

General Optical Council
Fitness to Practise Annual
Report 2009-10

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2008/Statutory Instrument 1774 Article 2(2) Schedule 2
paragraph 3

Foreword by Anna Bradley, Interim Chair of Council

We welcome the publication of this first GOC Fitness to Practise (FTP) Annual Report and commend it to our stakeholders as a record of the significant progress in the development of the FTP procedures in the last year.

Overall and most importantly the external body which monitors our progress, the Council for Healthcare Regulatory Excellence (CHRE), has commented on our 'good management of cases' and 'helpful approach to the public' while evaluating how we have dealt with individual cases as 'well, with a commitment to quality and fairness and to protecting the public'. These independent findings are very gratifying.

None of this progress would have been possible without substantial change to fitness to practise procedures and our approach to this core function. Specifically we have:

- articulated a three-year business programme for the modernisation of the GOC's Fitness to Practise function
- implemented the Key Performance Indicators (KPIs) and the Directorate's commitment to meeting those targets
- developed guidance for complainants and registrants
- developed guidance for the Investigation Committee
- formalised procedures for the identification of serious cases

The three year business programme and KPIs for the investigation and FTP functions too are being met. We will keep these indicators closely under review to ensure continued compliance.

Both the Council and the Directorate fully appreciate their responsibility to maintain cost efficiencies and, where possible, reduce costs.

We also acknowledge the need to improve and, in particular, we aspire to integrate a proper case management system. This should enable us to provide more precise statistics evaluating our performance in some areas of our work, such as the length of delay in dealing with cases.

In the future we hope, for example, to be able to provide a detailed breakdown of exactly how long it takes us to deal with simple, reasonably complex and exceptionally complicated cases individually. At present we are able to provide an overall figure for every type of case, with no means of identifying the actual amount of time spent by us on each. This should help us to see more clearly where we can reduce time spent on investigations.

Finally, the important steps we have taken in modernising our investigation and FTP processes could not have been possible without the outstanding work carried out by Rosalyn Hayles, Director of Legal and Fitness to Practise, and her team. We believe they have made a vitally important contribution to ensuring that the General Optical Council is a modern healthcare regulator, innovative and effective in our processes.

Introduction

Welcome to the first Fitness to Practise Annual Report published by the General Optical Council (GOC).

Section 32A of the Opticians Act 1989 (as amended) requires us to publish an annual report. This is available at <http://annualreport09-10.optical.org> and includes Fitness to Practise statistics. However, this is the first time the Legal and Fitness to Practise Directorate has published a standalone report.

The primary purpose of the GOC is to protect, promote and maintain the health and safety of the public.

We do this by:

1. setting standards for optical education, training, performance and behaviour;
2. approving the qualifications that lead to registration with the GOC;
3. publishing a register of dispensing opticians, optometrists, students and optical businesses in the UK; and
4. investigating and acting on concerns that a registrant is not fit to practise, train as an optician, or carry on business as an optometrist or dispensing optician.

The Legal and Fitness to Practise Directorate leads the GOC's commitment to the fourth objective by investigating and, if appropriate, taking robust regulatory action against a registrant where there is concern of impaired fitness to: practise; undertake training; or carry on business as an optometrist or dispensing optician. It also undertakes, where appropriate, relevant criminal prosecutions.

The GOC's mission is to be recognised as a modern healthcare regulator, innovative and effective in our processes.

The Directorate's development and progress, principally relating to the annual reporting year 1 April 2009-31 March 2010, are illustrated with statistics, explanation about the Fitness to Practise process and the work which underpins this.

We may use the all-inclusive term 'optician' throughout this report to refer to optometrists and dispensing opticians as a group. This is in the interests of clarity and with the recommendation of the Plain English Campaign.

Legal and Fitness to Practise statistics 2009-10

Complaints handling – Investigation Committee

Anyone can report a serious concern to us about the conduct or professional performance of a registrant, or their fitness to practise due to ill health.

