

**The Royal Pharmaceutical Society of Great Britain  
In the Matter of an Appeal to the Registration Appeals Committee**

**Mr G M Pettigrew: Deputy Chair**  
**Mrs D Railton: Pharmacy Member**  
**Mrs M Hawes: General member**

**Date of Hearing: 29 January 2008**

**Between:**

**ADELEKE AMOS AROMOLARAN** Appellant

**and**

**THE ROYAL PHARMACEUTICAL SOCIETY  
OF GREAT BRITAIN** Respondent

**Representation**

*For the Appellant:* Mr Graham Southall-Edwards instructed by the PDA

*For the Respondent:* Mr Tom Rider of Field Fisher Waterhouse

**DECISION**

1 The unanimous decision of the Committee is that the Appeal is dismissed.

**REASONS FOR THE DECISION**

1 This is an appeal by Mr Aromolaran against the decision of the Chief Executive and Registrar of the Royal Pharmaceutical Society of Great Britain (“the Society” or, in the context of these Appeal proceedings, “the Respondent”) given on 3 September 2007. The appeal was presented by Notice dated 6 October 2007 and submitted under cover of a letter from Mr Aromolaran’s representative dated 8 October 2007.

**The Decision being Appealed**

2 The decision was to refuse Mr Aromolaran’s application for entry in the Register of Pharmacists, on the grounds that the Registrar was not satisfied that Mr Aromolaran’s fitness to practice was not impaired, as is required under Article 11(a) (ii) of the Pharmacists and

Pharmacy Technicians Order 2007 (“the Order”). The decision of the Registrar is an appealable decision under Article 42 and the appeal is brought under Article 43 of the Order.

3 The reasons for the Registrar’s decision were that Mr Aromolaran had committed offences of theft against Enfield Borough Council just before and then while he was a student on the MPharm course at the University of Kingston (“the offences”); and that Mr Aromolaran was convicted for those offences in November 2006. The Registrar was satisfied that the offence involved dishonesty and deception; that the offence was recent and was relevant to the practice of pharmacy; and that if committed by a registrant, this sort of offence would always result in a hearing by the Disciplinary Committee, and, in previous such cases, removal from the Register had been a proportionate response.

## **Article 11**

4 Article 11 of the Order provides that:

*“Subject to the rules and provisions of this Order a person shall be entitled to be registered in the Register of Pharmacists if*

*(a) he satisfies the Registrar that-*

*(i) he is appropriately qualified ...*

*(ii) his fitness to practice is not impaired...”*

## **The Grounds of Appeal**

5 In his Notice of Appeal, Mr Aromolaran cited the following grounds:

5.1 The Registrar had no reasonable grounds for not being satisfied that the Appellant’s fitness to practice was not impaired.

5.2 The Appellant’s fitness to practice is not impaired.

5.3 The criteria for concluding that a person’s fitness to practice is impaired are laid down in the Pharmacists and Pharmacy Technicians Order 2007. They apply to those covered by the Statutory Instrument and do not apply to those who at the time of commission of a criminal offence are neither registered Pharmacists, nor Pharmacy Technicians, nor pre-Registration Pharmacists in their pre-registration year.

5.4 The offence was committed at a time when the Appellant was neither a Pharmacist, nor a pre-registration Pharmacist.

5.5 The offence is not significantly relevant to the practice of Pharmacy, in that it related to a failure to give information and/or correct information given, as against (say) a theft or act of fraud committed when working in a position of trust.

- 5.6 The refusal by the Registrar to register the Appellant is against the interests of the public which has contributed a significant sum of money to the education and qualification of the Appellant up to the point of otherwise meeting the requirements for registration as a pharmacist.
- 5.7 The refusal by the Registrar to register the Appellant as a Pharmacist is in effect an additional punishment, additional to the conviction and sentence imposed on Mr Aromolaran in 2006 and as such is unfair, unjust and breaches his human rights.
- 5.8 The testimonials and references submitted by the Appellant in support of this appeal clearly show that the offence, which he committed was out of character and should necessarily lead to a conclusion that his fitness to practise is not impaired.
- 5.9 There is no evidence that the Appellant has not reformed or that he is likely to repeat the type of behaviour declared to the RPSGB and having paid his debt to society in 2006 by way of conviction, sentence (a fine and community service) and costs order he is entitled to participate fully in contributing to the well-being of Society in general, by being permitted to register as and practice as a Pharmacist.
- 5.10 Since being convicted of the offence, the Appellant has satisfactorily completed his pre-registration training year, and has demonstrated his reformed honesty integrity, reliability and ability to work satisfactorily and safely as a Pharmacist.

