

GUIDANCE FOR REGISTRANTS WHO ARE TO UNDERGO A PERFORMANCE ASSESSMENT

Introduction

1. The information in this section is intended for registrants who may be required to undergo a performance assessment. It is intended only as guidance to our procedures. It is not a substitute for obtaining your own legal advice from your representative organisation or solicitors.
2. 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.
3. All allegations which are received by the GOC are initially considered by the registrar. Where the registrar considers that the allegation falls within one of the grounds described at section 13D of the Opticians Act, the matter shall be referred to the case examiners for consideration (except those resulting from a criminal conviction which has resulted in the imposition of a custodial sentence; which will be referred straight to the FTP Committee (FTPC)). Alternatively, if the registrar does not consider that the allegation falls within any of the relevant grounds, (s)he shall notify the complainant and the case will be closed.

Performance Assessment

4. Where the case examiners decide that they require further information about the standard and quality of a registrant's work and an assessment is required before they can reach a decision on the case, they must refer the matter to the Investigation Committee (IC) requesting that an assessor (or assessors) be appointed and an assessment (or assessments) be directed. Also, if the IC is, itself, considering a case where the case examiners have been unable to reach a unanimous decision about disposal of the allegation and the case has been referred to the IC, it may decide that an assessment (or assessments) is required. Such assessments are commonly known as performance assessments
5. The GOC recognises that a direction to undergo a performance assessment is an unwelcome and unsettling event. It should not be

taken, however, as a statement that you are practising below an acceptable level. The papers placed before the case examiners and the Investigation Committee have led them to consider that they need to know more about the standard of your practice before they decide what action, if any, to take in respect of the complaint against you.

The assessment process

6. The GOC will inform you of the matters in respect of which the Investigation Committee has directed that you be assessed. The Committee have decided on those areas due to the nature of the complaint against you and the documents that the GOC and you (and / or your representatives) have placed before them. The GOC will, other than in exceptional circumstances, appoint two assessors to carry out the assessment. They will both be GOC registrants of significant experience, and possess the requisite skills to be able to comment upon the standard of your practice. If the GOC chooses to appoint more or fewer than two assessors, you will be informed of this and the reason for this decision explained.
7. The assessment itself will involve the assessors observing you examining patients; reviewing the patient record cards that you complete during those examinations; reviewing a sample of your record cards from earlier examinations; and discussing with you the examinations that they have observed to assist their understanding of your actions and / or decisions during the examinations that they have observed.
8. 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 the assessors observe examinations that are relevant to the matters in respect of which the Investigation Committee wishes you to be assessed. Also, it is important that the assessors observe enough of your work to be able to come to an informed view as to the standard of your practice. Unless you are specifically told otherwise by the GOC, the assessors will need to observe you examining **four** patients. Following those examinations, you will need to ensure that at least one hour is set aside for discussion with the assessors. Responsibility for arranging an appointment list of four patients, of a type that will allow the assessors to assess you on the matters specified by the Investigation Committee, lies with you.
9. The GOC expects your employer, or the practice where you will be working on the day of the assessment, to assist you in ensuring that

such patients are made available and that you have the time to discuss matters with the assessors after all the patients have been seen. They should also ensure that you and the assessors are provided with a private room in which to discuss matters at the end of the examinations. If you are encountering difficulties in ensuring that such requirements are met, you should ensure that the GOC is informed well in advance of the assessment and should contact your representative body or solicitor.

10. If the assessors discover on the day of the assessment that there are insufficient patients booked, or that the patients are not of the type needed for the assessors to assess you on the matters specified by the Investigation Committee, the assessment may not go ahead. The assessors are under instructions not to proceed in such circumstances without the approval of the GOC. If the assessment cannot go ahead in such circumstances, it will have to be re-arranged and the GOC will seek an explanation of the reasons for the lack of appropriate patients. Plainly, late cancellations or other matters that are outside your control will not be held against you. It is important, however, that any difficulties in securing an appropriate appointment list are raised with the GOC well in advance of the assessment date. Repeated failures to organise appropriate patients, if not adequately explained, may be treated as a refusal to be assessed (see paragraph 12 below).
11. When patients arrive for their examinations, you should introduce the assessors as professional optometric / dispensing optics colleagues who will be sitting in on the examination to observe.

Supporters or observers

12. There is no bar to you 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 you, the patient, both assessors and your supporter comfortably to fit in the examination room, it *must* be your supporter who leaves the room. Your supporter is plainly at liberty, once the assessment is concluded, to discuss it with you and your representatives; however, he or she must respect patient confidentiality and not divulge to anyone other than you and your representatives any detail of the examinations or the patients examined.

Record review

13. The assessors will require you to provide them with copies of the patient record cards that you complete during the course of the assessment. The assessors may also ask you to provide to them copies of a number

of patient records completed by you on days prior to the examination. If the practice where the assessment is taking place does not have a photocopier, you or a person representing the practice where the assessment takes place will be asked to sign an undertaking to provide all these records to the GOC. The assessors will, before they leave the practice, redact from the copy records all identifying details of the patients whose record cards they take, save for their year of birth, as the age of a patient may be relevant. The taking of records by the assessors in these circumstances is lawful under the Data Protection Act 1998.

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

14. If you refuse to be assessed, or if during an assessment you do not cooperate with the assessors, this will be noted by the assessors and may be taken into account by the FTP Committee if you are in due course referred to that Committee.

After the assessment

15. Following the assessment, the performance assessors will prepare a written report on the assessment and their views as to the standard of your practice. You will receive a copy of that report prior to its consideration by the Investigation Committee and you will be invited to comment upon it. The standard against which you are being judged is that of the reasonably competent optometrist or dispensing optician.
16. If you have cooperated with the performance assessment process, the assessors' reports will be referred back to the case examiners who will make their decision. If you have failed to cooperate with the assessment process, the decision will remain with the Investigation Committee. The assessors' reports will be used to assist the case examiners or the Investigation Committee in deciding whether the complaint against you should be referred to the FTP Committee. If the assessors observe significantly poor practice during their assessment of you, this may form the basis of allegations heard before the FTP Committee.