Our Legal and Fitness to Practise Directorate staff investigates all complaints and gathers the information needed to allow the relevant Committee to decide on the appropriate progress of each complaint.

Decisions about whether or not individual complaints (or allegations) should lead to a formal hearing in front of the Fitness to Practise Committee are made by the Investigation Committee, not by our staff.

Between 1 April 2009 and 31 March 2010 we received 158 complaints (including matters referred by registrants themselves). Some of those complaints involved more than one registrant. In total, 191 registrants were involved.

Most of the complaints were made by individuals – whether patients, members of their family or GOC registrants. Tables 1 and 2 detail sources and types of complaint.

Table 1: Source of complaint

	number	%
Individual (patient/member of the public or GOC registrant)	82	51.9
Self-declaration by a GOC registrant	47	29.7
Police (eg. in relation to a conviction or caution)	3	1.9
Registrant's employer	7	4.4
Primary care organisation	7	4.4
Professional/educational body	5	3.2
Advertising Standards Authority (ASA)	2	1.3
Counter fraud	1	0.6
Other	4	2.5

Table 2: Type of complaint

	number	%
Cataracts	9	4.7
Glaucoma	7	3.7
Retinal detachment	8	4.2
Macular degeneration	2	1.0
Other clinical	19	9.9
Spectacle prescription	17	8.9
Fitting/dispensing	6	3.1
Testing unregistered	2	1.0
Management of child patients	3	1.6
Contact lenses	9	4.7
Ill-health	2	1.0
Fraud	11	5.8
Conduct	15	7.9
Criminal conviction/caution	41	21.5
ASA adjudication	2	1.0
Other miscellaneous	38	19.9

The majority of registrants involved in complaints were optometrists. Table 3 shows the numbers of optometrists, dispensing opticians, students and optical businesses involved in complaints received during this period.

Table 3: Category of registrants

	number	%
Optometrist	108	56.5
Dispensing optician	29	15.2
Student optometrist	15	7.9
Student dispensing optician	20	10.5
Corporate registrant (optical business)	19	9.9

Options available to the Investigation Committee

The Investigation Committee may decide that it needs further information before it can decide whether or not a particular complaint ought to be referred to the Fitness to Practise Committee. The Investigation Committee has legal powers to direct further investigation, including directing the registrant to undergo a health or performance assessment.

Once the Investigation Committee has all the information it needs about a particular complaint, it will decide on the appropriate outcome for that complaint, which will be one of the following:

- referral to the Fitness to Practise Committee
- giving the optician a warning
- inviting the optician to attend a voluntary performance review (by one of the professional bodies)
- taking no further action (which may include advising the optician about their future conduct)

Table 4 sets out the outcomes decided by the Investigation Committee for 1 April 2009-31 March 2010 for the complaints received during this period.

Table 4: Investigation Committee outcomes

	number	%
No further action	55	41.9
No further action with advice	14	10.7
Voluntary performance review	1	0.8
Warning	11	8.4
Referral to the Fitness to Practise Committee	17	12.9
Currently adjourned for health assessment	8	6.1
Adjourn for other further investigation	9	6.9
Withdrawn by complainant	16	12.2

Of the 158 complaints received during the period covered by this report, the Investigation Committee has considered 131. It considered a further 12 of those complaints during July and August 2010. Our intention is that the Committee will consider all the remaining complaints in 2010.

The Investigation Committee continued, during the relevant period, to consider cases which had been the subject of complaint prior to 31 March 2010. These totalled 159 cases

involving 228 registrants. Decisions in respect of 13 cases were deferred to allow additional investigation to be undertaken. The decisions of the Committee are set out in Table 5 and include the cases involving the 131 registrants referred to above.

