that a refund to a bank card was more traceable than a refund to a gift card.
- (h) CW said she was "*confident [the Registrant] had training ... she said she spent considerable time with store managers in other stores... I didn't investigate education or training... she had help from another store manager on credit claiming.*"
- (i) CW described various processes used within the store for credit claiming, refunds and tracking returned items. She confirmed that she had not interviewed the Pharmacy delivery driver because "*We wouldn't get answers from the driver. If*

they say they collected something, the driver would not know what is in there without a blue tote bag. They would have no idea what's happening without a tracking label. They are sealed bags and you can't see what's inside. They have got a label on with just a number.... The driver would not take the item without it being processed... a driver wouldn't accept a non-labelled bag.... If I asked the driver, they may or may not have seen the item, we don't know where it is going or where it was taken from..... it wasn't that I didn't want to interview, I didn't think it was necessary..."

Evidence from LO - Dispenser

58. The Committee had a witness statement from LO dated 28 June 2024. In her statement, LO stated she was only aware of one refund transaction for a Dyson hairdryer. She stated it was meant to be a cash refund but she did not have enough cash in her till so it was put through as a refund onto the Registrant's card as there was no receipt. She stated her recollection was that the Registrant's mother had bought the product and it was unsuitable so the Registrant had brought it in for a refund. This was the only refund transaction she was aware of. She stated that she was not doing the refund quickly enough, so the Registrant had taken over.
59. In her evidence to the Committee, LO stated:
- (a) At that time, she had worked at the Pharmacy for about 3 years. She stated the tills kept staff logged in and did not automatically sign them out. She said *"sometimes it got confusing if someone else logged on. I could go to the toilet and someone else could log on and log me out. I could come back and think I was still logged on."*
 - (b) There were two tills in the Pharmacy but there would be about 4-5 staff members working most days. She described the Pharmacy as a *"busy little shop"* dealing with a lot of transactions.

- (c) LO remembered seeing the Dyson hairdryer for the refund transaction she was involved with. She could not remember the dates or times of any transactions but said *"I was told it was two Dyson hairdryers in the interview. I remember one but not the second one. If I remember one, I don't see why I wouldn't remember the second one. I didn't do that one... I can't recall the second one."*
- (d) LO stated that the refund policy stated that if there was no receipt the refund should be on a gift card. It was at that stage that the Registrant took over the transaction and it was taken out of her control as she wasn't doing it fast enough. She stated *"she just shoved me aside to take over... I was at her side but not watching what she was doing. I was not aware of what was being done on my log in and what else was being done on that transaction and nothing was said to me."* LO confirmed that she had been signed in on the till and she knew the Registrant was using her till code as she was not logged out.
- (e) LO confirmed that they had not been instructed to do anything in relation to logging in and out of the tills so *"we just left it"*.
- (f) LO said she was asked during the investigation if the Registrant had brought the Dyson hairdryer back to the Pharmacy. She said she had told the investigator *"We put it in the back, in a green bag and it was taken by the driver...."* She could not recall if this had actually happened and could not now recall if she had seen the item that day.

Evidence from SP – Boots East Essex Area Manager

- 60. The Committee had a witness statement from SP dated 19 February 2024. In his statement, SP confirmed that he had conducted the Disciplinary Meeting with the Registrant on 14 April 2023.
- 61. In his evidence to the Committee SP confirmed that the investigation evidence had been presented to him by CW during a meeting. He stated that the accuracy of the meeting notes would have been confirmed by email by the Registrant and that the notes were not word perfect but would give the context of what was said and how his decision was made. He explained Boots refund policy and that if there was no

receipt, an exchange could be offered to the value of the product if it was a Boots product. He stated this was “*at the discretion of the Store Manager or Line Manager*”. SP stated if a Store Manager was dealing with the refund, they would seek permission from their Line Manager and inform them if they had done the transaction if they were unable to get hold of the Line Manager. He stated:

“If there is no receipt and it is a large value item, they don’t get a colleague to refund. They have to get that permission first.... Need to get authorisation. Store colleagues are trained not to refund without a receipt. They always need permission from experienced people to make that decision if they can’t get hold of the Store Manager on the spot..... If it is a straight forward refund, in some stores experienced staff could make a decision on the refund. Most refunds need a second person to check it over, unless it is an exchange on a Boots product. On big items, wouldn’t make that decision. It all depends on the situation. It is not overly set in stone.”

62. SP confirmed that he was aware that in some stores the tills did not automatically log staff off but that he had not worried about this as he had been asked to look into the refund policy. He stated it had not been part of his decision making.

The Registrant’s Evidence

63. The Committee had a witness statement from the Registrant dated 28 August 2025. In summary, in her witness statement, the Registrant provided her career background. She stated that the Pharmacy had been very disorganised when she joined in August 2022 and good systems were not being followed. She stated that she had put procedures in place to ensure necessary tasks were done on time. The Registrant stated that when she initially joined Boots, her induction and training had consisted of being sent to different stores to observe Managers in day to day activities. She stated there was an online training platform on various aspects of work which she went through, but it was all theory rather than practical tasks. She stated she had prioritised the pharmacy aspects of the training rather than the retail side which she had not dealt with and left for other staff. The Registrant stated that the

procedures she had observed during her induction in larger stores were different from what was happening in the Pharmacy. She stated that even if she had read all the theory, she would not have fully understood it until she had to deal with it in the store, when she would have worked out how it was done.

64. The Registrant stated that when staff used their operator code to log in to use a till, the code would remain logged in and did not automatically log the staff member out for some time after a transaction. She confirmed there were only two tills in the store. Sometimes there could be four people serving when it became very busy, and there would often be no time to log off between transactions. She stated it was very easy to accidentally use a till that was already logged in as someone else. She stated that it did not show on the screen who was currently logged in so staff would inadvertently carry out transactions under each other's logins.
65. The Registrant had set out her understanding of the refund process and stated that as far as she could recall, if there had been a card payment the refund did not have to be to the same card that was used for the original purchase, such as when a payment had been made by Apple or Google Pay as the card number on the receipt would not match the number in an electronic payment wallet. She stated that if a customer did not have proof of purchase a refund could still be processed back to customer's bank card as the till allowed refunds by all methods. The Registrant stated that she knew this would leave an audit trail to link the refund to a particular person and their card could therefore be traced. She accepted she had breached the Boots Refund Policy as her refunds should have been made to a gift card rather than to her own card.
66. The Registrant stated that the first item she had returned for a refund had been left in the stockroom with a green 'Returns' label on it. She stated that when their regular delivery driver saw this, he had told her the item should go into a blue plastic tote crate with a tag to seal it closed. She stated that from then on, this is what she did, although some of the items would not fit in the closed blue totes as they were too big. For these items, she stated the totes could not be sealed. The Registrant

stated that during her investigation meetings she mentioned the driver's involvement several times and had requested he be contacted to confirm all the items had been returned to the Boots Warehouse. However, she was told this was not important and as far as she was aware, he was not spoken to. The Registrant said she felt that if the driver had been spoken to, he would have remembered what happened.

