General Pharmaceutical Council

Fitness to Practise Committee

Principal Hearing

Remote videolink hearing

15 - 16 June 2026

Registrant name:	Johnesia Francis
Registration number:	5101514
Part of the register:	Pharmacy Technician
Type of Case:	Misconduct & Conviction
Committee Members:	Hannah Bows (Chair) Joanne Jenkins (Registrant member) Sarah Baalham (Lay member)
Legal Adviser:	Andrew Clemes
Committee Secretary:	Chelsea Smith
Registrant:	Present and represented by Ms Catherine Scrivens of Unison Centre
General Pharmaceutical Council:	Represented by Ms Ayshe Sevdan Case Presenter
Facts proved:	Particular 3
Facts proved by admission:	Particulars 1, 2 and 4 found proved on the Registrant's admission.
Fitness to practise:	Impaired
Outcome:	10-week Suspension with review
Interim measures:	Interim suspension Order

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

Documentation

Document 1- Council's hearing bundle – misconduct
Document 2- Council's skeleton argument – misconduct
Document 3- Council's hearing bundle – conviction
Document 4 - Council's skeleton argument – conviction
Document 5 – Council's skeleton argument Stage 2 & 3
Document 6 - Registrant's bundle

Witnesses

The Registrant gave evidence at the facts and impairment stage

Particulars of Allegation (as amended)

You a registered pharmacy technician,

1. On 19 May 2023, in an application form to return to the General Pharmaceutical Council (the "GPhC") register incorrectly answered "no" when asked "Are you currently, or have you ever been, under investigation by a regulatory body (other than the GPhC) or criminal enforcement authority (e.g. police or NHS Counter Fraud Service) in the British Islands or elsewhere?".

2. Between 8 May 2023 and 23 June 2024, failed to declare to the GPhC:

2.1. a police investigation against you;

2.2. criminal proceedings against you; and

2.3. your conviction.

3. Your actions at paragraphs 1 and/or 2.1 and/or 2.2 and/or 2.3 were dishonest in that:

3.1. you knew you were under investigation / were facing criminal proceedings and had been convicted;

3.2. you knew you were required to disclose information relating to your fitness to practise / criminal investigations to the GPhC within 7 days; and

3.3 you knew you were required to disclose information relating to your convictions to the GPhC within 7 days as required by Rule 4 (2)(a) of the GPhC (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010; and

3.4. you sought to conceal the police investigation and/or criminal proceedings and/or conviction from the GPhC.

4. On 2 August 2023, were convicted at Snaresbrook Crown Court for the offence of common assault contrary to section 39 of the Criminal Justice Act 1988.

By reason of the matters set out above your fitness to practise is impaired by reason of your:

a) conviction; and

b) misconduct.

Determination

Introduction

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

2. This hearing is governed by *The Pharmacy Order 2010* ('the Order') and *The General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010* ('the Rules').

3. The statutory overarching objectives for these regulatory proceedings are:
   a. To protect, promote and maintain the health, safety and well-being of the public;
   b. To promote and maintain public confidence in the professions regulated by the Council; and
   c. To promote and maintain proper professional standards and conduct for members of those professions.

4. The Committee also has regard to the guidance contained in the Council's *Good decision making: Fitness to practise hearings and outcomes guidance* as revised March 2024.

5. A Principal Hearing has up to three stages:

   Stage 1. Findings of Fact – the Committee determines any disputed facts.

   Stage 2. Findings of ground(s) of impairment and impairment – the Committee determines whether, on the facts as proved, a statutory ground for impairment is established and, if so, whether the Registrant's fitness to practise is currently impaired.

   Stage 3. Outcome – the Committee considers what, if any, outcome should be applied if the Registrant's fitness to practise is found to be impaired.