Table 5: Investigation Committee outcomes (cases prior to 31 March 2010)

	number	%
No further action	115	50.4
No further action with advice	29	12.7
Voluntary performance review	2	0.9
Warning	11	4.8
Referral to the Fitness to Practise Committee	33	14.5
Current referral for Health Assessment	9	3.9
Withdrawn by complainant	16	7.0

Interim orders

The Investigation Committee can direct that a matter is referred to the Fitness to Practise Committee for it to consider making an interim order. An interim order can suspend or place conditions on the registrant's practice.

The Fitness to Practise Committee will only impose an interim order if it is necessary:

- for the protection of members of the public
- otherwise in the public interest
- in the interests of the registrant

In the period covered by this report, the Committee directed us to apply for an interim order in 12 cases.

The hearings process

If the Investigation Committee refers a complaint to the Fitness to Practise (FTP) Committee and at the end of the hearing the FTP Committee decides that the registrant is not fit to practise, then the FTP Committee can make one, or a combination, of the following orders:

- the removal of the registrant's name from our register
- suspension from our register
- conditional registration
- payment of a financial penalty

In the period covered by this report the FTP Committee considered cases involving 22 registrants. The outcomes are set out in Table 6.

Table 6: Fitness to Practise Committee outcomes

	number	%
Erasure from the register (or striking off)	5	22.7
Suspension from the register	4	18.2
Conditions placed on registration	3	13.6
Financial penalty	2	9.1
Warning (no impairment found)	5	22.7
No further action (no impairment found)	3	13.6

The Committee also reviewed conditions previously imposed in two cases, heard 12 applications for interim orders and reviewed nine interim orders which were already in place.

Appeals against Fitness to Practise Committee decisions

If a registrant wishes to challenge a decision made by the FTP Committee they can appeal against that decision to the High Court. Three decisions made by the FTP Committee during the period covered by this report resulted in High Court appeals being lodged by registrants. The outcomes of those appeals will be decided after the period covered by this report.

Key points

Council for Healthcare Regulatory Excellence (CHRE)

CHRE is an executive non-departmental public body responsible for scrutiny and quality assurance of the nine health care professions regulators in the UK.

In the Department of Health Arm's-Length Bodies Review published on 26 July 2010, which accompanied the White Paper: *Equity and excellence: Liberating the NHS*, it was announced that by 2014 it is intended for CHRE to be a self-funding body, financed through a levy imposed on those it regulates.

CHRE report on the GOC's investigation process and overall performance

In February 2010 the CHRE published its first report on the nine healthcare regulators' investigation processes which is available at www.chre.org.uk. The CHRE reviewed every case that our Investigation Committee decided not to refer to the Fitness to Practise Committee during the period covered by its review (84 cases in total).

The CHRE report commended our 'good management of cases' and 'helpful approach to the public'. The report also said that we deal with fitness to practise cases 'well, with a commitment to quality and fairness and to protecting the public'.

The report identified a potential risk that the Investigation Committee's reasons might not be fully recorded and communicated to the registrant and complainant in each case. We have taken action to address that risk, by providing training to the Investigation Committee on providing reasons and by reviewing the processes for recording the Committee's decisions.

The CHRE's annual review of our performance (for 2009) was published in July 2010 and is available at www.chre.org.uk. It commented favourably that we had responded positively to issues raised in the previous year's performance review and we had demonstrated improvement in our performance against CHRE's standards for fitness to practise, by initiating various projects in 2009.

The CHRE acknowledged:

'We consider that the GOC has responded positively to issues raised in the last review and has made significant progress in several areas this year.' [This includes the FTP area of our work.]

The CHRE has recognised our level of engagement with the public and wider stakeholders, as well as noting the introduction of new fitness to practise service standards for the progression of cases.

The CHRE has noted that we have introduced a formal process for identifying and prioritising serious fitness to practise cases and that case findings have been used to inform the standards and guidance available to registrants.

They also commented positively on our liaison with the College of Optometrists, the Association of British Dispensing Opticians (ABDO), the Association of Optometrists (AOP) and the Federation of Ophthalmic and Dispensing Opticians (FODO), which resulted in a review of guidance for supervising non-qualified persons.