67. The Registrant stated she had not been aware of the 'Credit Claiming' system and did not remember being trained on this in the induction training materials or being shown how it should work. She stated she had been unaware of the process for tracing items as she had previously worked in a large pharmacy chain which did not have a tracking process. She had thought the process was the same at the Pharmacy so had placed items in the return box. She stated if she had known there was a tracking system, she would have followed that. The Registrant stated that other colleagues had seen all the items she returned and there had been other items returned by customers which were sent back to the warehouse without labels, so she had not thought about it further.
68. In relation to the refund transactions that were made on her card, the Registrant stated that these items were mainly bought on behalf of her mother by her mother's friends. She stated that her mother would ask friends to buy items for her and would often end up getting the wrong items or too many of the items she had asked for. The Registrant stated that someone else had purchased, on her mother's behalf, a Dyson Airwrap (long-barrel version) which her mother had got for the Registrant. She stated that this was faulty and did not work so she had returned it to the Pharmacy for a refund. It was subsequently returned to the Boots warehouse. The Registrant stated that LO had processed this refund. She stated that the refund actually belonged to her mother, but she did not consider it was appropriate to use her mother's card for the refund when her mother was not present. She also stated that had she done this, there would have been no audit trail to link the refund back to the Registrant. The Registrant stated that if she had wanted to conceal the refund in any way, she could have used her mother's card or anyone else's card or refunded it to a gift card.

69. The Registrant stated that there was another Dyson Airwrap which was returned and refunded to her card which had been brought on behalf of her mother as a gift for the Registrant. She stated this had not been suitable as it was a short-barrel version so she had returned it to the Pharmacy where a colleague had processed the refund back to the Registrant's card. She stated she could not remember which colleague it was and it was possible that they may have inadvertently used an operator code which was not theirs. The Registrant confirmed that she did not know the operator codes for any of her colleagues.
70. In relation to the four Oral B toothbrushes, the Registrant stated that two of these had been purchased towards the end of 2022 and were intended to be presents. They were not used as presents and so were returned unopened for refunds. The other two toothbrushes were faulty. She stated all four items had been returned to the warehouse. The Registrant stated that there were other items which were returned after they had been bought because they were seen for a cheaper price elsewhere.
71. In her statement the Registrant stated that at the time, she had made an assumption that most of the items refunded were originally bought from Boots stores. In her evidence, she stated that certainly some, if not most, would have been as they were all items that she knew were sold by Boots. She accepted this was an assumption on her part and she could not be 100% certain that they were all purchased from Boots stores. She accepted she had not made every possible check to ensure this was the case.
72. In her witness statement the Registrant stated that for every refund transaction to her card, one of her colleagues had been present and had processed the transaction through the till. She stated they had all been aware that the refund was going to her card and there had been no attempt to hide this.
73. In her statement the Registrant accepted she had not provided proof of purchase and had therefore breached the Boots Refund Policy by accepting refunds to her own

bank card. She admitted that by accepting refunds in this way, and not being certain that the items had originally been bought from Boots showed a lack of integrity by her at the time. She accepted she had not taken sufficient care to ensure she was strictly following the correct procedure at all times.

74. The Registrant stated that she did not agree the notes from the investigation meetings were all accurate and she had made this clear at her first appeal meeting. She stated the notes did not record everything that was said and contained numerous mistakes. She stated that the abbreviated nature of the notes meant that some of her replies had been taken out of context and she had not been given enough opportunity to check or comment on the notes. As recordings of the meetings had not been made, the notes could not be checked against what was actually said.
75. The Registrant confirmed that she subsequently repaid all the money that had been refunded to her, as she had accepted that she had breached the policies. Although she acknowledged that she had dealt with these refunds in the wrong way, she denied acting dishonestly.
76. In her witness statement the Registrant made reference to a number of difficult personal challenges and stated that working as a pharmacist had helped her through a difficult period. (REDACTED)
77. In her evidence before the Committee, the Registrant stated she had no previous regulatory history. She stated that there were two tills and sometimes there would be five or six people working in the Pharmacy which was an incredibly busy store. She said that she had worked with two staff members, one of which was Colleague 2, for whom English was not their first language and there had been some communication issues.
78. The Registrant stated that she had never served herself and all transactions had been done by other colleagues. She admitted she had not had receipts but said that the decision to refund onto her bank card was made by the person processing the

transaction. She confirmed that in the absence of proof of purchase, she had preferred the refund to be made to her bank card, rather than a gift card, so that there would be an audit trail and if there were any issues, it would come down to her and she would be responsible for it. The Registrant confirmed that the tills in the Pharmacy at that time had been very old and the screens did not show any name or number of who was logged in.

79. The Registrant denied she had processed a refund under LO's operator code on 7 March 2023 or had served herself on any occasion. She stated she could not recall anything about that refund or who had carried it out. Whilst LO's operator code had been used, the Registrant had no idea how that had happened and could not give an explanation. She said it was possible that there had been a malfunction on the till but she was not an IT expert. She denied ever pushing LO off a till or taking over a transaction. The Registrant was adamant that she did not conceal a refund using LO's code without her permission. The Registrant stated she could barely remember her own code and had no way of knowing LO's code or indeed any other colleague's operator code, even though she was the Store Manager. The Registrant explained that she had been given her 6 digit code by someone else and had not set up her own code or set up anybody else's code, nor did she know how to. The Registrant confirmed that the operator codes were specific to each employee and only the IT department could help with issues relating to them.
80. In relation to her induction training, the Registrant stated that she had been sent to different stores to learn from other managers but she had not been shown how to do things. She stated it was only when she started using the tills that other colleagues had shown her how to log in. The Registrant stated she had not been shown how to do refunds and could not recall if, or how many, refunds she had processed. She could not recall if she had processed refunds for customers without receipts. She thought that she would not have processed refunds for customers without a receipt as she would not know if the item was a Boots product. In her own case she had assumed they were Boots products. She considered that even if she had attended another store without a receipt the decision to refund would have been at the

discretion of the person processing the refund. She recalled speaking to a Line Manager briefly to ask a general question which may or may not have been about refunds or these transactions, but she said she did not get a definitive answer.