Application to amend the particulars of allegation

6. The Committee heard an application from Ms Sevdan under Rule 41 to amend the particulars which were originally drafted as follows:

"*You a registered pharmacy technician,*

1. *On 19 May 2023, in an application form to return to the General Pharmaceutical Council (the "GPhC") register incorrectly answered "no" when asked "Are you currently, or have you ever been, under investigation by a regulatory body (other than the GPhC) or criminal enforcement authority (e.g. police or NHS Counter Fraud Service) in the British Islands or elsewhere?".*
2. *Between 8 May 2023 and 23 June 2024, failed to declare to the GPhC: 2.1. a police investigation against you;*
   2.2. criminal proceedings against you; and
   2.3. your conviction.
3. *Your actions at paragraphs 1 and/or 2.1 and/or 2.2 and/or 2.3 were dishonest in that:*
   3.1. you knew you were under investigation / were facing criminal proceedings and had been convicted;
   3.2. you knew you were required to disclose information relating to your fitness to practise / criminal investigations / convictions to the GPhC within 7 days as required by Rule 4 (2)(a) of the GPhC (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010; and
   3.3. you sought to conceal the police investigation and/or criminal proceedings and/or conviction from the GPhC.
4. *On 20 December 2024, were convicted at Snaresbrook Crown Court for the offence of common assault contrary to section 39 of the Criminal Justice Act 1988.*

By reason of the matters set out above your fitness to practise is impaired by reason of your:
a) conviction; and
b) misconduct."

7. The application was to amend the particulars as follows:

"You a registered pharmacy technician,

1. *On 19 May 2023, in an application form to return to the General Pharmaceutical Council (the "GPhC") register incorrectly answered "no" when asked "Are you currently, or have you ever been, under investigation by a regulatory body (other than the GPhC) or criminal enforcement authority (e.g. police or NHS Counter Fraud Service) in the British Islands or elsewhere?".*
2. *Between 8 May 2023 and 23 June 2024, failed to declare to the GPhC:*
   2.1. a police investigation against you;
   2.2. criminal proceedings against you; and
   2.3. your conviction.
3. *Your actions at paragraphs 1 and/or 2.1 and/or 2.2 and/or 2.3 were dishonest in that:*
   3.1. you knew you were under investigation / were facing criminal proceedings and had been convicted;
   3.2. you knew you were required to disclose information relating to your fitness to practise / criminal investigations to the GPhC within 7 days; and
   3.3 you knew you were required to disclose information relating to your convictions to the GPhC within 7 days as required by Rule 4 (2)(a) of the GPhC (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010"; and
   3.4. you sought to conceal the police investigation and/or criminal proceedings and/or conviction from the GPhC.

4. *On 2 August 2023, were convicted at Snaresbrook Crown Court for the offence of common assault contrary to section 39 of the Criminal Justice Act 1988.*

By reason of the matters set out above your fitness to practise is impaired by reason of your:
a) conviction; and
b) misconduct."

8. Ms Scrivens agreed with the proposed amendments.

9. The Committee accepted the advice of the Legal Adviser.

10. The Committee was of the view that the amendments were appropriate and caused no prejudice to the Registrant as they corrected an erroneous reference to the Rules and what was required of a Registrant and also clarified the date of the conviction regarding Particular 4. The application was allowed.

Application for the hearing to be held in Private

11. The Committee heard an application from Ms Scrivens under Rule 39(3) to hold parts of the hearing in private.

12. Ms Sevdan agreed with the application.

13. The Committee accepted the advice of the Legal Adviser.

14. The Committee decided to hold certain parts of the hearing in private as there will be evidence concerning the health of the Registrant at the times referred to in the allegations and the Committee was also concerned to protect the identity and interests of a third party.

Registrant's response to Particulars of allegation

15. The Registrant admitted Particulars 1, 2 and 4 but denied Particular 3.

16. In the light of the above, and by the application of Rule 31(6) of the Rules, the admitted factual Particulars were found proved.

17. The Committee went on to receive evidence and submissions regarding the remaining disputed Particulars.

Submissions on behalf of the Council

18. Ms R is a Customer Service Team Operations Support Officer employed by the Council. Ms R's responsibilities include maintenance of the registers of pharmacists, pharmacy technicians and pharmacy premises and the database of corporate owners. Ms R checked the Registrant's registration and renewal records and noted her 'Return to Registration' application signed and dated on 19 May 2023 in which registrants are required to answer a number of questions regarding their fitness to practice, including: "*Are you currently, or have you ever been, under investigation by a regulatory body (other than the GPhC) or criminal enforcement authority (e.g. police or NHS Counter Fraud Service) in the British Islands or elsewhere?"*, to which the Registrant answered "*no*".