Office of the Health Professions Adjudicator (OHPA)

OHPA was set up in January 2010 (under the provisions of the Health and Social Care Act 2008) to take over making decisions on fitness to practise complaints from the General Medical Council (GMC). Other regulators were given the option of whether to transfer their fitness to practise hearings to OHPA. Of the other eight healthcare regulators, we opted to do this. We believed this would increase public confidence that FTP decisions are impartial, consistent, transparent and made separately from the regulators, the professions and the Government.

It was anticipated that OHPA would begin to make decisions about doctors' fitness to practise from April 2011, and that the transfer of our adjudication function would take place in 2012.

During the period covered by this report senior staff within the GOC contributed to the work to establish OHPA and set up its processes by participating in monthly meetings with OHPA, the Department of Health and the GMC. However, in a written statement issued on 26 July 2010, the Parliamentary Under Secretary of State, Department of Health, Anne Milton, announced that OHPA would not be established:

“Having reviewed the case for OHPA the Government is not persuaded that the creation of another body is necessarily the most appropriate and proportionate way forward in terms of adjudication. We believe that steps can be taken to strengthen and modernise existing systems within the GMC to deliver substantially the same benefits as OHPA.”

A consultation was published by the Department on 7 August 2010 regarding 'Fitness to Practise Adjudication of Health Professionals Assessing Different Mechanisms for Delivery' which is intended to consider the decision to abolish OHPA and assess alternative mechanisms for adjudication.

Changes in the Investigation Committee, the Legal and Fitness to Practise Directorate and external legal support

During the period covered by this report, the membership of the Investigation Committee changed, with a new Committee being appointed from 1 January 2010. In order to ensure that we progress complaints within a reasonable timeframe we also increased the number of scheduled Investigation Committee meetings to 10 meetings per calendar year (previously the Committee was scheduled to meet six times each year).

Also during this period, the Legal and Fitness to Practise team expanded to include two new posts: a Senior Lawyer and an Investigations Caseworker. It has been possible to progress a number of projects to modernise the Directorate's processes as a direct result of this additional resource within the team, and this modernisation work will continue throughout 2010 and beyond.

In early 2010 we carried out a tender exercise to appoint external solicitors to provide advice to the Legal and Fitness to Practise Directorate concerning fitness to practise and High Court work. The outcome of that process was that five firms of solicitors were appointed to our panel: Bevan Brittan, Blake Laphorn, Capsticks, Kingsley Napley and Penningtons. Three of those firms were also appointed to advise us in relation to criminal investigations and prosecutions: Capsticks, Kingsley Napley and Penningtons.

In July 2010 we commissioned an independent audit to review decisions of the Investigation and Fitness to Practise Committees. This audit is due for report in September 2010.

Key developments

The Directorate has made significant developments in the GOC's fitness to practise procedures this year to modernise and maintain an efficient, effective, open and fair process.

Stakeholder engagement

- Publication of our 'How to complain about an optician' booklet – available from our website and in hard copy
- Provision of information about our fitness to practise functions and processes to the police Notifiable Occupations Scheme, to improve UK police forces' understanding of our role in regulating opticians and the importance of providing us with information when an optician is convicted or cautioned in relation to a criminal offence
- Review of the Fitness to Practise Committee's guidance (December 2009)
- Work done during this period contributed to guidance that was published on our website in April 2010
- Publication of the Investigation Committee's guidance (published 30 April 2010)
- Revised information on our website about our complaints and investigation processes
- Published guidance titled 'What to expect from your optician' and 'How to check your optician is registered'. Both guides are available online and in hard copy
- The formalisation of procedures for the identification of serious cases
- In July 2010, work was also completed which provided guidance for witnesses and registrants about the hearings process. Both guides will be available soon
- We also contributed to work done by the CHRE concerning the healthcare regulators' activities in protecting the public from unregistered practitioners. CHRE's report on this ('Protecting the public from unregistered practitioners: Tackling misuse of protected title' published February 2010) is available from www.chre.org.uk.

