

## **GUIDANCE TO GOC PERFORMANCE ASSESSORS**

1. The GOC has a statutory obligation to protect, promote and maintain the health and safety of members of the public who are treated by or use the services of its registrants. Our fitness to practise procedures focus on whether a registrant's fitness to practise is impaired to an extent that we need to take action to seek to restrict his or her registration.
2. Fitness to practise complaints against registrants are considered by the Investigation Committee. This Committee must decide whether the complaint against a registrant should be referred to the Fitness to Practise (FTP) Committee for a formal hearing. To assist it in making that decision, the Investigation Committee has the power to direct that a registrant should undergo an assessment of "the standard or quality of the work done or being done by the registrant". Such assessments are commonly known as performance assessments.
3. You have been asked to act as a performance assessor on behalf of the GOC. The purpose of this guidance is to you in fulfilling that role. It is guidance only and, should you have any questions you should always seek to contact the GOC in advance of the assessment for those questions to be answered.

### **The assessment process**

4. The GOC will inform you of the matters in respect of which the Investigation Committee has directed that the registrant be assessed. The Committee have decided on those areas due to the nature of the complaint against the registrant and the documents that the GOC and the registrant (and / or the registrant's representatives) have placed before them. The GOC will, other than in exceptional circumstances, appoint two assessors to carry out the assessment. You will both be GOC registrants of significant experience, and with the requisite skills to be able to comment upon the standard of the registrant's practice. If the GOC chooses to appoint more or fewer than two assessors, you and the registrant will be informed of this and the reason for this decision explained.
5. The assessment itself will involve you and the other assessor observing the registrant examining patients; reviewing a sample of the registrant's record cards from earlier examinations; and discussing with the registrant the examinations that you have observed to assist your understanding of their actions and / or decisions during the examinations that you have observed.

6. Assessments take place at a registrant's usual place of work or, if the registrant is a locum, at one of their normal places of work. They normally last for around half a day. Plainly, it is important that you observe examinations that are relevant to the matters in respect of which the Investigation Committee wishes the registrant to be assessed. Also, it is important that you observe enough of the registrant's work to be able to come to an informed view as to the standard of his or her practice. Unless you are specifically told otherwise by the GOC, you will need to observe the registrant examining four patients. Following those examinations, at least one hour should have been set aside for discussion between you (and any other assessors) and the registrant.
7. If you are informed prior to the assessment, or discover on arriving to carry out the assessment, that there are insufficient patients booked to be seen or that the patients are not of the type needed (for example, elderly patients, or presbyopic patients), you should contact the GOC immediately. You should not simply press on and conduct the assessment as well as you can in the circumstances, unless that is the request made of you by the GOC. If, on the day of the assessment, you encounter a lack of cooperation from either the registrant or the practice where the assessment is taking place, such that you cannot continue properly to assess the standard of the registrant's work, you should end the assessment and contact the GOC immediately. Plainly, should such circumstances arise, you should endeavour not to cause any concern or confusion to any patients.

### **Supporters or observers**

8. There is no bar to the registrant having a friend, colleague or supporter present to observe the assessment. However, space in examination rooms is often limited. If it is not possible for the registrant, the patient, both assessors and the supporter comfortably to fit in the examination room, it *must* be the supporter who leaves the room. This has been made clear in guidance provided to the registrant.

### **Record review**

9. You should request the registrant to provide you with copies of the patient record cards that you complete during the course of the assessment. You may also be asked by the GOC to ask the registrant to provide to you copies of a number of patient records completed by them on days prior to the examination. If the practice where the assessment is taking place does not have a photocopier, you should ask the registrant (if he or she owns the practice) or the practice manager (if not) to sign an undertaking to provide all these records to the GOC (you will be provided with an undertaking that is to be signed if these circumstances arise). You must redact (ie.

tipex out or use a black pen to blank out) all identifying data of the patients whose copy record cards you take from the practice (for example, name, address, patient number etc). You must do this before you leave the practice. You should not redact a patient's date of birth as the age of the patient may be relevant. The taking of the records in these circumstances is lawful under the Data Protection Act 1998.

### **Refusal to undergo, or to cooperate with, a performance assessment**

10. If the registrant refuses to be assessed, or if during an assessment he or she does not cooperate with you, this can be taken into account by the FTP Committee if the registrant is in due course referred to that Committee. If you consider that the registrant is being uncooperative, you should inform the GOC immediately and seek instructions on whether to continue with the assessment. Any discussion that you may have with the registrant regarding his or her cooperation should be conducted out of earshot of any patients. Any lack of cooperation should be detailed by you in writing at the time of the assessment.