6 By letter dated 21 January 2008 the Appellant's Representative withdrew grounds 4.3, 4.6, and 4.9. At the hearing he indicated he did not rely on the human rights aspect of ground 4.7.

### **The Hearing**

7 The Committee heard evidence from the Appellant, Adeleke Amos Aromolaran, and had before it one bundle of documents, the Respondents', the Appellant having indicated that this bundle contained all the documents on which he relied.

### **Issues**

- 8 The parties to this appeal agreed that the issues to be resolved were as follows:
  - 8.1 Are the offences for which the Appellant was convicted not significantly relevant to the practice of pharmacy.
  - 8.2 Has Mr Aromolaran shown that his fitness to practice as a pharmacist is not impaired for the purposes of Article 11, having regard to an assessment of Mr Aromolaran's character within the Society's Good Character Assessment Framework in the light of all information concerning his character brought before the Committee.

## Facts

- 9 The Committee made the following findings of fact.
- 9.1 Mr Aromolaran was born in 1974.
- 9.2 The conviction was at Enfield Magistrates Court on 14 November 2006. Mr Aromolaran had pleaded guilty at an earlier hearing.
- 9.3 The offences of which Mr Aromolaran was convicted were:
  - 9.3.1 On or about 10 October 2003 at Edmonton Mr Aromolaran dishonestly made a false statement or representation in a claim for Housing Benefit and Council Tax Benefit with a view to obtaining Social Security Benefit, namely that having declared all sources of income and personal circumstances he failed to declare that he was a student and in receipt of a Student Award, contrary to section 111A(1)(a) of the Social Security Administration Act 1992 as amended.
  - 9.3.2 On or about the 5 November 2004, at Edmonton, Mr Aromolaran dishonestly made a false statement or representation in a claim for Housing Benefit and Council Tax Benefit with a view to obtaining Social Security Benefit, namely that having declared all sources of income and personal circumstances he failed to declare that he was a student and in receipt of a Student Award, contrary to section 111A(1)(a) of the Social Security Administration Act 1992 as amended.
  - 9.3.3 On or about the 9 November 2005, at Enfield, Mr Aromolaran dishonestly made a false statement or representation in a claim for Housing Benefit and Council Tax Benefit with a view to obtaining Social Security Benefit, namely that having declared all sources of income and personal circumstances he failed to declare that he was a student and in receipt of a Student Award, contrary to section 111A(1)(a) of the Social Security Administration Act 1992 as amended.
- 9.4 For these offences Mr Aromolaran received a community service order for 200 hours, and he was ordered to pay costs in the sum of £1071.20 (at £20 per week). The court made no order for repayment of the benefit overpaid and since that conviction Mr Aromolaran has paid the costs in full.
- 9.5 It is to be noted that Mr Aromolaran told the Committee that in relation to the offence of the 9 November 2005 he actually did not commit that offence - he had left the premises in Enfield several months before then. When he tried to dispute that offence on his appearance in court, he was not permitted to raise that as an issue. The Committee, however, had no option in this appeal but to rely on the Certificate of the conviction.
- 9.6 Mr Aromolaran was offered a place for a pharmacy degree in late 2001 for a start in September 2002.
- 9.7 Mr Aromolaran had had a variety of jobs, particularly work in a care home.

9.8 In July or August 2002 he was informed by the LEA that he was eligible for a student loan to commence from the start of his degree course in September. Mr Aromolaran asked the Enfield Council about getting accommodation, but was told that this would not be made available. In August he applied to the Council for housing and council tax benefits. At this time, of course, he had not yet become a student. He filled in a form. The Committee was shown a standard form in use at that time, and Mr Aromolaran accepted that it was the same as that which he had filled in. It was a long and detailed form, but one which the Committee found to be clearly written.

9.9 The form asks a number of questions relating to student status. For example, question 25 asks:

*“Are you a student and how much of your income is taken into account when working out your student grant”.*

In part 11 there is a question about *“other money coming in”*. Question 144 asks:

*“Do you have any money coming in that you have not already told us about on this form? This includes a student grant or loan.”*

There are notes indicating that amongst changes to be notified to the Council is a change whereby the claimant becomes a student.