Planning for modernisation

- Articulation of three-year business programme for the Legal and FTP function
- In October 2009 we established a Key Performance Indicator that we would progress 80% of cases to consideration by the Investigation Committee within nine months of receiving the complaint. This target was achieved during the period from October 2009 to 31 March 2010. This represents an improvement on previous performance which we believe is a result not only of improved case-monitoring procedures within the Legal and Fitness to Practise Directorate, but also as a result of holding additional Investigation Committee meetings during 2009-10.

Cost efficiencies

We have worked hard to ensure that cost efficiencies are maintained – for example, by using all available space in the GOC offices for Investigation and Fitness to Practise hearings.

Future challenges

The Directorate acknowledges that there are challenges for the coming year. These will include the second CHRE audit of Investigation Committee cases in August 2010, as well as an independent GOC-commissioned scrutiny of the Fitness to Practise and Investigation Committees' decisions considering, among other things, equality and diversity issues. We anticipate receiving the report following this independent scrutiny in September 2010. We anticipate the finalisation and implementation of new fitness to practise rules, as well as beginning detailed consideration of the scope for proposed amendments to the primary legislation by way of a Section 60 legislative review.

Appendix 1 – Overview of the fitness to practise process

The complaints process – in brief

Anyone can complain to us if they think one of our registrants is not fit to practise, train or run a GOC-registered business.

Our Legal and Fitness to Practise Directorate staff investigate all complaints and gather the information that will be needed to allow the relevant Committee to decide on the appropriate progress of each complaint.

Decisions about whether or not individual complaints (or allegations) should lead to a formal hearing in front of the Fitness to Practise Committee are made by the Investigation Committee, not by our staff. Further information about the Investigation Committee is provided below.

The hearings process – in brief

The Investigation Committee has to decide whether a complaint needs to be dealt with at a formal hearing in front of the Fitness to Practise Committee.

If at the end of the hearing the Fitness to Practise Committee decides that the registrant is not fit to practise, train or run a GOC registered business (as applicable) it can order one or a combination of the following:

The removal of the registrant's name from our register

This is sometimes referred to as 'erasure' or 'striking off'. The registrant's name is taken off the register, which means that they cannot work as an optometrist or dispensing optician (or train or run a GOC-registered business) in the UK. If they want their name to be put back on the register in the future there is a separate process that they have to go through, which includes considering the reasons for their removal from the register.

Suspension from our register

The registrant's name is temporarily taken off the register and they cannot practise (or train or run a GOC-registered business) for a fixed period of time.

Conditional registration

The registrant can stay on the register provided that they comply with certain conditions, such as doing extra training or being supervised while they work.

Payment of a financial penalty

The registrant must pay a fine – up to a maximum of £50,000.

If the Fitness to Practise Committee decides that a registrant is fit to practise, train or run a GOC registered business they can still warn them about their future behaviour or performance.

The Fitness to Practise Committee can impose a financial penalty in conjunction with any other order.

Appendix 2 – Complaints

What types of complaint can we deal with?

We investigate a wide range of complaints which are made about registrants, some of which have included:

- poor professional performance (such as failing to notice signs of eye disease)
- physical or mental health problems affecting their work
- inappropriate behaviour, such as violence or sexual assault
- being under the influence of alcohol or drugs at work
- failing to provide adequate supervision for student optometrists
- fraud or dishonesty
- a criminal conviction or caution

Who can make complaints?

We receive complaints from members of the public, patients, carers, employers, the police and other registrants.

How can complaints be made?

We ask anyone who wants to make a complaint about one of our registrants to fill in an investigation form and send it to us. The investigation form can be downloaded from our website, obtained from our 'How to complain about an optician' booklet, or can be sent to a potential complainant by post on request.

What happens when a complaint is received?

When we receive a complaint about one of our registrants, staff in our Legal and Fitness to Practise Directorate gather preliminary evidence. We may need to obtain copies of a patient's optical records and witness statements explaining what happened.

