

COUNCIL

Continuing Education and Training (CET)

Meeting: 14 November 2018

Status: for decision

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Project Board: SMT

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Purpose

1. To determine the timeframe for delivery of the project that minimises public safety/clinical, legal, and resource risks.
2. Council will separately receive an update on the outcomes of the CET consultation Fit for the Future: Lifelong Learning Review. The executive summary of the report is attached (annex one) and the full report is available [here](#), together with an infographic.

Recommendations

3. Council is asked to **agree** to revert to the original plan of a three year cycle commencing in 2019 under current requirements, and introduce the new CET scheme in 2022.

Strategic objective

4. This project supports our strategic objective to “Deliver a strategic review of optical education and training and implement changes to ensure that optical professionals are equipped for future roles.

Risks

5. Specific risks associated with the choices regarding timing are provided in the tables after paragraph 10.

Background

6. The purpose of the CET Review is to:
 - introduce change to the underpinning standards framework to ensure synchronicity with the change of standards to be introduced to undergraduate education through the Education Strategic Review (ESR);
 - ensure flexibility to accommodate future changes in scopes of practice;
 - promote the continuing professional development element as well as maintaining the revalidation element of the scheme; and
 - promote reflective practice within the culture of the sector.

7. The period in which significant change can be introduced to the CET Scheme is fixed by the current cycle requirements which are specified in legislation. The cycle lasts for three years and registrants must be given sufficient notice of any changes prior to the start of a new cycle. This means that there is a short window in which change can be introduced. Originally the CET Review was intended to reflect on the completion of the first two cycles from 2013-15 and 2016-18 and introduce stepped changes for the 2019-21 and 2022-24 CET cycles. Under the current project timeframe, the key change in January 2020 would be a move to linking our CET requirements to more high-level learning outcomes (consistent with the learning outcomes we are developing for education prior to joining the register through the ESR. Further considerations for 2020 include:
 - introducing more support for reflective practice to encourage behavioral towards becoming more reflective healthcare professionals;
 - a change of scheme name to promote continuing professional development and reflective practice whilst retaining revalidation function; and
 - making the requirements more consistent across registrant groups by introducing peer review for dispensing opticians.

8. The decision to accelerate the project timelines to introduce a transitional CET year in 2019 was made on the understanding that we could break the current CET cycle and introduce more significant change in 2020. However, there are significant risks that have emerged since that decision was taken by Council in May 2018 and other risks that have materialised. The most significant issue we now face is the lack of sufficient time and resource to meet necessary delivery timescales, both for the GOC and for our delivery partners. CET providers have told us they need a minimum of one year's notification i.e. January 2019 to adapt to a new standards framework and to have their existing CET re-evaluated and approved for new scheme starting in January 2020.

9. Following the Council Strategy Day on 26 September 2018, we were asked to reconsider our project priorities, including the CET Review, to ensure that we are prioritising necessary regulatory functions and delivering effective and

realistic change. Our new interim Director of Education, Dr Subo Shanmuganathan was tasked with reviewing education priorities and the feasibility of the delivery timescales.

10. Whilst the introduction of a transition year from 2019 is achievable (albeit with one month’s notice to the sector), successful delivery of a new scheme in 2020 is more problematic. It requires time to deliver the sustained culture change needed to support some of the key policy proposals. In particular, there is a need for optometrists and dispensing opticians to fully embrace the concept of reflective practice and undertake exercises such as clinical audit, significant event analysis and collection of patient feedback when these are not standard practice across the profession at present. There also needs to be a sufficient period of notification and implementation, particularly for CET providers but also for registrants, if we are to achieve positive behavioral change in the professions. Extensive stakeholder engagement and buy-in is a vital aspect of any project involving culture change and the current timescales do not allow for this.

Analysis

11. We have undertaken full risk and impact assessment of the two options, to stick with the current transition year and to revert to the original plan. The key points relating to the two options are set out in the tables below.