9.10 The Application for benefit was approved, and Mr Aromolaran commenced his pharmacy degree course at university on the 23 September 2002 and received the first instalment of his loan. Mr Aromolaran found the first few months of his course difficult partly because he had not been in full-time education for some time and in addition he found it difficult to combine his studies with his part-time job. He used the student loan for transport, text books, stationery, departmental fees and other university expenses and also, to some extent, towards household expenses. He was unaware that he needed to declare his student loan or status to the Council.

9.11 The Council continued to pay the rent and did not inform him of any discrepancies although, in his evidence before the Committee, Mr Aromolaran said that he could not see any reason why Council should have been aware of any discrepancies save that they had his student loans record in their Education Department.

9.12 The Council sent a renewal form in November 2003 and again in November 2004 requesting information on his financial status. The Committee were not shown this form or the standard version of it. Mr Aromolaran asserted that it was not clear from these renewal forms whether he needed to inform the Council that he had become a student or that he was going to become a student. The forms focused, he said, on questions related to his tenancy, income and proof of income and he submitted documentary evidence in respect of these matters.

9.13 At some point in April or May 2005, Mr Aromolaran received a letter from the Council which stated that he should have informed them of his student status and they wanted to arrange a meeting. It was a very strong letter from the Council. It talked in terms of threatening a custodial sentence.

- 9.14 Mr Aromolaran replied to say he was unaware of any discrepancies but several things had happened and he would not be able to attend the meeting.
- 9.15 At this time, the summer 2005, exams were imminent, and a family member was very ill and in intensive care. Mr Aromolaran told the Committee that he found it difficult to cope with all these circumstances but was determined not to fail his examinations. He was shaken by the situation in which he found himself and decided to move home to live with his cousin in Hertfordshire so he could continue his studies and concentrate on family issues. He did not get in touch with the Council about his new address nor did he contact them at all, for example, to suggest suitable dates for the meeting which the Council had sought.
- 9.16 However, eventually he was traced and in June 2006 he received a summons in response to which he attended the Enfield Magistrates' Court. He pleaded not guilty and the case was adjourned until October. He sought a Solicitor's advice and was advised that he needed to plead guilty because misunderstanding and lack of awareness was not a defence but could be mitigating circumstances on the basis that he had no intention of committing the offence and it had been due to circumstances at the time. He, therefore, pleaded guilty to the offence and was convicted of the offences of false representation as mentioned above.
- 9.17 In his application for registration, Mr Aromolaran indicated that he had been guilty of a criminal offence. His tutor, Shubhra Mace, countersigned to indicate that he was aware of the conviction. In the form in which he was asked to give details of the offences, Mr Aromolaran indicated that he had been convicted in November 2006 of an offence of false representation.
- 9.18 By letter dated 23 July 2007, the Respondent asked for details of the conviction including the circumstances of the offence and at least one testimonial from an employer, or former employer, ideally the pre-registration tutor, and any additional evidence which might be considered to have a bearing on the Registrar's decision. The testimonials are referred to later but there was not one from the pre-registration tutor because Mr Aromolaran did not feel comfortable to discuss the matter with his tutor.
- 9.19 In the reply to the letter of the 23 July 2007, Mr Aromolaran gave the information which is essentially recorded in these findings of fact or in the summary of his case below.
- 9.20 The Registrar made inquiries of the Enfield Council and was supplied with a copy of the standard form of application for housing benefit and council tax current in 2002.
- 9.21 The Society used a Good Character Assessment Framework template and noted that the conviction involved dishonesty, fraud or misrepresentation. The Registrar noted as follows:

*“the mitigation offered in the letter of 30 July 2007 was that the offence was committed in ignorance and that the guidance offered did not alert him to the need to declare his undergraduate status. The form and its guidance did contain several references to student status and the need to declare it. Enfield*

*Borough Council has confirmed that the form and guidance currently in use was exactly the same wording as the one which Mr Aromolaran used in 2002. Mr Aromolaran's mitigation was at odds with the documentation from the Borough Council. Against this it was a one-off offence for which he has been punished. He has expressed remorse and an understanding of the seriousness of the offence for professional standing. He has also provided testimonials."*