Once the preliminary phase is complete, all the information we have gathered is sent to the registrant, who is given an opportunity to make written representations about the complaint. Any representations made by the registrant are shared with the person who made the complaint. All the information is then considered by our Investigation Committee.

The subject matter of the complaints we receive varies. Most complaints concern something that a patient thinks went wrong during an eye test or when they were given their glasses. We also receive complaints about registrants who have behaved inappropriately, or when we are notified that they have received a criminal conviction or caution.

Complaints about non-registrants' criminal offences

We can also investigate complaints about people who are not registered with us if they are:

- taking or using certain restricted professional titles such as 'optometrist' or 'dispensing optician'; or
- carrying out healthcare activities that only our registrants are legally allowed to carry out

These are criminal offences on which our Legal and Fitness to Practise team gathers evidence with the assistance of our external solicitors.

Further information about the way in which we deal with these complaints is set out in our Protocol for the Investigation and Prosecution of Criminal Offences which is available from our website.

Further information about our complaints process can be found in our booklet 'How to complain about an optician' which is available on our website or in hard copy.

Appendix 3 – The work of the Investigation Committee

Its role

The Investigation Committee considers all complaints (or allegations) that one of our registrant's fitness to practise, train or run a GOC-registered business may be impaired.

The Investigation Committee decides whether a complaint ought to be referred to the Fitness to Practise Committee for a formal hearing. If not, it must then consider whether the registrant should be given a warning, or whether some other outcome is appropriate.

Options available to the Investigation Committee

The Investigation Committee may decide that it needs further information before it can decide whether or not a particular complaint ought to be referred to the Fitness to Practise Committee. The Investigation Committee has legal powers to direct further investigation, including directing the registrant to undergo a health assessment or an assessment of their professional performance.

Once the Investigation Committee has all the information it needs about a particular complaint, it will decide on the appropriate outcome for that complaint.

Further information about each of these outcomes can be found in the Investigation Committee guidance. We have also published additional guidance about warnings. Both documents are available on our website.

The Investigation Committee can direct that a matter is referred to the Fitness to Practise Committee for it to consider making an interim order. This can immediately suspend a registrant from practice or can place conditions on their practice.

In the majority of cases the Investigation Committee decides that there is no need for any further action to be taken. The complaint may be appropriately dealt with by giving the optician a warning, by providing the optician with a letter of advice, or by asking them to attend a voluntary performance review.

Investigation Committee guidance

On 30 April 2010 we published guidance to be used by the Investigation Committee when considering complaints about a registrant's fitness to practise, train or run a GOC-registered business. Its purpose is to encourage consistent decision-making by the Committee. The guidance explains the processes that the Investigation Committee follows and the factors it takes into account when reaching each decision. It is available on our website.

Members of the Investigation Committee

The membership of the Investigation Committee is specified in statutory rules governing how we work.

The Investigation Committee has nine members in total. Three members of the Committee must be registered optometrists, two must be registered dispensing opticians, three must be lay members (which means they do not have an optical qualification), and one must be a medical practitioner. Five members of the Committee must be present at any meeting for it

to be able to take decisions – including one optometrist, one dispensing optician and one lay member.

We have arranged for training for Committee members to be undertaken by a lawyer who is independent of the Legal and Fitness to Practise Directorate and who is not one of the lawyers we instruct to present cases which may be referred to the Fitness to Practise Committee.

The membership of the Investigation Committee changed on 1 January 2010. Details of the current membership are available on our website.

Appendix 4 – The work of the Fitness to Practise Committee

Its role

The Fitness to Practise Committee's role is set out in the Act as supported by statutory rules. These govern what we do and how we do it.

Its central function is to reach decisions about complaints (or allegations) that a registrant's fitness to practise, train or run a GOC-registered business may be impaired and, if so, to decide whether a sanction should be imposed.