19. The Council relied on a copy of the return to registration application. At the time of completing the application, the Registrant had already been the subject of a police investigation, including a police attendance at her home on 1 July 2022 and being taken into custody and interviewed under caution on 22 September 2022, and the charging with a criminal offence on 8 May 2023. Accordingly, the answer "*no*" was incorrect. That is the Council's case on Particular 1.

20. Regarding Particular 2, the Council submitted that it requires all registrants to declare to it anything that may affect their fitness to practise within seven days via a "Fitness to Practise Declaration" form which is accessible via the Council's website. This includes, but is not limited to, a current investigation by a criminal enforcement authority such as the police, or a conviction. For a criminal conviction, this requirement in entrenched in the Rules (Rule 4(2)(a) which requires a registrant to notify the Registrar in writing within the period of seven days, starting on the day on which the event occurs, if they are convicted of a criminal offence).

21. Ms R checked the electronic register linked to the Council's online renewal system called "MyGPhC". There was no information that the Registrant had contacted the Council between 1 July 2022 (being the date on which police initially attended her

home) and 19 May 2023 (the date of the renewal application) about her being under investigation by any criminal enforcement authority or being charged with any offences. The Registrant did not complete a Fitness to Practise Declaration form until 24 June 2024, when she notified the Council that she had been convicted in the Snaresbrook Crown Court.

22. Regarding Particular 3, the Council submitted that the Registrant had been dishonest in how she had conducted herself regarding her non-disclosure of her investigation, prosecution and conviction. Concerning Particular 3.1, it was contended that the police attendance at the Registrant's home in July 2022, her interview under caution in September 2022 and her later charge with a criminal offence on 8 May 2023 should have been included on her application to return to the GPhC Register 11 days later, on 19 May 2023. The Council also noted that the Certificate of Conviction recorded that the Registrant was convicted upon her own confession and was subsequently sentenced at the Crown Court. These were significant events affecting the Registrant personally and directly and, by the time the Registrant completed the application to return to the register, she had experienced police attendance, an interview under caution and a criminal charging. Further, the criminal charge had been brought only a matter of weeks before completion of the application.

23. The Council submitted that, in those circumstances, it was more likely than not that the Registrant knew that she had been under a police investigation, knew that criminal proceedings had been brought against her, and knew that she had subsequently been convicted between 8 May 2023 and 23 June 2024. Yet despite these events, she disclosed nothing on her Declaration Form or subsequently.

24. Regarding Particulars 3.2 and 3.3, the Registrant had been on the Register since May 2016 with a removal for unrelated matters in 2019 and the Council argued that she would have been aware that the regulator required accurate declarations. At the latest, the Registrant would have been aware of her obligations on 19 May 2023, and thereafter, when she completed the form to return to the Register. She was asked a series of questions, including whether she was currently, or had ever been, under investigation by a criminal enforcement authority and whether she had previously

been convicted or cautioned for a criminal offence. The Registrant answered "*no*" to each question. Further, the Registrant declared that, if accepted onto the Register, she would notify the Council within seven days if anything occurred which would change her answers to the fitness to practise declarations made as part of the application. The Council argued that these questions and declarations were clear, direct and unambiguous and that the Registrant could have been under no misapprehension as to the information being sought by the Council or her continuing obligations following registration. Accordingly, the Registrant knew that she was required to disclose information relating to her fitness to practise and criminal investigation to the Council and knew that any subsequent conviction was also required to be notified to the Council.

25. Having regard to Particular 3.4, it was the Council's case that the Registrant sought to conceal the police investigation, criminal proceedings and conviction from the Council. Looking at her conduct as a whole, by 19 May 2023 she had been the subject of police attendance at her home, interviewed under caution and charged with a criminal offence only a matter of weeks beforehand. Despite this, the Registrant answered "no" to the question asking whether she was currently, or had ever been, under investigation by a criminal enforcement authority. Furthermore, the non-disclosure was not confined to completion of the application form. Between 8 May 2023 and 23 June 2024, the Registrant failed to disclose the police investigation, criminal proceedings and conviction to the Council. The omission therefore persisted through multiple stages of the criminal process and over a significant period of time.