## **The Appellant's Case**

- 10 In his letter to the Society of July 2007, Mr Aromolaran stated that:
  - 10.1 he was unaware that he needed to declare his student loan or status to the Council.
  - 10.2 the Council continued to pay his rent and did not inform him of any discrepancies.
  - 10.3 when the Council sent a renewal form in December 2003 and December 2004 requesting information on his financial status, there was no indication on those forms that Mr Aromolaran needed to declare that he was a student or in receipt of a student loan. The forms focussed on questions relating to his tenancy, income and proof of income, and he submitted documentary evidence in respect of these.
  - 10.4 his actions were not deliberate.
  - 10.5 with hindsight he realised he should have clarified the facts with the Council as a responsible individual and informed them of his student status.
  - 10.6 he now understood that students are not entitled to housing and council tax benefits unless there are exceptional circumstances.
  - 10.7 having made sacrifices to get this far he would not do anything to jeopardise his career. His predicament would haunt him for the rest of his life. He realised he had made a very various mistake and promised it would never happen again.
  - 10.8 he had rehabilitated himself by doing his community service in a charity shop and this has made him realise the gravity of his offence even more.
  - 10.9 He had become more cautious since that event and now contacts the CAB for advice when issues are unclear to him.
- 11 Testimonial letters were submitted to the Society as follows.
  - 11.1 Nicole Bonamy, a member of the Royal Pharmaceutical Society, wrote on the 30 July 2007 that she had worked with Mr Aromolaran at the Maudsley Hospital whilst in his pre-registration year. She found him to be professional and of good character. She was surprised to learn of his conviction but was certain he was a victim of circumstances. Her opinion was he was decent and

hard working and she believed he would make a very good pharmacist and the events of the past should not be regarded as a true reflection of his character.

- 11.2 Michelle Mehta was the deputy pharmacy manager at Maudsley Hospital and she wrote a testimonial, again on the 30 July 2007. She said the matter had just come to her attention. During his time in the Maudsley Hospital she found the applicant honest and hard working and was surprised he found himself in this situation. She wrote:

*“Mr Aromolaran was asked for details by his pre-registration tutor however he was reluctant to do so as he felt uncomfortable at the time.”*

- 12 Mr Aromolaran made a number of points in his notice of appeal as follows:

- 12.1 he is a person of previous good character and the offence is one that he did not deliberately set out to commit but rather was committed through ignorance and misunderstanding. It was not planned or thought out in advance but was done unintentionally;
- 12.2 the reputation of the profession has not been damaged, there was no adverse publicity attached to the conviction or the sentence.
- 12.3 Since the offence and conviction, he had behaved in an exemplary manner. He has been working in a position of trust during his pre-registration year at the hospital.
- 12.4 He would be of no greater threat to the public than he had been during the pre-registration year. He had demonstrated his trustworthiness.
- 12.5 The criteria for character assessment had been applied harshly by wrongly concluding that the offence was relevant to the practice of pharmacy and by making insufficient allowance for the circumstances of the offence, the plea of guilty and the length of time which had elapsed.

- 13 Mr Aromolaran said he was truly remorseful and had warranted many good character references. He had completed his community service by working Saturday mornings in the charity shop.

- 14 In evidence before the Committee Mr Aromolaran added a number of points.

- 14.1 If there was guidance in the form of leaflets supplied by the Council, clearly he could not have read them properly.
- 14.2 He genuinely did not believe his student status would debar him from housing benefit. He could not see how money from a loan which is repayable could be classified as income and thus declarable. It appeared no different from drawing from a bank against an agreed overdraft or on a credit card.
- 14.3 He had declared all income from his part-time work.

- 14.4 Mr Aromolaran realises that the impact of his offence was possibly to deprive another claimant of benefits to which they were entitled.
- 14.5 The Council staff had not been helpful when he had applied or inquired about housing accommodation. The experience of the community service order was painful, not just in a physical sense but also by being made to realise what he had done wrong. He has learnt to become more cautious and get clarification of doubt and to think before he acts.
- 15 The additional submissions made by or on behalf of the Appellant were
- 15.1 The fact that he believed he was not committing any crime in 2003 to 2005 should be taken into account when assessing the seriousness of the impact that the conviction should have.
- 15.2 Whilst the conviction was relevant, it had to be considered as not highly relevant to the practice of pharmacy and no great weight should be given to it, having regard to the fact that the offences were not committed whilst he was a practising pharmacist or a re-registration pharmacist, and they were not committed against any pharmacy or indeed against any other employer. It was not as if he had been in a position of trust.
- 15.3 The form was misleading. It did not apparently fit his situation.
- 15.4 Time has elapsed. Three years is the average period of elapsed time which is taken to be long enough to show rehabilitation in the case of a person who has previously been disciplined and been removed from the register.
- 15.5 Mr Aromolaran stressed that he was genuinely remorseful and this would not happen again. He was fully capable of becoming a beacon of society which is the standing which he described that a pharmacist should hold.