To continue with the one-year transition period in 2019, and new scheme starting 2020	
Benefits	Risks
<p>Public safety/clinical Breaks current CET cycle restrictions and allows more significant change to be brought forward rather than restricted to change every three years under the current cycle structure.</p>	<p>Public safety/clinical Increased risk to public as we would not be able to enforce CET requirements or remove registrants from the GOC register for non-compliance (i.e achieving 12 CET points, six interactive). This comes at a time when registrants increasingly work with patients in a variety of clinical settings which poses more clinical risk. GOC could not act until the end of a further three-year cycle.</p> <p>Revalidation is compromised as there is less assurance that registrants continue to practise safely.</p> <p>One significant CET provider has already indicated that they will reduce their CET provision during the transition year because</p>

	<p>the requirements will not be mandatory, and they expect lower uptake.</p>
<p>Legal None.</p>	<p>Legal The CET rules make reference to a CET cycle being three years. A transition year is not specifically prohibited, but we could be challenged via judicial review, e.g. we have assessed there is a low risk of challenge on the grounds the new scheme is illegal; and a medium to high risk on the grounds of irrationality/procedural unfairness. However, these risks are being mitigated by on-going engagement with stakeholders and acting on their concerns about preparedness for change. Any legal challenge even if unsuccessful, is expensive to defend, and can cause reputational damage. The financial and reputational risks would be much higher in the event of successful challenge.</p> <p>Legislative change is required to underpin some of the policy changes, including a change to CET requirements and introduction of peer review. To proceed without the legislative change produces a risk of challenge. The delay in legislative reform to allow greater control over CET Rules, means the risk of not having underpinning legislation has crystallised.</p>
<p>Reputational/Effectiveness Early introduction of peer review for DOs could be beneficial as consultation feedback and previous engagement with stakeholders indicates strong support for this as an effective method of reflection and personal development. Most consultation respondents agreed that peer review should play a more central role in a new scheme.</p> <p>Message has already been communicated that we plan to implement a new scheme in 2020.</p>	<p>Reputational/Effectiveness Able to deliver 2019 transition year, but lack of time to help affect positive culture/behavioral change in the professions to support changes in 2020 will mean that project will not successfully deliver its original aims.</p> <p>Will be unable to deliver change in 2020 with sufficient notice period to external stakeholders to allow them to prepare. On current timelines, external stakeholders will be given less than six months' notice of the changes. CET providers have indicated that a minimum period of one year is required for them to prepare adequately for a major change in the underpinning standards framework</p> <p>Consultation feedback and engagement with the CET Reference Group indicates that the application of the learning outcomes for CET</p>

	<p>purposes requires further consideration and consultation to achieve the right approach. There is not adequate time to engage sufficiently with the profession in this area as current plans envisage a much-reduced consultation period in March/April 2019 and a very high-level cost/impact assessment prior to this.</p> <p>Reputational risk of bringing forward changes at pace when current scheme has received positive feedback from the Professional Standards Authority (PSA).</p>
	<p>Equality and diversity Consultation feedback suggests that it may be difficult for some groups of registrants to achieve 12 points (6 interactive) during the transition year, for example, registrants on maternity leave, those working part time, or those living in rural areas.. Non-compliance of even a regulatory ‘expectation’ could have broader negative impacts on a registrant, e.g. affect their contract of employment or organisational complaints.</p>

<p>To return to original plan of three year cycle from 2019, and new scheme starting in 2022</p>	
<p>Benefits</p>	<p>Risks</p>
<p>Public safety/clinical Resuming the three-year CET cycle would enable us to continue to demonstrate that registrants on the GOC register are fit to practise (revalidation) and remove registrants that do not meet the current CET requirements.</p>	<p>Public safety/clinical Continued reassurance through our existing scheme and legal underpinning.</p>
<p>Legal Allows further time to obtain legislative reform in support of proposed changes.</p> <p>Reduces risk of challenge to processes not underpinned by legislation.</p>	
<p>Reputational /Effectiveness Would give time to deliver the sustained culture change needed to support key policy</p>	<p>Reputational /Effectiveness Reputational risk as we have already communicated the transition year and a</p>

proposals. In particular, enabling optometrists and dispensing opticians to fully embrace the concept of reflective practice and undertake exercises such as clinical audit, significant event analysis and collection of patient feedback when these are not standard practice across the profession at present.