26. The allegation in Particular 4 related to and recorded the conviction of the Registrant at the Crown Court.

Submissions on behalf of the Registrant

27. There was no dispute by the Registrant that she had failed to make declarations as outlined in Particulars 1 and 2. [REDACTED]. In the relevant period, the Registrant was also working and studying for a Law degree and had begun the process of

[REDACTED]. The Crown Court had ordered her to take part in health-related programmes as a condition of her sentence. [REDACTED]. The Registrant said that she had no recollection of events from April 2022 and for several months after. She recalled a little of being charged but told the Committee that she had not realised that she was under a criminal investigation. She did recall completing the form but did not think that there was a criminal case to disclose. She disagreed that she knew that the information that she had not disclosed related to a criminal investigation or offence or conviction. She also disputed that she had failed to disclose it in order to prevent it affecting her returning to the register.

28. The Registrant acknowledged that she had sought no advice about how to complete the form and felt that she had been on 'auto-pilot' as she had been filling in such forms since 2016.

29. She told the Committee that she had been legally represented when the criminal case was ongoing and that her solicitor had emailed her telling her that she was to be charged and had to go to the Police Station. She thought that she had been charged but was not sure that the Police had told her what that meant. The Registrant thought that she had then gone to the Magistrates' Court and then onto Snaresbrook Crown Court where she had pleaded guilty. She had learned about the Magistrates' Court date from her solicitor texting and emailing her. She had not thought that she was undergoing a Police investigation, and she had not been thinking about registration, and she had had a lot going on in her life. She had sought the advice of her trades union after the criminal proceedings had ended. By then she knew that she had in fact been convicted and that her employer needed to know.

Decision on Facts

30. In reaching its decisions on facts regarding Particular 3, the Committee considered the documentation listed at the start of this determination, the oral evidence of the Registrant and the submissions made by Ms Sevdan and Ms Scrivens.

31. The Committee accepted the advice of the Legal Adviser.

32. When considering each particular of allegation, the Committee bore in mind that the burden of proof rests on the Council and that particulars are found proved based on the balance of probabilities. This means that particulars will be proved if the Committee is satisfied that what is alleged is more likely than not to have happened.

Particular 3

"*3. Your actions at paragraphs 1 and/or 2.1 and/or 2.2 and/or 2.3 were dishonest in that:*

3.1. you knew you were under investigation / were facing criminal proceedings and had been convicted;
3.2. you knew you were required to disclose information relating to your fitness to practise / criminal investigations to the GPhC within 7 days; and
3.3 you knew you were required to disclose information relating to your convictions to the GPhC within 7 days as required by Rule 4 (2)(a) of the GPhC (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010; and
3.4. you sought to conceal the police investigation and/or criminal proceedings and/or conviction from the GPhC. "

33. The Committee took into account all relevant evidence from the Council and the Registrant. The Committee reminded itself that it must decide each of the sub-paragraphs individually.

34. The Committee took into account relevant evidence from the Council and the Registrant. The Committee was of the view that the Council's case was self-explanatory in terms of the chronology, and the Registrant had accepted that she had failed to disclose information as pleaded in Particulars 1 and 2 and also had been convicted as set out in Particular 4. The question to be determined was the state of mind of the Registrant when she filled out her declarations and omitted to disclose the criminal investigation, charge and conviction. The burden was on the Council to

show on the balance of probabilities that the Registrant had been dishonest and not on the Registrant to show that she had not been dishonest.

35. The Committee examined the explanation given by the Registrant. It was not persuaded that she was unaware that she was under investigation or facing proceedings or convicted and sentenced. Her explanation was not credible, the Committee decided. [REDACTED], these were acute in 2022 and by the time of the allegations in this case were coming under control. As someone who had completed similar forms before, the Registrant would have been well-aware that she needed to be accurate when she made declarations on such a form and that her Regulator would rely on Registrants making honest declarations.