In reaching a decision the Fitness to Practise Committee considers not only whether it is necessary to take action to protect individual members of the public, but also whether it is necessary to take action in the wider public interest. For example, this might be to maintain public confidence in the profession, or to declare and uphold proper standards of conduct and behaviour.

The legislation sets out the process to be followed by the Fitness to Practise Committee in reaching its decision about each case. A panel of five members of the Committee hears the evidence (presented by the GOC and by the registrant) and then decides:

1. whether the evidence the GOC has presented is enough to prove the facts alleged by the GOC;
2. if so, whether the registrant's actions amount to one of the statutory 'grounds' (including misconduct, deficient professional performance, adverse health, or a criminal conviction or caution);
3. if so, whether the statutory ground means that the registrant's fitness to practise, train or run a GOC-registered business is impaired;
4. if the registrant's fitness to practise is impaired, what (if any) sanction should be imposed on the registrant. The sanctions that are open to the Fitness to Practise Committee are summarised in Appendix 1: The hearings process – in brief.

The Fitness to Practise Committee is also the body that decides whether or not it is necessary to impose an interim order on one of our registrants.

If the Investigation Committee decides that the Fitness to Practise Committee should consider whether an interim order should be imposed, a hearing will be arranged. A panel, consisting of three members of the Fitness to Practise Committee, will be convened.

An interim order may either suspend the registrant or make their registration subject to specific conditions, during the period in which we continue to gather evidence prior to a full hearing. If an interim order is imposed, it will be reviewed by the Committee at least once every six months to check that it is necessary for the interim order to remain in place.

Most hearings are held in public (including hearings of interim order applications) and are open to media representatives and/or members of the public. Information about the outcomes of past hearings and the dates of future hearings are available on the Hearings page of our website.

Fitness to Practise Committee guidance

We have published guidance to be used by the Fitness to Practise Committee when deciding what sanction to impose on a registrant whose fitness to practise, train or run a GOC-registered business has been found to be impaired.

That guidance was reviewed in December 2009 and is available from our website.

Fitness to Practise Committee members

We recognise that, in order for the public and registrants to have confidence that the fitness to practise processes are fair, it is necessary to make sure that we keep our policy-making and investigation functions separate from our process for making decisions about individual complaints. We have therefore taken steps to ensure that the adjudication function is kept separate from our standards-setting and investigation functions, including:

- Appointing the Fitness to Practise Committee members following a public recruitment campaign. Members of our staff or our Council are not permitted to be members of the Committee.
- Ensuring the administration of hearings is carried out completely separately from the work of the Legal and Fitness to Practise Directorate (by our Hearings Manager).
- Arranging for each panel hearing a case to receive impartial legal advice from an independent and experienced Legal Adviser. The Legal Adviser's role is to advise the Committee and also to ensure that the hearing is conducted fairly.
- Arranging for the Committee to receive training from a lawyer who is independent of the Legal and Fitness to Practise Directorate and who is not one of the lawyers we instruct to present cases to the Committee at hearings.

Appeals against Fitness to Practise Committee decisions

If a registrant wishes to challenge a decision made by the Fitness to Practise Committee they can appeal to the High Court against that decision.

The Council for Healthcare Regulatory Excellence (CHRE) reviews every final decision reached by the Fitness to Practise Committees (or equivalents) across each of the healthcare regulators (the CHRE does not review decisions about interim orders).

The CHRE can appeal to the High Court if it considers that a decision made by the Fitness to Practise Committee was 'unduly lenient'. None of the GOC Fitness to Practise Committee decisions were appealed by the CHRE during the period covered by this report. In fact there has to date never been a CHRE appeal of a decision of our Fitness to Practise Committee.

The CHRE also provides feedback to us about learning points identified during its review of our Fitness to Practise Committee decisions. This feedback is shared with the members of the Fitness to Practise Committee and is also used to inform the annual training we provide for the Committee.

