

1 HEARING AID COUNCIL PROCEEDINGS

2  
3 **Meeting of the**  
4  
5 **DISCIPLINARY COMMITTEE**

6  
7 Held at:  
8 70 St Mary Axe  
9 London EC3A 8BD

10  
11 On  
12  
13 Monday, 9 February 2009

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16  
17 **PRESENT:**

18  
19 **MR CHRISTOPHER HUGHES OBE**  
20 **(THE CHAIR)**

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22 Panel Members:  
23 **MR HUW VAUGHAN THOMAS**  
24 **MR MICHAEL BISHOP**  
25 **MR PETER OMEROD**  
26 **MR TONY CORCORAN**

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28 Legal Assessor:  
29 **MRS SIOBHAN GOODRICH**

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33 **MR HYWEL JENKINS** appeared on behalf of the Hearing Aid Council.  
34 **MR GRAHAM HILL** assisted the counsel for the Hearing Aid Council.

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36 **MR JASON LEE SAUNDERS** represented himself.

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40 **In the matter of:**

41  
42 **MR JASON LEE SAUNDERS**

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44  
45 Transcript produced by Sellers Legal Services  
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Monday, 9th February 2009

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2 THE CHAIR: Mr Saunders was a part of the Specsavers audiology business. He worked  
3 at a Specsavers store in Eastbourne. During the course of his time as a Director of  
4 the Local Hearing Company in the Specsavers group he used the work computer  
5 for various private purposes, which was clearly contrary to the general Specsavers  
6 policy. Of concern to the Committee was that he used it for receiving e-mails. In  
7 some of these e-mails he received attachments which on his own admission were  
8 of a pornographic nature and which these attachments he opened, downloaded and  
9 stored in a folder on the computer which was labelled "Dirty". He also in the  
10 course of his time there stored on the computer various images of himself.

11 At some stage he caused to be deleted the folder "Dirty", however on one day in early  
12 2007 one of his colleagues had occasion to insert a memory stick in the computer  
13 in order to transfer data. This caused a programme to open and images to be  
14 displayed on the computer screen. We have heard the evidence of 3 individuals  
15 employed within the Specsavers group who all had the opportunity to see those  
16 images. We found those individuals thoughtful, responsible, reliable and  
17 appropriate members of their relevant professions. We found the evidence that  
18 they gave compelling.

19 That evidence, given to the police and to this Disciplinary Committee, was that a  
20 wide range of pornographic images were visible on the screen and in addition a  
21 naked image of Mr Saunders. Mr Saunders in his evidence laid great store on the  
22 comments in the police report that the pornographic images were not accessible  
23 and he repeatedly told the Committee that he had done everything he could  
24 reasonably have done to remove those images from the computer. However, it is  
25 clear that in addition to downloading the images, opening them, he placed them in

1 a folder called "Dirty" which persisted in the computer for some time.  
2 Furthermore although the police may have characterised the underlying images as  
3 inaccessible when one of Mr Saunders' colleagues inserted a memory stick in the  
4 computer these images were displayed on the screen. Accordingly the Tribunal is  
5 on this occasion satisfied that those images were stored in one form or another in  
6 the computer as a result of the actions, interventions and deliberate conduct of Mr  
7 Saunders.

8 Mr Saunders denied that there was a naked image of himself and in his submissions at  
9 the end of the case he sought to discredit the three witnesses from Specsavers by  
10 implying that they were acting in a self-interested way and had benefited from his  
11 being removed from the Company. The Committee however has had the  
12 opportunity to see and cross-question those witnesses and to see and question Mr  
13 Saunders. The Committee is satisfied that those witnesses were reliable. And  
14 having taken into account the character evidence which Mr Saunders has put  
15 forward, is not satisfied that Mr Saunders's account given before this Committee is  
16 reliable.

17 The Committee has therefore concluded that Mr Saunders stored pornographic  
18 images of himself, pornographic images on the Computer in Specsavers  
19 Eastbourne and also a naked image of himself. It then falls to the Committee to  
20 conclude whether or not these actions amount to a breach of the obligation in the  
21 Code of Conduct to maintain a high standard of excellent conduct, whether Mr  
22 Saunders has fallen short of the norms expected of members of this profession and  
23 the public it serves.

24 The Committee has concluded that the storing of these pornographic images and the  
25 naked image of himself on his work computer whereas it transpired they did

1 become available and visible to colleagues and could conceivably have become  
2 available and visible to his patients, showed a level of contempt for colleagues and  
3 patients and their feelings which does fall short of a required standard. As he  
4 himself expressed in an interview to Mr McAlindon, one of the Specsavers staff  
5 who investigated the matter, he considered that his colleagues would feel shocked  
6 and distressed and disappointed at seeing those pictures on the computer placed  
7 there by Mr Saunders. The Committee finds that the summary of the response  
8 which he envisaged his professional colleagues might make as an appropriate  
9 summary. The Committee is in no doubt that the storage and display of these  
10 images on the computer which has been established to a very high degree of  
11 probability does fall woefully short of the ethical standards which are properly  
12 expected of members of this profession.