36. The Committee was not satisfied that the Registrant had so much going on in her private life that she would have been overwhelmed and unable to understand the importance of declaring the criminal case. She was an intelligent and experienced Registrant. The completion of the form was done within the same timescale as she was going through the Police investigation and Court processes. The questions were direct, clear and required simple yes/no answers. [REDACTED]. It was inconsistent for her claim that she was confused or overwhelmed to an extent that she did not understand the questions on the form.

37. The Committee was satisfied that the Registrant had knowledge that she had been under investigation, charged, convicted and sentenced and came to the conclusion that she had deliberately not disclosed these facts on her revalidation form. She had made an active series of declarations – this was not a case of omissions by her or overlooking of facts.

38. Applying the test in **Ivey v Genting Casinos 2017 UKSC 67**, the Committee is satisfied that the Registrant was aware that what she had inserted onto the form was false and that she had been under a duty to make disclosures of the investigation, charge, conviction and sentence. She had chosen not to. The Committee is satisfied that ordinary decent people would regard her conduct as dishonest.

39. Applying that finding to the Particulars, the Committee is satisfied that:

a) Particular 3.1: The Registrant knew that she had been under investigation, had been facing criminal proceedings and had been convicted and was dishonest when she claimed otherwise.

b) Particular 3.2: The Registrant knew she was required to disclose information relating to her fitness to practise/criminal investigations to the GPhC within 7 days and had been dishonest when she had failed to do so.

c) Particular 3.3: The Registrant knew that she was required to disclose information relating to her convictions to the GPhC within 7 days as required by Rule 4 (2)(a) of the GPhC (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010 and had been dishonest when she had failed to do so.

d) Particular 3.4: The Registrant had deliberately and dishonestly sought to conceal the police investigation and/or criminal proceedings and/or conviction from the GPhC.

Misconduct/Conviction and Impairment

40. Misconduct: Having found all particulars of allegation proved, 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.

41. Conviction: Having found the particulars of allegation proved, the Committee went on to consider whether the Registrant's fitness to practise is currently impaired by reason of their conviction.

42. The Committee took account of the guidance given to the meaning of 'fitness to practise' in the Council's publication *"Good decision-making"* (Revised March 2024). Paragraph 2.12 reads:

> *"A pharmacy professional is 'fit to practise' when they have the skills, knowledge, character, behaviour and health needed to work as a pharmacist…safely and effectively. In practical terms, this means maintaining appropriate standards of competence, demonstrating good character, and*

also adhering to the principles of good practice set out in our various standards, guidance and advice."

43. The Committee took into account the submissions made by Ms Sevdan and Ms Scrivens.

44. The Committee were reminded that they should determine the questions of misconduct and conviction first and then make a decision on impairment.

45. Regarding misconduct, it was submitted by Ms Sevdan that the behaviour which led to the breach of the Standards was seriously reprehensible conduct – that is, it was not the result of a temporary lapse in judgment, inadvertence, mistake, or oversight. The Registrant had repeatedly withheld information from the Council which it required to properly perform its statutory functions, and which the Committee has found was dishonest. The Council submitted that such conduct would be regarded as deplorable by fellow practitioners and that a finding of misconduct was necessary in the circumstances.

46. Ms Sevdan further submitted the Registrant's current fitness to practise is impaired and that the Committee should take into consideration the need to maintain public confidence in the profession. She stated that the Registrant had brought, or might bring, the profession of pharmacy into disrepute and had breached one of the fundamental principles of the profession of pharmacy. Members of the public are entitled to expect those seeking to join, and those admitted to, a regulated healthcare profession to comply with the criminal law and to engage openly, honestly and transparently with their regulator. Ms Sevdan submitted that the regulator must be able to rely upon information provided by registrants in order to properly discharge its statutory functions and maintain public confidence in the profession. Conduct involving a criminal conviction concerning an assault [REDACTED] allied with a failure to disclose relevant information to the regulator, and the alleged provision of inaccurate and misleading information, is capable of

undermining confidence in both the profession of pharmacy and the regulatory framework governing it.

47. She also submitted that the conduct of the Registrant breached the fundamental principles of the profession of pharmacy. Pharmacy professionals are expected to be trustworthy, act with integrity, show empathy and compassion, treat people with respect, and safeguard their dignity. These expectations are entrenched in Standard 6 of the Standards. The Registrant has been convicted of a serious criminal offence [REDACTED], failed to provide the Council with information regarding that offence which the Council required to properly perform its statutory functions, and further, provided incorrect information to the Council in circumstances found to have been dishonest.