### **The Respondent's Case**

- 16 The Respondent's case as set out in the skeleton argument, and as amplified in oral submissions is as follows:
- 16.1 The assertion that the conviction is not significantly relevant to the practice of pharmacy would demonstrate a worrying lack of insight into the seriousness of the offence he committed and its relevance to the profession in which he seeks to practice. Not only is it a matter of law under Article 48(4) of the Order that offences at any time should be taken into account, it is a matter of common sense that an offence of dishonesty is relevant to the issues of probity, integrity, and public trust and confidence, and thus to the issue of fitness to practice.
- 16.2 The offences were matters of dishonesty involving a significant sum and committed on three separate occasions.

- 16.3 The legislature and the public place great trust in pharmacists. That requires that high standards of personal and professional conduct are maintained. The Key Responsibilities of the Society's Code of Ethics and Standards makes clear the importance of a pharmacist behaving with integrity and probity at all times.
- 16.4 The Society's Investigating Committee's list of factors indicating a referral to the Disciplinary Committee refers to "dishonesty" under Personal Behaviour. The Disciplinary Committee's Indicative Sanctions Guidance of 7 March 2007 refers to "Dishonesty" as a circumstance where removal from the Register may be appropriate.
- 16.5 Notwithstanding the testimonials the decision of the Registrar remains correct.
- 16.6 The functions of the criminal law enforcement agencies and the Society are distinct. The relevant statutory function of the Society is to decide whether an applicant has met the requirements for registration. This is not about "additional punishment", but rather the consideration of the public interest.
- 16.7 It is not for the Respondents to prove the negative case. The burden is on the Appellant to satisfy the Registrar that his fitness to practice is not impaired.
- 16.8 Performance during the pre-registration year adds little to the issues to be determined by the Committee.

## Conclusions

17 The Committee referred to the Society's Good Character Framework, where the definition of good character is stated as follows:

*"The absence that a person has committed (and/or has any disposition towards) conduct or behaviour that is inconsistent with the standards of conduct published by the Society or the exercise of the pharmacy profession."*

18 To the extent that it is relevant to this appeal, the Committee noted that it is stated that relevant evidence would include criminal convictions, findings by a body responsible for the regulation of the health or social care profession, allegations, complaints or information about the applicant which had been brought to the attention of the Registrar and testimonials and character references about the Applicant.

19 The framework then sets out that in deciding whether evidence of conduct or behaviour committed is inconsistent with the standards published by the Society or with the exercise of the profession, a number of factors will be considered to assign weight and significance to the evidence. They are

- 19.1 The seriousness of the conduct or behaviour;
- 19.2 The relevance of the conduct or behaviour to the practice of pharmacy;
- 19.3 The relevance of the conduct or behaviour to the honour and dignity of the profession of pharmacy;

- 19.4 The recency of the conduct or behaviour;
- 19.5 The applicant's age at the time the conduct or behaviour was committed;
- 19.6 The applicant's personal mitigation in respect to the conduct or behaviour committed;
- 19.7 The applicant's efforts (or lack of) to rehabilitate himself since the conduct or behaviour was committed;
- 19.8 The applicant's insight (or lack of) in relation to the conduct or behaviour committed;
- 19.9 The extent to which the conduct or behaviour is counterbalanced by testimonials and character references about the applicant's subsequent and recent conduct and behaviour;
- 19.10 The extent to which the conduct or behaviour is characteristic of the applicant, or indicative of a propensity by the applicant to commit such conduct or behaviour;
- 19.11 The extent to which the applicant disclosed (or failed to disclose) the existence of the conduct or behaviour, during the application process;
- 19.12 The extent (or lack of) co-operation by the applicant with any inquiries into the conduct or behaviour made by the Society.