### **After the assessment**

11. Once the assessment has taken place, you should prepare a report on what you observed. Attached to this guidance is guidance on the writing of expert reports: please also read that document before drafting your assessment report.
12. Within your assessment report, please set out who sat where in the examination room, and a description of the layout of the room and the equipment available.
13. You should provide a written description of each of the examinations that you observed. (If you take notes during the course of the examination, please send the originals to the Council along with your report, but please retain copies within your own records). Within each description, please comment as to the standard of the examination. If it is lacking, please set out exactly why, with reference if appropriate to the relevant core competency or to the College of Optometrists' guidelines.
14. Comments and findings should be specific, not general. It is not sufficient, for example, to state: "Procedures were not adequately explained". This begs a number of questions, such as: "Which procedures?" "Were they explained at all or simply inadequately?" "If inadequately, why were they inadequate?" You should bear in mind that you may be asked questions on these points at an FTP hearing some months after the examination. Failure to provide detail at the time you provide your report will make it difficult for you credibly to do so at the hearing. It will also make your report less useful for the Investigation Committee. When making reference to relevant core competencies or to the College guidance, you should

make clear in your report which actions, in your opinion, fall short of the standards to which you refer. Simply listing the competencies that you consider not to have been met is not adequate.

15. If appropriate and helpful, please set out any general comments that you have, or any trends that you observed during the examinations. Again, if it is not clear from your descriptions of the examinations, you should set out what actions on the part of the registrant lead you to conclude that there is a trend, or justify your general comment. Your report will be read by a number of people, including lay members of the Investigation Committee and, possibly, lay members of the FTP Committee. It will be considered by GOC lawyers (and, possibly, lawyers for the registrant) who are not trained in optometry or dispensing optics. Persons reading the report should not be asking themselves “on what basis does the author make this comment or draw this conclusion?” The basis for your views and opinions must be made clear within the report.
16. In terms of your review of the registrant’s record-keeping, please set out both specific and general comments in respect of the standard of those records. The same points as made in the above two paragraphs apply to your views and opinions on the standard of the registrant’s record-keeping.
17. **The standard against which you are judging the registrant is that of the reasonably competent optometrist or dispensing optician.** You are not being asked to apply a “gold standard” or judging the registrant against perfection. That said, any faults that you observe should be referred to, but you must consider each examination, and the overall level of work that you observe, against this general standard. You should express a view in the conclusion section of your report as to whether the registrant is meeting the standard of the reasonably competent optometrist or dispensing optician.
18. In the rare event that you consider that the registrant’s level of practice is so poor that his or her patients are being put at significant risk, you should inform the GOC of this immediately after the conclusion of the assessment. It is open to the GOC to seek an interim order restricting the registrant’s practice in advance of a final FTP hearing, but such an order will only be granted if it is necessary.
19. There will almost always be two assessors carrying out an assessment. It may be that you have differing views from your fellow assessor on aspects of the registrant’s performance. If that is the case, this should be made clear in the report and your differing views set out. **At the foot of your report, you should include the following statement. “Where the two assessors differ in respect of any conclusions drawn or opinions expressed as to the standard of the registrant’s practice, this has been made clear in the report. Where no such differences**

**are set out in the report, all conclusions and opinions expressed are those of both assessors.”**

20. Once your report has been received, it will be considered by the Investigation Committee who will decide what, if any, action to take. **Please do not offer any conclusions in your report as to the course of action that the Investigation Committee should take.**
21. Should further action be required, your report will form the basis of expert witness evidence for the Council at a formal hearing, and you may be required to attend to give evidence.

### **Your responsibilities**

22. While the matters set out in this section may seem obvious, you should read them carefully: they are set out for the protection of yourself, the Council and the registrant that you have been asked to assess.
23. You have been requested to undertake this assessment by the General Optical Council. Should the matter progress to a Fitness to Practise Committee hearing, it is possible that you will be called by the Council to act as an expert witness at that hearing. The duty of an expert witness is not to the party that instructs him or her; it is to the tribunal before which s/he may eventually give evidence. You should at all times maintain your independence. You are not part of an “enforcement process” in respect of the registrant that you are assessing: your role is to provide your honest, independent, expert view as to the standard of the registrant’s practice.
24. Plainly, being the subject of a performance assessment is an unwelcome and stressful event for a registrant. It may be a particularly uncomfortable event to take place in their workplace with colleagues inevitably being aware that something unusual is taking place. Please bear this in mind in your manner towards the registrant. The discussion with the registrant should not take the form of an interrogation. Equally, you are entitled to ask such appropriate and searching questions as may be necessary to demonstrate the registrant’s awareness of the subject matters that you are asking about.
25. No discussions on the adequacy of the examination should take place in front of a patient; nor should you seek the views of any patient on any aspect of the examinations that you observe. The registrant will have been advised to introduce you as professional optometric (or dispensing optics) colleagues who will be sitting in on consultations to observe.
26. Away from your role in this assessment and any proceedings that follow on from it, it is of course entirely acceptable for you to state that you act as a performance assessor for the GOC. You should not, however, make any reference to the circumstances or location of any assessments that you have conducted; nor should you identify directly or indirectly the identity of any registrant that you

have assessed. If you are at any time uncertain as to the appropriate limits of what you can say about your work with the GOC, you should contact the Council and seek clarification.

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