81. The Registrant stated that whilst credit claiming was on the training platform, it had not been shown to her in practice and she had not been fully aware of it.
82. The Registrant explained some of the personal challenges she had experienced at the time these transactions took place. (REDACTED)
83. The Registrant stated that she had made a mistake in assuming the products were from Boots. She had assumed the items were from Boots because her mother thought they were from Boots. She confirmed she had paid all the money back to Boots and had offered to do so instantly when the issues were raised with her. She denied using her own store to process the refunds because it would be easier for her to get refunds without the receipts. She said it had been a matter of convenience to use her own store. She had not intended to cause any harm and had always known the refunds could be traced back to her.
84. The Registrant confirmed that she had been qualified as a pharmacist for four years when she joined Boots as a Store Manager. She accepted she had responsibility for the operation of the store and ensuring policies and procedures were followed by everyone including her. She denied instructing colleagues to process refunds for her although accepted in hindsight that she had placed them at risk by breaching the refunds policy. She stated that her mother would often purchase the same gift for a number of relatives which is why there appeared to be a pattern of items being refunded. She stated her Area Manager had been aware of issues with staff using the generic locum log in code.
85. The Registrant stated that even though she was aware of issues with the tills, she did not check whether staff were logging in or out of the tills when they were processing her refunds because there was no need for her to touch the computer screen. The Registrant could not explain why a number of returns were done on the same day at

different times and thought it may have been because the Pharmacy had got busy, or she had been called away to deal with something else. She confirmed that all the items were returned and would have been placed by the person who processed the refund at the back of the Pharmacy for collection by the delivery driver. If the item was too big to fit in a tote, it was placed on top or by the side of the tote with a white sticker on indicating what was inside the box.

Submissions on Particulars 1(c) and 4

86. Ms Ahmed confirmed that Particular 1(c) related only to the refund transaction on 7 March 2023. She submitted that the evidence given by LO should be considered along with the other documentary evidence. LO had been clear that she had not given permission for her operator code to be used. Ms Ahmed submitted the rota indicated LO was not working on that day but other documents showed that her operator code had been used. Ms Ahmed stated that the Registrant had been unable to explain how this refund had been made or how LO's code had been used.
87. Ms Ahmed submitted the Registrant knew the refund was going back to her card, she had access to the tills and all the other staff in the Pharmacy were junior to her. Ms Ahmed stated that the Committee must be satisfied that the Registrant had processed the refund herself in order to find Particular 1(c) proved.
88. Ms Ahmed submitted the Registrant could not have held a genuine belief that she did not know the operator code was not hers. She submitted the Registrant knew there were issues with this store, she was aware that it was disorganised, she was familiar with the tills and knowing this, she knew it would be convenient for her to obtain refunds without receipts. Ms Ahmed submitted this was one transaction of many and the Registrant could not hold a genuine belief that her conduct had been transparent. Ms Ahmed confirmed that it was not alleged the Registrant had self-served on any of the other transactions.

89. Mr O’Leary referred the Committee to his Closing Submissions on the Facts document which set out in detail the relevant caselaw and the reasons why he submitted Particular 1(c) had not been proved. He reminded the Committee that the Registrant was of good character and had made some admissions at the outset.
90. In summary, Mr O’Leary submitted the evidence of Colleagues 1 and 2 should be treated with extreme caution as it had not been tested. LO could not recall this transaction and all the witnesses had confirmed there were issues with the tills not logging out staff automatically. He submitted the investigation carried out by CW contained incorrect conclusions and there was no evidence of which staff members were working on any particular date. He submitted that all the other transactions had been processed by other colleagues and it was therefore more likely than not that there would have been someone present processing the transaction on 7 March 2023. The refunds had been made to the Registrant’s card and she had not sought to conceal this. Mr O’Leary submitted the Council had not produced cogent evidence to support Particular 1(c) and both this and Particular 4 had not been proved.

Decision on Facts

91. In reaching its decisions on facts, the Committee considered the documentation listed at the start of this determination, all the oral evidence and the submissions made by Ms Ahmed and Mr O’Leary.
92. When considering each Particular of the Allegation, the Committee bore in mind that the burden of proof rests on the Council and that Particulars are found proved based on the balance of probabilities. This means that Particulars will be proved if the Committee is satisfied that what is alleged is more likely than not to have happened.
93. The Committee took into account the passage of time that has passed since the alleged events and that witnesses cannot be expected to precisely remember every date and detail. The Committee is not required to make a determination on every disputed issue so it focused on those material matters relevant to the Particulars of Allegation whilst taking into account the content of contemporaneous records.

Particular 1(c):

You, ... in your capacity as store manager:

1. Between approximately February and March 2023 obtained one or more refunds from the Pharmacy:

c. One of which was processed under Colleague A's Operator Code without their knowledge;

94. The Council's case on Particular 1(c) was based on one refund transaction on 7 March 2023 when the Registrant had received a refund of £499.99 to her bank card which had been processed under LO's operator code. Ms Ahmed had made it clear that this Particular was put forward on the basis that the Registrant had served herself for this transaction on this date.
95. The Committee found each of the witnesses were credible and did their best to recall matters which related to events from 2 years ago. SP's evidence was of limited assistance as he had not been involved in the relevant transactions. LO's evidence in relation to this transaction on 7 March 2023 was of little assistance as she could not recall it at all.
96. CW had conducted the investigation but that had been limited in scope as she had not interviewed all the staff at the Pharmacy or the delivery driver. She had also made a number of assumptions during that investigation which became apparent during her evidence. Examples of this were that she concluded none of the items had been returned by the Registrant yet there was evidence from those she had interviewed that they had seen some of the items. She assumed the delivery driver would not be able to give her any answers and she had made the decision not to interview him. She said she was confident the Registrant had been trained but this seemed to be based on what the Registrant had said about observing managers in

other stores and CW had not investigated training logs herself. The Committee therefore treated the investigation notes with considerable caution.