48. Furthermore, Ms Sevdan set out that the Committee must consider not only any ongoing risk posed by the Registrant, but also the need to uphold professional standards and maintain public confidence in the profession, even where remediation and insight are demonstrated. She submitted that public confidence in the profession and the need to uphold proper professional standards would be undermined if a finding of impairment were not made in a case involving the allegation admitted and found proved concerning the Registrant. She relied on Rule 5(2)(b) and (c), i.e. that the Registrant has brought, or might bring, the profession into disrepute and that she has breached one of the fundamental principles of the profession of pharmacy.

49. Ms Sevdan acknowledged that the Registrant had reflected in a statement in the Registrant's bundle. She accepted that there were no public or patient safety concerns. She accepted that there had been [REDACTED] at the time of the conviction and that treatment had been undertaken since. She noted that the Registrant's [REDACTED]. She accepted that there had been a degree of remorse from the Registrant. She submitted that public confidence in the profession and the need to uphold proper professional standards would be undermined if a finding of

impairment were not made in a case involving a criminal conviction involving the assault [REDACTED], a failure to disclose information to the Council as regulator, and a dishonest declaration to the Council.

50. The Registrant accepted that her actions amounted to misconduct and also the fact of her conviction but did not accept that her fitness to practise is currently impaired. Ms Scrivens agreed that there was no risk of harm to the public or to patients. She reminded the Committee of the [REDACTED] that the Registrant had undertaken at regular intervals and that her treating medical professionals, her Probation Officer and the writer of the Pre-Sentence Report to the Crown Court had all assessed the risk of repetition of her criminal conduct to be low. She asked the Committee to consider whether there were mitigating features to the finding of dishonesty – the significant health issues experienced by the Registrant, her admission of failures to declare, the significant life events that she had undergone and her ongoing [REDACTED]. She acknowledged the Council's argument that there had been a breach of one of the Standards but submitted that this incident had taken place after the Registrant's [REDACTED] and her subsequent recovery over a long period.

51. Ms Scrivens argued that the Registrant had worked hard to remediate her failings. She relied on the reflective statement in the Registrant's bundle and additional training on the duty of candour and safeguarding both evidenced in her bundle. Ms Scrivens pointed out that there was a positive statement from the Registrant's current manager. She submitted that her misconduct was unlikely to be repeated.

52. The Committee accepted the advice of the Legal Adviser.

Decision on misconduct/conviction

53. When considering whether the particulars found proved amounted to misconduct the Committee took into account the *Good Decision-making; Fitness to Practice hearings and Outcomes Guidance 2024* (The Guidance).

54. The Committee then considered whether the Registrant had breached any of the Council's Standards for Pharmacy Professionals (May 2017). The Committee determined that there had been a breach of the following Standard: Standard 6 pharmacy professionals must behave in a professional manner, are trustworthy and act with honesty and integrity.

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

56. The Committee considered that the two heads of impairment – misconduct and conviction - needed to be regarded separately.

57. The Committee was satisfied that the fact of the conviction was established by the certificate of it in the bundle.

58. Regarding misconduct, the Committee was satisfied that the failures to disclose material and highly relevant information as admitted by the Registrant and the Committee's finding of dishonesty amounted to misconduct. This was seriously reprehensible conduct. It could not be said to be the result of a temporary lapse in judgment, inadvertence or oversight. The Committee was satisfied that the Registrant repeatedly withheld information from the Council which it required to properly perform its statutory functions and in doing so she was dishonest. The Committee was satisfied that such conduct would be regarded as deplorable by fellow practitioners and that a finding of misconduct is appropriate and necessary in the circumstances.

59. Accordingly, the Committee concluded that, in its judgement, the grounds of conviction and misconduct are established.

60. The Committee therefore went onto consider whether the Registrant's fitness to practise is impaired.

Decision on Impairment

61. Having found that the particulars of allegation amounted to misconduct, the Committee went on to consider whether the Registrant's fitness to practise is currently impaired. In doing so the Committee considered whether the particulars found proved show that actions of the Registrant: has brought, or might bring, the profession of pharmacy into disrepute; and/or has breached one of the fundamental principles of the profession of pharmacy.