#### 13 DECISION ON SANCTION

14 THE CHAIR: The Committee has deliberated as to what sanction if any is appropriate in  
15 the case of Mr Saunders. He has been found to have failed to comply with the  
16 obligation to maintain a high standard of ethical practice by downloading and  
17 storing on his computer a range of adult pornography as well as a naked picture of  
18 himself, within his professional environment. In his mitigation Mr Saunders drew  
19 attention to the fact that one of the three witnesses from Specsavers who viewed  
20 the matter said that he was not offended by the photograph of Mr Saunders and that  
21 he viewed him as generally of good professional character, doing a good job for his  
22 clients. He went on to say that the police have considered him not to be a risk to  
23 children, the elderly and the vulnerable. He has put forward material  
24 demonstrating that he is a trusted member of his community of Eastbourne and has  
25 claimed an active life in its social philanthropic activities. He has told us that he

1 has regret and remorse for what he has done and pointed out that no clients saw the  
2 material and that by attempting to delete the material he did everything that he  
3 could and it was not reasonably for seeable that anyone would see the material. He  
4 told us that he has an empathy with people with hearing loss and that he viewed  
5 being a dispenser as his calling.

6 In considering and taking into account all these matters the Committee has to take  
7 into account also the breach and its circumstances, what it knows of Mr Saunders  
8 and how it should best set about to ensuring that it discharges its fundamental  
9 statutory duty of ensuring adequate standards of competency and conduct of  
10 registered hearing aid dispensers. We need to proportionately weigh the public and  
11 professional interests with the interests of Mr Saunders and his justifiable desire to  
12 resume his profession.

13 We are very clearly not concerned to punish Mr Saunders. More significantly we are  
14 looking to find what is the proportionate response to these matters with a view to  
15 ensuring that future risks are appropriately managed and the public interests are  
16 appropriately secured. Mr Saunders is of good character. It is pointed out to us  
17 that we can view these offences as an isolated incident. The Committee has  
18 attempted to view this matter in the round. It was a sustained course of conduct,  
19 with repeated downloading, opening and storing of the pornographic material  
20 within the professional environment, which ultimately led to its viewing by his  
21 colleagues. We properly viewed it with a view to determining what was going on  
22 within a professional environment. The sanctions available to us are admonition,  
23 financial sanction, suspension or erasure. In considering the events and mitigation,  
24 the Committee has also has to bear in mind Mr Saunders' demeanor before the  
25 Committee. He has continually minimized what he has done, his evidence has been

1 unreliable and has been evasive on many events. In order to secure proper  
2 protection of the public and their justifiable confidence in a well regulated  
3 profession, an admonition could not be appropriate, and it seems to us neither is a  
4 financial sanction. In considering whether a suspension were appropriate, the  
5 Committee has to bear in mind the circumstances within which registered  
6 professionals frequently practice, which is that they are, to a large extent,  
7 autonomous and frequently isolated, with little peer contact or oversight. It seems  
8 to us hard to secure proper protection of the public in the maintenance of the  
9 professional reputation in these circumstances by a suspension. The Committee  
10 has therefore concluded that erasure is the proportionate response to these offences.  
11 We therefore direct the erasure of Mr Saunders from the register of the Hearing  
12 Aid Council.

13 The rules and the framework for the Hearing Aid Council mean that it would be  
14 open to Mr Saunders at some point approximately one year from now, to apply to  
15 be re-admitted to the register should he be so minded.

#### 16 DECISION ON COSTS

17 THE CHAIR: In the case of Mr Saunders there is an application for costs by the Hearing  
18 Aid Council in its prosecutory note in the sum of £33,432.72. In this case the  
19 issues have been grave, there has been a substantial amount of evidence  
20 considered. Many issues have been contested. There have been a large number of  
21 decisions on legal issues to be made during the course of the hearing which has  
22 extended over three days with a preliminary hearing.

23 The Committee is satisfied that the costs sought are proportionate and reasonable to  
24 the issues which have had to be dealt with here. The Committee notes that today  
25 and on the previous hearing there were smaller subsidiary matters considered on

1 the same day and accordingly makes a discount of £3,432.72 pence accordingly  
2 towards costs against Mr Jason Lee Saunders in the sum of £30,000 and directs  
3 they be paid within 28 days. Should Mr Saunders wish to seek an arrangement  
4 where he pays over a more protracted period of time he should approach the  
5 Registrar of the Hearing Aid Council.