97. The Committee found that the Registrant had given her evidence in an open and candid manner. She did not seek to deflect or divert when asked questions. However, she could not recall the transaction on 7 March 2023 at all and could not explain why LO's code had been used that day. She was adamant that she had never served herself on any occasion. The Committee noted that the Registrant had mentioned at least one Dyson Airwrap had been purchased from the Boots Fosse Park store but CW had stated this store did not stock Dyson items. This anomaly had not been clarified in evidence.
98. The Committee had already found that the evidence of LO was tenuous but had noted that her rota seemed to show she had not been working at the Pharmacy on 7 March 2023. It was therefore consistent that she had no recollection of this transaction as it seemed to have happened when she was not on duty so it was more likely than not that she did not know about it. The Registrant had no recollection of this transaction either but denied she had ever served herself when any of the refunds were processed.
99. Both LO and the Registrant had confirmed that there were issues with the tills at the Pharmacy not automatically logging staff out after a period of time and therefore transactions were carried out by staff inadvertently using each other's operator codes. SP and CW were also aware of this issue. There was no explanation as to why LO's operator code was active on a day when she appeared to be absent from work. The Committee had not been provided with the rotas for any of the other staff members, save for the Registrant who was working that day. Evidence had been given that there were 5 or 6 members of staff at this Pharmacy and that this was a busy store.
100. The Registrant had stated there were other issues in the Pharmacy as it had been *"disorganised"*, the stock control was *"terrible"* and systems were not being followed. This indicated there were wider systemic issues at the Pharmacy.

101. The only other evidence before the Committee was that contained within CW's investigation meeting notes which the Registrant had already indicated she thought were not accurate. Whilst details of interview meetings with Colleagues 1 and 2 had been provided, neither of them had given statements to the Council or been called to give evidence. The Committee therefore placed little weight on the notes of those interviews with Colleagues 1 and 2 as their evidence had not been tested. The Committee had already found that CW had not interviewed every member of staff at the Pharmacy, or the driver, and that her investigation had therefore been limited in its scope and could not be fully relied upon.
102. LO had been clear that she had not shared her Operator Code with anyone and this was consistent with the Registrant's evidence that she had not known LO's code or that of any of her colleagues. Both of them had confirmed that the tills did not display a log in code or a name so it would not be immediately apparent whose code was being used at any given time. The Registrant had admitted she had not checked codes on the tills when refunds were being processed and had not ensured the person processing refunds had used the correct operator code.
103. The Committee concluded that it was possible another staff member could have processed this refund transaction for the Registrant on 7 March 2023 using LO's operator code. Without hearing from the other staff members at the Pharmacy, it was not clear what training had been given to them, what processes and procedures they were following and how many others were working on this day. Various policies had been referred to during the witnesses' evidence such as the '*credit claiming*' policy and the '*Inter Store Transfer*' policy but none of these had been provided.
104. The Committee took into account that it was not alleged that the Registrant had served herself in relation to any of the other refund transactions. The Committee decided, taking all the evidence as a whole, that it could not be satisfied that it was more likely than not that the Registrant had served herself and processed the refund transaction of 7 March 2023.

105. The Committee concluded that the Council had not discharged the burden of proof in relation to Particular 1(c) and therefore this Particular was not proved.

106. **This Particular is found NOT PROVED.**

Particular 4:

4. Your actions at 1 c. were dishonest in that:

a. You sought to conceal that you were performing a refund to yourself;

b. You did not have permission to use Colleague A's Operator Code and did so without their knowledge;

107. As Particular 4 relied on Particular 1(c) being proved, the Committee was satisfied that Particular 4 was also not proved.

108. **This Particular is found NOT PROVED.**

Misconduct and Impairment

109. Having found some Particulars of the Allegation proved on the Registrant's admissions, the Committee went on to consider whether the Particulars found proved amounted to misconduct and, if so, whether the Registrant's fitness to practise is currently impaired.

Evidence on Misconduct and Impairment

110. The Committee heard evidence from the Registrant in relation to impairment. It had also been provided with various character references and two Continuing Professional Development (CPD) Training Certificates confirming the Registrant had attended courses on '*Ethics and Ethical Standards for Pharmacists*' on 15 March 2025 and '*Probity and Ethics*' on 29 June 2025.

111. In her evidence, the Registrant stated that she had no previous fitness to practise history. She accepted she had acted with a lack of integrity at the time of the events and this was a breach of Standard 6 of the Council's '*Standards for Pharmacy Professionals*' (May 2017) ("the Standards"). She said that she had made a conscious effort to think about what had happened and had learnt from it. She said she could see "*where things had gone wrong and saw it from the beginning throughout the investigation*". The Registrant understood, looking back, that upholding the Standards was important for all pharmacists as "*it instils trust, integrity and accountability and is a pillar of the profession*" and "*affects the trust of the public*". She also stated that members of the public and patients who knew her, and her character, would "*think why has this happened and be a little wary but it is important to take the whole context in any case*".
112. The Registrant explained how she had implemented her CPD training in her work. She stated that she had learnt about the importance of ethical thinking, that it was a main pillar of the healthcare profession. She understood that she was accountable for anything she did in her professional and personal life, and that there must be an audit trail "*if I don't have all the facts*". The Registrant confirmed there had been no issues in her current job with a small independent pharmacy chain where she had been working since May 2023. They were aware of these proceedings and had continued to employ the Registrant.
113. The Registrant stated that she had reflected on everything that had happened and this had made her a better Manager. She said that she had now got into the habit at work of considering the implications of every route she took, if issues arose. She stated that she would speak to someone else for their opinion or advice, whether it related to a patient matter or an operational matter. The Registrant stated that she would always get advice if she was unsure about anything, and keep a note in order to log what she was doing and why she had done it, so as to provide an audit trail. The Registrant stated that she thought about ethical issues every day as she faced different challenges daily in her current role. She stated that she reflected on everything and talked to her colleagues.

114. The Registrant stated that she had also read a book on *“Professional Integrity and Thinking Ethically”*. She stated that this was always in the back of her mind, instilling ethics into her. She stated that the book gave examples of various situations, why things should be viewed differently and instilled critical thinking in how a professional thought ethically during their work and in their career. She stated that the book helped her to understand her actions and the way that she was thinking. The Registrant stated that her practice had changed *“incredibly a lot”* and she now thought about a pharmacist being more than just a clinical practitioner. She said that she thought about all her work as well as upholding standards in her personal life and as a result had become a better pharmacist, manager and colleague. She stated that it had been a difficult journey for her and that people made mistakes. She stated that she had learnt from hers.
115. The Registrant stated that she had offered to repay all the money to the Pharmacy immediately at the beginning of the investigation, although this was not initially taken up by them. She said that she had since repaid all the money.

