

**BEFORE THE FITNESS TO PRACTISE COMMITTEE
OF THE GENERAL OPTICAL COUNCIL**

GENERAL OPTICAL COUNCIL

F(06)07

AND

EDWARD JOHN ELGAR HOPKINS (01-8997)

DETERMINATION OF THE INQUIRY: 23 JANUARY 2007

The Fitness to Practise Committee of the General Optical Council met to consider the following allegation against Edward John Elgar Hopkins:

ALLEGATION

The Council alleges that the fitness to practise of Edward John Elgar Hopkins (a registered optometrist) is impaired in that:

1. Mr Hopkins sent three abusive letters to a third party pretending that one of those letters had been sent by Patient A.

AND

By reason of the facts set out above, Mr Hopkins is guilty of misconduct.

DETERMINATION

Findings in relation to the particulars of the allegation

The Committee found particular 1 of the allegation admitted and proven.

The Committee found the admission of particular 1 amounted to misconduct.

The Committee announced its decision as follows:

“The Committee are satisfied so that we are sure that the facts are proved: they are admitted by the registrant.

The Committee has considered section 13D(2) and are also satisfied so that we are sure that the facts amount to misconduct, which again has been admitted by the registrant.”

Findings regarding impairment

The Committee found that the fitness of Edward John Elgar Hopkins to practise as an optometrist is impaired.

The Committee announced its decision as follows:

“The Committee was invited to look at the case in the round, considering the registrant’s evidence and bearing in mind the other written evidence submitted on behalf of the registrant. The Committee considered that this evidence does bear on the question of current impairment of fitness to practise although it may also touch on mitigation.

The Committee have taken account of the submissions made by the Council and the registrant and have accepted the advice of the Legal Adviser.

We accept that the registrant has a previously unblemished record and that there has been no repetition of behaviour which might be a cause of concern to this Committee. We also bear in mind that the registrant has admitted the allegation and has admitted misconduct.

Nevertheless, the misconduct admitted is very serious in our judgement. In addition there are a number of aggravating factors. The case involves two former patients of the registrant, one of whom had made a recent complaint against the registrant. Patients should be able to make a complaint without fear of reprisal. The registrant sent three letters, approximately one month apart from each other which were, it is accepted, obscene, homophobic and “spiteful”. On the last of these three letters the registrant wrote Patient A’s name and address as the sender. The Committee find that it was and is absolutely foreseeable that Patient A would then be investigated by the Police, be interviewed and have his DNA and fingerprints taken. Equally it was foreseeable that he would have to wait for the results and feel upset, humiliation and stress during this process. We note that Patient A was a JP. This behaviour undoubtedly brings the profession into disrepute.

The public are entitled to expect that registrants behave in an honest and trustworthy manner. Mr Hopkins’s behaviour fell substantially short of this standard. Any action which brings the profession into disrepute can amount to impairment of fitness to practise and despite the arguments made by Mr Collins to the contrary we find that because of this behaviour the registrant’s fitness to practise remains impaired.”

Further order

The Committee announced its decision as follows:

“The Committee were invited firstly to consider whether to impose a sanction: we are satisfied given our findings on fact, misconduct and current impairment that a sanction is necessary. We have taken account of the indicative sanctions guidelines and the need for proportionality. The sanction should be appropriate in the interests of the public and appropriate to the seriousness of the allegation found proved.

The Committee have borne in mind the submissions made by Mr Collins on sanction.

This incident happened almost three years ago. Prior to that the registrant had some 30 years unblemished record. What he did was serious for the reasons previously given but to his credit he admitted what he had done immediately. He told us that it was a relief to get it off his chest because it had been and still is on his conscience. We accept that he feels that he has let down himself, his profession and his family. The incident falls outside his working sphere and we accept was out of character. The written witness statements in support of his character come from a patient, a colleague, his employer and his wife, all of whom are aware of the allegation. The Committee has borne in mind his considerable contribution to the profession in terms of training and mentoring fellow practitioners in a profession to which he has devoted his life. We note that this incident occurred very shortly after the untimely death of his mother to whom he was very close. As a result of her death he was very distressed. The registrant demonstrated in his evidence substantial insight and remorse: he started his evidence by making a full public apology for what he has done.

The registrant has had to face appearing in front of this Committee. The Committee are satisfied that this has been a salutary lesson and we note that the registrant has had to pay some £10,000 for his legal representation.

Taking all these factors into account the Committee are satisfied that the proportionate penalty is a financial one, and the appropriate sum in this case is £1,250 to be paid within 3 months.”