Appendix 5 – About us

Introduction

The General Optical Council regulates optometrists, dispensing opticians, students training to be optometrists or dispensing opticians, and optical businesses in the UK. There are currently around 23,500 registrants.

Individual optometrists or dispensing opticians must be registered with us before beginning to practise. Student optometrists and student dispensing opticians must be registered with us in order to undertake training.

We get our powers from an Act of Parliament called the Opticians Act 1989 (as amended) (the Act). The ways in which we use these powers is set out in statutory rules.

Definitions

An **optometrist** is the person who tests an individual's sight. They can also fit and supply glasses or contact lenses.

A **dispensing optician** is the person who can fit and supply glasses or contact lenses.

Ophthalmologists and ophthalmic medical practitioners (OMPs) are medical doctors who are also allowed to test a patient's sight, fit and supply glasses and contact lenses. These practitioners are registered with the General Medical Council (GMC).

Our main functions

We are one of nine regulators of the healthcare professions. Regulators protect the public by restricting who can practise a profession. We protect the public by regulating individual optometrists, dispensing opticians, student optometrists, student dispensing opticians and optical businesses to make sure they meet the minimum standards of conduct, education and performance.

We are independent of the Government and our work is reviewed by a separate organisation – the Council for Healthcare Regulatory Excellence (CHRE).

We have 12 Council members: six are registrants and six are lay members (not optometrists or dispensing opticians). Council members oversee the work of the whole organisation and are responsible for making strategic decisions.

Staff based at our office in London put the strategic Council decisions into practice, assisted by several committees, including the two independent committees involved in the fitness to practise process – the Investigation Committee and the Fitness to Practise Committee.

Our mission and values

Our mission is to be recognised as a modern healthcare regulator, innovative and effective in our processes. Our work is built on **six main values**. We aim for all our work to be:

- proportionate – targeting the issues of greatest risk to public safety
- accountable – involving stakeholders and partners
- consistent – working with others to make sure our work is fair
- transparent – explaining our decisions wherever possible
- targeted – focusing our efforts where there is the most public benefit; and
- well-organised – providing value for money, high standards of customer service and promoting equality and diversity in all our work

We protect the public by:

1. **Setting standards for optical education, training, performance and behaviour**

Optometrists and dispensing opticians who want to register with us must meet our standards of knowledge and skill which are referred to as the standards in competence.

In addition, individuals who want to register with us must meet our standards in behaviour, which can be found in the Code of Conduct for Individual Registrants. Optical businesses who want to register with us must meet our standards of behaviour, which can be found in the Code of Conduct for Optical Businesses.

Copies of the Codes and standards are available from our website **www.optical.org**. Student optometrists or student dispensing opticians must satisfy the Council that they are fit to undertake training, and qualified registrants must satisfy the Council that they are fit to practise.

2. **Approving the qualifications that lead to registration**

Individuals need training to deliver good standards of eyecare. We assess and approve the education given to optometry and dispensing optics students who will wish to register with us to practise in the UK to make sure that the training meets our standards.

We decide on the content of all courses and qualifications that lead to full registration with us. We carry out quality assurance visits to check that education and examination bodies are keeping to our standards.

3. **Publishing registers of optometrists, dispensing opticians, students and optical businesses in the UK**

Optometrists and dispensing opticians must be registered with us to practise in the UK. We keep registers of all optometrists, dispensing opticians, student opticians and optical businesses who are qualified and fit to practise, train or carry on business.

4. **Investigating and acting on concerns about our registrants**

We can take action if we have reason to believe that a registrant's fitness to practise, fitness to undertake training or fitness to run a business as an optometrist or dispensing optician may be impaired (ie if it is negatively affected).

If an optician is described as 'fit to practise' it means that they meet the standards of health, character, knowledge, skill and behaviour that are necessary for them to do their job safely and effectively.

If a registrant is not fit to practise, fit to undertake training or fit to run a GOC-registered business, we can stop them from working in the UK or we can restrict the work they are allowed to do or make their practice conditional.

All of these powers are provided in the Act.

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