Submissions on Misconduct and Impairment

116. Both parties provided written submissions on misconduct and impairment which are not set out in detail here. In summary, on behalf of the Council, Ms Ahmed submitted that the Registrant had breached Standards 6, 8 and 9 of the Council’s *‘Standards for Pharmacy Professionals’* (‘May 2017’) (*“the Standards”*). She submitted the Registrant’s conduct amounted to misconduct as she had acted with a lack of integrity repeatedly and sustained over a period of time. She submitted the failings had involved personal gain and the Registrant had been in a position of authority which had allowed her to ask staff to process transactions for refunds for her when she knew she did not have receipts. Ms Ahmed submitted this demonstrated the Registrant had chosen her own interests over those of her colleagues who were acting under her direction. She submitted the Registrant as the Store Manager had been aware of the issues and chaos in the Pharmacy and that she had done nothing to address these. She knew the refund policy and knew she did not have receipts and had knowingly disregarded that policy. Ms Ahmed submitted

the Registrant's evidence was that every staff member should take responsibility for what had happened but the Registrant should have taken full responsibility herself.

117. In relation to impairment, Ms Ahmed submitted there had been a breach of Rule 5(2)(b), (c) and (d) of the Rules. She conceded there were no issues of public protection in this case, but submitted that public confidence would be seriously undermined if there was no finding of impairment as members of the public trusted pharmacists to act with integrity at all times.
118. Mr O'Leary submitted the Registrant had been open and candid throughout the investigation. She had made admissions, and had candidly accepted that she had obtained refunds when she did not have receipts although she had assumed the items involved had been purchased from Boots stores. She accepted she should have done better but had not sought to deflect. He submitted the period of time involved was limited over one month although he accepted there had been a number of transactions during that time. He submitted that all the transactions had been processed by colleagues and that the Pharmacy policy allowed refunds without receipts, albeit on to gift cards. He stated the Registrant had put the refunds on her credit card so that there would be an audit trail as refunds to a gift card would not have been traceable. He submitted the Registrant had not sought to hide what she had been doing.
119. Mr O'Leary accepted that there had been a breach of Standard 6. He submitted Standards 8 and 9 had not been breached as the Registrant had shown leadership in accepting her wrong doing and making admissions at an early stage. She had accepted that she had acted with a lack of integrity and apologised for this. He submitted that whilst the Registrant had acted with a lack of integrity at the time, this was not deep seated. He stated the Registrant had not made any personal gain, she had returned the money and indeed, all the items had been returned too.
120. In relation to impairment Mr O'Leary resubmitted the Registrant did not present any risk to the public. Whilst she accepted that she had acted with a lack of integrity which would impact on the public trust and confidence, he submitted she had now shown insight and remediated. He submitted the Registrant was committed to

improving her practice. She had learnt from her mistakes and he submitted there was unlikely to be any repetition. He submitted the Registrant's conduct had been addressed, she was now a better manager, she was committed to her career as a pharmacist, and this gave her purpose and pride. Mr O'Leary submitted it would not serve the public interest to find impairment in this case. He also reminded the Committee that it could still issue a Warning in the absence of finding impairment, if it considered the Registrant's conduct needed to be marked. He stated that she accepted that her conduct at the time had fallen below what was required, and she would therefore understand if the Committee decided to issue a Warning in the absence of finding impairment.

Decision on Misconduct

121. When considering whether the Particulars admitted and found proved amounted to misconduct, the Committee took into account all the documents provided, the evidence given and the submissions of both parties.

122. The Committee also took into account the guidance given to the meaning of 'fitness to practise' in the Council's publication '*Good decision-making: Fitness to practise hearings and outcomes guidance*' (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 our various standards, guidance and advice."

123. The Committee took into account the case of *Roylance and General Medical Council (No.2) [2000] 1 A.C. 311* in which Lord Clyde stated at paragraph 38:

"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 by a medical practitioner in the particular circumstances.

.... the misconduct is qualified by the word 'serious'. It is not any professional misconduct which will qualify. The professional misconduct must be serious."

124. The Committee also noted that in Meadow v General Medical Council [2007] 1 All ER 1, the Court of Appeal made clear that misconduct should not be viewed as anything less than "*serious professional misconduct*". At paragraph 200 Lord Justice Auld said:

"As to seriousness, Collins J. in Nandi v General Medical Council [2004] EWHC 2317 (Admin), rightly emphasised at [31] the need to give it proper weight, observing that in other contexts it has been referred to as "conduct which would be regarded as deplorable by fellow practitioners.

201. It is also common ground that serious professional misconduct for this purpose may take the form, not only of acts of bad faith or other moral turpitude, but also of incompetence or negligence of a high degree...."

125. In Nandi v General Medical Council [2004] EWHC 2317 (Admin), Collins J stated:

"31..... The adjective 'serious' must be given its proper weight, and in other contexts there has been reference to conduct which would be regarded as deplorable by fellow practitioners. It is of course possible for negligent conduct to amount to serious professional misconduct, but the negligence must be to a high degree."

126. The Committee took into account the case of Forz Khan v Bar Standards Board [2018] EWHC 2184 (Admin), in which it was stated that:

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

127. The Committee noted the guidance given in the case of Remedy UK Ltd v General Medical Council [2010] EWHC 1245 (Admin) in which the High Court stated at paragraph 37:

“Misconduct is of two principal kinds. It may involve sufficiently serious misconduct in the exercise of professional practice such that it can properly be described as misconduct going to fitness to practise. Second, it can involve conduct of a morally culpable or otherwise disgraceful kind which may, and often will, occur outside the course of professional practice, but which brings disgrace upon the doctor and thereby prejudices the reputation of the profession.

Misconduct within the first limb need not arise in the context of a doctor exercising his clinical practice, but it must be in the exercise of the doctor’s medical calling. There is no single or simple test for defining when that condition is satisfied.

Conduct falls into the second limb if it is dishonourable or disgraceful or attracts some kind of opprobrium; that fact may be sufficient to bring the profession of medicine into disrepute. It matters not whether such conduct is directly related to the exercise of professional skill.”

128. The Committee considered whether the Registrant had breached any of the Council’s Standards.
129. Particulars 1(a), 1(b) and 3 were linked in that the Registrant admitted she had acted with a lack of integrity as she had obtained refunds which she knew she was not entitled to in the absence of a purchase receipt and in circumstances where she was not certain the products had been purchased from Boots. The Committee determined that there had been a breach of the following Standards:
- a. Standard 6: Pharmacy professionals must behave in a professional manner.