Consultation feedback suggests that although there is appetite to evolve the scheme, the current scheme is still fit for purpose. A longer timeframe would minimise disruption to the sector and allow us to carry on engaging with stakeholders in developing policy and achieving buy-in, all of which will help with the successful delivery of a new scheme in 2022. We could also re-align the project with the Education Strategic Review (ESR) and the Government's legislative reform agenda.

Delivery of a successful CET scheme requires collaboration with other key stakeholders such as CET providers and employers. We have listened to concerns raised by, for example CET providers, in terms of the feasibility of delivering a new scheme in 2020. Delivery in 2022 would mitigate these risks as we would notify providers a year in advance (i.e. Jan 2021) of a new scheme starting in 2022. A period agreed as achievable by the CET Reference Group.

Removing a transition period would minimise disruption to the sector and particularly CET providers in terms of providing CET during a transition period with no legal underpinning (and avoid major CET providers not delivering sufficient CET as indicated previously as a risk).

Extending the time period for introducing peer review for dispensing opticians will give opportunity to work with others to address the barriers to introduction identified in the consultation, such as lack of funding, access and perceived relevance to the profession.

change of plan now could cause confusion for registrants.

<p>Extending the timeframe would allow us to consider other changes to the CET scheme, for example, changing the current approval system to an audit-based system which may be more proportionate and in-line with other regulatory approaches.</p>	
<p>Financial Costs spread over longer time with a delay in initial implementation costs, i.e. additional compliance staff, amended IT system requirements.</p> <p>Would allow focus on potential efficiencies such as reconsideration of approval framework/audit at an earlier stage rather than as currently planned in 2021.</p>	

Impacts

12. The following implications have been identified:
- 12.1.increase risk to public with a transition year, as we would not be able to enforce CET requirements or remove registrants from the GOC register for non-compliance. This comes at a time when registrants increasingly work with patients in a variety of clinical settings which poses more clinical risk;
 - 12.2.reserves and budget – the draft budget for 2018-19 was approved at Council in February 2018. Additional spend for staff and bringing forward some of the deliverables was required because of the decision to accelerate the project. Reversing this will relieve the pressure on budget in the current financial year;
 - 12.3.legislation – discussed within paper;
 - 12.4.resources – both policy and operational projects require dedicated teams and our revised project budget reflects the staff resources needed;
 - 12.5.equality, diversity and inclusion – the consultation has highlighted the impact that a transition year may have for registrants on maternity/paternity leave, those working part time, and those living in rural areas;
 - 12.6.no impact on Human Rights Act has been identified. Changes that are rushed through without stakeholder buy-in compromises their ability to be sustainable in the long-term.

Devolved nations

13. Any CPD and Revalidation scheme will need to apply across all nations and differences in requirements will be explored through consultation.

Communications

14. A communications plan and toolkit have been developed by an external communications agency, Claremont, which helped to effectively disseminate key messages about the purpose of the consultation and direction of travel.

Proposed timeline for future work if changes introduced in 2022

15. We have outlined the key milestones for delivering a new scheme in 2022.

2019/2020	
On-going	<ul style="list-style-type: none"> • Policy development – learning outcomes, reflective practice, change of name and peer review for dispensing opticians. • Engagement with CET Reference Group and stakeholders • Legislative reform agenda • Review proportionality, quality and cost effectiveness of approval/audit framework and make recommendations for change
April/June	Completion of research into risk to inform all regulatory functions and guide future change in CET
July/Sep	Public consultation and impact assessment on changes to be introduced in 2022
November	Council to finalise policy changes to new scheme
2020/2021	
	<ul style="list-style-type: none"> • On-going engagement with CET Reference Group and stakeholders • Develop support for reflective practice • Prepare for name change • Launch of new standards framework for CET providers and approvals process is opened for advance submission
2021/22	
Jan 2021	One-year notification period for stakeholders to implement new scheme
Jan 2022	Launch of new scheme for registrants