62. The Committee first had regard to the conviction of the Registrant. It was satisfied that this arose from a unique situation where the Registrant had been suffering from an [REDACTED]. Although the conviction was a serious matter, the Committee considered that it was highly unlikely to be repeated, noting her insight, reflection and medical treatment undertaken since her sentence was passed. The Committee considered that a fully informed member of the public would not require a finding of impairment to be made in order to maintain confidence in the profession and uphold proper professional standards. The Committee found that the Registrant's fitness to practise was not impaired on this ground.

63. The Committee next had regard to its finding of misconduct which included a finding that the Registrant had been dishonest. It was satisfied that dishonesty could be remediated although it might be difficult to do so. It took into account the evidence and submissions made but was not satisfied that there had been any attempt to remediate or even to reflect on this point by the Registrant. The finding of dishonesty engaged the wider public interest and was seriously reprehensible conduct. Public confidence in the profession and the need to uphold proper professional standards would be undermined if a finding of impairment were not made in a case involving both failure to disclose information and a dishonest declaration to the Council as the regulator. Members of the public are entitled to expect those seeking to join, and those admitted to, a regulated healthcare profession to engage openly, honestly and transparently with their regulator.

64. The Committee took into account the evidence in writing and given orally by the Registrant. It was not satisfied that she had demonstrated adequate insight into the impact of her misconduct – in particular her dishonest acts – on the public interest. She had undertaken some training but the Committee did not consider that the topics covered were relevant to the dishonest behaviour that she had carried out.

65. The Committee next considered if there was a risk of repetition. It noted the lack of any meaningful reflection and little information about her insight. The dishonest behaviour had taken place at a time when the stressors present at the time of her conviction had been alleviated for the Registrant. The Registrant had chosen to be dishonest and failed to correct her inaccuracies for a sustained period. The Committee was not satisfied that the Registrant presented no risk of repetition because it saw little or no evidence that she appreciated the impact of her misconduct on the public interest and on her profession and its reputation.

66. The Committee was satisfied that a finding of impairment is necessary to mark the seriousness of what has occurred and thereby maintain public confidence and promote professional standards by making clear to other professionals what is expected and deterring other professionals from failing to meet standards.

67. The Committee therefore finds the Registrant's current fitness to practise to be impaired on public interest grounds and accordingly moved onto to consider the question of outcome.

Decision on outcome

68. Having found impairment, the Committee has gone on to consider 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.

69. 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.

70. The Committee had regard to the Council's '*Good decision making: Fitness to practise hearings and outcomes guidance'* to inform its decision, including the advice on dishonesty.

71. The Committee took into account the submissions made by Ms Sevdan and Ms Scrivens. Ms Sevdan reminded the Committee to have regard to the principles of proportionality and weigh the interests of the public against those of the Registrant. Public interest considerations include protecting the public, maintaining public confidence in the profession, and maintaining proper standards of behaviour. However, she also submitted that the reputation of the profession outweighed the interests of a registrant. She also stated that the public were entitled to expect the highest standards of honesty and integrity from registrants. She submitted that a suspension order of 2-3 months was the appropriate outcome. Ms Scrivens set out the clear mitigating features for the Registrant, noting that she had worked without any issues since the conviction and during the investigation. She referred the Committee to the positive testimonial from the Registrant's manager. Ms Scrivens reminded the Committee of the training undertaken and remorse advanced by the Registrant. The Disclosure and Barring Service had taken no further action against the Registrant. She did not take issue with the outcome suggested by the Council.