- The Registrant accepted that she assumed the goods had been purchased from Boots but was not certain of this. She knew the Boots refund policy and was aware that her conduct had breached the policy as the refunds had not been processed onto a gift card as required. She had admitted acting with a lack of integrity. As a result, the Registrant had failed to behave in a professional manner.

b. Standard 9: Pharmacy professionals must demonstrate leadership.

- The Registrant, in breaching the Pharmacy's refund policy had failed to demonstrate leadership, failed to act as a role model or set a good example to junior colleagues. She had not exercised due diligence in checking that the products she was returning were originally purchased from Boots before allowing the refunds to be processed. She had used her position as the Store Manager to direct her colleagues to process these refunds onto her credit card instead of a gift card, which she knew was not in line with company policy. These colleagues appeared to have been non-managerial staff and as such, subject to her directions, so may have been implicated. She had also failed to check whose name was logged on the system when her refunds were being processed. Her conduct did not demonstrate leadership.

130. The Committee did not find a breach of Standard 8 in this case. It was apparent from the evidence the Committee had heard that there were issues with the IT at the Pharmacy, problems with colleagues not being automatically logged off when leaving tills and some degree of general disorganisation. However, no allegation had been made about this and whilst these factors may have contributed to the environment in which the refunds were processed, the Committee did not consider on the evidence before it that the Registrant had not exercised the duty of candour, which related primarily to the quality of care patients received.

131. The Committee bore in mind that the Standards may be taken into account when considering the issues of grounds but that a breach of the Standards does not automatically result in a finding of misconduct.
132. The refund transactions had taken place between 22 February 2023 and 28 March 2023 and came to a total of £3,769.93. They involved multiple items for which there were no receipts or proof of purchase. The Registrant had been aware of the Boots' refund policy and she had known that allowing refunds to be made in the absence of receipts to her credit card, rather than to a gift card as should have happened, had been a breach of that policy. She had allowed this breach to take place on multiple occasions and often for high value products. Effectively, the Registrant had used her position as a Store Manager to treat herself differently to the way a member of the public, or indeed other colleagues at the Pharmacy, would have been treated in similar circumstances. She accepted her conduct amounted to a lack of integrity.
133. The Registrant had obtained refunds on her credit card when members of the public and colleagues would not have been able to do so, due to the Boots' refund policy. The Committee had no doubt that this conduct would be regarded as deplorable by fellow practitioners who expect pharmacists to act according to any policies and procedures in place, especially when in a managerial position where they should be setting a good example to other colleagues. In this case the policy had been there to protect the Registrant's employer and had a refund been made to a gift card as required, the money on the gift card could only have subsequently been spent in a Boots store. By obtaining a refund to her credit card, the Registrant had circumvented the purpose of processing refunds to gift cards in the absence of receipts, notwithstanding that she ultimately repaid the money when questioned about the transactions. This had been repeated on 20 occasions over a period of just over one month. Members of the public would consider this behaviour which lacked integrity to fall far short of what would be proper in the circumstances. It was morally culpable and sufficiently serious to amount to serious professional misconduct.
134. Accordingly, the Committee concluded that, in its judgement, the ground of Misconduct is established.

Decision on Impairment

135. Having found that the Particulars of the Allegation amounted to Misconduct, the Committee considered whether the Registrant's fitness to practise is currently impaired. In doing so the Committee considered Rule 5(2) of the Rules and whether the Particulars found proved showed that the conduct / behaviour of the Registrant:

- (a) present 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*
- (d) means that the integrity of the Registrant can no longer be relied upon.*

136. The Committee understands that the purpose of fitness to practise proceedings is not to punish the practitioner for past misdoings but to protect the public against the acts and omissions of those who are not fit to practise, as well as to maintain public confidence in the profession and to uphold professional standards.
137. The Committee was mindful of the character references provided. It noted that there were no concerns regarding public protection.
138. The Committee was satisfied that Rules 5(2)(b), (c) and (d) were engaged in this case.
139. The Registrant's conduct had breached Rule 5(2)(b) because acting with a lack of integrity had brought, or might bring, the profession of pharmacy into disrepute. Members of the public would be concerned to learn that the Registrant had used her position as a Store Manager to bypass company policy and allow refunds to be processed to her credit card instead of a gift card where no receipts were provided and little due diligence had taken place to check the items had been purchased from the Boots. This impacted on public confidence in the profession because the public did not expect pharmacists to behave in a way that gave the professional preferential treatment over the public or over other colleagues. This was also clear from the evidence given by her colleagues.

140. In relation to Rule 5(2)(c), the Registrant's conduct had breached the fundamental principles of the profession of pharmacy. She had failed to promote and maintain proper professional standards and conduct for members of the profession by breaching Standards 6 and 9. Her conduct had failed to maintain public confidence in the profession.

141. In relation to Rule 5(2)(d), the Committee had already found that the Registrant had acted with a lack of integrity, indeed she had admitted this. The Committee had been referred to the case of Wingate v SRA [2018] EWCA Civ 366 in which integrity was described as

"the higher standards which society expects from professional persons and which the professions expect from their own members..... professions have a privileged and trusted role in society. In return they are required to live up to their own professional standards....."

The duty of integrity does not require professional people to be paragons of virtue. In every instance, professional integrity is linked to the manner in which that particular profession professes to serve the public."

142. The Registrant had admitted acting with a lack of integrity on a large number of occasions. Whilst she had made early admissions to her conduct and had taken steps to repay the money, this was after she had been questioned about the refunded transactions. Her conduct had been repeated over a period of just over a month and involved 20 transactions, some of which had been of a high value. The Committee was satisfied that the Registrant's conduct had shown that her integrity could no longer be relied upon at the time these events took place. It found that Rule 5(2)(d) was also engaged.