20 When considering the seriousness of the conduct or behaviour in question, certain aggravating factors are identified, and, where present, they will automatically qualify the conduct or behaviour as serious. To the extent that they are relevant to this appeal, they are:

- 20.1 Conduct involving dishonesty, fraud or misrepresentation
- 20.2 Conduct or behaviour that has resulted in a criminal conviction or finding of misconduct/unfitness to practice by any body responsible for the regulation of a health or social care profession

21 Thus, it is clear that conduct involving dishonesty, fraud or misrepresentation or conduct which results in a criminal offence will be classified as serious misconduct.

22 The Committee then turned to the judgment of a previous sitting of the Committee which addressed the issue of the definition of "fitness to practice". The Committee said:

*"Fitness to practice" is not defined in the Order. It is a comprehensive term that includes, amongst other matters, the applicant's ability to provide a competent and safe service to members of the public as well as the ability to behave in an ethical and responsible way. Parliament through legislation places great trust in both individual pharmacists and the profession as a body. It is fundamental that the public should be able to have confidence and trust in members of the profession. The Code of Standards and Ethics which guides those admitted to the Register requires that pharmacists ensure that they will behave with integrity and probity, adhere to accepted standards of professional and personal conduct and that they will not engage in any behaviour or activity likely to bring the profession into disrepute. It is necessary that those seeking admission to the Register are able to demonstrate (by the absence, for example, of any conviction or caution) that their character is such that*

*they can be trusted by the profession and the public to abide by the Code and maintain the highest standards of personal and professional conduct. In circumstances where an applicant has previously been involved in disreputable conduct it is thus essential to examine the full circumstances and evaluate carefully the current insight and moral attitude of the person who seeks admission to the Register so as to assess the issue of their fitness to practice in the context of the public interest which includes public confidence in the profession and the maintenance of standards. An important aspect is how the public and members of the profession might view the admission of an applicant to the Register who had previously acted dishonestly.”*

The Committee adopted that definition.

23 The Committee then addressed the point of “additional punishment” or “double jeopardy”. The Committee found that the Appellant’s argument missed the point and misapprehended the purpose of professional regulatory proceedings. The object of the criminal law may involve concepts of punishment and restitution but the object of the registration function of the Society is not to punish the individual concerned but to safeguard the public interest as properly defined. Thus, the character and the purpose of the proceedings are entirely different from those in the criminal jurisdiction.

24 The Committee is driven by the guidance set out above to consider the concept of public interest in the context of the facts and the evidence and submissions of the appellant. The Committee recalled that there were two issues for determination: firstly, the relevance of the offences of which Mr Aromolaran had been convicted; and, secondly, the issue of fitness to practice based on analysis against the Good Character Framework.

25 On the basis set out below, the Committee considered that the offences were relevant to the practice and profession of pharmacy.

26 The conviction related to a misrepresentation, which began when the Appellant was on the brink of commencing his pharmacy studies, and continued at a time when the Appellant was in the course of those studies. The Committee accepted that it was a departure from common sense to give little weight to an offence which involves dishonesty by ordinary standards, and which, by definition raises a serious issue as to the Appellant’s probity and integrity and thus, fitness to practice.

27 The Committee also considered whether Mr Aromolaran had deliberately failed to make a declaration of his student status and finances, or whether, as he submitted, he had not set out to be dishonest, merely that he had been careless in filling in the forms.

28 The Committee applied the civil standard of proof, that is whether, on the balance of probabilities it is more likely than not that Mr Aromolaran had been deliberate in his misrepresentation or, on the other hand, is it more likely than not that his misrepresentation was merely careless and thus less culpable.

29 The Committee found the following factors to be relevant.

29.1 Firstly, the Committee found the form to be quite clear, in its several references to the need to declare student status. It is also likely that information given

to Mr Aromolaran when he applied and received his student loan would have been clear and pointed him in the right direction.

29.2 The Committee found that the form was also clear about the need to declare a change in circumstances. Given the way in which the renewal forms set out details of income for confirmation by the claimant, common sense would have dictated the need to notify the change in circumstances arising on achieving student status.

29.3 Probably the most significant factor was the reaction that Mr Aromolaran displayed when the Council wrote to him, pointed out the discrepancies and asked him for a meeting. In the Committee's judgment, had he been innocent of any deliberate misrepresentation it would have been unlikely that he would have tried to put the Council off holding a meeting, but rather he would have sought to inform them of his misunderstanding, either immediately or at a later date. Instead he left the premises he had occupied without getting in touch with the Council, and subsequently failed to revive the possibility of a meeting.