72. The Committee accepted the advice of the Legal Adviser.

73. The Committee first considered what, if any, aggravating and mitigating factors there may be.

74. The Committee identified some aggravating factors, including:

a. The duration of misconduct (over 1 year) which amounted to a continued failure and a sustained period where she had been dishonest and did not correct the statements made
b. Her non-disclosure of her criminal case was a deliberate action
c. The misconduct was directed towards the Council which required registrants to supply information with which it could carry out its statutory functions
d. There had been ample opportunities for the Registrant to correct her statements and provide accurate information, but she had chosen not to do so

75. The Committee identified some mitigating features including:

a. No fitness to practice concerns since the Council's investigation
b. No prior fitness to practise concerns and a positive testimonial from her employer
c. Some insight, albeit limited
d. There was a background of ill-health and personal family issues which had contributed to the choices made by the Registrant and the actions taken
e. Some admissions at an early stage with constructive participation and engagement in the regulatory process
f. Expressions of remorse

76. <u>To take no action.</u> The Committee decided that this was an inappropriate outcome for a case of sustained dishonesty and false declarations over a prolonged period when the Registrant was seeking registration. Such an outcome would not adequately mark the Registrant's misconduct or its effect on the public interest.

77. Warning. Although there would be a visible and tangible sanction if a warning were imposed, the Committee considered that this disposal would not be an adequate sanction for the serious dishonest acts and misconduct committed by the Registrant in her dealings with her Regulator.

78. Advice. For similar reasons as above, the Committee considered that this disposal would not be an adequate sanction for the serious dishonest acts and misconduct committed by the Registrant in her dealings with her Regulator

79. Conditions of Registration. The Committee next considered the imposition of conditions of Registration. A conditions of registration order would allow the Registrant to practise albeit with restrictions. The Committee considered that this disposal would not be an adequate sanction for the serious dishonest acts and misconduct committed by the Registrant in her dealings with her Regulator. The Committee noted the wording of the Guidance as set out in paragraph 14 below.

80. Suspension Order. The Committee next considered whether suspension would be a proportionate sanction. The Committee noted the Council's guidance which indicates that suspension may be appropriate where:

> "*The Committee considers that a warning or conditions are insufficient to deal with any risk to patient safety or to protect the public, or would undermine public confidence. It may be required when necessary to highlight to the profession and to the public that the conduct of the registrant is unacceptable and unbefitting a member of the pharmacy profession. Also, when public confidence in the profession demands no lesser sanction.*"

81. The Committee was satisfied that this was the correct outcome. The actions of the Registrant were so serious they would undermine confidence in the profession as a whole. The Committee recognised that dishonesty damages public confidence and undermines the integrity of pharmacy professionals. However, the Committee has had regard to the context and circumstances in which the dishonesty took place, including the mitigating features present in this case.

82. The Committee considered the Council's submission of a two to three month suspension. The Committee determined that two months may not provide sufficient time for meaningful reflection and remediation, whilst three months could be unnecessarily severe. Therefore, the Committee determined that a period of 10 weeks would be proportionate and sufficient to mark the seriousness of the misconduct and maintain public confidence in the profession. The Committee directs that the Registrar makes the appropriate entry on the Register.

83. Removal. Given the above conclusions, and taking account of the seriousness of the matter, the Committee concluded that the removal of the Registrant from the Register would be disproportionate and be unduly punitive. Her acts, whilst serious, were not fundamentally incompatible with continued registration.

Review Hearing

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

- References and testimonials
- Evidence of any relevant training
- Evidence from the Registrant of reflection on her misconduct demonstrating that she is no longer impaired

Decision on Interim Measure

85. Interim measures are provided for under Article 60 of the Order. Interim measures may only be imposed after an order for removal, suspension or conditions of registration. The Committee directs that its substantive decision will not take effect until 28 days after notice of this decision has been sent, or until any appeal has been finally disposed of.

86. The Committee heard submissions from Ms Sevdan and Ms Scrivens. Ms Sevdan submitted that it would be inconsistent with the Committee's findings not to impose interim measures. Ms Scrivens argued that – if interim measures were imposed – the effect would be to extend a 10-week outcome by a month.

87. The Committee received advice from the Legal Adviser.

88. The Committee took account of the Council's guidance of March 2024.

89. The Committee determined to impose interim measures of a suspension to cover the appeal period as it was otherwise in the public interest. It took into account the nature of the findings of dishonesty and the seriousness of the allegations were relevant. The risk to the public interest outweighed the interests of the Registrant and the position that the Registrant now found herself in was different to the refusal of interim measures previously in this matter as there were now clear findings of dishonesty and impairment of fitness to practise.

90. This concludes the determination.