143. The Committee then considered whether:

- the conduct which led to the complaints is able to be addressed
- the conduct which led to the complaints has been addressed
- the conduct which led to the complaints is likely to be repeated

- a finding of impairment is needed to declare and uphold proper standards of behaviour and/or maintain public confidence in the profession.
144. The Committee was satisfied that the conduct found proved was capable of being addressed. It went on to consider whether the conduct had been addressed.
145. The Committee carefully considered the evidence given by the Registrant, the admissions she had made, the CPD she had undertaken, the character references provided and the fact that she had worked since May 2023 with no further issues being raised. She had explained the changes she had implemented in her practice on a daily basis and how ethics remained at the forefront of her mind at all times. She had discussed what she had learnt from her CPD courses and how she had focused on regularly reminding herself of how ethical issues can be addressed. She also spoke about what she would do differently in future, consulting colleagues, making notes of her decision-making process and keeping an audit trail to explain her actions.
146. The Registrant had shown genuine insight into her behaviour as she had accepted responsibility, attended appropriate courses and implemented ethical practice into her daily life. She thought carefully about every step she took and turned to colleagues when she was unsure to make sure that she met the necessary Standards. She had demonstrated reflective practice by documenting everything including operational and clinical decisions, so that she had an audit trail. She had expressed remorse and had learnt from her errors. She had acknowledged what had happened, understood why it had happened and understood the impact of her behaviour on colleagues, on the public and on the wider profession. She understood the positions of trust held by pharmacists and the impact actions could have on public confidence.
147. The references provided were from people who had worked with the Registrant in the past. They referred to her work ethic, acting with integrity previously and guiding other colleagues who sought advice from her.
148. In relation to the issue of integrity, whilst the Registrant had acted with a lack of integrity at the time, the Committee did not consider this to be a deep-seated attitudinal issue that could not be addressed. The Registrant had candidly accepted

that she had breached company policy early on in the internal investigation and throughout these proceedings she had accepted that she had acted without integrity. She had not sought to conceal what had happened from her employers and had accepted that she had made assumptions about where the items had been purchased without properly checking, which she realised she should have done. There had been no concerns raised by her current employers where she had been working for over 2½ years since these events occurred. Whilst the Registrant had lacked integrity at the time of the conduct, the Committee concluded that her subsequent behaviour indicated that she had addressed this and her integrity could now be relied upon.

149. The Committee concluded, taking all of the above into account, that the Registrant had remediated the conduct which had led to the complaints and the risk of repetition was likely to be low. She had learnt a hard lesson and had taken proactive steps to ensure her practice improved in the future. The Committee was satisfied that the Registrant's fitness to practise was not currently impaired on the personal component.
150. The Committee then considered whether a finding of impairment was required in the wider public interest. The Committee had found that the Registrant had acted with a lack of integrity on multiple occasions during February and March 2023. She had used her senior position as a Store Manager to afford herself preferential treatment in making refunds to herself in circumstances that breached company policy. This was a serious matter as acting with integrity is a fundamental requirement that goes to the heart of pharmacy practice. Irrespective of the Registrant having shown genuine insight, remediation and remorse, the Committee concluded that a finding of impairment is necessary to mark the seriousness of her misconduct and maintain public confidence in the profession. It is also necessary to promote professional standards, make clear to other pharmacy professionals what is expected from them and deter other professionals from failing to meet those standards.
151. Accordingly, the Committee found the Registrant's fitness to practise is currently impaired in the wider public interest, to maintain confidence in the pharmacy professions and to uphold and maintain proper standards of conduct.

Decision on Outcome

152. Having found impairment, the Committee considered the matter of outcome. 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.
153. 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.
154. The Committee again had regard to the Council's '*Good decision making: Fitness to practise hearings and outcomes guidance*' (March 2024) to inform its decision and the '*Good decision-making: Conditions bank and guidance*' (July 2023).
155. The Committee took into account the submissions made by both parties, all the documents, the evidence it had already heard and the testimonials provided.
156. Briefly, Ms Ahmed, on behalf of the Council, submitted that the appropriate outcome in this case was a suspension for a period of up to 6 months. She submitted this was the minimum necessary to reflect the seriousness of the misconduct. She referred the Committee to the case of *Bolton v The Law Society* (1994) 1 WLR 512 CA (Civ Div) in which it was held that the reputation of the profession was more important than the fortunes of any individual member. Ms Ahmed submitted public considerations in this case overshadowed the Registrant's interests. She submitted that acting with a lack of integrity was serious and should be marked by a period of suspension.
157. Mr O'Leary, on behalf of the Registrant, referred the Committee to his written submissions, which are not set out in detail here. They contained his suggested mitigating factors. He reminded the Committee that there were no public protection

concerns in this case and submitted the Registrant had shown a high level of insight, remediation, and the Committee had accepted that her integrity could now be relied upon. She had shown significant remorse, repaid the money and apologised. He submitted the Committee could take no action in this case as this rigorous regulatory process had had a salutary effect on the Registrant, would be on the public record, mark her conduct and meet the public interest.

158. Mr O’Leary submitted that the Registrant had shown a genuine understanding of her position and her behaviour since these incidents which was an important factor. He referred the Committee to the case of *PSA v GMC & Another (Uppal) [2015] EWHC 1304 (Admin)* in which Lang J had stated:

“This was an exceptional case, on the facts. It does appear, on the evidence, that this was an isolated lapse in an otherwise unblemished career, and that the risk of repetition was extremely low, not least because of her insight and the steps taken to remediate. The Court has received updating evidence from Dr Warwick describing her “exemplary professional behaviour” as a “dedicated and effective G.P”. On the basis of these findings, I consider that the Panel was entitled to conclude that patients and the public were not at risk. Professional standards have been upheld, and public confidence in the profession maintained, by the fact that Dr Uppal has undergone a rigorous disciplinary assessment of her fitness to practise, resulting in a finding of misconduct on her record, with the option of a warning, by way of sanction.”

159. Mr O’Leary submitted that if the Committee considered Advice was not sufficient, then a Warning would be a proportionate sanction, due to the Registrant’s remediation, insight and that no risk was posed to the public. He reminded the Committee that the Registrant had been working with no issues since May 2023 and the events had taken place three years ago. He submitted that the Registrant’s conduct had been an isolated lapse over one month in an otherwise long, unblemished career. The Registrant had undertaken targeted steps to address her shortcomings and this was to her credit. She had made early admissions and he submitted she had not implicated others. Mr O’Leary reminded the Committee that the Registrant had had personal and health issues at the time which, whilst it was accepted did not excuse her behaviour, should still be considered in the context of it.

