



Dear Maria

**The General Optical Council (Fitness to Practise) (Amendment in Relation to Standard of Proof) Rules Order of Council 2008**

Thank you for inviting comments on the above draft order. Together ABDO, AOP, the College and FODO represent the 10,000 optometrists and over 5,000 dispensing opticians and optical businesses in the UK who provide high quality and accessible eye care services to the whole population. Although we are replying jointly for your convenience, we would appreciate our response counting as four separate responses when you consider replies please.

**Question 1: Do you agree that the proposed rule 50A will support the Fitness to Practise Committee in complying with its future legal obligation to apply the civil standard of proof in fitness to practise hearings?**

We agree that the proposed rule 50A gives effect to the Government's wish that the standard of proof for evidence in fitness to practise cases be changed from criminal to civil. We would emphasise the key point made in the consultation document that the more serious the allegation, or more serious the consequences if the allegation is proved, the stronger must be the evidence before the Panel will find the evidence proven on the balance of probabilities.

This is not to say, however, that we in any way support the change - which we do not. However we recognise that the draft instrument gives effect to the Government's policy intention.

We also have no idea how this new standard will operate in practice and reserve the right to come back to the GOC and Government if we think it is not operating fairly.

**Question 2: Do you agree that the attached guidance will support the Fitness to Practise Committee in complying with its future legal obligation to apply the civil standard of proof in fitness to practise hearings?**

Yes but we would suggest that in paragraph 2 (line 4) the words "a fact will be established if it is more likely than not to have happened" should be amended

to "a fact will be deemed to be established if it is more likely than not to have happened".

**Question 3: Do you agree the manner in which GOC intends to commence the Rule change?**

Yes, regrettably we recognise the reality of the implementation date for this change. We also welcome the GOC's sensible, fair and pragmatic approach of continuing to apply the criminal standard in cases where the presenting officer has already addressed the committee before the commencement date (ie for adjourned cases).

Your sincerely



Sir Anthony Garrett  
**General Secretary**  
Association of British  
Dispensing Opticians

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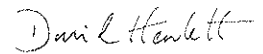
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**Maria Claridge**

**From:** Debbie McGill [debbie.mcgill@optometryscotland.org.uk]  
**Sent:** 18 August 2008 17:03  
**To:** Maria Claridge  
**Cc:** dir.irvine@st.uk.specsavers.com; Gill Hotmail  
**Subject:** Optometry Scotland Response to GOC Consultation on Amendments to its Fitness to Practise Rules to Introduce the Civil Standard of Proof in Fitness to Practise Hearings

Dear Ms Claridge,

Please find attached a copy of the GOC's Consultation on Amendments to its Fitness to Practise Rules to Introduce the Civil Standard of Proof in Fitness to Practise Hearings.

Optometry Scotland's (OS) response to the Consultation Questions, Page 3, RefNo. 12

**Question 1: Do you agree that the proposed rule 50A will support the Fitness to Practise Committee in complying with its future legal obligation to apply the civil standard of proof in fitness to practise hearings? OS response: Yes**

**Question 2: Do you agree that the attached guidance will support the Fitness to Practise Committee in complying with its future legal obligation to apply the civil standard of proof in fitness to practise hearings? OS response: Yes**

**Question 3: Do you agree the manner in which GOC intends to commence the Rule change? OS response: Yes**

I have copied this email to Gillian Syme, Chairman of Optometry Scotland who has answered these questions on behalf of Optometry Scotland.

Please confirm receipt of this email.

Regards,

*D McGill*

Miss Debbie McGill  
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28/08/2008



EG/hg

20<sup>th</sup> August 2008**Personal and Confidential**

Ms Maria Claridge  
Project Support Officer  
General Optical Council  
41 Harley Street  
London  
W1G 8DJ

Dear Ms Claridge

**Re General Optical Council – Promoting Good Eye Care, Protecting the Public - Consultation**

Thank you for the opportunity to comment on the consultation paper relating to the proposal to introduce the civil standard of proof for the Fitness to Practise Committee.

We would respond as follows to the questions you pose:

- 1 We agree that the proposed Rule 50A will support the work of the Fitness to Practise Committee in complying with its future legal obligation to apply the civil standard of proof in Fitness to Practise hearings.
- 2 We agree that the guidance you issued will support the Fitness to Practise Committee in complying with its future legal obligation to apply the civil standard of proof in Fitness to Practise hearings.
- 3 We agree with the manner in which GOC intends to commence the rule change.
- 4 We note and are reassured that it is consistent with the current practice of other regulatory bodies.

Yours sincerely

**MR DOMINIC BURKE**  
**CHIEF EXECUTIVE, WHSSB**

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**Ms Maria Claridge  
Project Support Officer  
General Optical Council  
41, Harley Street  
LONDON W1G 8DJ**

our ref:

your ref:

**3<sup>rd</sup> September 2008**

Dear *Ms Claridge*

**Re: General Optical Council Consultation on Amendments to  
its Fitness to Practise Rules to Introduce the Civil  
Standard of Proof in Fitness to Practise Hearings**

I refer to the above consultation paper which invited comments by  
5<sup>th</sup> September 2008.

Please find attached response which has been prepared by Mrs  
Margaret McMullan, Ophthalmic Adviser, Eastern Health and  
Social Services Board which I trust you will find of assistance.

Yours sincerely

  
**Dr M P J KILBANE  
Chief Executive**

Encs:

**Eastern Health and Social Services Board response to  
General Optical Council**

**Amendments to FTP Rules – civil standard of proof**

The Eastern Health and Social Services Board (hereafter referred to as the EHSSB) welcome this consultation on proposed amendments to the Fitness to practice Rules 2005.

The EHSSB acknowledges and commends the lengths to which the General Optical Council has gone in their seeking to ensure the implementation of the proposed changes brought about by the Health and Social Care Bill are widely consulted on.

**The Proposals**

**(1) Proposed rule 50A**

The EHSSB agrees the proposed rule 50A will support the FTP Committee in complying with legal requirements in regard to the civil standard of proof.

**(2) Guidance on application of rule 50A**

The EHSSB agrees that the proposed guidance will support the FTP Committee in complying with the legal obligations to apply the civil standard of proof in FTP hearings.

**(3) Proposed 'roll-out' of rule change**

The EHSSB agrees with the proposed manner of Rule change as stated in the consultation document.

Should you have any queries about the above response please direct your correspondence to Mrs Margaret McMullan, Ophthalmic Adviser at the EHSSB.

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