30 On the basis of those factors, the Committee found that the misrepresentation made to the Council was deliberate. In the Committee's judgment, the deliberate nature of the actions heightens the relevance of the offences.

31 The Committee then turned to the framework set out in the Good Character Assessment Framework.

31.1 Relevance of the offences to the practice of the profession and indeed to its dignity and honour are part of the framework, and the Committee's conclusions about those matters are as set out above.

31.2 In relation to the issue of recency, Mr Aromolaran argued that the offences took place a long time ago and by the lapse of time he should be allowed to show that he has become rehabilitated. The Committee considered it would be wrong to use a tariff approach to this question. Cases need to be assessed on their own unique circumstances. A particular length of time by itself neither indicates nor does not indicate a degree of insight or rehabilitation. The Committee considered that it was more a matter of distance. How distant is the offence from where Mr Aromolaran now stands in terms of his approach to the offences that he committed? That is related to issues of insight and rehabilitation. Concepts of acceptance of responsibility and candour come into play. Reliance on ignorance and carelessness does not show acceptance or insight into the offence.

31.3 Considering Mr Aromolaran's age at the time of the offences, this is not a case of a young person just aged beginning their academic career. Mr Aromolaran was much more mature at the time when he made his application for housing benefit.

31.4 As to mitigating circumstances, the Committee did not accept that the form that Mr Aromolaran filled in by way of application for housing benefit was in any way unclear. If this was mere carelessness, it would have been a poor reflection on Mr Aromolaran, but in any event the Committee did not find that

this was mere carelessness.

- 31.5 Significantly, Mr Aromolaran seeks to blame others. He seems to blame the Council for not finding out his discrepancies as a way of justifying them, and that approach also demonstrates some lack of insight. In essence, there was no evidence put forward to show that there are mitigating circumstances which prevented Mr Aromolaran at the time from doing the right thing in filling in the forms and from notifying change.
- 31.6 As to rehabilitation, the Committee considered that this would involve facing up to responsibilities and realising the implications of the conduct that has taken place, and demonstrating an attitude of greater integrity. In this context, the Committee found the testimonials to be telling. The testimonials that were brought forward were sparse and did not do a great deal more than speak to the Appellant's potential to practice competently. The information about character had little depth. The testimonials did not testify to rehabilitation or insight. There appear to have been no opportunities taken by Mr Aromolaran to draw on testimonials from other parties who might have been able to help him, particularly his former employers. Finally, the reluctance of Mr Aromolaran to discuss the matter with his own tutor implies a refusal to face up to the issues, and by so doing, to achieve rehabilitation through informed reflection. The Committee also noted that Mr Aromolaran did not inform the Society in advance of filling in his application for registration. That might not have been a requirement, but such action might have demonstrated a more positive desire to re-habilitate himself. In short, what the Committee found in relation to rehabilitation was a lack of evidence that Mr Aromolaran had faced up to the implications of his offence, realised the significance of them, and demonstrated a more mature and responsible attitude.
- 31.7 With regard to insight, the Committee found that Mr Aromolaran had displayed very little insight at the initial stage. His initial reaction to the inquiries from the Council was to flee. This indicates a denial of responsibility. He did not get back to the Council. He did not notify the change of address. He did not get in touch with them to propose a new date for a meeting. Then there was a phase in which Mr Aromolaran blamed the Council for the lack of clarity in relation to the application form or for failure to discover discrepancies in the situation, even though he could not say why they should have done. Again this amounts to a denial of responsibility. It is to be acknowledged that Mr Aromolaran is now remorseful, and had clearly come to recognise the impact of his offences on the community. However, his evidence still shows adherence to a denial of responsibility for any wrongdoing and the lack of insight is underlined when reflection is made on the lack of openness, first with the Council, and later with his own tutor. He says that the offence was not committed within a relationship of trust, yet the arrangement wherein benefits are claimed relies heavily on trust between the claimant and the awarding body.
- 31.8 Finally, as to propensity to repeat the offence or conduct of that character, the attitude of denial of responsibility was found to be a worrying element. The public and professional interest demand that there should be confidence of a

high degree in practising pharmacists and where responsibility is not accepted, where there is a lack of openness transparency and acceptance of accountability, then there is a risk to the public, to colleagues, and to the rest of the profession.

32 Having balanced these factors, the Committee found that Mr Aromolaran has not shown that his fitness to practice as a pharmacist is not impaired.

33 The appeal is dismissed.