160. Mr O’Leary accepted that Conditions were not appropriate in this case as there had been full remediation. He submitted that a suspension was not necessary or proportionate as it was not required to maintain public confidence in the profession. He submitted that a member of the public who was aware of the significant steps taken by the Registrant to strengthen her practice would have confidence in the profession that the matter had been publicly marked through a Warning. There was also a public interest in pharmacists who posed no threat to the public being able to practise and serve their communities, particularly where they had demonstrated a sustained subsequent period of good practice.
161. Mr O’Leary informed the Committee that the Registrant was currently working for an independent retail pharmacy which had a chain of 20 pharmacies in the local area. She had worked there since May 2023 and was the Manager of the dispensary. He confirmed that she was not involved with the retail side at all and had not processed any refunds since she joined the pharmacy. He confirmed that her employers were aware of the allegations and had continued to employ her. He also reminded the Committee that this hearing had started in September 2025 and had it completed then, it was likely that any outcome imposed would have concluded by now. He submitted that there was no need to impose a draconian measure now.
162. The Committee first considered what, if any, aggravating and mitigating factors there may be.
163. The Committee identified the following aggravating factors:
- a. The Registrant’s misconduct had been repeated on 20 occasions over a period of one month in February/March 2022.
 - b. The Registrant had been in a position of authority at that time as the Store Manager and had involved other junior colleagues in her misconduct. They had trusted her to act appropriately. She had knowingly breached company policy and her position of authority had enabled her to obtain refunds on her

credit card when this was not permitted. She had accepted that she had placed colleagues at risk by breaching the refunds policy.

- c. The amount of money involved was £3,769.93. This was a significant sum which the Registrant had gained financially for a short time, by obtaining refunds to her credit card for items which she was not certain had been purchased from Boots, although she did repay this to Boots at some point after their investigation began.

164. The Committee identified a number of mitigating features including:

- a. The Registrant had made admissions to the conduct, including to her employer from the outset.
- b. She had repaid the monies to Boots, albeit after matters were raised with her.
- c. The Registrant had demonstrated genuine remorse, insight and remediation.
- d. Testimonials had been provided from former colleagues who were aware of the allegations.
- e. The Registrant had a prior unblemished record and no additional concerns had been raised since the misconduct, which had taken place 3 years ago.
- f. The Registrant had been dealing with some challenging personal circumstances and health issues at the material time.
- g. She had co-operated with her regulator throughout these proceedings.

165. The Committee was mindful that there were no public protection concerns in this case and that impairment had been found on public interest grounds only. However, the Registrant had admitted, and the Committee had found, that she had acted with a lack of integrity. The Committee decided that to take no action would not be a sufficient outcome in this case given the serious nature of the misconduct.

166. The Committee next considered whether a Warning would be the appropriate outcome. The Committee rejected Mr O’Leary’s submissions that the Registrant’s conduct was an isolated lapse as it had been repeated on 20 occasions over a period of one month. The Committee also noted that in the case of PSA v GMC & Another

(Uppal), although there had been a finding of dishonesty, it related to one single incident and there had been no finding of impairment. The Committee concluded that the facts of that case were rather different from this one.

167. The Committee considered carefully the nature of the misconduct it had found. The Committee took into account that the Registrant had worked as a pharmacist without any concerns since May 2023. It also took into account that the Registrant had worked as a Store Manager at another pharmacy for over 3 years prior to joining Boots so she should have been fully aware of the duties, responsibilities and expectations placed by employers on senior positions such as this.
168. The Registrant had been aware of the Boots' refund policy and had known that allowing refunds to be made to her credit card in the absence of receipts was against that policy. She knew that if refunds were to be made without receipts, they should have been to a gift card. She had allowed this to happen on multiple occasions and often for high value products. She had taken insufficient steps to ensure that the items being returned to Boots without receipts had actually been purchased from Boots stores. She had used her position as a Store Manager to treat herself differently to other colleagues and to members of the public in similar circumstances. She had also potentially placed her colleagues at risk.
169. Whilst the Committee took into account the Registrant's insight, remediation, remorse and the other mitigating factors it had identified, it considered this behaviour to be serious, particularly as she had been in a position of trust as the Store Manager. The Committee noted that there appeared to have been some level of disorganisation at the store, but this did not excuse her behaviour, particularly as she had been the Store Manager. The Committee concluded that a Warning was insufficient to mark the seriousness of her behaviour and would not maintain public confidence in the pharmacy professions or uphold the standards expected of members of the profession.
170. The Committee then considered whether Conditions were an appropriate outcome. Neither party had proposed Conditions and the Committee agreed that they were not appropriate in this case, given the concerns identified. It could not formulate

appropriate, workable, practicable and enforceable Conditions which would address the public interest it had identified.

171. The Committee next considered whether suspension would be an appropriate and proportionate outcome. 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."

172. Whilst there was no risk to patient safety, the Committee had found that the Registrant had circumvented Boots' company policy on refunds and had done so on 20 occasions over a month which had allowed her to process refunds to her credit card for items which she had not ensured were from Boots. The Committee had found that conduct was serious as acting with a lack of integrity was a fundamental requirement which went to the heart of the pharmacy profession. She had also breached Standards 6 and 9 of the Standards. Although the Registrant had shown genuine insight, remediation and remorse, the Committee concluded that a suspension was the minimum necessary to maintain confidence in the pharmacy professions and to uphold and maintain proper standards of conduct. A suspension would send a clear message to both the public and the profession that repeatedly acting with a lack of integrity at work, particularly when in a position of trust and authority, is not acceptable behaviour.

173. Taking all the circumstances into account, the Committee concluded that a Suspension Order is the minimum necessary. It is the appropriate and proportionate outcome in this case. The Committee recognised that this matter may have a punitive effect on the Registrant, but, on balance, it was satisfied that a Suspension Order would mark the seriousness of the Registrant's misconduct and act as a deterrent to other pharmacy professionals.

174. In relation to the period of suspension, as the outcome was imposed on public interest grounds only, the Committee was satisfied that a Suspension Order of two months would be sufficient to reflect the seriousness of the misconduct, and meet the public interest concerns it had identified.
175. The Committee decided that a review of the Suspension Order in this case was not necessary because the Suspension Order had been imposed solely to mark the seriousness of the Registrant's misconduct and to meet the wider public interest. The Committee had not found that the Registrant posed any risk of harm to the public and therefore she would be safe to return to unrestricted practise at the conclusion of the short suspension period.
176. For the sake of completeness, the Committee considered the option of Removal from the Register but concluded that removal would be a disproportionate outcome due to the Registrant's genuine remorse, remediation and mitigation. It was not in the public interest to permanently deprive the public from the services of an otherwise competent pharmacist.
177. The Committee therefore directs the Registrar to suspend the name of PANTEA SHAHIRI (registration number 2221111) from the Register for a period of 2 months from the date that this order comes into effect.
178. This concludes the determination.